

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

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 1, Chama Mainstream

Winfield Morten Ditch
Subfile Nos. 3.27 & 4.11

MOTION FOR ORDER CONFIRMING PRIORITY DATE

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to issue its Order confirming the priority date (1947) of the water rights in subfiles 3.27 and 4.11 (Winfield Morten Ditch) in the Chama Mainstream Section, and as grounds states the following:

1. On August 11, 2009, the Court ordered defendants associated with the water rights in subfiles 3.27 and 4.11 (Winfield Morten Ditch) to show cause why the Court should not confirm the priority date of 1947 for the water rights in those subfiles in the Chama Mainstream Section. *See Order to Show Cause* filed August 11, 2009 (Docket. No. 9489) Any objection to confirming the priority date of 1947 was due within 20 days of receipt of the notice.

2. No objection to confirming the priority date of 1947 as been filed, and the deadline for filing an objection has past.

WHEREFORE, the State of New Mexico requests that the Court enter its Order confirming the priority date (1947) of the water rights in subfiles 3.27 and 4.11 (Winfield Morten Ditch) in the Chama Mainstream Section.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of September, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

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