

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-2-0114
)	
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:

MARTHA PITMAN & ANDRE PITMAN	Subfile No. ZRB-2-0114
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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 MARTHA PITMAN (Doc. No. 2061) and ANDRE PITMAN (Doc. No. 2061).

2. MARTHA PITMAN & ANDRE PITMAN were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0114, Defendants MARTHA PITMAN & ANDRE PITMAN were subject to the Special Master's September 27, 2006 *Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers* (Doc. No. 837)("Procedural and Scheduling Order"), which established a deadline of October 19, 2008, for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0114 were never extended.

5. Defendants MARTHA PITMAN & ANDRE PITMAN are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0114 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 February 5, 2009 (Doc. No. 2097).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 9 and 10*, as amended, the right(s) of MARTHA PITMAN & ANDRE PITMAN to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

MARTHA PITMAN and ANDRE PITMAN
Subfile No. ZRB-2-0114

WELL

Map Label: 10A-5-W14

OSE File No: G 2635

Priority Date: 6/25/2007

Purpose of Use: 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10A-5

S. 10 T. 5N R. 18W 1/4, 1/16, 1/64: NW SE NE

X (ft): 2,455,712 **Y (ft):** 1,339,605

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed

0.7 acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against MARTHA PITMAN & ANDRE PITMAN, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0114 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 9 and 10*, as amended.

Dated: February 10, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

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(approved 2/9/2009)

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EX REL. STATE ENGINEER

