

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 BB/WDS
	)	
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subfile No. ZRB-1-0108
	)	
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>HEATHER BETH VON SEGGERN</b>	<b>Subfile No. ZRB-1-0108</b>
-------------------------------------	-------------------------------

and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed waiver of service of summons of HEATHER BETH VON SEGGERN (Doc. No. 362).

2. HEATHER BETH VON SEGGERN was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0108, Defendant HEATHER BETH VON SEGGERN was subject to the Special Master's September 8, 2005 *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (Doc. No. 387) ("Procedural and Scheduling Order"), which established a deadline of January 10, 2006, for the submission of a Request for Consultation, return of a Consent Order, or the filing of a form Subfile Answer.

4. These deadlines for Subfile ZRB-1-0108 were extended by the Order Granting Motion to Extend Time for Filing of Answers in Subfiles Requiring New Service Packet Mailings (Doc. No. 444), which extended the deadline to file a subfile answer to March 27, 2006, and the deadline to submit a request for consultation to February 24, 2006.

5. Defendant HEATHER BETH VON SEGGERN failed to submit a request for consultation, file a subfile answer, or return a signed Consent Order for Subfile ZRB-1-0108 in accordance with the Procedural and Scheduling Order or other applicable scheduling orders.

6. Defendant HEATHER BETH VON SEGGERN is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0108 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 August 28, 2007 (Doc. No. 1233).

7. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended, the right(s) of HEATHER BETH VON

SEGGERN to divert and use the public waters of the Zuni River Stream System, Sub-Areas 4 and 8, should be as set forth below:

**HEATHER BETH VON SEGGERN**  
**Subfile No. ZRB-1-0108**

**WELL**

**Map Label:** 4B-3-W32

**OSE File No:** G 1569

**Priority Date:** 5/31/1991

**Purpose of Use:** DOMESTIC

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

**S. 29 T. 10N R. 13W 1/4, 1/16, 1/64:** NW NE NW

**X (ft):** 2,602,671 **Y (ft):** 1,482,787

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

**Amount of Water (ac-ft):** Historical beneficial use not to exceed 0.7 acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against HEATHER BETH VON SEGGERN, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0108 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended.

Dated: November 13, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

---

BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

          (approved 11/1/2007)  
EDWARD BAGLEY  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

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

