

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-3-0173
)	
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:

ANTONIO SANDOVAL & SARAH SANDOVAL & JESSE SANDOVAL	Subfile No. ZRB-3-0173
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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 JESSE SANDOVAL (Doc. No. 1869) and ANTONIO SANDOVAL and SARAH SANDOVAL (Doc. No. 1851).

2. ANTONIO SANDOVAL & SARAH SANDOVAL & JESSE

SANDOVAL were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0173, Defendants ANTONIO

SANDOVAL & SARAH SANDOVAL & JESSE SANDOVAL 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-3-0173 were never extended.

5. Defendants ANTONIO SANDOVAL & SARAH SANDOVAL & JESSE

SANDOVAL are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0173 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 ANTONIO SANDOVAL & SARAH SANDOVAL & JESSE SANDOVAL to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

ANTONIO SANDOVAL, JESSE SANDOVAL and SARAH SANDOVAL
Subfile No. ZRB-3-0173

STOCK POND

Map Label: 7A-8-SP19

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Well

Point of Diversion: Fills from well 7A-8-W05 (Location X(ft): 2,516,359; Y(ft):
1,328,374);

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 1,499

Storage Impoundment Volume (ac-ft): 0.062

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

S. 21 T. 05N R. 16W 1/4, 1/16, 1/64: NE SE NE

X(ft): 2,516,360 **Y(ft):** 1,328,333

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7A-8-W05

OSE File No: None

Priority Date: 1/1/1920

Purpose of Use: DOMESTIC & LIVESTOCK

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

S. 21 T. 05N R. 16W 1/4, 1/16, 1/64: NE SE NE

X (ft): 2,516,359 **Y (ft):** 1,328,374

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

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

0.723 acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against ANTONIO SANDOVAL & SARAH SANDOVAL & JESSE SANDOVAL, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0173 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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 (approved 10/17/2008)
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EX REL. STATE ENGINEER

