

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-2-0099
)	
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:

DONALD BILL CANTRELL	Subfile No. ZRB-2-0099
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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 service of summons on DONALD BILL CANTRELL (Doc. No. 1905).

2. DONALD BILL CANTRELL was provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-2-0099, Defendant DONALD BILL CANTRELL was 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 April 10, 2006, for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-2-0099 were never extended.

5. Defendant DONALD BILL CANTRELL is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-2-0099 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 3, 2008 (Doc. No. 1938).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 9 and 10*, as amended, the right(s) of DONALD BILL CANTRELL to divert and use the public waters of the Zuni River Stream System, Sub-Areas 9 and 10, should be as set forth below:

DONALD BILL CANTRELL
Subfile No. ZRB-2-0099

WELL

Map Label: 10C-4-W06

OSE File No: None

Priority Date: 3/13/1994

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 10C-4

S. 27 T. 06N R. 17W 1/4, 1/16, 1/64: NW NE SW

X (ft): 2,486,416 **Y (ft):** 1,355,583

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

Amount of Water (ac-ft): 0.023

STOCK POND

Map Label: 10C-4-SP07

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): 9,377

Storage Impoundment Volume (ac-ft): 0.646

Pond Location: As shown on Hydrographic Survey Map 10C-4

S. 27 T. 06N R. 17W 1/4, 1/16, 1/64: NW NE SW

X(ft): 2,486,428 **Y(ft):** 1,355,745

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

Dam height (if greater than 9 ft):

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against DONALD BILL CANTRELL, incorporating the terms of the Consent Order proposed for Subfile ZRB-2-0099 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 9 and 10*, as amended.

Dated: November 12, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

