

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-4-0192
)	
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:

LINDA PATRICK HUGHES & DAVID MICHAEL RUNG	Subfile No. ZRB-4-0192
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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 waivers of service of summons by LINDA PATRICK HUGHES (Doc. No. 362) and DAVID MICHAEL RUNG (Doc. No. 362).

2. LINDA PATRICK HUGHES & DAVID MICHAEL RUNG were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0192, Defendants LINDA PATRICK HUGHES & DAVID MICHAEL RUNG were 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 March 23, 2008 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-4-0192 were never extended. Defendants LINDA PATRICK HUGHES & DAVID MICHAEL RUNG submitted a timely Request for Consultation. However, following the conclusion of the consultation these defendants failed to either accept the last-offered Consent Order or file and serve a Subfile Answer within 20 days of service of the March 3, 2008 *Notice That the Consultation Period Has Ended* (Doc. No. 1530).

5. Defendants LINDA PATRICK HUGHES & DAVID MICHAEL RUNG are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0192 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 23, 2009 (Doc. No. 2479).

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 LINDA

PATRICK HUGHES & DAVID MICHAEL RUNG 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:

LINDA PATRICK HUGHES & DAVID MICHAEL RUNG
Subfile No. ZRB-4-0192

WELL

Map Label: 3C-4-W020

OSE File No: G 1109

Priority Date: 4/26/2000

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

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

S. 17 T. 11N R. 15W 1/4, 1/16, 1/64: NE SW SW

X (ft): 2,541,193 Y (ft): 1,523,516

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 LINDA PATRICK HUGHES & DAVID MICHAEL RUNG, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0192 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 5, 2010

Electronically Filed

/s/ Bradley S. Bridgewater

BRADLEY S. BRIDGEWATER

U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294
(303) 844-1359

COUNSEL FOR THE UNITED STATES

(approved 1/4/2010)

EDWARD BAGLEY

Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

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

