

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-3-0035
	)	
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>DAVID A. COMBS &amp; JEANNE A. COMBS</b>	<b>Subfile No. ZRB-3-0035</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 JEANNE A. COMBS and DAVID A. COMBS (Doc. No. 1850).

2. DAVID A. COMBS & JEANNE A. COMBS were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0035, Defendants DAVID A. COMBS & JEANNE A. COMBS 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 a deadline of August 12, 2006, for the return of a signed Consent Order or the filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0035 were never extended.

5. Defendants DAVID A. COMBS & JEANNE A. COMBS are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0035 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 October 8, 2008 (Doc. No. 1908).

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

**JEANNE A. COMBS and DAVID A. COMBS**  
**Subfile No. ZRB-3-0035**

**STOCK POND**

**Map Label:** 7B-4-SP05

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1967

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 5.0

**Surface Area (sq.ft):** 59,239

**Storage Impoundment Volume (ac-ft):** 4.080

**Pond Location:** As shown on Hydrographic Survey Map 7B-4

**S. 30 T. 08N R. 15W 1/4, 1/16, 1/64:** NE NW NE

**X(ft):** 2,536,370 **Y(ft):** 1,419,151

**Dam height (if greater than 9 ft):**

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against DAVID A. COMBS & JEANNE A. COMBS, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0035 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: October 17, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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