

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-4-0109
)	
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:

WILLIAM CROOKS	Subfile No. ZRB-4-0109
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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 waiver of service of summons of WILLIAM CROOKS (Doc. No. 362).

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

3. With respect to Subfile ZRB-4-0109, Defendant WILLIAM CROOKS 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* (Doc. No. 838) ("Procedural and Scheduling Order"), which established a deadline of January 13, 2007, for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-4-0109 were never extended.

5. Defendant WILLIAM CROOKS is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0109 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 18, 2008 (Doc. No. 1973).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended, the right(s) of WILLIAM CROOKS 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:

WILLIAM CROOKS
Subfile No. ZRB-4-0109

POND

Map Label: 3B-5-SP038

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1971

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 4.0

Surface Area (sq.ft): 18,437

Storage Impoundment Volume (ac-ft): 1.016

Pond Location: As shown on Hydrographic Survey Map 3B-5

S. 10 T. 10N R. 16W 1/4, 1/16, 1/64: SW SW SW

X(ft): 2,517,562 **Y(ft):** 1,494,640

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

Dam height (if greater than 9 ft):

WELL

Map Label: 3B-5-W045

OSE File No: G 1598

Priority Date: 12/15/1994

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

Well Location: As shown on Hydrographic Survey Map 3B-5

S. 10 T. 10N R. 16W 1/4, 1/16, 1/64: SE SW SW

X (ft): 2,520,090 **Y (ft):** 1,494,183

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

ac-ft per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against WILLIAM CROOKS, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0109 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended.

Dated: December 30, 2008

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

