

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-1-0131
)	
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:

EVELYN BRADFORD & DAVID BRADFORD	Subfile No. ZRB-1-0131
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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 Proof of Service of Process by Publication (Doc. No.2379).

2. EVELYN BRADFORD & DAVID BRADFORD were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0131, Defendants EVELYN BRADFORD & DAVID BRADFORD were subject to the Special Master's September 8, 2005 *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (Doc. No. 387) ("Procedural and Scheduling Order"), which established a deadline of January 10, 2006 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-1-0131 were extended by Motion To Extend Time For Filing Subfile Answers In Subfiles Requiring New Service Packet Mailings for a new deadline date of February 24, 2006 (Doc. No. 441).

5. Defendants EVELYN BRADFORD & DAVID BRADFORD are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0131 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 Areas 4 and 8*, as amended, the right(s) of EVELYN BRADFORD & DAVID BRADFORD to divert and use the public waters of the Zuni River Stream System, Sub-Areas 4 and 8, should be as set forth below:

EVELYN BRADFORD AND DAVID BRADFORD
Subfile No. ZRB-1-0131

STOCK POND

Map Label: 8C-1-SP37
Purpose of Use: LIVESTOCK
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq. ft): 2,632

Storage Impoundment Volume (ac-ft): 0.109

Pond Location: As shown on Hydrographic Survey Map 8C-1

S. 18 T. 09N R. 12W 1/4, 1/16, 1/64: SW SE SE

X (ft): 2,629,499 **Y (ft):** 1,456,756

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

Dam height (if greater than 9 ft):

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against EVELYN BRADFORD & DAVID BRADFORD, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0131 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended.

Dated: September 4, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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 (approved 9/1/2009)
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EX REL. STATE ENGINEER

