

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-3-0013
	)	
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>EDGAR A. BOND &amp; GRACE BOND</b>	<b>Subfile No. ZRB-3-0013</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed service of summons on EDGAR A. BOND (Doc. No. 1483), and the voluntary appearance of GRACE BOND (Doc. No. 248).

2. EDGAR A. BOND & GRACE BOND were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0013, Defendants EDGAR A. BOND & GRACE BOND were 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-3-0013 were never extended. In addition, Defendant EDGAR A. BOND 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. Defendants EDGAR A. BOND & GRACE BOND are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0013 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 EDGAR A. BOND & GRACE BOND to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

**EDGAR A. BOND & GRACE BOND**

**Subfile No. ZRB-3-0013**

**STOCK POND**

**Map Label:** 7B-1-SP43

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1950

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 6.0

**Surface Area (sq.ft):** 16,637

**Storage Impoundment Volume (ac-ft):** 1.375

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

**S. 7 T. 09N R. 15W 1/4, 1/16, 1/64:** SE NW NE

**X(ft):** 2,536,293 **Y(ft):** 1,464,464

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

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

**STOCK POND**

**Map Label:** 7B-1-SP44

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1963

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 20,742

**Storage Impoundment Volume (ac-ft):** 1.143

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

**S. 8 T. 09N R. 15W 1/4, 1/16, 1/64:** NE NW NE

**X(ft):** 2,541,689 **Y(ft):** 1,467,492

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

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

**STOCK POND**

**Map Label:** 7B-2-SP18

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1950

**Source of Water:** Well

**Point of Diversion:** Fills from well 7B-2-W01 (Location X(ft): 2,536,802; Y(ft):  
1,461,750);

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 17,295

**Storage Impoundment Volume (ac-ft):** 0.953

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 18 T. 09N R. 15W 1/4, 1/16, 1/64:** NE NE SW

**X(ft):** 2,536,550 **Y(ft):** 1,461,589

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

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

**STOCK POND**

**Map Label:** 7B-2-SP23

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1978

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 25,733

**Storage Impoundment Volume (ac-ft):** 1.418

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 17 T. 09N R. 15W 1/4, 1/16, 1/64:** SE NE NE

**X(ft):** 2,542,809 **Y(ft):** 1,459,234

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

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

**STOCK POND**

**Map Label:** 7B-2-SP24

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1950

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 5.0

**Surface Area (sq.ft):** 5,126

**Storage Impoundment Volume (ac-ft):** 0.353

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 17 T. 09N R. 15W 1/4, 1/16, 1/64:** SE SW SW

**X(ft):** 2,540,580 **Y(ft):** 1,456,956

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

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

**STOCK POND**

**Map Label:** 7B-2-SP40

**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):** 41,194

**Storage Impoundment Volume (ac-ft):** 2.270

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 19 T. 09N R. 15W 1/4, 1/16, 1/64:** NE NW NE

**X(ft):** 2,536,372 **Y(ft):** 1,456,431

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

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

**STOCK POND**

**Map Label:** 7B-2-SP54

**Purpose of Use:** Livestock

**Priority Date:** 10/6/1997

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.0

**Surface Area (sq.ft):** 1,611

**Storage Impoundment Volume (ac-ft):** 0.022

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 30 T. 09N R. 15W 1/4, 1/16, 1/64:** NE SE SW

**X(ft):** 2,536,671 **Y(ft):** 1,449,603

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

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

**STOCK POND**

**Map Label:** 7B-2-SP55

**Purpose of Use:** Livestock

**Priority Date:** 10/6/1997

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.0

**Surface Area (sq.ft):** 2,011

**Storage Impoundment Volume (ac-ft):** 0.028

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 30 T. 09N R. 15W 1/4, 1/16, 1/64:** SE NE SW

**X(ft):** 2,536,967 **Y(ft):** 1,447,675

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

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

**STOCK POND**

**Map Label:** 7B-2-SP56

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1950

**Source of Water:** Well

**Point of Diversion:** Fills from well 7B-2-W03 (Location X(ft): 2,536,740; Y(ft):  
1,447,330);

**Amount of Water:**

**Depth (ft):** 2.0

**Surface Area (sq.ft):** 3,553

**Storage Impoundment Volume (ac-ft):** 0.098

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 30 T. 09N R. 15W 1/4, 1/16, 1/64:** SE SE NW

**X(ft):** 2,536,775 **Y(ft):** 1,447,278

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

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

**STOCK POND**

**Map Label:** 7B-2-SP71

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1950

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 5.0

**Surface Area (sq.ft):** 37,616

**Storage Impoundment Volume (ac-ft):** 2.591

**Pond Location:** As shown on Hydrographic Survey Map 7B-2

**S. 31 T. 09N R. 15W 1/4, 1/16, 1/64:** SW SW SE

**X(ft):** 2,533,873 **Y(ft):** 1,441,436

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

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

**WELL**

**Map Label:** 7B-2-W01

**OSE File No:** G 1571

**Priority Date:** 12/31/1951

**Purpose of Use:** LIVESTOCK

**Well Location:** As shown on Hydrographic Survey Map 7B-2

**S. 18 T. 09N R. 15W 1/4, 1/16, 1/64:** NE NE NW

**X (ft):** 2,536,802 **Y (ft):** 1,461,750

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

**Amount of Water (ac-ft per annum):** 1.098

**WELL**

**Map Label:** 7B-2-W03

**OSE File No:** G 1574

**Priority Date:** 12/31/1951

**Purpose of Use:** LIVESTOCK

**Well Location:** As shown on Hydrographic Survey Map 7B-2

**S. 30 T. 09N R. 15W 1/4, 1/16, 1/64:** SE SE NW

**X (ft):** 2,536,740 **Y (ft):** 1,447,330

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

**Amount of Water (ac-ft per annum):** 1.098

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against EDGAR A. BOND & GRACE BOND, incorporating the terms of the Consent

Order proposed for Subfile ZRB-3-0013 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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