

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-5-0066
)	
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:

DEWARD LANCE BOND	Subfile No. ZRB-5-0066
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and as grounds therefore Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed proof of service of summons on DEWARD LANCE BOND (Doc. No. 2306).

2. DEWARD LANCE BOND was provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0066, Defendant DEWARD LANCE BOND was 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 13, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-5-0066 were never extended.

5. Defendant DEWARD LANCE BOND is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0066 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 August 13, 2009 (Doc. No. 2396).

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

DEWARD LANCE BOND
Subfile No. ZRB-5-0066

WELL

Map Label: 3B-5-W111

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: NON 72-12-1 DOMESTIC

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

S. 2 T. 10N R. 16W 1/4, 1/16, 1/64: NE NW NW

X (ft): 2,525,237 **Y (ft):** 1,504,396

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

Amount of Water (ac-ft): 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 DEWARD LANCE BOND, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0066 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: August 31, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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(approved 8/19/2009)

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EX REL. STATE ENGINEER

