

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,
and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,
v.

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-MV/LFG

ZUNI RIVER BASIN
ADJUDICATION

Subfile No. ZRB-5-0019

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

March 11, 2013 *Motion for Default Judgment*, Document No. 2853

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each Defendant named below has been legally served with process or has waived service of summons.
3. Each Defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subarea Ramah (January 2007, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each Defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in this order.

5. The water rights of each Defendant named below in the above-styled and captioned civil action are as follows:

OLIN CLAWSON & JACKI CLAWSON

Subfile No. ZRB-5-0019

POND

Map Label: 3B-5-SP043

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 10.0

Surface Area (sq.ft): 10,798

Storage Impoundment Volume (ac-ft): 1.487

Pond Location: As shown on Hydrographic Survey Map 3B-5E

S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: NE SW NE

X(ft): 2,526,314 Y(ft): 1,508,033

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

Dam height (if greater than 9 ft)

POND

Map Label: 3B-5-SP061
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 8.0
Surface Area (sq.ft): 8,366
Storage Impoundment Volume (ac-ft): 0.922

Pond Location: As shown on Hydrographic Survey Map 3B-5E

S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,526,650 **Y(ft):** 1,508,395

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

Dam height (if greater than 9 ft)

POND

Map Label: 3B-5-SP062
Purpose of Use: LIVESTOCK
Priority Date: 1/1/1961
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0
Surface Area (sq.ft): 1,330
Storage Impoundment Volume (ac-ft): 0.073

Pond Location: As shown on Hydrographic Survey Map 3B-5E

S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: NE SE NW

X(ft): 2,526,571 **Y(ft):** 1,508,404

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

Dam height (if greater than 9 ft)

WELL

Map Label: 3B-5-W061

OSE File No: G 01424

Priority Date: 6/9/2004

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

Well Location: As shown on Hydrographic Survey Map 3B-5E

S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: NE SE NW

X (ft): 2,526,415 **Y (ft):** 1,507,959

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 3.0


WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each Defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that each Defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.

The Clerk of the Court is instructed to mail a copy of this order to:

OLIN CLAWSON & JACKI CLAWSON, P.O. BOX 381, RAMAH, NM 87321.

IT IS SO ORDERED.

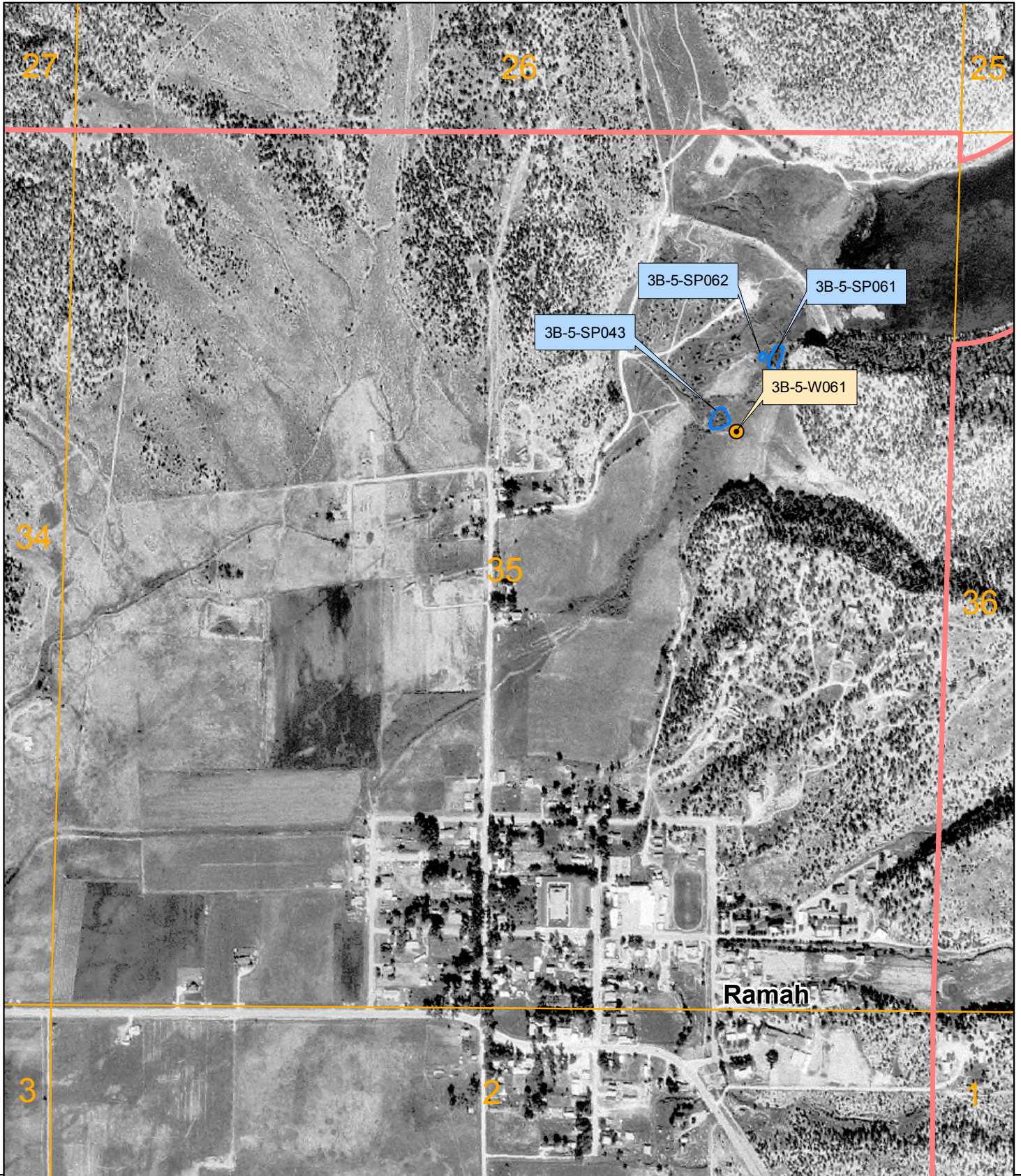


MARTHA VALQUEZ
UNITED STATES DISTRICT JUDGE



Approved:

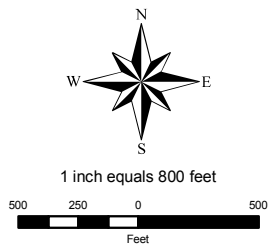


LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE



LEGEND

-  Well
-  Stock Pond
-  Basin Boundary
-  Sub-Area Boundary
-  Section Boundary



Zuni River Basin
Hydrographic Survey

Sub-Area Ramah
Subfile Number: ZRB-5-0019
PLSS: S35, T11N, R16W
Sheet 1 of 1

May 2007



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.