

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-1-0090
	)	
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:

<b>JOSE SANCHEZ &amp; SOFIA SANCHEZ</b>	<b>Subfile No. ZRB-1-0090</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed service of summons on JOSE SANCHEZ (Doc. No. 1216) and SOFIA SANCHEZ (Doc. No. 1215).

2. JOSE SANCHEZ & SOFIA SANCHEZ were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0090, Defendants JOSE SANCHEZ & SOFIA SANCHEZ were subject to the Special Master's September 8, 2005 *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (Doc. No. 387) ("Procedural and Scheduling Order"), which established a deadline of January 10, 2006, for the return of a signed Consent Order, or the filing of a form Subfile Answer.

4. These deadlines for Subfile ZRB-1-0090 were extended by the Order Granting Motion to Extend Time for Filing of Answers in Subfiles Requiring New Service Packet Mailings (Doc. No. 444), which extended the deadline to file a subfile answer to March 27, 2006, and established February 24, 2006 as the deadline to submit a request for consultation.

5. Defendants JOSE SANCHEZ & SOFIA SANCHEZ failed to submit a request for consultation, file a subfile answer, or return a signed Consent Order for Subfile ZRB-1-0090 in accordance with the Procedural and Scheduling Order or other applicable scheduling orders. In addition, these Defendants failed to waive service of a summons and, after being served, failed to serve and file an answer as required by the summons and Federal Rule of Civil Procedure 12(a)(1)(A)(i).

6. Defendants JOSE SANCHEZ & SOFIA SANCHEZ are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0090 within the time limitations imposed by the Federal Rules of Civil Procedure, 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).

7. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended, the right(s) of JOSE SANCHEZ & SOFIA SANCHEZ to divert and use the public waters of the Zuni River Stream System, Sub-Areas 4 and 8, should be as set forth below:

**JOSE SANCHEZ and SOFIA SANCHEZ**  
**Subfile No. ZRB-1-0090**

**WELL**

**Map Label:** 4B-3-W07

**OSE File No:** None

**Priority Date:** 3/13/1994

**Purpose of Use:** DOMESTIC

**Well Location:** As shown on Hydrographic Survey Map 4B-3

**S. 20 T. 10N R. 13W 1/4, 1/16, 1/64: SE SW SW**

**X (ft): 2,604,205 Y (ft): 1,483,483**

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

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against JOSE SANCHEZ & SOFIA SANCHEZ, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0090 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended.

Dated: January 25, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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