

**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-4-0328
)	
v.)	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	
)	

MOTION TO VACATE CONSENT ORDER

The Plaintiffs United States of America (“United States”) and State of New Mexico *ex rel.* State Engineer (“State”) hereby move the Court to vacate the Consent Order filed March 8, 2007 (No. 1067) concerning Subfile No. ZRB-4-0328 and the Defendants Joseph Coia, Jr. and Dorothy Coia. In support of this motion, Plaintiffs assert:

1. The United States’ hydrographic survey contractor has reviewed records of the New Mexico Office of the State Engineer for purposes of identifying and surveying all wells senior to this Court’s December 4, 2008 *Order Granting Motion to Define Temporal Scope of Adjudication and Clarifying Effect of Consent Orders* (No. 1988) and, during that process, determined that the Defendants applied for a permit for a

replacement well shortly before the date of the Court's order. Defendants' new well has been surveyed and Defendants have accepted a revised Consent Order that recognizes their March 13, 1994 priority water right for their original well has been transferred to the new point of diversion.

2. Accordingly, the Consent Order filed March 8, 2007 (No. 1067) should be vacated. Once that order is vacated, the United States will submit to the Special Master the revised Consent Order that has been approved by the Plaintiffs and Defendants.

WHEREFORE, the Plaintiffs request the Court to vacate the Consent Order filed March 8, 2007 (No. 1067) concerning Subfile No. ZRB-4-0328 and the defendants Joseph Coia, Jr. and Dorothy Coia.

Respectfully submitted,

/s/ Bradley S. Bridgewater
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(approved 5/3/2010)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 3, 2010, I filed the foregoing *Motion to Vacate Consent Order* electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participants in the manner indicated:

Via U.S. Mail, Postage Pre-paid:

Joseph Coia, Jr.
Dorothy Coia
8030 E. Rochelle St.
Mesa, AZ 85207

_____/s/_____
BRADLEY S. BRIDGEWATER