

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-3-0148
)	
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:

JEANNINE M. SOULSBY & WILLIAM D. SOULSBY	Subfile No. ZRB-3-0148
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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 waivers of service of summons of JEANNINE M. SOULSBY and WILLIAM D. SOULSBY (Doc. No. 749).

2. JEANNINE M. SOULSBY & WILLIAM D. SOULSBY were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0148, Defendants JEANNINE M. SOULSBY & WILLIAM D. SOULSBY were subject to the Special Master's March 7, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Area 7 of the Zuni River Stream System* (Doc. No. 561)("Procedural and Scheduling Order"), which established deadlines of June 12, 2006, for the submission of a Request for Consultation, and of August 12, 2006, for the return of a signed Consent Order, or filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0148 were never extended.

5. Defendants JEANNINE M. SOULSBY & WILLIAM D. SOULSBY are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0148 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 March 3, 2008 (Doc. No. 1618).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended, the right(s) of JEANNINE M. SOULSBY & WILLIAM D. SOULSBY to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

JEANNINE M. SOULSBY & WILLIAM D. SOULSBY
Subfile No. ZRB-3-0148

WELL

Map Label: 7B-3-W16

OSE File No: G 1468

Priority Date: 4/3/2003

Purpose of Use: 72-12-1.1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 7B-3

S. 14 T. 08N R. 16W 1/4, 1/16, 1/64: SE SE SW

X (ft): 2,526,700 **Y (ft):** 1,425,204

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

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

acre-feet per annum

WELL

Map Label: 7B-3-W48

OSE File No: None

Priority Date: 1/1/1995

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 7B-3

S. 18 T. 08N R. 15W 1/4, 1/16, 1/64: SW NW NE

X (ft): 2,533,290 **Y (ft):** 1,427,484

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

Amount of Water (ac-ft per annum): 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 JEANNINE M. SOULSBY & WILLIAM D. SOULSBY, incorporating the

terms of the Consent Order proposed for Subfile ZRB-3-0148 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: April 14, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
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COUNSEL FOR THE UNITED STATES

(approved 4/11/2008)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 14, 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 April 14, 2008, a copy of the foregoing was served by first class mail on each of the parties set forth below.

William D. Soulsby & Jeannine M. Soulsby
HC 61, Box 2021
Pinehill, NM 87357

_____/s/_____
Bradley S. Bridgewater