

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-4-0136 |
|   | ) |                        |
| 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:

|                      |                               |
|----------------------|-------------------------------|
| <b>SUSAN GRIFFIN</b> | <b>Subfile No. ZRB-4-0136</b> |
|----------------------|-------------------------------|

and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendant as shown by the filed proof of delivery by certified mail of Motion to Substitute Party (Doc. No. 2002).

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

3. With respect to Subfile ZRB-4-0136, Defendant SUSAN GRIFFIN 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 sixty days from the delivery of a service packet for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-4-0136 were never extended.

5. Defendant SUSAN GRIFFIN is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0136 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 December 17, 2008 (Doc. No. 2013).

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 SUSAN GRIFFIN 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:

**SUSAN GRIFFIN**  
**Subfile No. ZRB-4-0136**

**WELL**

**Map Label:** 3B-4-W056

**OSE File No:** G 0950

**Priority Date:** 12/31/1998

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

**Well Location:** As shown on Hydrographic Survey Map 3B-4

**S. 24 T. 11N R. 16W 1/4, 1/16, 1/64:** NE NE SW

**X (ft):** 2,532,562 **Y (ft):** 1,519,314

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

**WELL**

**Map Label:** 3B-4-W058

**OSE File No:** G 0754

**Priority Date:** 10/31/1996

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

**Well Location:** As shown on Hydrographic Survey Map 3B-4

**S. 24 T. 11N R. 16W 1/4, 1/16, 1/64:** NE NE SW

**X (ft):** 2,532,481 **Y (ft):** 1,519,351

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

**WELL**

**Map Label:** 3B-4-W160

**OSE File No:** G 2458

**Priority Date:** 1/25/2006

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

**Well Location:** As shown on Hydrographic Survey Map 3B-4

**S. 24 T. 11N R. 16W 1/4, 1/16, 1/64:** NE NE SW

**X (ft):** 2,532,477 **Y (ft):** 1,519,361

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 SUSAN GRIFFIN, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0136 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah)*, as amended.

Dated: January 29, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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COUNSEL FOR THE UNITED STATES

(approved 1/28/2009)

EDWARD BAGLEY

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(505) 827-6150

COUNSEL FOR THE STATE OF NEW MEXICO  
EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on January 29, 2009, I filed the foregoing *Motion for Default Judgment* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that a copy of the foregoing was mailed to the following parties who are not CM/ECF Participants:

Susan Griffin  
HC 61, Box 838  
Ramah, NM 87321

        /s/          
Bradley S. Bridgewater