

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-3-0182
)	
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:

MARSHALL ROBIN & SHERYL ROBIN	Subfile No. ZRB-3-0182
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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 MARSHALL ROBIN (Doc. No. 2000) and SHERYL ROBIN (Doc. No. 2000).

2. MARSHALL ROBIN & SHERYL ROBIN were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0182, Defendants MARSHALL ROBIN & SHERYL ROBIN were 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 October 17, 2008, for the return of a signed Consent Order or the filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0182 were never extended.

5. Defendants MARSHALL ROBIN & SHERYL ROBIN are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0182 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 17, 2008 (Doc. No. 2013).

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

MARSHALL ROBIN and SHERYL ROBIN
Subfile No. ZRB-3-0182

WELL

Map Label: 7A-8-W13

OSE File No: G 02677

Priority Date: 12/1/2007

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

Well Location: As shown on Hydrographic Survey Map 7A-8

S. 21 T. 5N R. 16W 1/4, 1/16, 1/64: NW NE SW

X (ft): 2,512,654 **Y (ft):** 1,328,792

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 MARSHALL ROBIN & SHERYL ROBIN, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0182 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: January 14, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

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(approved 1/8/2009)

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EX REL. STATE ENGINEER

