

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-1-0142
)	
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:

BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL	Subfile No. ZRB-1-0142
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by filed waiver of service of summons of BARBARA DENTZEL-CLEARY (Doc. No. 362), and CHRISTOPHER PAUL DENTZEL (Doc No. 362).

2. BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0142, Defendants BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL were 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 return of a Consent Order, or the filing of a form Subfile Answer.

4. These deadlines for Subfile ZRB-1-0142 were extended by the Order Granting Motion to Extend Consultation Period and Answer Date (Doc. No. 688), which extended the deadline to file a subfile answer to August 31, 2006, and the deadline to submit a request for consultation to June 30, 2006; and the Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers (Doc. No. 837), which established a deadline of sixty (60) days from the date of delivery of the service packet to sign and return the proposed Consent Order or return a Request for Consultation.

5. Defendants BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL failed to submit a request for consultation, file a subfile answer, or return a signed Consent Order for Subfile ZRB-1-0142 in accordance with the Procedural and Scheduling Order or other applicable scheduling orders.

6. Defendants BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0142 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 BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL to divert and use the public waters of the Zuni River Stream System, Sub-Areas 4 and 8, should be as set forth below:

CHRISTOPHER PAUL DENTZEL and BARBARA DENTZEL-CLEARY
Subfile No. ZRB-1-0142

STOCK POND

Map Label: 4A-3-SP06

Purpose of Use: LIVESTOCK

Priority date: 1/1/1947

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 14,085

Storage Impoundment Volume (ac-ft): 0.582

Pond Location: As shown on Hydrographic Survey Map 4A-3

S. 6 T. 10N R. 14W 1/4, 1/16, 1/64: NE SW NW

X(ft): 2,567,054 **Y(ft):** 1,502,786

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

Dam height (if greater than 9 ft):

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against BARBARA DENTZEL-CLEARY & CHRISTOPHER PAUL DENTZEL, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0142 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended.

Dated: December 19, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

 (approved 11/15/2007)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 19, 2007, 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:

I further certify that on December 19, 2007, a copy of the foregoing was served by first class mail on each of the parties set forth below.

Christopher Paul Dentzel & Barbara Dentzel-Cleary
535 Barker Pass Road
Santa Barbara, CA 93108

_____/s/_____
Bradley S. Bridgewater