

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-3-0196
)	
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 defendant:

JAMES HOPKINS	Subfile No. ZRB-3-0196
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed waiver of service of summons (Doc. No. 2387).

2. JAMES HOPKINS was provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0196, Defendant JAMES HOPKINS was 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 September 29, 2009 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-3-0196 were never extended.

5. Defendant JAMES HOPKINS is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0196 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 November 23, 2009 (Doc. No. 2479).

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

JAMES HOPKINS
Subfile No. ZRB-3-0196

WELL

Map Label: 7B-3-W59

OSE File No: G 02551

Priority Date: 7/21/2006

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

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

S. 14 T. 08N R. 16W 1/4, 1/16, 1/64: NW WW NE

X (ft): 2,523,277 **Y (ft):** 1,428,776

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 JAMES HOPKINS, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0196 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Area 7*, as amended.

Dated: January 5, 2010

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

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(approved 1/4/2010)

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EX REL. STATE ENGINEER

