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

UNITED STATES OF AMERICA and STATE OF NEW MEXICO, *ex rel*. STATE ENGINEER, Plaintiffs, and ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, v. A & R PRODUCTIONS, et al. Defendants.	) No. 01cv00072 BB/WDS ZUNI RIVER BASIN ADJUDICATION Subfile No. ZRB-5-0015

<u>MOTION FOR DEFAULT JUDGMENT</u>

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:

FLORA JAMES CLAWSON & **FLOYD K. CLAWSON**	**Subfile No. ZRB-5-0015**

and as grounds therefor Plaintiffs state:

      1.   The Court has jurisdiction over the above-named defendants as shown by

the filed Entry of Appearance pertaining to FLORA JAMES CLAWSON (Doc. No. 211) and

filed service of summons on FLOYD K. CLAWSON (Doc. No. 1225).

2.   FLORA JAMES CLAWSON & FLOYD K. CLAWSON were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3.   With respect to Subfile ZRB-5-0015, Defendants FLORA JAMES CLAWSON & FLOYD K. CLAWSON were subject to the Special Master's January 11, 2007 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims* (Doc. No. 954)("Procedural and Scheduling Order"), which established a deadline of June 11, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4.   These deadlines for Subfile ZRB-5-0015 were never extended.

5.   Defendants FLORA JAMES CLAWSON & FLOYD K. CLAWSON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0015 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 March 13, 2009 (Doc. No. 2194).

6.   In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended, the right(s) of FLORA JAMES CLAWSON & FLOYD K. CLAWSON to divert and use the public waters of the Zuni River Stream System, Sub-Area Ramah, should be as set forth below:

FLORA JAMES CLAWSON and FLOYD K. CLAWSON
Subfile No. ZRB-5-0015

WELL

> **Map Label:** 3B-5-W074
>
> **OSE File No:** G 1692

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Priority Date: 12/31/1950

Purpose of Use: NON 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 **T.** 11N **R.** 16W   **1/4, 1/16, 1/64:** SE SW SE

X (ft): 2,520,642 **Y (ft):** 1,504,913

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 ac-ft

per annum

WELL

Map Label: 3B-5-W075

OSE File No: G 1286

Priority Date: 8/16/2001

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 **T.** 11N **R.** 16W   **1/4, 1/16, 1/64:** SE SW SE

X (ft): 2,520,773 **Y (ft):** 1,504,877

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 ac-ft

per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default

judgment against FLORA JAMES CLAWSON & FLOYD K. CLAWSON, incorporating the

terms of the Consent Order proposed for Subfile ZRB-5-0015 and in conformance with the *Zuni*

River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah, as amended.

        Dated: March 24, 2009

                        Electronically Filed

                        /s/ Bradley S. Bridgewater

                        _____

                        BRADLEY S. BRIDGEWATER
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                        Denver, CO 80294
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                        COUNSEL FOR THE UNITED STATES

                      ___(approved 3/24/2009)_
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                        (505) 827-6150

                        COUNSEL FOR THE STATE OF NEW MEXICO
                        EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 24, 2009, I filed the foregoing *Motion for Default Judgment* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that a copy of the foregoing was mailed to the following parties who are not CM/ECF Participants:

Floyd K. Clawson & Flora James Clawson
P.O. Box 546
Ramah, NM 87321

_____/s/_____
Bradley S. Bridgewater