

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

STATE OF NEW MEXICO, <i>ex rel.</i>)	
State Engineer,)	
)	
Plaintiff,)	69cv07941-BB
)	
vs.)	RIO CHAMA STREAM SYSTEM
)	
ROMAN ARAGON, et al.,)	Section 3: Canjilon Creek
)	
Defendants.)	Subfile No. CHCJ-002-0048
_____)	

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, ex rel. State Engineer and moves the Court to vacate the Consent Order filed June 11, 2001 (Doc. 6254) in connection with defendant Jose Lorenzo Martinez and subfile CHCJ-002-0048 and as grounds therefore Plaintiff states as follows:

1. Jose Lorenzo Martinez signed and approved a Consent Order filed with the Court on June 11, 2001. Shortly thereafter he contacted the State concerning errors in the mapping of his property boundaries and irrigated acreage. After a field inspection of the property, the State prepared a corrected mapping of the irrigated acreage in this subfile, and the defendant signed and approved a new Consent Order.

2. The Consent Order filed June 11, 2001 (Doc. 6254) should be vacated in order to clear the record.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed June 11, 2001 (Doc. 6254) in connection with defendant Jose Lorenzo Martinez and subfile CHCJ-002-0048. Chama Stream System.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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Santa Fe, NM 8504-5102
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of August, 2008 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Jose Lorenzo Martinez
P.O. Box 532
Canjilon, NM 87515