

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-3-0012
)	
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:

ALICE MAXINE BOND	Subfile No. ZRB-3-0012
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed service of summons on ALICE MAXINE BOND (Doc. No. 1513).

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

3. With respect to Subfile ZRB-3-0012, Defendant ALICE MAXINE BOND was subject to the Special Master's March 7, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Area 7 of the Zuni River Stream System* (Doc. No. 561)("Procedural and Scheduling Order"), which established deadlines of June 12, 2006, for the submission of a Request for Consultation, and of August 12, 2006, for the return of a signed Consent Order, or filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0012 were never extended. In addition, the Defendant failed to waive service of a summons and, after being served, failed to serve and file an answer as required by the summons and Federal Rule of Civil Procedure 12(a)(1)(A)(i).

5. Defendant ALICE MAXINE BOND is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0012 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 March 3, 2008 (Doc. No. 1618).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended, the right(s) of ALICE MAXINE BOND to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

ALICE MAXINE BOND
Subfile No. ZRB-3-0012

STOCK POND

Map Label: 7B-1-SP02

Purpose of Use: Livestock

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 2,345

Storage Impoundment Volume (ac-ft): 0.129

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 1 T. 09N R. 16W 1/4, 1/16, 1/64: NW NE SW

X(ft): 2,529,095 **Y(ft):** 1,472,214

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-1-SP03

Purpose of Use: Livestock

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 139,902

Storage Impoundment Volume (ac-ft): 7.708

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 1 T. 09N R. 16W 1/4, 1/16, 1/64: NW NE S

X(ft): 2,529,348 **Y(ft):** 1,471,906

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-1-SP06

Purpose of Use: Livestock

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 97,090

Storage Impoundment Volume (ac-ft): 2.675

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 1 T. 09N R. 16W 1/4, 1/16, 1/64: NE NE NW

X(ft): 2,531,354 **Y(ft):** 1,472,341

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-1-SP18

Purpose of Use: Livestock

Priority Date: 1/1/1950

Source of Water: Well

Point of Diversion: Fills from well 7B-1-W01 (Location X(ft): 2,538,006; Y(ft):
1,472,675);

Amount of Water:

Depth (ft): 2.5

Surface Area (sq.ft): 4,448

Storage Impoundment Volume (ac-ft): 0.153

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 5 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,538,069 **Y(ft):** 1,472,628

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-1-SP26

Purpose of Use: Livestock

Priority Date: 1/1/1963

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 31,171

Storage Impoundment Volume (ac-ft): 0.859

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 5 T. 09N R. 15W 1/4, 1/16, 1/64: SW NE SW

X(ft): 2,539,872 **Y(ft):** 1,468,916

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-1-SP42

Purpose of Use: Livestock

Priority Date: 1/1/1950

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 16,240

Storage Impoundment Volume (ac-ft): 0.447

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 12 T. 09N R. 16W 1/4, 1/16, 1/64: NE NE NE

X(ft): 2,531,903 **Y(ft):** 1,467,132

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

Dam height (if greater than 9 ft):

WELL

Map Label: 7B-1-W01

OSE File No: G 1554

Priority Date: 12/31/1951

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7B-1

S. 5 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NW

X (ft): 2,538,006 **Y (ft):** 1,472,675

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

Amount of Water (ac-ft per annum): 0.336

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against ALICE MAXINE BOND, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0012 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: March 7, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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