

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-3-0114
)	
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:

NORMAN W. SABROE & HAZEL J. SABROE	Subfile No. ZRB-3-0114
---	-------------------------------

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 NORMAN W. SABROE (Doc. No. 2000) and HAZEL J. SABROE (Doc. No. 2000).

2. NORMAN W. SABROE & HAZEL J. SABROE were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0114, Defendants NORMAN W. SABROE & HAZEL J. SABROE 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-3-0114 were never extended.

5. Defendants NORMAN W. SABROE & HAZEL J. SABROE are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0114 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 NORMAN W. SABROE & HAZEL J. SABROE to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

NORMAN W. SABROE and HAZEL J. SABROE
Subfile No. ZRB-3-0114

WELL

Map Label: 7B-3-W26

OSE File No: None

Priority Date: 1/1/1967

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

Well Location: As shown on Hydrographic Survey Map 7B-3

S. 18 T. 08N R. 15W 1/4, 1/16, 1/64: SW NE NE

X (ft): 2,535,188 **Y (ft):** 1,427,407

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

Amount of Water (ac-ft per annum): 0.023

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against NORMAN W. SABROE & HAZEL J. SABROE, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0114 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 - 8th 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

