

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-3-0076
)	
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:

W. RAY HARTWIG & JOHANNA HARTWIG	Subfile No. ZRB-3-0076
---	-------------------------------

and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed waivers of service of summons of W. RAY HARTWIG and JOHANNA HARTWIG (Doc. No. 737).

2. W. RAY HARTWIG & JOHANNA HARTWIG were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0076, Defendants W. RAY HARTWIG & JOHANNA HARTWIG were subject to the Special Master's March 7, 2006 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims in Sub-Area 7 of the Zuni River Stream System* (Doc. No. 561) ("Procedural and Scheduling Order"), which established deadlines of June 12, 2006, for the submission of a Request for Consultation, and of August 12, 2006, for the return of a signed Consent Order, or filing of a Subfile Answer.

4. These deadlines for Subfile ZRB-3-0076 were never extended.

5. Defendants W. RAY HARTWIG & JOHANNA HARTWIG are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0076 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 3, 2008 (Doc. No. 1618).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended, the right(s) of W. RAY HARTWIG & JOHANNA HARTWIG to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

W. RAY HARTWIG & JOHANNA HARTWIG
Subfile No. ZRB-3-0076

WELL

Map Label: 7C-1-W25

OSE File No: G 1840

Priority Date: 8/30/1987

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 7C-1

S. 12 T. 09N R. 15W 1/4, 1/16, 1/64: SW NE SW

X (ft): 2,560,433 **Y (ft):** 1,463,780

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

acre-feet per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against W. RAY HARTWIG & JOHANNA HARTWIG, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0076 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: March 31, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved 3/31/2008)

EDWARD BAGLEY

Office of the State Engineer, Legal Division

P.O. Box 25102

Santa Fe, NM 87504

(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO

EX REL. STATE ENGINEER

