

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 3, Rio Nutrias

Subfile No. CHNU-001-0005

MOTION TO CORRECT CLERICAL ERROR

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed July 31, 2002 (Docket No. 6790) in connection with defendants LUCIA A. MONTOYA and ROBERT J. MONTOYA in subfile CHNU-001-0005, and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. In the description of the location of the irrigated acreage in subpart (A) of the Consent Order in this subfile, the amount of acreage located within the Tierra Amarilla Grant is incorrectly described. The total amount of irrigated acreage described in the Consent Order (32.6 acres) is correct.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the description of the location of the irrigated acreage described in the Consent Order filed July 31, 2002 (Docket No. 6790) to the following:

A. IRRIGATED LANDS (Surface Water Only):

Location and Amount of Irrigated Acreage:

<u>Section 02, Township 27N, Range 04E, N.M.P.M.</u>	
Pt. of Lot 1	8.9 acres
Within the Tierra Amarilla Grant	<u>23.7 acres</u>
Total	32.6 acres

Dated: March 16, 2010

Respectfully submitted,

/s/ Ed Newville
 EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of March 2010, 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:

via first class mail, postage prepaid addressed as follows:

Lucia A. Montoya
 Robert J. Montoya
 3007 Siringo Rd.
 Santa Fe, NM 87507

/s/ Ed Newville
 EDWARD G. NEWVILLE