

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,)	
)	No. 01cv00072 MV/WPL
Plaintiffs,)	
)	ZUNI RIVER BASIN
v.)	ADJUDICATION
)	
A & R PRODUCTIONS, et al.)	Subfile No. ZRB-2-0119
)	
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:

PETER CARLSON & MARILYN CARLSON	Subfile No. ZRB-2-0119
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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 waiver of service of summons for MARILYN CARLSON (No. 2526) and PETER CARLSON (No. 2526).
2. PETER CARLSON & MARILYN CARLSON were provided the documents listed in the Declaration of Karmen Miller (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0119, Defendants PETER CARLSON & MARILYN CARLSON were 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* (No. 837) ("Procedural and Scheduling Order"), which established a deadline of April 2, 2010 for these Defendants to submit a Request for Consultation or return a signed Consent Order, and which required these Defendants to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of a *Notice That the Consultation Period Has Ended* for Subfile ZRB-2-0119.

4. These deadlines for Subfile ZRB-2-0119 were never extended. Defendants PETER CARLSON & MARILYN CARLSON submitted a timely Request for Consultation. However, following the conclusion of the consultation these Defendants failed to either sign and return the last-offered Consent Order or to file with the Court a Subfile Answer within 20 days of service of the August 28, 2015 *Notice That the Consultation Period Has Ended* (No. 3080).

5. Defendants PETER CARLSON & MARILYN CARLSON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0119 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 16, 2015 (No. 3130).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended, the right(s) of PETER CARLSON & MARILYN CARLSON to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

PETER CARLSON & MARILYN CARLSON
Subfile No. ZRB-2-0119

WELL

Map Label: 10B-5-W05
OSE File No: G 02570
Priority Date: 8/25/2006
Purpose of Use: 72-12-1 MULTIPLE DOMESTIC HOUSEHOLDS
Well Location: As shown on Hydrographic Survey Map 10B-5
S. 8 T. 05N R. 17W 1/4, 1/16, 1/64 SW SW SW
X (ft): 2,474,561 **Y (ft):** 1,336,369
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water: Historical beneficial use not to exceed 0.767 ac-ft per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against PETER CARLSON & MARILYN CARLSON, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0119 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: November 20, 2015

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

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Approved: 11/19/2015 _____

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