

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-001-0005

**MOTION TO REVISE CONSENT ORDER DESCRIBING
THE WATER RIGHTS OF THE CHAMA VALLEY INDEPENDENT
SCHOOL DISTRICT NO. 19 IN SUBFILE CHCV-001-0005**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to revise the Consent Order entered on April 4, 2007 (Doc. No. 8611) in Subfile CHCV-001-0005 describing the water rights of defendant Chama Valley School District No. 19 and as grounds therefore plaintiff states:

1. The Consent Order entered on April 4, 2007 in Subfile CHCV-001-0005 that describes the water rights of the Chama Valley School District No. 19 lists the ditch associated with those water rights as the “M-B Ditch – Rio Chama.” Although this section of the irrigation ditch carries water to both tracts irrigated by the Chama Town Ditch and the M-B Ditch, the better description of this section of the ditch is the Chama Town Ditch, which was enlarged in this section under a permit and license from the State Engineer (OSE 1974) in order to also irrigate tracts of land under the M-B Ditch.

2. The ditch associated with the water rights described in the Consent Order entered on April 4, 2007 in subfile CHCV-001-0005 should be revised as follows:

Point of Diversion:

Ditch: CHAMA TOWN DITCH

Location: X = 1,546,909 feet Y = 2,155,273 feet
New Mexico State Plane Coordinate system, Central Zone, NAD 1983

3. The subfile map attached hereto as Exhibit 1 should be substituted for the map attached to the Consent Order filed on April 4, 2007 in order to delete the reference to “M-B Ditch–Rio Chama.”

WHEREFORE, the plaintiff State of New Mexico requests the Court to amend and revise the Consent Order entered on entered on April 4, 2007 in Subfile CHCV-001-0005 to list the ditch associated with the water rights described in that order as the Chama Town Ditch, and to substitute the subfile map attached hereto for the map attached to the Consent Order filed on April 4, 2007.

Pursuant to the Court’s February 4, 2013 *Order* (Doc. 10891), the State requests the Clerk of the Court to mail copies of the approved Order requested in this Motion to the *pro se* parties listed below at the address listed.

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
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of May 2013, 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:

Chama Valley School District No. 19
P.O. Box 10
Tierra Amarilla, NM 87575

/s/ Ed Newville
EDWARD G. NEWVILLE