

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-2-0103
)	
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:

GLENN MCDORMAN & VIRGINIA MCDORMAN	Subfile No. ZRB-2-0103
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by filed waiver of service of summons of GLENN MCDORMAN (Doc. No. 586) and VIRGINIA MCDORMAN (Doc. No. 587).

2. GLENN MCDORMAN & VIRGINIA MCDORMAN were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0103, Defendants GLENN MCDORMAN & VIRGINIA MCDORMAN were 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 deadlines of March 10, 2006, for the submission of a Request for Consultation, and of April 10, 2006, for the return of a signed Consent Order, or filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-2-0103 were never extended.

5. Defendants GLENN MCDORMAN & VIRGINIA MCDORMAN are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0103 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 GLENN MCDORMAN & VIRGINIA MCDORMAN to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

GLENN MCDORMAN and VIRGINIA MCDORMAN
Subfile No. ZRB-2-0103

WELL

Map Label: 10A-5-W03

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: DOMESTIC

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

S. 10 T. 05N R. 18W 1/4, 1/16, 1/64: SW SE NE

X (ft): 2,455,844 **Y (ft):** 1,336,783

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

Amount of Water: Historical beneficial use not to exceed 0.7 acre-feet
per annum

STOCK POND

Map Label: 10A-5-SP05

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1972

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water (ac-ft):

Depth (ft): 3.0

Surface Area (sq.ft): 7,620

Storage Impoundment Volume (ac-ft): 0.315

Pond Location: As shown on Hydrographic Survey Map 10A-5

S. 10 T. 05N R. 18W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,454,714 **Y(ft):** 1,336,781

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 GLENN MCDORMAN & VIRGINIA MCDORMAN, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0103 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-areas 9 and 10*, as amended.

Dated: June 3, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
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COUNSEL FOR THE UNITED STATES

 (approved 6/3/2008)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on June 3, 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 June 3, 2008, a copy of the foregoing was served by first class mail on each of the parties set forth below.

Glenn McDorman & Virginia McDorman
P.O. Box 755
Fence Lake, NM 87315

_____/s/_____
Bradley S. Bridgewater