

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-2-0093
)	
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:

DANIEL A. WHITE	Subfile No. ZRB-2-0093
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the voluntary appearance of DANIEL A. WHITE (Doc. No. 248).

2. DANIEL A. WHITE was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0093, Defendant DANIEL A. WHITE was 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 return of a signed Consent Order, or the filing a Subfile Answer.

4. These deadlines for Subfile ZRB-2-0093 were never extended.

5. Defendant DANIEL A. WHITE is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0093 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 DANIEL A. WHITE to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

DANIEL A. WHITE
Subfile No. ZRB-2-0093

WELL

Map Label: 10C-4-W02

OSE File No: G 1184

Priority Date: 1/28/2001

Purpose of Use: 72-12-1.1 Domestic

Well Location: As shown on Hydrographic Survey Map 10C-4

S. 22 T. 06N R. 17W 1/4, 1/16, 1/64: SW SE NE

X (ft): 2,487,298 **Y (ft):** 1,357,328

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

WELL

Map Label: 10C-4-W03

OSE File No: G 1931

Priority Date: 1/17/2003

Purpose of Use: 72-12-1.1 Domestic & Livestock

Well Location: As shown on Hydrographic Survey Map 10C-4

S. 22 T. 06N R. 17W 1/4, 1/16, 1/64: SE NE SW

X (ft): 2,489,176 **Y (ft):** 1,358,344

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

Amount of Water (ac-ft): Historical beneficial use not to exceed 1.014 acre-feet
per annum

WELL

Map Label: 10C-4-W04

OSE File No: G 1930

Priority Date: 12/31/1991

Purpose of Use: Livestock

Well Location: As shown on Hydrographic Survey Map 10C-4

S. 22 T. 06N R. 17W 1/4, 1/16, 1/64: SE NE SW

X (ft): 2,489,577 **Y (ft):** 1,358,490

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

Amount of Water (ac-ft): 0.314

WELL

Map Label: 10C-4-W05

OSE File No: G 1932

Priority Date: 12/31/1960

Purpose of Use: Livestock

Well Location: As shown on Hydrographic Survey Map 10C-4

S. 22 T. 06N R. 17W 1/4, 1/16, 1/64: SE NE SW

X (ft): 2,489,603 **Y (ft):** 1,358,521

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

Amount of Water (ac-ft): 0.314

STOCK POND

Map Label: 10C-4-SP01

Purpose of Use: Livestock

Priority Date: 12/31/1950

Source of Water: Well

Point of Diversion: Fills from well 10C-4-W04 (Location X(ft): 2,489,576;
Y(ft): 1,358,490)

Amount of Water:

Depth (ft): 1.5

Surface Area (sq.ft): 8,206

Storage Impoundment Volume (ac-ft): 0.170

Pond Location: As shown on Hydrographic Survey Map 10C-4

S. 22 T. 06N R. 17W 1/4, 1/16, 1/64: SE NE SW

X(ft): 2,489,546 **Y(ft):** 1,358,251

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 DANIEL A. WHITE, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0093 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: January 17, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

