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

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

Plaintiff, 6:69cv07941-BB

vs. RIO CHAMA STREAM SYSTEM

ROMAN ARAGON, et al., Sections 3 and 7

Defendants.

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel*. State Engineer and moves the Court to enter its order granting default judgment against the following defendants:

Marilyn Baldonado CHCJ-003-0059A

Joseph D. Montoya CHCJ-003-0053

Luggie Montaño CHCJ-003-0039

Thomas Montaño CHCJ-003-0039

Zaqueo Salazar CHCJ-003-0059B

JTB Holdings, LLC CHCV-005-0007

and as grounds therefore plaintiff states:

1. Defendants Marilyn Baldonado, Joseph D. Montoya, Luggie Montaño, Thomas Montaño and Zaqueo Salazar are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default filed November 26, 2008 (Doc. No. 9330). Defendant JTB Holdings, LLC is in default for failure to appear, answer, or otherwise defend in this

cause, as shown by the Clerk's Certificate of Default filed November 26, 2008 (Doc. No. 9331).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against the above-named defendants incorporating the terms of the State's proposed consent orders and in conformance with the Office of the State Engineer Hydrographic Surveys for Sections 3 and 7 of the Rio Chama Stream, as amended.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the <u>2</u> day of December, 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

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

Luggie Montaño Thomas Montaño 5140 Lomas de Atrisco Rd., NW Albuquerque, NM 87105 Zaqueo Salazar P.O. Box37 Cañones, NM 87516

JTB Holdings, LLC c/o Kenneth A. Hunt 2632 Mesilla St. NE Albuquerque, NM 87110

/s/ Ed Newville

EDWARD G. NEWVILLE