

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 MV/LFG
	)	
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subfile No. ZRB-4-0312
	)	
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>PAUL PETRANTO</b>	<b>Subfile No. ZRB-4-0312</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 March 15, 2001 voluntary Entry of Appearance by Defendant Paul Petranto (No. 21).

2. PAUL PETRANTO was provided the documents listed in the Declaration of Karmen Miller (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0312, Defendant PAUL PETRANTO was subject to the Special Master's September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3 (Excluding Ramah) of the Zuni River Stream System* (Doc. No. 838) ("Procedural and Scheduling Order"), which established a deadline of January 13, 2007 for this Defendant to submit a Request for Consultation or return a signed Consent Order, and which required this Defendant to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of a *Notice That the Consultation Period Has Ended* for Subfile ZRB-4-0312.

4. These deadlines for Subfile ZRB-4-0312 were never extended. Defendant PAUL PETRANTO submitted a timely Request for Consultation. However, following the conclusion of the consultation this Defendant failed to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of the January 30, 2012 *Notice That the Consultation Period Has Ended* (Doc. No. 2752).

5. Defendant PAUL PETRANTO is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0312 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 October 31, 2012 (No. 2812).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-areas 1, 2, and 3 (Excluding Ramah)*, as amended, the right(s) of PAUL

PETRANTO to divert and use the public waters of the Zuni River Stream System, Sub-Areas 1, 2, and 3 (Excluding Ramah), should be as set forth below:

**PAUL PETRANTO**  
**Subfile No. ZRB-4-0312**

**POND**

**Map Label:** 3B-3-SP011  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 7/3/2000  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 43

**Storage Impoundment Volume (ac-ft):** 0.002

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

**S. 27 T. 12N R. 16W 1/4, 1/16, 1/64:** NE NE NE

**X(ft):** 2,522,348 **Y(ft):** 1,546,361

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

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

**WELL**

**Map Label:** 3B-3-W014  
**OSE File No:** G 01129

**Priority Date:** 7/3/2000

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

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

**S. 27 T. 12N R. 16W 1/4, 1/16, 1/64:** NE NE NE

**X (ft):** 2,522,234 **Y (ft):** 1,546,408

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

**Amount of Water:** 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 PAUL PETRANTO, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0312 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-areas 1, 2, and 3 (Excluding Ramah)*, as amended.

Dated: December 11, 2012

Electronically Filed

/s/ Bradley S. Bridgewater

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(approved 12/10/2012)

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