

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 7: Rio Brazos

Subfile No. CHRB-004-0032

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 December 12, 2003 (Docket No. 7354) in connection with defendant JACOB MARTINEZ in subfile CHBR-004-0032, 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. A small portion of the land mapped in subfile CHRB-004-0032, as shown on the amended subfile map attached to the Consent Order filed December 12, 2003, was also included in the mapping of irrigated land in subfile CHRB-004-0065 located to the west (Nelda Cordova). The duplication was an error, and the small amount of acreage involved is in fact owned by Nelda Cordova. The attached revised hydrographic survey map for subfile CHRB-004-0032 corrects this error. The change does not affect the amount of irrigated acreage described in the Consent Order filed December

12, 2003 (0.2 acres total).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order substituting the attached revised hydrographic survey map in subfile CHRB-004-0032 for the subfile map attached to the Consent Order filed December 12, 2003 (Docket No. 7354).

Dated: May 31, 2011

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of May, 2011, 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:

Jacob Martinez
P.O. Box 114
Tierra Amarilla, NM 87575

/s/ Ed Newville
EDWARD G. NEWVILLE