IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs, No. 01cv00072 BB/WDS and ZUNI RIVER BASIN ZUNI INDIAN TRIBE, NAVAJO NATION, ADJUDICATION	UNITED STATES OF AMERICA and)	
Plaintiffs, No. 01cv00072 BB/WDS and ZUNI RIVER BASIN ADJUDICATION Plaintiffs in Intervention, v. A & R PRODUCTIONS, et al.	STATE OF NEW MEXICO, ex rel. STATE)	
and Description of the property of the proper	ENGINEER,)	
and Description: and Description: ZUNI RIVER BASIN ADJUDICATION ADJUDICATION Plaintiffs in Intervention, V. A & R PRODUCTIONS, et al. Description: A & R PRODUCTIONS, et al.	Plaintiffs,)	
ZUNI RIVER BASIN ADJUDICATION Plaintiffs in Intervention, v. A & R PRODUCTIONS, et al.)	No. 01cv00072 BB/WDS
ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, v. A & R PRODUCTIONS, et al.	and)	
Plaintiffs in Intervention, v. A & R PRODUCTIONS, et al.)	ZUNI RIVER BASIN
v.) A & R PRODUCTIONS, et al.)	ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
v.) A & R PRODUCTIONS, et al.))	
A & R PRODUCTIONS, et al.	Plaintiffs in Intervention,)	Subfile No. ZRB-4-0459
A & R PRODUCTIONS, et al.)	
)	V.)	
))	
Defendants.)	A & R PRODUCTIONS, et al.)	
Defendants.))	
)	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:

MAJELLA MANNING &	Subfile No. ZRB-4-0459
GERALD BACA	

and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed service of summons for MAJELLA MANNING (Doc. No. 2494) and GERALD BACA (Doc. No. 2494).

2. MAJELLA MANNING & GERALD BACA were provided the

documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-4-0459, Defendants MAJELLA MANNING

& GERALD BACA 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 September 28, 2009 for the submission of a Request for

Consultation or the return of a signed Consent Order.

These deadlines for Subfile ZRB-4-0459 were never extended. 4.

5. Defendants MAJELLA MANNING & GERALD BACA are in default for

failure to appear, answer, or otherwise defend in Subfile ZRB-4-0459 within the time limitations

imposed by the Federal Rules of Civil Procedure, applicable Procedural and Scheduling Orders,

or Orders of the Court extending deadlines, as shown by the Clerk's Certificate of Default filed

January 19, 2010 (Doc. No. 2512).

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

MAJELLA MANNING & GERALD BACA 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:

MAJELLA MANNING AND GERALD BACA Subfile No. ZRB-4-0459

WELL

Map Label: 3B-3-W036

OSE File No: G 02465

Priority Date: 2/9/2006

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

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

S. 28 **T.** 12N **R.** 16W **1/4, 1/16, 1/64:** NW NE NE

X (**ft**): 2,514,409 **Y** (**ft**): 1,546,018

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 acrefeet per annum;

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against MAJELLA MANNING & GERALD BACA, incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0459 and in conformance with the Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 1, 2 and 3 (excluding Ramah), as amended.

Dated: February 4, 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 2/4/2010) 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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 4, 2010, 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:

Majella Manning and Gerald Baca HC 61, Box 864 Ramah, NM 87321

/s/ Bradley S. Bridgewater