

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-5-0016
)	
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:

FLORA JAMES CLAWSON & HAZEL CLAWSON	Subfile No. ZRB-5-0016
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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 summons on HAZEL CLAWSON (No. 1257) and the filed Entry of Appearance pertaining to FLORA JAMES CLAWSON (211).

2. FLORA JAMES CLAWSON & HAZEL CLAWSON were provided the documents listed in the Declaration of Yvonne Marsh (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0016, Defendants FLORA JAMES CLAWSON & HAZEL CLAWSON were subject to the Special Master's January 11, 2007 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims* (Doc. No. 954) ("Procedural and Scheduling Order"), which established a deadline of June 11, 2007 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-5-0016.

4. These deadlines for Subfile ZRB-5-0016 were never extended. Defendants FLORA JAMES CLAWSON & HAZEL CLAWSON failed to submit a Request for Consultation. In addition, Defendant HAZEL CLAWSON, after being served with a summons and complaint, failed to serve and file a responsive pleading within 21 days as required by Fed.R.Civ.P. 12(a)(1)(A)(i)..

5. Defendants FLORA JAMES CLAWSON & HAZEL CLAWSON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0016 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-area Ramah*, as amended, the right(s) of FLORA JAMES CLAWSON &

HAZEL CLAWSON to divert and use the public waters of the Zuni River Stream System, Sub-Area Ramah, should be as set forth below:

FLORA JAMES CLAWSON & HAZEL CLAWSON
Subfile No. ZRB-5-0016

WELL

Map Label: 3B-5-W076
OSE File No: None
Priority Date: 1/1/2003
Purpose of Use: NO RIGHT
Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: SE SW SE

X (ft): 2,520,978 Y (ft): 1,505,051

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

Amount of Water: 0.0 ac-ft per annum

WELL

Map Label: 3B-5-W102
OSE File No: G 01572
Priority Date: 12/31/1968
Purpose of Use: NON 72-12-1 DOMESTIC
Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: SE SW NE

X (ft): 2,520,756 Y (ft): 1,505,705

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 FLORA JAMES CLAWSON & HAZEL CLAWSON, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0016 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: December 11, 2012

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

(approved 12/10/2012)
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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:

FLORA JAMES CLAWSON & HAZEL CLAWSON
P.O. BOX 751
RAMAH, NM 87321

 /s/
Bradley S. Bridgewater