

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-3-0038
)	
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 defendants:

SANDI L. COPELAND & LARRY L. COPELAND	Subfile No. ZRB-3-0038
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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 proof of service of summons on LARRY L. COPELAND (Doc. No. 1218) and filed waiver of service of summons of SANDI L. COPELAND (Doc. No. 727).

2. SANDI L. COPELAND & LARRY L. COPELAND were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0038, Defendants SANDI L. COPELAND & LARRY L. COPELAND were subject to the Special Master's March 7, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Area 7 of the Zuni River Stream System* (Doc. No. 561)("Procedural and Scheduling Order"), which established deadlines of June 12, 2006, for the submission of a Request for Consultation, and of August 12, 2006, for the return of a signed Consent Order, or filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0038 were never extended. In addition, the Defendant LARRY L. COPELAND failed to waive service of a summons and, after being served, failed to serve and file an answer as required by the summons and Federal Rule of Civil Procedure 12(a)(1)(A)(i).

5. Defendants SANDI L. COPELAND & LARRY L. COPELAND are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0038 within the time limitations imposed by the Federal Rules of Civil Procedure, applicable Procedural and Scheduling Orders, or Orders of the Court extending deadlines, as shown by the Clerk's Certificate of Default filed June 18, 2008 (Doc.No. 1788).

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

LARRY L. COPELAND and SANDI L. COPELAND
Subfile No. ZRB-3-0038

STOCK POND

Map Label: 7B-3-SP43

Purpose of Use: Livestock

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 1,278

Storage Impoundment Volume (ac-ft): 0.018

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

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

X(ft): 2,525,576 **Y(ft):** 1,427,977

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

Dam height (if greater than 9 ft):

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against SANDI L. COPELAND & LARRY L. COPELAND, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0038 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: June 25, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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 (approved 6/24/2008)
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EX REL. STATE ENGINEER

