

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 MV/LFG   |
|   | ) |                        |
| and                                       | ) |                        |
|   | ) | ZUNI RIVER BASIN       |
| ZUNI INDIAN TRIBE, NAVAJO NATION,         | ) | ADJUDICATION           |
|   | ) |                        |
| Plaintiffs in Intervention,               | ) | Subfile No. ZRB-5-0019 |
|   | ) |                        |
| 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>OLIN CLAWSON &amp; JACKI<br/>CLAWSON</b> | <b>Subfile No. ZRB-5-0019</b> |
|---|-------------------------------|

and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named Defendants as shown by the filed proof of service of summons on OLIN CLAWSON (No. 1226) and filed proof of service of summons on JACKI CLAWSON (No. 1226).

2. OLIN CLAWSON & JACKI CLAWSON were provided the documents listed in the Declaration of Yvonne M. Marsh (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-5-0019, Defendants OLIN CLAWSON & JACKI CLAWSON 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 19, 2007 for these Defendants to submit a Request for Consultation or return a signed Consent Order, and which required these Defendants to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of a *Notice That the Consultation Period Has Ended* for Subfile ZRB-5-0019.

4. These deadlines for Subfile ZRB-5-0019 were never extended. Defendants OLIN CLAWSON & JACKI CLAWSON submitted a late Request for Consultation. However, following the conclusion of the consultation these Defendants failed to either sign and return the last-offered Consent Order or to file and serve a Subfile Answer within 20 days of service of the October 22, 2012 *Notice That the Consultation Period Has Ended* (Doc. No. 2809). In addition, each of these Defendants, after being served with a summons and complaint, failed to serve and file a responsive pleading within 21 days as required by Fed.R.Civ.P. 12(a)(1)(A)(i).

5. Defendants OLIN CLAWSON & JACKI CLAWSON are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-5-0019 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 March 1, 2013 (No. 2851).

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

**OLIN CLAWSON & JACKI CLAWSON**  
**Subfile No. ZRB-5-0019**

**POND**

**Map Label:** 3B-5-SP043  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 1/1/1961  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 10.0  
**Surface Area (sq.ft):** 10,798  
**Storage Impoundment Volume (ac-ft):** 1.487

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

**S. 35 T. 11N R. 16W 1/4, 1/16, 1/64:** NE SW NE

**X(ft):** 2,526,314 **Y(ft):** 1,508,033

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

**Dam height (if greater than 9 ft):**

**POND**

**Map Label:** 3B-5-SP061  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 1/1/1961  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 8.0

**Surface Area (sq.ft):** 8,366

**Storage Impoundment Volume (ac-ft):** 0.922

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

**S. 35 T. 11N R. 16W 1/4, 1/16, 1/64:** NE SE NW

**X(ft):** 2,526,650 **Y(ft):** 1,508,395

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

**Dam height (if greater than 9 ft):**

**POND**

**Map Label:** 3B-5-SP062  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 1/1/1961  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 4.0

**Surface Area (sq.ft):** 1,330

**Storage Impoundment Volume (ac-ft):** 0.073

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

**S. 35 T. 11N R. 16W 1/4, 1/16, 1/64:** NE SE NW

**X(ft):** 2,526,571 **Y(ft):** 1,508,404

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

**Dam height (if greater than 9 ft):**

**WELL**

**Map Label:** 3B-5-W061

**OSE File No:** G 01424

**Priority Date:** 6/9/2004

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

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

**S. 35 T. 11N R. 16W 1/4, 1/16, 1/64:** NE SE NW

**X (ft):** 2,526,415 **Y (ft):** 1,507,959

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

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 3.0

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against OLIN CLAWSON & JACKI CLAWSON, incorporating the terms of the Consent Order proposed for Subfile ZRB-5-0019 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-area Ramah*, as amended.

Dated: March 11, 2013

Electronically Filed

/s/ Bradley S. Bridgewater

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BRADLEY S. BRIDGEWATER

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COUNSEL FOR THE UNITED STATES

(approved 3/11/2013)

EDWARD BAGLEY

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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 March 11, 2013, 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:

OLIN CLAWSON & JACKI CLAWSON  
P.O. BOX 381  
RAMAH, NM 87321

/s/  
Bradley S. Bridgewater