

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/LFG

RIO CHAMA STREAM SYSTEM
Section 7: Village of Chama

Subfile No. CHCV-007-0002A

MOTION TO CORRECT CLERICAL ERROR

The plaintiff State of New Mexico, *ex rel.* State Engineer moves the Court to enter its order correcting a clerical error in the Consent Order filed on January 25, 2005 (Doc. No. 7718) in connection with defendant ALFRED UNSER in Subfile CHCV-007-0002A, 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. The subfile map dated October 28, 2004 attached to the Consent Order filed January 25, 2005 in Subfile CHCV-007-0002A contains a minor technical error that should be corrected. The map labels the 4.6 acre tract under header B, and the 1.2 acre tract under header A. The 4.6 acre tract should have been labeled under header A, and the 1.2 acre tract should have been labeled under header B, as described in the body of the Consent Order itself.

3. The attached revised subfile map for Subfile CHCV-007-0002A dated October 13,

2011 should be substituted for the map attached to the Consent Order filed on January 25, 2005.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order substituting the attached revised hydrographic survey map dated October 13, 2011 for the subfile map attached to the Consent Order filed on January 25, 2005 (Doc. No. 7718).

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 16th day of July 2012, 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:

Alfred Unser
7625 Central Avenue NW
Albuquerque, NM 87121

/s/ Ed Newville
EDWARD G. NEWVILLE