

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-2-0088
)	
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:

SIERRA LAND GROUP, INC.	Subfile No. ZRB-2-0088
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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 proof of service of summons on SIERRA LAND GROUP, INC. (Doc. No. 1220).

2. SIERRA LAND GROUP, INC. was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0088, Defendant SIERRA LAND GROUP, INC. was subject to the Special Master's September 27, 2006 *Order Granting Joint 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) ("Procedural and Scheduling Order"), which established a deadline of December 24, 2007, for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0088 were never extended.

5. Defendant SIERRA LAND GROUP, INC. is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0088 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 March 3, 2008 (Doc. No. 1618).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended, the right(s) of SIERRA LAND GROUP, INC. to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

SIERRA LAND GROUP, INC.
Subfile No. ZRB-2-0088

WELL

Map Label: 10B-6-W02

OSE File No: None

Priority Date: 1/1/1950

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: SE NE SE

X (ft): 2,461,281 **Y (ft):** 1,310,039

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

Amount of Water (ac-ft per annum): 0.314

STOCK POND

Map Label: 10B-6-SP03

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): 17,113

Storage Impoundment Volume (ac-ft): 0.707

Pond Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: NW SE NE

X(ft): 2,458,644 **Y(ft):** 1,312,705

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-6-SP04

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 12,903

Storage Impoundment Volume (ac-ft): 0.178

Pond Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: NW SE SW

X(ft): 2,457,677 **Y(ft):** 1,311,642

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-6-SP05

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 24,059

Storage Impoundment Volume (ac-ft): 0.331

Pond Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: SW NW SE

X(ft): 2,457,631 **Y(ft):** 1,310,642

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-6-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): 3.0

Surface Area (sq.ft): 23,981

Storage Impoundment Volume (ac-ft): 0.991

Pond Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,457,581 **Y(ft):** 1,309,482

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-6-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): 2.0

Surface Area (sq.ft): 15,378

Storage Impoundment Volume (ac-ft): 0.424

Pond Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: SW SW SE

X(ft): 2,457,169 **Y(ft):** 1,308,863

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

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 10B-6-SP08

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): 18,702

Storage Impoundment Volume (ac-ft): 0.773

Pond Location: As shown on Hydrographic Survey Map 10B-6

S. 3 T. 04N R. 18W 1/4, 1/16, 1/64: SW SE SW

X(ft): 2,458,045 **Y(ft):** 1,308,857

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 SIERRA LAND GROUP, INC., incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0088 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: April 14, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

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(approved 4/11/2008)

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EX REL. STATE ENGINEER

