

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-4-0446
	)	
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:

<b>ROBERT MCBRIDE &amp; DONNA MCBRIDE</b>	<b>Subfile No. ZRB-4-0446</b>
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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 ROBERT MCBRIDE (Doc. No. 1911) and DONNA MCBRIDE (Doc. No. 1911).

2. ROBERT MCBRIDE & DONNA MCBRIDE were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0446, Defendants ROBERT MCBRIDE & DONNA MCBRIDE 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 October 19, 2008 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-4-0446 were never extended.

5. Defendants ROBERT MCBRIDE & DONNA MCBRIDE are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0446 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 March 13, 2009 (Doc. No. 2194).

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 ROBERT MCBRIDE & DONNA MCBRIDE 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:

**ROBERT MCBRIDE and DONNA MCBRIDE**  
**Subfile No. ZRB-4-0446**

**WELL**

**Map Label:** 3B-4-W167

**OSE File No:** G 2602

**Priority Date:** 1/5/2007

**Purpose of Use:** 72-12-1 DOMESTIC AND LIVESTOCK WATERING

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

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

**X (ft):** 2,524,749 **Y (ft):** 1,530,660

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 ROBERT MCBRIDE & DONNA MCBRIDE, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0446 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 23, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved 3/23/2009)  
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COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 23, 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:

Robert McBride & Donna McBride  
21056 E. Excelisior Ave  
Queen City, AZ 85242

                                /s/                                 
Bradley S. Bridgewater