

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-2-0107
	)	
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>MATTIE OLDFIELD</b>	<b>Subfile No. ZRB-2-0107</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 service of summons on MATTIE OLDFIELD (Doc. No. 1885).

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

3. With respect to Subfile ZRB-2-0107, Defendant MATTIE OLDFIELD 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 November 3, 2007, for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0107 were never extended.

5. Defendant MATTIE OLDFIELD is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0107 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 October 8, 2008 (Doc. No. 1908).

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

**MATTIE OLDFIELD**  
**Subfile No. ZRB-2-0107**

**STOCK POND**

**Map Label:** 10C-5-SP32

**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):** 25,798

**Storage Impoundment Volume (ac-ft):** 1.777

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

**S. 23 T. 05N R. 17W 1/4, 1/16, 1/64:** NE NE NE

**X(ft):** 2,495,068 **Y(ft):** 1,329,614

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

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

**STOCK POND**

**Map Label:** 10C-5-SP33

**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):** 16,773

**Storage Impoundment Volume (ac-ft):** 0.924

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

**S. 23 T. 05N R. 17W 1/4, 1/16, 1/64: SW NW SE**

**X(ft): 2,491,076 Y(ft): 1,326,699**

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

**Dam height (if greater than 9 ft): 10.0**

**STOCK POND**

**Map Label: 10C-5-SP34**

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

**Purpose of Use: LIVESTOCK**

**Source of Water: Surface Runoff**

**Point of Diversion: Not Applicable**

**Amount of Water:**

**Depth (ft): 3.0**

**Surface Area (sq.ft): 17,664**

**Storage Impoundment Volume (ac-ft): 0.730**

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

**S. 23 T. 05N R. 17W 1/4, 1/16, 1/64: SW SW NE**

**X(ft): 2,491,038 Y(ft): 1,325,707**

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 MATTIE OLDFIELD, incorporating the terms of the Consent Order proposed

for Subfile ZRB-2-0107 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 9 and 10*, as amended.

Dated: October 17, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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(approved 10/17/2008)  
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EX REL. STATE ENGINEER

