

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-3-0181
	)	
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>LARRY DIAZ &amp; SUE LISH-DIAZ</b>	<b>Subfile No. ZRB-3-0181</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 waivers of service of summons of LARRY DIAZ and SUE LISH-DIAZ (Doc. No. 1427).

2. LARRY DIAZ & SUE LISH-DIAZ were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0181, Defendants LARRY DIAZ & SUE LISH-DIAZ were subject to the Special Master's September 27, 2006 *Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers* (Doc. No. 837)("Procedural and Scheduling Order"), which established a deadline of January 16, 2008 for the return of a signed Consent Order or submission of a Request for Consultation.

4. These deadlines for Subfile ZRB-3-0181 were never extended.

5. Defendants LARRY DIAZ & SUE LISH-DIAZ are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0181 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 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 LARRY DIAZ & SUE LISH-DIAZ to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

**LARRY DIAZ & SUE LISH-DIAZ**  
**Subfile No. ZRB-3-0181**

**WELL**

**Map Label:** 7A-8-W12

**OSE File No:** G 02339

**Priority Date:** 4/21/2006

**Purpose of Use:** 72-12-1 DOMESTIC

**Well Location:** As shown on Hydrographic Survey Map 7A-8

**S. 22 T. 5N R. 16W 1/4, 1/16, 1/64:** NW SE SW

**X (ft):** 2,518,238 **Y (ft):** 1,327,575

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

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 0.98  
acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against LARRY DIAZ & SUE LISH-DIAZ, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0181 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

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BRADLEY S. BRIDGEWATER

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(approved 4/11/2008)

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