

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: Canjilon Creek

Subfile No. CHCJ-004-0049

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 January 25, 2002 (Docket No. 6507) in connection with defendant GOMISINDO VELASQUEZ in subfile CHCJ-004-0049, 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 Consent Order filed January 25, 2002 that adjudicated the water rights in subfile CHCJ-004-0049, the land in question was described as a “No Right” tract without irrigation water rights. This was an unintended obvious error, as shown by the map attached to the same subfile order. The map attached to the subfile order correctly mapped the boundaries of the lands described in the order in green, the designation used for irrigated lands having irrigation water rights.

3. The Court should enter it’s order that corrects the description of the water rights

appurtenant to the lands described in the Order filed January 25, 2002 in subfile CHCJ-004-0049. A proposed order granting this motion is attached hereto.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the description of the water rights in the Consent Order filed January 25, 2002 (Docket No. 6507) in subfile CHCJ-004-0049.

Dated: June 21, 2011

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of June, 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:

Estate of Gomisindo Velasquez
c/o Phil Velasquez
P.O. Box 483
Canjilon, NM 87515

/s/ Ed Newville
EDWARD G. NEWVILLE