

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-4-0474
	)	
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>LINDA BRYANT &amp; TIMOTHY BRYANT</b>	<b>Subfile No. ZRB-4-0474</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 filed waivers of service of summons of TIMOTHY BRYANT (No. 2516) and LINDA BRYANT (No. 2516).

2. LINDA BRYANT & TIMOTHY BRYANT were provided the documents listed in the Declaration of Yvonne Marsh (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0474, Defendants LINDA BRYANT & TIMOTHY BRYANT were 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 March 31, 2010 for these Defendants to submit a Request for Consultation or return a signed Consent Order, and which required these Defendants 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-4-0474.

4. These deadlines for Subfile ZRB-4-0474 were never extended. Defendants LINDA BRYANT & TIMOTHY BRYANT failed to submit a Request for Consultation.

5. Defendants LINDA BRYANT & TIMOTHY BRYANT are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0474 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 LINDA BRYANT & TIMOTHY BRYANT 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:

**LINDA BRYANT & TIMOTHY BRYANT**  
**Subfile No. ZRB-4-0474**

**WELL**

**Map Label:** 3B-4-W181

**OSE File No:** G 02749

**Priority Date:** 10/30/2008

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

**Well Location:** As shown on Hydrographic Survey Map 3B-4

**S. 12 T. 11N R. 16W 1/4, 1/16, 1/64: SW SE SW**

**X (ft): 2,529,482 Y (ft): 1,525,706**

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 LINDA BRYANT & TIMOTHY BRYANT, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0474 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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BRADLEY S. BRIDGEWATER

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COUNSEL FOR THE UNITED STATES

(approved 12/10/2012)

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 December 11, 2012, 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:

LINDA BRYANT & TIMOTHY BRYANT  
1011 E. MADDOCK ROAD  
PHOENIX, AZ 85086

                    /s/                      
Bradley S. Bridgewater