

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-2-0081
)	
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:

ELOY SANCHEZ & ANGIE SANCHEZ	Subfile No. ZRB-2-0081
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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 ELOY SANCHEZ (Doc. No. 1157) and ANGIE SANCHEZ (Doc. No. 1157).

2. ELOY SANCHEZ & ANGIE 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-2-0081, Defendants ELOY SANCHEZ & ANGIE SANCHEZ 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 deadlines of March 10, 2006, for the submission of a Request for Consultation, and of April 10, 2006, for the return of a signed Consent Order, or filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-2-0081 were never extended. 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).

5. Defendants ELOY SANCHEZ & ANGIE SANCHEZ are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0081 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).

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

ELOY SANCHEZ and ANGIE SANCHEZ
Subfile No. ZRB-2-0081

STOCK POND

Map Label: 10B-4-SP37

Purpose of Use: Livestock

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 5,251

Storage Impoundment Volume (ac-ft): 0.145

Pond Location: As shown on Hydrographic Survey Map 10B-4

S. 33 T. 06N R. 17W 1/4, 1/16, 1/64: SE SE SE

X(ft): 2,484,392 **Y(ft):** 1,346,361

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 ELOY SANCHEZ & ANGIE SANCHEZ, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0081 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: January 25, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

