

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-3-0065
	)	
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:

<b>JAMES GREEN TRUSTEE FOR TRIBAL TRUST &amp; DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST</b>	<b>Subfile No. ZRB-3-0065</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed Subfile Answer for Subfile ZRB-2-0047 submitted by JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST (Doc. No. 789).

2. JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-3-0065, Defendants JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST were subject to the Special Master's September 27, 2006 *Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers* (Doc. No. 837) ("Procedural and Scheduling Order"), which established a deadline of May 6, 2008, (60 days after delivery of the Subfile service packet) for the return of a signed Consent Order or the submission of a Request for Consultation.

4. These deadlines for Subfile ZRB-3-0065 were never extended.

5. Defendants JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-3-0065 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 June 18, 2008 (Doc.No. 1788).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended, the right(s) of JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST to divert and use the public waters of the Zuni River Stream System, Sub-Area 7, should be as set forth below:

**JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE  
FOR TRIBAL TRUST  
Subfile No. ZRB-3-0065**

**STOCK POND**

**Map Label:** 7A-7-SP16

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 5.0

**Surface Area (sq.ft):** 8,380

**Storage Impoundment Volume (ac-ft):** 0.577

**Pond Location:** As shown on Hydrographic Survey Map 7A-7

**S. 31 T. 06N R. 16W 1/4, 1/16, 1/64:** NE SE NW

**X(ft):** 2,505,455 **Y(ft):** 1,349,350

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 7A-7-SP63

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 8,230

**Storage Impoundment Volume (ac-ft):** 0.453

**Pond Location:** As shown on Hydrographic Survey Map 7A-7

**S. 8 T. 05N R. 16W 1/4, 1/16, 1/64:** NE NW NW

**X(ft):** 2,509,282 **Y(ft):** 1,340,262

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 7A-7-SP65

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 6.0

**Surface Area (sq.ft):** 13,971

**Storage Impoundment Volume (ac-ft):** 1.155

**Pond Location:** As shown on Hydrographic Survey Map 7A-7

**S. 8 T. 05N R. 16W 1/4, 1/16, 1/64:** NE SW SW

**X(ft):** 2,509,221 **Y(ft):** 1,337,980

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 7A-7-SP66

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Well

**Point of Diversion:** Fills from well 7A-7-W06 (Location X(ft): 2,510,855; Y(ft):  
1,337,934)

**Amount of Water:**

**Depth (ft):** 1.0

**Surface Area (sq.ft):** 1,347

**Storage Impoundment Volume (ac-ft):** 0.019

**Pond Location:** As shown on Hydrographic Survey Map 7A-7

**S. 8 T. 05N R. 16W 1/4, 1/16, 1/64:** SE NE NE

**X(ft):** 2,510,895 **Y(ft):** 1,337,927

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

**Dam height (if greater than 9 ft):**

**STOCK POND**

**Map Label:** 7A-7-SP68

**Purpose of Use:** Livestock

**Priority Date:** 1/1/1972

**Source of Water:** Well

**Point of Diversion:** Fills from well 7A-7-W07 (Location X(ft): 2,515,105; Y(ft):  
1,338,658)

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 8,685

**Storage Impoundment Volume (ac-ft):** 0.359

**Pond Location:** As shown on Hydrographic Survey Map 7A-7

**S. 9 T. 05N R. 16W 1/4, 1/16, 1/64:** NE SW NE

**X(ft):** 2,515,037 **Y(ft):** 1,338,754

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

**Dam height (if greater than 9 ft):**

**WELL**

**Map Label:** 7A-6-W01

**OSE File No:** None

**Priority Date:** 3/13/1994

**Purpose of Use:** LIVESTOCK

**Well Location:** As shown on Hydrographic Survey Map 7A-6

**S. 6 T. 06N R. 16W 1/4, 1/16, 1/64:** NW SE NE

**X (ft):** 2,503,099 **Y (ft):** 1,375,983

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

**Amount of Water (ac-ft per annum):** 0.336

**WELL**

**Map Label:** 7A-7-W06

**OSE File No:** None

**Priority Date:** 1/1/1972

**Purpose of Use:** LIVESTOCK

**Well Location:** As shown on Hydrographic Survey Map 7A-7

**S. 8 T. 05N R. 16W 1/4, 1/16, 1/64:** SE NE NE

**X (ft):** 2,510,855 **Y (ft):** 1,337,934

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

**Amount of Water (ac-ft per annum):** 0.336

**WELL**

**Map Label:** 7A-7-W07

**OSE File No:** None

**Priority Date:** 1/1/1972

**Purpose of Use:** LIVESTOCK

**Well Location:** As shown on Hydrographic Survey Map 7A-7

**S. 9 T. 05N R. 16W 1/4, 1/16, 1/64:** NE SW NE

**X (ft):** 2,515,105 **Y (ft):** 1,338,658

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

**Amount of Water (ac-ft per annum):** 0.336

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against JAMES GREEN TRUSTEE FOR TRIBAL TRUST & DEBORAH GREEN TRUSTEE FOR TRIBAL TRUST, incorporating the terms of the Consent Order proposed for Subfile ZRB-3-0065 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub-area 7*, as amended.

Dated: June 25, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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