

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.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-003-0003

MOTION TO AMEND DEFAULT ORDER

The Plaintiff State of New Mexico, *ex rel.* State Engineer moves the Court to amend the Order Granting Default Judgment entered in connection with defendant Estate of Maria Casias and Subfile CHTA-003-0003 on June 21, 2007 (Docket No. 8722) and as grounds Plaintiff states as follows:

1. On June 21, 2007, the Court granted the State's motion for default judgment in connection with defendant Estate of Maria Casias and Subfile CHTA-003-0003 and entered a default order that recognized irrigation water rights on 0.9 acres of land, as shown in the original hydrographic survey and associated mapping. The hydrographic survey division has substantially revised the mapping in this area after receiving survey plates showing surveyed tract boundaries, and after checking those boundaries and surveys in the field. As a result of these revisions, the boundaries of the irrigated lands mapped under subfile CHTA-003-0003 should be corrected, and the amount of irrigated acreage should be revised to 1.1 acres rather than 0.9 acres as described in the original hydrographic survey and in the default order entered on June 21, 2007.

2. A corrected map showing the location and amount of the irrigated acreage under

Subfile CHTA-003-0003 is attached hereto as Exhibit 1.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to amend the default order entered on June 21, 2007 in Subfile CHTA-003-0003, and revise the amount and location of irrigated acreage as shown in Exhibit 1 attached hereto.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 2010 I filed the foregoing electronically through the CM/ECF system which caused the parties 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:

Estate of Maria Casias
c/o Amarante Casias
P.O. Box 84
Tierra Amarilla, NM 87575

/s/ Ed Newville

EDWARD G. NEWVILLE