

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-5-0021
)	
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:

WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON	Subfile No. ZRB-5-0021
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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 for WILLARD LAVAR CLAWSON (No. 1120) and DORIS JEAN CLAWSON (No. 1120).

2. WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON were provided the documents listed in the Declaration of Karmen Miller (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0021, Defendants WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON were subject to the Special Master's January 11, 2007 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims* (No. 954) ("Procedural and Scheduling Order"), which established a deadline of June 13, 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-5-0021.

4. These deadlines for Subfile ZRB-5-0021 were never extended. Defendants WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON submitted a timely Request for Consultation. However, following the conclusion of the consultation these Defendants failed to either sign and return the last-offered Consent Order or to file with the Court a Subfile Answer within 20 days of service of the February 12, 2013 *Notice That the Consultation Period Has Ended* (No. 2846). (As indicated by the United States' *Supplemental Certificate of Service* (No. 2856), the February 12, 2013 *Notice That the Consultation Period Has Ended* was served on these Defendants at an additional address on March 26, 2013.)

5. Defendants WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0021 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 June 10, 2013 (No. 2885).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended, the right(s) of WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON to divert and use the public waters of the Zuni River Stream System, Sub-Area Ramah, should be as set forth below:

WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON
Subfile No. ZRB-5-0021

WELL

Map Label: 3B-5-W050

OSE File No: G 01500

Priority Date: 8/5/2004

Purpose of Use: 72-12-1 LIVESTOCK WATERING

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

S. 3 T. 10N R. 16W 1/4, 1/16, 1/64: NE SW NW

X (ft): 2,519,768 **Y (ft):** 1,503,206

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.224

WELL

Map Label: 3B-5-W057
OSE File No: G 01586
Priority Date: 6/30/1955
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK
Well Location: As shown on Hydrographic Survey Map 3B-5E
S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: SE SE SW
X (ft): 2,526,573 Y (ft): 1,504,622
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water (ac-ft per annum): 1.005

WELL

Map Label: 3B-5-W058
OSE File No: None
Priority Date: 1/1/1992
Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK
Well Location: As shown on Hydrographic Survey Map 3B-5E
S. 35 T. 11N R. 16W 1/4, 1/16, 1/64: SE SE SW
X (ft): 2,526,561 Y (ft): 1,504,658
New Mexico State Plane Coordinate System, West Zone, NAD 1983
Amount of Water (ac-ft per annum): 1.005

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0021 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: June 18, 2013

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

 (approved 6/17/2013)
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(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 18, 2013, 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:

WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON
2215 E. 4TH AVE.
APACHE JUNCTION, AZ 85219

WILLARD LAVAR CLAWSON & DORIS JEAN CLAWSON
PO BOX 116
RAMAH, NM 87321

 /s/
Bradley S. Bridgewater