

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,	)	
	)	No. 01cv00072 MV/WPL
Plaintiffs,	)	
	)	ZUNI RIVER BASIN
v.	)	ADJUDICATION
	)	
A & R PRODUCTIONS, et al.	)	Subfile No. ZRB-5-0001
	)	
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>AUDREY MORANO</b>	<b>Subfile No. ZRB-5-0001</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 on AUDREY MORANO (No. 2156).
2. AUDREY MORANO was provided the documents listed in the Declaration of Karmen Miller (Exhibit 1) on the dates indicated.
3. With respect to Subfile ZRB-5-0001, Defendant AUDREY MORANO was subject to the Special Master’s January 11, 2007 *Procedural and Scheduling Order for the*

*Adjudication of Water Rights Claims* (No. 954) (“Procedural and Scheduling Order”), which established a deadline of November 10, 2008 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-5-0001.

4. These deadlines for Subfile ZRB-5-0001 were never extended. Defendant AUDREY MORANO submitted a timely Request for Consultation. However, following the conclusion of the consultation this Defendant failed to either sign and return the last-offered Consent Order or to file with the Court a Subfile Answer within 20 days of service of the August 28, 2015 *Notice That the Consultation Period Has Ended* (No. 3081).

5. Defendant AUDREY MORANO is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0001 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 November 16, 2015 (No. 3130).

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

**AUDREY MORANO**  
**Subfile No. ZRB-5-0001**

**WELL**

**Map Label:** 3B-5-W036

**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-5C

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

**X(ft):** 2,522,137 **Y(ft):** 1,506,247

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 AUDREY MORANO, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0001 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: November 23, 2015

Electronically Filed

/s/ Bradley S. Bridgewater

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Approved: 11/19/2015 \_\_\_\_\_

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