

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-2-0028
	)	
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:

<b>WILLIAM L. BRUTON &amp; NEUSA BRUTON</b>	<b>Subfile No. ZRB-2-0028</b>
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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 WILLIAM L. BRUTON (Doc. No. 571) and NEUSA BRUTON (Doc. No. 570).

2. WILLIAM L. BRUTON & NEUSA BRUTON were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0028, Defendants WILLIAM L. BRUTON & NEUSA BRUTON were subject to the Special Master's December 14, 2005 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 9 and 10 of the Zuni River Stream System* (Doc. No. 436) ("Procedural and Scheduling Order"), which established a deadline of April 10, 2006, for the filing a a Subfile Answer, or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0028 were never extended.

5. Defendants WILLIAM L. BRUTON & NEUSA BRUTON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0028 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 December 13, 2007 (Doc. No. 1418).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended, the right(s) of WILLIAM L. BRUTON & NEUSA BRUTON to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

**WILLIAM L. BRUTON and NEUSA BRUTON**  
**Subfile No. ZRB-2-0028**

**STOCK POND**

**Map Label:** 10B-5-SP06

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 2.0

**Surface Area (sq.ft):** 6,361

**Storage Impoundment Volume (ac-ft):** 0.175

**Pond Location:** As shown on Hydrographic Survey Map 10B-5

**S. 13 T. 05N R. 18W 1/4, 1/16, 1/64:** SE NE SW

**X(ft):** 2,468,062 **Y(ft):** 1,332,267

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 10B-5-SP07

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 9,074

**Storage Impoundment Volume (ac-ft):** 0.375

**Pond Location:** As shown on Hydrographic Survey Map 10B-5

**S. 13 T. 05N R. 18W 1/4, 1/16, 1/64:** SE NE SW

**X(ft):** 2,467,981 **Y(ft):** 1,332,045

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 WILLIAM L. BRUTON & NEUSA BRUTON, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0028 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: January 7, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER

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COUNSEL FOR THE UNITED STATES

\_\_\_\_\_ (approved via email 1/4/2008)

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 7, 2008, 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 January 7, 2008, a copy of the foregoing was served by first class mail on each of the parties set forth below.

William L. Bruton & Neusa Bruton  
6852 Aviano Drive  
Camarillo, CA 93010

\_\_\_\_\_/s/\_\_\_\_\_  
Bradley S. Bridgewater