

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-5-0047
	)	
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>ALAN LEWIS &amp; ELIZABETH A. LEWIS</b>	<b>Subfile No. ZRB-5-0047</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 Entry of Appearance pertaining to ALAN LEWIS (Doc. No. 211) and the filed waiver of service of summons of ELIZABETH A. LEWIS (Doc. No. 362).

2. ALAN LEWIS & ELIZABETH A. LEWIS were provided the documents listed in the Declaration of Gary A. Durr (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0047, Defendants ALAN LEWIS & ELIZABETH A. LEWIS were subject to the Special Master's January 11, 2007 *Procedural and Scheduling Order for the Adjudication of Water Rights Claims* (Doc. No. 954) ("Procedural and Scheduling Order"), which established a deadline of June 11, 2007 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-5-0047 were never extended.

5. Defendants ALAN LEWIS & ELIZABETH A. LEWIS are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0047 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 April 3, 2009 (Doc. No. 2253).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended, the right(s) of ALAN LEWIS & ELIZABETH A. LEWIS to divert and use the public waters of the Zuni River Stream System, Sub-Area Ramah, should be as set forth below:

**ALAN LEWIS and ELIZABETH A. LEWIS**  
**Subfile No. ZRB-5-0047**

**WELL**

**Map Label:** 3B-5-W013

**OSE File No:** G 1801

**Priority Date:** 12/31/1984

**Purpose of Use:** NON 72-12-1 DOMESTIC

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

**S. 34 T. 11N R. 16W 1/4, 1/16, 1/64:** SE NE NW

**X (ft):** 2,521,423 **Y (ft):** 1,507,044

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 ALAN LEWIS & ELIZABETH A. LEWIS, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0047 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: April 9, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER  
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COUNSEL FOR THE UNITED STATES

(approved 4/6/2009)

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COUNSEL FOR THE STATE OF NEW MEXICO

EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 9, 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.

                /s/                  
Bradley S. Bridgewater