

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-3-0156
	)	
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:

<b>ROBERT COFFEE &amp; ELVERDA TOPLISS</b>	<b>Subfile No. ZRB-3-0156</b>
--	-------------------------------

and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed service of summons on ROBERT COFFEE (Doc. No. 1905) and ELVERDA TOPLISS (Doc. No. 1905).

2. ROBERT COFFEE & ELVERDA TOPLISS were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0156, Defendants ROBERT COFFEE & ELVERDA TOPLISS 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 a deadline of August 12, 2006, for the return of a signed Consent Order or the filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0156 were extended by the Order Granting Motion to Extend Deadline For Requests For Consultation (Doc. No. 735), which extended the deadline by which defendants must return a Request for Consultation to July 12, 2006.

5. Defendants ROBERT COFFEE & ELVERDA TOPLISS are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0156 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 December 17, 2008 (Doc. No. 2013).

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

**ROBERT COFFEE and ELVERDA TOPLISS**  
**Subfile No. ZRB-3-0156**

**WELL**

**Map Label:** 7A-4-W02

**OSE File No:** G 2246

**Priority Date:** 10/12/2004

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

**Well Location:** As shown on Hydrographic Survey Map 7A-4

**S. 27 T. 08N R. 16W 1/4, 1/16, 1/64:** NW SE NW

**X (ft):** 2,518,582 **Y (ft):** 1,418,327

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

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 0.7  
acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against ROBERT COFFEE & ELVERDA TOPLISS, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0156 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: January 14, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

---

BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

          (approved 1/8/2009)  
EDWARD BAGLEY  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

