

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	
)	No. 01cv00072 BB/WDS
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Subfile No. ZRB-2-0037
)	
v.)	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION FOR DEFAULT JUDGMENT

The Plaintiffs United States of America (“United States”) and New Mexico ex rel. State Engineer (“State”), pursuant to Fed. R. Civ P. 55(b)(2), move the Court to enter its order granting default judgment against the following defendants:

LINDA FEDERICO DEGEEST & LEO G. DEGEEST	Subfile No. ZRB-2-0037
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by filed waiver of service of summons of LINDA FEDERICO-DEGEEST (Doc. No. 529) and LEO G. DEGEEST (Doc. No. 528).

2. LINDA FEDERICO DEGEEST & LEO G. DEGEEST were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0037, Defendants LINDA FEDERICO DEGEEST & LEO G. DEGEEST were subject to the Special Master's December 14, 2005 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 9 and 10 of the Zuni River Stream System* (Doc. No. 436) ("Procedural and Scheduling Order"), which established a deadline of April 10, 2006, for the filing of a Subfile Answer, or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0037 were never extended.

5. Defendants LINDA FEDERICO DEGEEST & LEO G. DEGEEST are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0037 within the time limitations imposed by applicable Procedural and Scheduling Orders, or Orders of the Court extending deadlines, as shown by the Clerk's Certificate of Default filed December 13, 2007 (Doc. No. 1418).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended, the right(s) of LINDA FEDERICO DEGEEST & LEO G. DEGEEST to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

LINDA FEDERICO-DEGEEST and LEO G. DEGEEST
Subfile No. ZRB-2-0037

WELL

Map Label: 10A-5-W02

OSE File No: G 0226

Priority Date: 4/15/1998

Purpose of Use: 72-12-1.1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 10A-5

S. 10 T. 05N R. 18W 1/4, 1/16, 1/64: NW NE NE

X (ft): 2,455,786 **Y (ft):** 1,340,777

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft): Historical beneficial use not to exceed 0.7 acre-feet
per annum

STOCK POND

Map Label: 10A-5-SP04

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 29,571

Storage Impoundment Volume (ac-ft): 1.629

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 10 T. 05N R. 18W 1/4, 1/16, 1/64: NW NE NE

X(ft): 2,456,036 **Y(ft):** 1,340,552

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against LINDA FEDERICO DEGEEST & LEO G. DEGEEST, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0037 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: January 7, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

COUNSEL FOR THE UNITED STATES

 (approved via email 1/4/2008)
EDWARD BAGLEY
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 7, 2008, I filed the foregoing *Motion for Default Judgment* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

I further certify that on January 7, 2008, a copy of the foregoing was served by first class mail on each of the parties set forth below.

Linda Federico-Degeest and Leo G. Degeest
P.O. Box 2551
Ranchos de Taos, NM 87557

_____/s/_____
Bradley S. Bridgewater