

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-6-0002
)	
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:

SEFFERINO ERIACHO & LORETTA ERIACHO	Subfile No. ZRB-6-0002
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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 Proof of Service of Process by Publication for Loretta Eriacho (Doc. No. 2379) and a filed Waiver of Service of Summons for Sefferino Eriacho (Doc. No. 362).

2. SEFFERINO ERIACHO & LORETTA ERIACHO were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-6-0002, Defendants SEFFERINO ERIACHO & LORETTA ERIACHO were subject to the Special Master's April 23, 3008 *Supplemental Procedural and Scheduling Order for the Adjudication of Certain Water Rights Claims in Sub-Area 6 of the Zuni River Stream System* (Doc. No. 1733)("Procedural and Scheduling Order"), which established a deadline of June 22, 2008 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-6-0002 were never extended. In addition, the Defendant LORETTA ERIACHO failed to appear and defend in this case by June 30, 2009, as required by the Court-approved *Notice of Lawsuit and Summons* served on the Defendant by publication.

5. Defendants SEFFERINO ERIACHO & LORETTA ERIACHO are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-6-0002 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 August 13, 2009 (Doc. No. 2396).

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

SEFFERINO ERIACHO & LORETTA ERIACHO
Subfile No. ZRB-6-0002

POND

Map Label: 6B-3-SP004
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1972
Source of Water: Surface Runoff
Point of Diversion: Not Applicable
Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 26,391

Storage Impoundment Volume (ac-ft): 1.091

Pond Location: As shown on Hydrographic Survey Map 6B-3

S. 8 T. 08N R. 17W 1/4, 1/16, 1/64: NW NE NW

X (ft): 2,476,756 **Y (ft):** 1,430,906

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

Dam height (if greater than 9 ft):

POND

Map Label: 6B-3-SP005
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1972
Source of Water: Well

Point of Diversion: Well 6B-3-W001 (X (ft): 2,478,531; Y (ft): 1,431,394)

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 2,026

Storage Impoundment Volume (ac-ft): 0.084

Pond Location: As shown on Hydrographic Survey Map 6B-3

S. 8 T. 08N R. 17W 1/4, 1/16, 1/64: SE SW SW

X (ft): 2,478,505 **Y (ft):** 1,431,399

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

Dam height (if greater than 9 ft):

POND

Map Label: 6B-3-SP006

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 99,304

Storage Impoundment Volume (ac-ft): 6.839

Pond Location: As shown on Hydrographic Survey Map 6B-3

S. 8 T. 08N R. 17W 1/4, 1/16, 1/64: SW NW NW

X (ft): 2,475, 668 **Y (ft):** 1,433,101

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

Dam height (if greater than 9 ft):

WELL

Map Label: 6B-3-W001

OSE File No: None

Priority Date: 1/1/1968

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 6B-3

S. 8 T. 08N R. 17W 1/4, 1/16, 1/64: SE SW SW

X (ft): 2,478,531 **Y (ft):** 1,431,394

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

Amount of Water (ac-ft per annum): 0.084

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against SEFFERINO ERIACHO & LORETTA ERIACHO, incorporating the terms of the Consent Order proposed for Subfile ZRB-6-0002 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report*, as amended.

Dated: September 4, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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