

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,	)	
	)	No. 01cv00072 MV/WPL
Plaintiffs,	)	
	)	ZUNI RIVER BASIN
v.	)	ADJUDICATION
	)	
A & R PRODUCTIONS, et al.	)	Subfile No. ZRB-4-0110
	)	
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>CROSSFIRE CATTLE CO.</b>	<b>Subfile No. ZRB-4-0110</b>
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and as grounds therefor Plaintiffs state:

1. The Court has jurisdiction over the above-named Defendant as shown by the voluntary appearance of CROSSFIRE CATTLE CO. (No. 248).
2. CROSSFIRE CATTLE CO. was provided the documents listed in the Declaration of Karmen Miller (Exhibit 1) on the dates indicated.
3. With respect to Subfile ZRB-4-0110, Defendant CROSSFIRE CATTLE CO. 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* (No. 838) (“Procedural and Scheduling Order”), which established a deadline of January 15, 2007 for this Defendant to submit a Request for Consultation or return a signed Consent Order, and which required this Defendant 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-4-0110.

4. These deadlines for Subfile ZRB-4-0110 were never extended. Defendant CROSSFIRE CATTLE CO. submitted a timely Request for Consultation. However, following the conclusion of the consultation this Defendant failed to either sign and return the last-offered Consent Order or to file with the Court a Subfile Answer within 20 days of service of the August 28, 2015 *Notice That the Consultation Period Has Ended* (No. 3079).

5. Defendant CROSSFIRE CATTLE CO. is in default for failure to appear, answer, or otherwise defend in Subfile ZRB-4-0110 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 16, 2015 (No. 3130).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-areas 1, 2, and 3 (Excluding Ramah)*, as amended, the right(s) of CROSSFIRE CATTLE CO. 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:

**CROSSFIRE CATTLE CO.**  
**Subfile No. ZRB-4-0110**

**STOCK POND**

**Map Label:** 3C-3-SP001  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 1/1/1972  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 3.0

**Surface Area (sq.ft):** 6,681

**Storage Impoundment Volume (ac-ft):** 0.276

**Pond Location:** As shown on Hydrographic Survey Map 3C-3

**S. 29 T. 12N R. 15W 1/4, 1/16, 1/64 SW NW SE**

**X(ft):** 2,538,786 **Y(ft):** 1,542,912

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

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

**STOCK POND**

**Map Label:** 3C-3-SP002  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 1/1/1972  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 6.0

**Surface Area (sq.ft):** 21,037

**Storage Impoundment Volume (ac-ft):** 1.739

**Pond Location:** As shown on Hydrographic Survey Map 3C-3

**S. 29 T. 12N R. 15W 1/4, 1/16, 1/64 SW SW NW**

**X(ft):** 2,538,482 **Y(ft):** 1,542,503

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

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

**STOCK POND**

**Map Label:** 3C-3-SP003

**Purpose of Use:** LIVESTOCK

**Priority Date:** 1/1/1997

**Source of Water:** Surface Runoff

**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 5.0

**Surface Area (sq.ft):** 15,910

**Storage Impoundment Volume (ac-ft):** 1.096

**Pond Location:** As shown on Hydrographic Survey Map 3C-3

**S. 29 T. 12N R. 15W 1/4, 1/16, 1/64 SW NW SW**

**X(ft):** 2,538,589 **Y(ft):** 1,542,862

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

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

**STOCK POND**

**Map Label:** 3C-3-SP006  
**Purpose of Use:** LIVESTOCK  
**Priority Date:** 1/1/1978  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 5.0

**Surface Area (sq.ft):** 134,214

**Storage Impoundment Volume (ac-ft):** 9.243

**Pond Location:** As shown on Hydrographic Survey Map 3C-3

**S. 29 T. 12N R. 15W 1/4, 1/16, 1/64 SW NE SE**

**X(ft):** 2,540,307 **Y(ft):** 1,543,266

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

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

**WELL**

**Map Label:** 3C-3-W002  
**OSE File No:** None  
**Priority Date:** 1/1/1970  
**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING  
**Well Location:** As shown on Hydrographic Survey Map 3C-3

**S. 29 T. 12N R. 15W 1/4, 1/16, 1/64 NW SE NW**

**X(ft):** 2,539,457      **Y(ft):** 1,545,138

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

**Amount of Water:** 0.090 ac-ft per annum

**WELL**

**Map Label:** 3C-3-W003

**OSE File No:** None

**Priority Date:** 1/1/1970

**Purpose of Use:** NON 72-12-1 LIVESTOCK WATERING

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

**S. 29 T. 12N R. 15W 1/4, 1/16, 1/64 NW SE NW**

**X(ft):** 2,539,488      **Y(ft):** 1,545,171

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

**Amount of Water:** 0.090 ac-ft per annum

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against CROSSFIRE CATTLE CO., incorporating the terms of the Consent Order proposed for Subfile ZRB-4-0110 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report: Sub-areas 1, 2, and 3 (Excluding Ramah)*, as amended.

Dated: November 23, 2015

Electronically Filed

/s/ Bradley S. Bridgewater

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Approved: 11/19/2015 \_\_\_\_\_

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