

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-5-0060
	)	
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 defendant:

<b>DONALD E. SHARP</b>	<b>Subfile No. ZRB-5-0060</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed Entry of Appearance (Doc. No. 211).

2. DONALD E. SHARP was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0060, Defendant DONALD E. SHARP was 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-5-0060 were never extended.

5. Defendant DONALD E. SHARP is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0060 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 April 3, 2009 (Doc. No. 2253).

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

**DONALD E. SHARP**  
**Subfile No. ZRB-5-0060**

**WELL**

**Map Label:** 3B-5-W034

**OSE File No:** G 0916

**Priority Date:** 11/5/1998

**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 NE SE

**X (ft):** 2,522,056 **Y (ft):** 1,506,475

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

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 0.350  
ac-ft per annum

**WELL**

**Map Label:** 3B-5-W035

**OSE File No:** G 0916X

**Priority Date:** 11/5/1998

**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 NE SE

**X (ft):** 2,522,047 **Y (ft):** 1,506,320

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

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 0.350  
ac-ft per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against DONALD E. SHARP, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0060 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: April 9, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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