

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

|                                    |   |
|------------------------------------|---|
| UNITED STATES OF AMERICA, and      | ) |
| STATE OF NEW MEXICO, ex rel. STATE | ) |
| ENGINEER,                          | ) |
|                                    | ) |
| Plaintiffs,                        | ) |
|                                    | ) |
| and                                | ) |
|                                    | ) |
| ZUNI INDIAN TRIBE, NAVAJO NATION,  | ) |
|                                    | ) |
| Plaintiffs in Intervention,        | ) |
|                                    | ) |
| v.                                 | ) |
|                                    | ) |
| A & R PRODUCTIONS, et al.,         | ) |
|                                    | ) |
| Defendants.                        | ) |

No. 01-cv-0072 MV/WPL

ZUNI RIVER BASIN  
ADJUDICATION

**Subfile No. ZRB-2-0119**

**ORDER GRANTING PLAINTIFFS’ MOTION FOR DEFAULT JUDGMENT**

This matter is before the Court on the joint motion for default judgment filed by the United States and the State of New Mexico on November 20, 2015. (Doc. 3138.) Defendants Peter and Marilyn Carlson failed to respond to the motion within the prescribed time. Accordingly, the Court finds that the motion is well-taken and is hereby granted. The Court finds:

1. The Defendants have been legally served with process or have waived service of summons. (Doc. 2526 (waiver of service of summons filed by Peter and Marilyn Carlson).)
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. 3130 (Clerk’s Certificate of Default).)

3. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10, 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, Peter and Marilyn Carlson, to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, is as set forth below:

**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

4) The Defendants have no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, 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 9 and 10, 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 Peter and Marilyn Carlson at the following address:

Peter Carlson & Marilyn Carlson  
1625 Los Beros Rd.  
Arroyo Grande, CA 93429

IT IS SO ORDERED.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE