

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-1-0061
)	
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:

PETER MAYNE & SUSAN MAYNE	Subfile No. ZRB-1-0061
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by filed service of summons on PETER MAYNE (Doc. No. 657) and SUSAN MAYNE (Doc. No. 658).

2. PETER MAYNE & SUSAN MAYNE were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0061, Defendants PETER MAYNE & SUSAN MAYNE were subject to the Special Master's September 8, 2005 *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (Doc. No. 387)("Procedural and Scheduling Order"), which established a deadline of January 10, 2006, for the return of a Consent Order, or the filing of a form Subfile Answer.

4. These deadlines for Subfile ZRB-1-0061 were extended by the Order Granting Motion to Extend Time for Persons Served with a Summons to File Subfile Answers (Doc. No. 442), which extended the deadline to file a subfile answer to 20 days after service of summons and the Amended 2003 Complaint.

5. Defendants PETER MAYNE & SUSAN MAYNE are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0061 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 August 28, 2007 (Doc. No. 1233).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended, the right(s) of PETER MAYNE & SUSAN MAYNE to divert and use the public waters of the Zuni River Stream System, Sub-Areas 4 and 8, should be as set forth below:

PETER MAYNE and SUSAN MAYNE
Subfile No. ZRB-1-0061

WELL

Map Label: 4B-3-W28

OSE File No: G 1174

Priority Date: 11/16/2000

Purpose of Use: 72-12-1.1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 4B-3

S. 31 T. 10N R. 13W 1/4, 1/16, 1/64: SW NE SE

X (ft): 2,598,326 **Y (ft):** 1,474,342

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

Amount of Water (ac-ft): NO RIGHT; Drilled but no water found.

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against PETER MAYNE & SUSAN MAYNE, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0061 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended.

Dated: January 15, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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(approved 1/14/2008)

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EX REL. STATE ENGINEER

