

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-5-0020
)	
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:

TINA CLAWSON & WAYNE CLAWSON	Subfile No. ZRB-5-0020
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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 waiver of service of summons of TINA CLAWSON (Doc. No. 1126) and WAYNE CLAWSON (Doc. No. 1126).

2. TINA CLAWSON & WAYNE CLAWSON were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0020, Defendants TINA CLAWSON & WAYNE CLAWSON were subject to the Special Master's January 11, 2007 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims* (Doc. No. 954) ("Procedural and Scheduling Order"), which established a deadline of June 12, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-5-0020 were never extended.

5. Defendants TINA CLAWSON & WAYNE CLAWSON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0020 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: Sub-area Ramah*, as amended, the right(s) of TINA CLAWSON & WAYNE CLAWSON to divert and use the public waters of the Zuni River Stream System, Sub-Area Ramah, should be as set forth below:

TINA CLAWSON and WAYNE CLAWSON
Subfile No. ZRB-5-0020

POND

Map Label: 3B-5-SP057

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1971

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 3.0

Surface Area (sq.ft): 17,191

Storage Impoundment Volume (ac-ft): 0.710

Pond Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: SE NW SE

X(ft): 2,520,624 **Y(ft):** 1,506,414

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-5-W097

OSE File No: G 1609

Priority Date: 12/31/1988

Purpose of Use: NON 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: SE NW NE

X (ft): 2,520,594 **Y (ft):** 1,506,842

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

WELL

Map Label: 3B-5-W101

OSE File No: G 1608

Priority Date: 12/31/1978

Purpose of Use: NON 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 3B-5C

S. 34 T. 11N R. 16W 1/4, 1/16, 1/64: SE SW NW

X (ft): 2,520,208 **Y (ft):** 1,505,825

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 TINA CLAWSON & WAYNE CLAWSON, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0020 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: March 24, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

