

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-3-0190
	)	
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:

<b>SHIRLEY ROPER &amp; RUSSELL ROPER</b>	<b>Subfile No. ZRB-3-0190</b>
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and as grounds therefore Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed waiver of service of summons of RUSSELL ROPER and SHIRLEY ROPER (Doc. No. 2223).

2. SHIRLEY ROPER & RUSSELL ROPER were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0190, Defendants SHIRLEY ROPER & RUSSELL ROPER 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 May 15, 2009 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-3-0190 were never extended.

5. Defendants SHIRLEY ROPER & RUSSELL ROPER are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0190 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 13, 2009 (Doc. No. 2396).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-Area 7*, as amended, the right(s) of SHIRLEY ROPER & RUSSELL ROPER to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

**RUSSELL ROPER and SHIRLEY ROPER**  
**Subfile No. ZRB-3-0190**

**WELL**

**Map Label:** 7B-3-W53

**OSE File No:** G 2629

**Priority Date:** 5/15/2007

**Purpose of Use:** 72-12-1 DOMESTIC AND 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 SW SW

**X (ft):** 2,532,993 **Y (ft):** 1,425,096

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

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

0.723 acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against SHIRLEY ROPER & RUSSELL ROPER, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0190 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-Area 7*, as amended.

Dated: August 31, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved 8/19/2009)

EDWARD BAGLEY

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COUNSEL FOR THE STATE OF NEW MEXICO

EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 31, 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:

Russell Roper & Shirley Roper  
HC 61, Box 2029  
Ramah, NM 87321

                  /s/                    
Bradley S. Bridgewater