

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-3-0019
	)	
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:

<b>KATHERINE L. BROWN</b>	<b>Subfile No. ZRB-3-0019</b>
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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 KATHERINE L. BROWN (Doc. No. 1525).

2. KATHERINE L. BROWN was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0019, Defendant KATHERINE L. BROWN 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-3-0019 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 KATHERINE L. BROWN is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0019 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 June 18, 2008 (Doc.No. 1788).

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

**KATHERINE L. BROWN**  
**Subfile No. ZRB-3-0019**

**STOCK POND**

**Map Label:** 7C-1-SP30

**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):** 8,884

**Storage Impoundment Volume (ac-ft):** 0.245

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

**S. 12 T. 09N R. 15W 1/4, 1/16, 1/64:** NE SE SE

**X(ft):** 2,563,843 **Y(ft):** 1,465,203

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

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

**STOCK POND**

**Map Label:** 7C-1-SP31

**Purpose of Use:** Livestock

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

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.5

**Surface Area (sq.ft):** 1,017

**Storage Impoundment Volume (ac-ft):** 0.021

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

**S. 12 T. 09N R. 15W 1/4, 1/16, 1/64:** NE SE SE

**X(ft):** 2,564,169 **Y(ft):** 1,465,042

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

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

**WELL**

**Map Label:** 7C-1-W26

**OSE File No:** G 1311

**Priority Date:** 12/21/2001

**Purpose of Use:** 72-12-1.1 DOMESTIC

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

**S. 12 T. 09N R. 15W 1/4, 1/16, 1/64:** NE SE SE

**X (ft):** 2,563,818 **Y (ft):** 1,464,835

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

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 0.7

acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against KATHERINE L. BROWN, incorporating the terms of the Consent Order

proposed for Subfile ZRB-3-0019 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: July 3, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
U.S. Department of Justice  
1961 Stout Street - 8<sup>th</sup> Floor  
Denver, CO 80294  
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved 6/30/2008)  
EDWARD BAGLEY  
Office of the State Engineer, Legal Division  
P.O. Box 25102  
Santa Fe, NM 87504  
(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

