

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,

v.

A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB/WDS

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-2-0028

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

January 7, 2008 *Motion for Default Judgment*, Document No.1437

The Court, being fully advised, finds that the Plaintiffs’ motion is well-taken and should be GRANTED. Upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each defendant named below has been legally served with process or has waived service of summons.
3. Each defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subareas 9 10 (October 2005, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

WILLIAM L. BRUTON & 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):

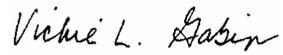
WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree

IT IS FURTHER ORDERED that each defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.

Handwritten signature of Bruce D. Black in black ink, followed by a horizontal line.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

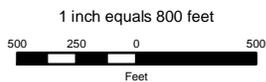
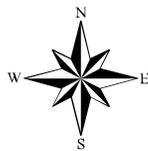
Handwritten signature of Vickie L. Gabin in black ink, followed by a horizontal line.

VICKIE L. GABIN
SPECIAL MASTER



LEGEND

-  Well
-  Town
-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



Zuni River Basin
Hydrographic Survey

Sub-Area 10
Subfile Number: ZRB-2-0028
PLSS: S13, T05N, R18W
Sheet 1 of 1

October 2005



Natural Resources Consulting Engineers, Inc.

Fort Collins, CO Oakland, CA Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.