

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-1-0007
)	
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:

KATHERINE L. BELFORD, aka KATHERINE L. CLARK	Subfile No. ZRB-1-0007
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed proof of service of summons on KATHERINE L. BELFORD, aka KATHERINE L. CLARK (Doc. No. 2010).

2. KATHERINE L. BELFORD, aka KATHERINE L. CLARK was provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0007, Defendant KATHERINE L. BELFORD, aka KATHERINE L. CLARK was subject to the Special Master's September 8, 2005 *Amended Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Areas 4 and 8 of the Zuni River Stream System* (Doc. No. 387) ("Procedural and Scheduling Order"), which established a deadline of January 10, 2006 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-1-0007 were never extended.

5. Defendant KATHERINE L. BELFORD, aka KATHERINE L. CLARK is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0007 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 February 5, 2009 (Doc. No. 2097).

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 KATHERINE L. BELFORD, aka KATHERINE L. CLARK 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:

KATHERINE L. BELFORD, aka KATHERINE L. CLARK
Subfile No. ZRB-1-0007

WELL

Map Label: 8A-1-W09

OSE File No: G 01833

Priority Date: 12/31/1992

Purpose of Use: NON 72-12-1 DOMESTIC

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 8 T. 09N R. 14W 1/4, 1/16, 1/64: NE NW NW

X (ft): 2,572,832 **Y (ft):** 1,466,842

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

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 1.4 acre-feet per annum;

WELL

Map Label: 8A-1-W15

OSE File No: G 02357

Priority Date: 6/9/2005

Purpose of Use: NO RIGHT

Well Location: As shown on Hydrographic Survey Map 8A-1

S. 8 T. 09N R. 14W 1/4, 1/16, 1/64: NE NW NW

X (ft): 2,572,533 **Y (ft):** 1,466,562

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

Amount of Water (ac-ft per annum): 0.0

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against KATHERINE L. BELFORD, aka KATHERINE L. CLARK, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0007 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended.

Dated: February 4, 2010

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER
U.S. Department of Justice
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COUNSEL FOR THE UNITED STATES

 (approved 2/4/2010)
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COUNSEL FOR THE STATE OF NEW MEXICO
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 4, 2010, 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:

Katherine L. Belford, aka Katherine L. Clark
PO Box 893
Ramah, NM 87321

 /s/
Bradley S. Bridgewater