

2. Each Defendant has failed to comply with the applicable procedural and scheduling orders, and failed to appear, answer, or otherwise defend in this subfile action. The Defendants are in default. (*See* Doc. 3307 (Clerk’s Certificate of Default).)
3. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 4 and 8, prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each subfile Defendant have been introduced into the record and are hereby incorporated as the evidentiary basis of the water rights described herein.
4. The right of the Defendants—Colin E. O’Neill, Johanne F. O’Neill, and Gregory C. Frank—to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, is as set forth below:

WELL

Map Label: 4B-3-W26

OSE File No: G 00828

Priority Date: 10/8/1997

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

Well Location: As shown on Hydrographic Survey Map 4B-3

S. 30 T. 10N R. 13W 1/4, 1/16, 1/64 NE NW SE

X (ft): 2,599,620 Y (ft): 1,481,803

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

Amount of Water: Historical beneficial use not to exceed 0.7 ac-ft per annum

4) The Defendants have no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 4 and 8, except as set forth in this Order and other Orders entered by the Court in this cause;

5) The Defendants, their successors, representatives, heirs, and assigns, are enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 4 and 8, except in strict accordance with this Order and other orders of the Court in this cause; and

6) The water right described herein is adjudicated as between the United States, the State of New Mexico, and the Defendants, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree in this cause.

7) The Clerk of Court is ordered to mail a copy of this Order to the Defendants at the following address:

Johanne F. and Colin E. O'Neill
Gregory C. Frank
343 Baker Lane
Erie, CO 80516

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE