

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-5-0022
)	
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 Defendant:

EDD COFFEY	Subfile No. ZRB-5-0022
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named Defendant as shown by the filed waiver of service of summons of EDD COFFEY (No. 362).
2. EDD COFFEY was provided the documents listed in the Declaration of Karmen Miller (Exhibit 1) on the dates indicated.
3. With respect to Subfile ZRB-5-0022, Defendant EDD COFFEY was subject to the Special Master’s January 11, 2007 *Procedural and Scheduling Order for the*

Adjudication of Water Rights Claims (No. 954) (“Procedural and Scheduling Order”), which established a deadline of June 26, 2007 for this Defendant to submit a Request for Consultation or return a signed Consent Order, and which required this Defendant 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-5-0022.

4. These deadlines for Subfile ZRB-5-0022 were never extended. Defendant EDD COFFEY submitted a timely Request for Consultation. However, following the conclusion of the consultation this Defendant 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 September 3, 2015 *Notice That the Consultation Period Has Ended* (No. 3084).

5. Defendant EDD COFFEY is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0022 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: Sub-area Ramah*, as amended, the right(s) of EDD COFFEY to divert and use the public waters of the Zuni River Stream System, Sub-Area Ramah, should be as set forth below:

EDD COFFEY
Subfile No. ZRB-5-0022

STOCK POND

Map Label: 3B-5-SP053

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1971

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 13,417

Storage Impoundment Volume (ac-ft): 0.554

Pond Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: NE SE SE

X(ft): 2,522,322 **Y(ft):** 1,507,470

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-5-W098

OSE File No: G 02028

Priority Date: 12/31/1985

Purpose of Use: NON 72-12-1 LIVESTOCK WATERING

Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: NE SE SE

X(ft): 2,522,182 **Y(ft):** 1,507,590

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

Amount of Water: 0.023 ac-ft per annum

WELL

Map Label: 3B-5-W117

OSE File No: G 00684

Priority Date: 6/11/1996

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

Well Location: As shown on Hydrographic Survey Map 3B-5E

S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: NW SW SW

X(ft): 2,522,574 **Y(ft):** 1,507,662

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

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against EDD COFFEY, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0022 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: November 23, 2015

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

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COUNSEL FOR THE UNITED STATES

Approved: 11/19/2015 _____

EDWARD BAGLEY

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EX REL. STATE ENGINEER

