

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

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Canjilon Creek

**APPLICATION FOR ENTRY OF DEFAULT**

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer, and requests the Clerk of the Court, pursuant to F. R. Civ. P. 55(a) to enter the default of the following named defendants and each of them for failure to answer or otherwise plead; and the undersigned certifies that no answer, appearance, or other pleading has been served upon plaintiff's attorneys.

| <u>Defendant</u>  | <u>Subfile No.</u> | <u>Waiver of Service of Summons Filed</u>                       |
|-------------------|--------------------|---|
| Marilyn Baldonado | CHCJ-003-0059A     | Certificate of Service filed November 17, 2008 (Doc. 9324)      |
| Joseph D. Montoya | CHCJ-003-0053      | Certificate of Service filed November 20, 2008 (Doc. 9325)      |
| Luggie Montaño    | CHCJ-003-0039      | Waiver of Service of Process filed January 29, 2001 (Doc. 6140) |
| Thomas Montaño    | CHCJ-003-0039      | Waiver of Service of Process filed January 29, 2001 (Doc. 6140) |
| Zaqueo Salazar    | CHCJ-003-0059B     | Certificate of Service filed September 26, 2007 (Doc. 8935)     |

Dated: November 21, 2008

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 phone  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 21st day of November, 2008 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Marilyn Baldonado  
P.O. Box 80852  
Albuquerque, NM 87198-0852

Josep D. Montoya  
P.O. Box 561  
Canjilon, NM 87515

Luggie Montañó  
Thomas Montañó  
5140 Lomas de Atrisco Rd., NW  
Albuquerque, NM 87105

Zaqueo Salazar  
P.O. Box 5217-USAFA  
Colorado Springs, CO 80841

/s/ Ed Newville  
EDWARD G. NEWVILLE