

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-2-0010
)	
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:

DEBRA LEE OLIVER	Subfile No. ZRB-2-0010
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by filed waiver of service of summons of DEBRA LEE OLIVER (Doc. No. 848).

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

3. With respect to Subfile ZRB-2-0010, Defendant DEBRA LEE OLIVER 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 filing of a Subfile Answer, or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0010 were extended by the Order Granting Motion to Extend Consultation Period and Answer Date (Doc. No. 688), which extended the deadline to submit a request for consultation to June 30, 2006, and the deadline to file a Subfile Answer to August 31, 2006; and further extended by the Order Granting 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 extended the period in which to sign and return the proposed Consent Order or return a Request for Consultation to sixty (60) days from the delivery of the service packet.

5. Defendant DEBRA LEE OLIVER is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0010 within the time limitations imposed by the Federal Rules of Civil Procedure, 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 DEBRA LEE OLIVER to

divert and use the public waters of the Zuni River Stream System, Sub-areas 9 and 10, should be as set forth below:

DEBRA LEE OLIVER
Subfile No. ZRB-2-0010

WELL

Map Label: 10B-5-W07

OSE File No: G 1777

Priority Date: 12/31/1941

Purpose of Use: DOMESTIC & LIVESTOCK

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

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

X (ft): 2,468,644 **Y (ft):** 1,335,395

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

Amount of Water (ac-ft): Historical beneficial use not to exceed 0.790 acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against DEBRA LEE OLIVER, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0010 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: March 7, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

 (approved 3/7/08)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

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

Debra Lee Oliver
12610 Short Avenue
Los Angeles, CA 90066

 /s/
Bradley S. Bridgewater