

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 MV/LFG
	)	
and	)	
	)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,	)	ADJUDICATION
	)	
Plaintiffs in Intervention,	)	Subfile No. ZRB-4-0004
	)	
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:

<b>SHARON M. ALLEN</b>	<b>Subfile No. ZRB-4-0004</b>
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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 for SHARON M. ALLEN (No. 1222).

2. SHARON M. ALLEN was provided the documents listed in the Declaration of Yvonne Marsh (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0004, Defendant SHARON M. ALLEN was 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* (No. 838) ("Procedural and Scheduling Order"), which established a deadline of January 12, 2007 for this Defendant to submit a Request for Consultation or return a signed Consent Order, and which required this Defendant to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of a *Notice That the Consultation Period Has Ended* for Subfile ZRB-4-0004.

4. These deadlines for Subfile ZRB-4-0004 were never extended. Defendant SHARON M. ALLEN failed to submit a timely Request for Consultation. In addition, this Defendant, after being served with a summons and complaint, failed to serve and file a responsive pleading within 21 days as required by Fed.R.Civ.P. 12(a)(1)(A)(i). However, the United States' Hydrographic Survey subsequently determined that a new well had been drilled on the property. That well was surveyed and, in May of 2010, Plaintiffs sent Defendant a revised Consent Order. Defendant again failed to respond. Lastly, this Defendant failed to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of the September 21, 2010 *Notice That the Consultation Period Has Ended* (Doc. No. 2604).

5. Defendant SHARON M. ALLEN is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0004 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 October 31, 2012 (No. 2812).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-areas 1, 2, and 3 (Excluding Ramah)*, as amended, the right(s) of SHARON M. ALLEN 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:

**SHARON M. ALLEN**  
**Subfile No. ZRB-4-0004**

**WELL**

**Map Label:** 3C-5-W043  
**OSE File No:** None  
**Priority Date:** 3/20/1991  
**Purpose of Use:** NO RIGHT  
**Well Location:** As shown on Hydrographic Survey Map 3C-5  
S. 29 T. 11N R. 15W 1/4, 1/16, 1/64: NE SW SE  
**X (ft):** 2,541,528 **Y (ft):** 1,513,005  
New Mexico State Plane Coordinate System, West Zone, NAD 1983  
**Amount of Water (ac-ft per annum):** 0.0

**WELL**

**Map Label:** 3C-5-W061  
**OSE File No:** G 02634  
**Priority Date:** 6/29/2007

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

**Well Location:** As shown on Hydrographic Survey Map 3C-6

**S. 29 T. 11N R. 15W 1/4, 1/16, 1/64:** NW SW NE

**X (ft):** 2,542,144 **Y (ft):** 1,512,029

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

**Amount of Water:** 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 SHARON M. ALLEN, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0004 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-areas 1, 2, and 3 (Excluding Ramah)*, as amended.

Dated: November 16, 2012

Electronically Filed

/s/ Bradley S. Bridgewater

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COUNSEL FOR THE UNITED STATES

(approved 11/15/2012)

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(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO

EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 16, 2012, 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:

SHARON M. ALLEN  
P.O. BOX 894  
RAMAH, NM 87321

                /s/                  
Bradley S. Bridgewater