

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-MV/LFG

RIO CHAMA STREAM SYSTEM

Section 7, Village of Chama

Subfile No. CHCV-001-0001

**MOTION TO AMEND CONSENT ORDER DESCRIBING
THE WATER RIGHTS OF THE VILLAGE OF CHAMA
IN SUBFILE CHCV-001-0001**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend the Consent Order entered on October 23, 2003 (Doc. No. 7293) in Subfile CHCV-001-0001 describing the water rights of defendant Village of Chama and as grounds therefore plaintiff states:

1. The Consent Order entered on October 23, 2003 in Subfile CHCV-001-0001 that describes the water rights of the Village of Chama (“Village”) does not include a description of the amount of water or the priority of the Village’s water rights. These elements of the Village’s water rights were reserved for future determination. *See* Consent Order filed October 23, 2003, p. 2. The State has reviewed the information in the water rights files of the Office of the State Engineer with the staff of the Water Rights Division, and the State believes that the Village presently has the right to divert and use the following amounts of surface water with the listed priorities:

Priority and Amount of Water:

Amount of Water 248.86 acre-feet per annum diversion

Priority 144.28 acre-feet per annum consumptive use
November 11, 1931

Amount of Water 11.81 acre-feet per annum diversion
Priority 6.54 acre-feet per annum consumptive use
December 4, 1922

2. The Consent Order entered on October 23, 2003 should be amended to include the above described elements of the Village's water rights.

3. The Consent Ordered entered on October 23, 2003 incorrectly describes the purpose of use of the Village's water rights. The correct description of the purpose of use is "Municipal." The Consent Order entered on October 23, 2003 should be revised to correct this error.

4. The Village of Chama does not oppose the granting of this motion and in is agreement with the State's proposed revisions to the Consent Order entered on October 23, 2003.

WHEREFORE, the plaintiff State of New Mexico requests the Court to amend the Consent Order entered on October 23, 2003 in Subfile CHCV-001-0001 to include the description of the elements of the Village's water rights as described above, and to correct the description of the purpose of use of those rights.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of August 2012, 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 parties via first class mail addressed as stated.

/s/ Ed Newville
EDWARD G. NEWVILLE

Village of Chama
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