

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/LFG
	)	
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subfile No. ZRB-2-0047
	)	
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>JAMES GREEN TRUSTEE FOR TRIBAL TRUST &amp; DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST</b>	<b>Subfile No. ZRB-2-0047</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the voluntary appearance of Deborah Green Trustee for Tribal Trust (No. 789) and of James Green Trustee for Tribal Trust (No. 789).

2. JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST were provided the documents listed in the Declaration of Yvonne Marsh (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0047, Defendants JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST were subject to the Special Master's May 3, 2011 *Order Setting Scheduling Conference* (No. 2654), which required these Defendants to appear at a scheduling conference on May 31, 2011 and stated: **“Failure to appear without good cause may result in a default order which incorporates the Plaintiffs’ proposed consent order(s).”**

4. Defendants JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST did not appear at the May 31, 2011 scheduling conference, were never excused from the requirement to so appear, and have not otherwise shown good cause for their failure to appear.

5. Defendants JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST are in default for failure to appear or otherwise defend in Subfile No. ZRB-2-0047 within the time limitations imposed by the Orders of the Court, as shown by the Clerk's Certificate of Default filed August 31, 2011 (No. 2699).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended, the right(s) of JAMES GREEN TRUSTEE

FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

**JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE**  
**FOR TRIBAL TRUST**  
**Subfile No. ZRB-2-0047**

**WELL**

**Map Label:** 10C-3-W04  
**OSE File No:** None  
**Priority Date:** 3/13/1994  
**Purpose of Use:** LIVESTOCK  
**Well Location:** As shown on Hydrographic Survey Map 10C-3  
S. 11 T. 06N R. 17W 1/4, 1/16, 1/64: NE NW SW  
X (ft): 2,493,611 Y (ft): 1,371,645  
New Mexico State Plane Coordinate System, West Zone, NAD 1983  
**Amount of Water:** 1.367 acre-feet per annum

**WELL**

**Map Label:** 10C-3-W05  
**OSE File No:** None  
**Priority Date:** 3/13/1994  
**Purpose of Use:** LIVESTOCK  
**Well Location:** As shown on Hydrographic Survey Map 10C-3  
S. 13 T. 06N R. 17W 1/4, 1/16, 1/64: SW SE NW  
X (ft): 2,497,299 Y (ft): 1,362,837  
New Mexico State Plane Coordinate System, West Zone, NAD 1983  
**Amount of Water:** 1.367 acre-feet per annum

**STOCK POND**

**Map Label:** 10C-3-SP10

**Purpose of Use:** Livestock  
**Priority Date:** 1/1/1972  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0  
**Surface Area (sq.ft):** 8,618  
**Storage Impoundment Volume (ac-ft):** 0.356

**Pond Location:** As shown on Hydrographic Survey Map 10C-3

**S. 1 T. 06N R. 17W 1/4, 1/16, 1/64:** NE SE NW

**X(ft):** 2,500,176 **Y(ft):** 1,376,474

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 10C-3-SP13  
**Purpose of Use:** Livestock  
**Priority Date:** 1/1/1972  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.0  
**Surface Area (sq.ft):** 6,559  
**Storage Impoundment Volume (ac-ft):** 0.181

**Pond Location:** As shown on Hydrographic Survey Map 10C-3

**S. 11 T. 06N R. 17W 1/4, 1/16, 1/64:** SW NW SE

**X(ft):** 2,491,155 **Y(ft):** 1,368,939

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 10C-3-SP18  
**Purpose of Use:** Livestock  
**Priority Date:** 1/1/1972  
**Source of Water:** Well  
**Point of Diversion:** Fills from well 10C-3-W05 (Location X(ft): 2,497,299; Y(ft): 1,362,837);

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 4,289

**Storage Impoundment Volume (ac-ft):** 0.177

**Pond Location:** As shown on Hydrographic Survey Map 10C-3

**S. 13 T. 06N R. 17W 1/4, 1/16, 1/64:** SW SE NW

**X(ft):** 2,497,200 **Y(ft):** 1,362,925

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 10C-3-SP19  
**Purpose of Use:** Livestock  
**Priority Date:** 1/1/1972  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 636

**Storage Impoundment Volume (ac-ft):** 0.026

**Pond Location:** As shown on Hydrographic Survey Map 10C-3

**S. 13 T. 06N R. 17W 1/4, 1/16, 1/64:** SW SE NW

**X(ft):** 2,497,405 **Y(ft):** 1,362,778

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 10C-4-SP05

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.0

**Surface Area (sq.ft):** 1,935

**Storage Impoundment Volume (ac-ft):** 0.053

**Pond Location:** As shown on Hydrographic Survey Map 10C-4

**S. 24 T. 06N R. 17W 1/4, 1/16, 1/64:** SE SE NW

**X(ft):** 2,499,998 **Y(ft):** 1,357,680

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 10C-4-SP10

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 20,177

**Storage Impoundment Volume (ac-ft):** 1.112

**Pond Location:** As shown on Hydrographic Survey Map 10C-4

**S. 25 T. 06N R. 17W 1/4, 1/16, 1/64:** NW NE NE

**X(ft):** 2,498,137 **Y(ft):** 1,356,323

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 JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0047 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: September 16, 2011

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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COUNSEL FOR THE UNITED STATES

          (approved 9/15/2011)  
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COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 16, 2011, 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:

JAMES GREEN TRUSTEE FOR TRIBAL TRUST  
DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST  
HR 60, BOX 11  
FENCE LAKE, NM 87315

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley S. Bridgewater