IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
and)
STATE OF NEW MEXICO, *ex rel*. STATE)
ENGINEER,)
)
        Plaintiffs,)
) No. 01cv00072 BB/WDS
and)
) ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,) ADJUDICATION
)
        Plaintiffs in Intervention,) Subfile No. ZRB-4-0304
)
    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:

SANDRA J. DUTCHER & STUART A. DUTCHER	Subfile No. ZRB-4-0304

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 SANDRA J. DUTCHER (Doc. No. 1885) and STUART A.

DUTCHER (Doc. No. 1885).

2.   SANDRA J. DUTCHER & STUART A. DUTCHER were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3.   With respect to Subfile ZRB-4-0304, Defendants SANDRA J. DUTCHER & STUART A. DUTCHER were subject to the Special Master's September 28, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 1, 2, and 3 (Excluding Ramah) of the Zuni River Stream System* (Doc. No. 838)("Procedural and Scheduling Order"), which established a deadline of January 17, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4.   These deadlines for Subfile ZRB-4-0304 were never extended.

5.   Defendants SANDRA J. DUTCHER & STUART A. DUTCHER are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0304 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 February 13, 2009 (Doc. No. 2121).

6.   In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended, the right(s) of SANDRA J. DUTCHER & STUART A. DUTCHER to divert and use the public waters of the Zuni River Stream System, Sub-Areas 1, 2 and 3 (excluding Ramah), should be as set forth below:

SANDRA J. DUTCHER and STUART A. DUTCHER
Subfile No. ZRB-4-0304

WELL

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Map Label: 3B-4-W139

OSE File No: G 2348

Priority Date: 5/31/2005

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

Well Location: As shown on Hydrographic Survey Map 3B-4

S. 13 **T.** 11N **R.** 16W   **1/4, 1/16, 1/64:** SE NE NW

X (ft): 2,532,378 **Y (ft):** 1,522,936

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 ac-ft per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against SANDRA J. DUTCHER & STUART A. DUTCHER, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0304 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah),* as amended.

Dated: March 2, 2009

Electronically Filed

/s/ Bradley S. Bridgewater
_____

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

COUNSEL FOR THE UNITED STATES

___(approved 2/27/2009)_
EDWARD BAGLEY
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P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 2, 2009, 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.

AND I FURTHER CERTIFY that a copy of the foregoing was mailed to the following parties who are not CM/ECF Participants:

Stuart A. Dutcher & Sandra J. Dutcher
10552 E. Waters Rd.
Hereford, AZ 85615

_____/s/_____
Bradley S. Bridgewater