

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer, *et al.*,

Plaintiffs,

v.

ROMAN ARAGON, *et al.*,

Defendants.

No. 6:69-cv-07941-KWR-KK

RIO CHAMA STREAM SYSTEM

Section 3: Canjilon Creek

Subfile No.: CHCJ-003-0058

**ORDER CORRECTING DEFAULT JUDGMENT
FOR SUBFILE NO. CHCJ-003-0058**

THIS MATTER is before the Court on Plaintiff State of New Mexico, *ex rel.* State Engineer's ("State") Motion to Correct Error in Default Judgment for Subfile No. CHCJ-003-0058, Doc. 11650, filed July 7, 2023.

On December 5, 2007, the State moved the Court to enter default judgment against the Defendants associated with Subfile No. CHCJ-003-0058. *See* Doc. 9039. The Court granted the motion and entered default judgment incorporating the terms of the State's proposed consent order for this subfile. *See* Doc. 9110, filed February 13, 2008.

The State now moves the Court to correct the Order granting default judgment for Subfile No. CHCJ-003-0058 pursuant to Rule 60(a) of the Federal Rules of Civil Procedure stating:

2. The default judgment for this subfile incorrectly identifies El Llano Ditch as the point of diversion for the surface irrigation right in Header A.
3. The correct point of diversion for the surface irrigation right in Header A is Bordo Ditch.
4. Correcting the point of diversion for the water right does not affect the nature or extent of the water right.
5. The State attempted to contact the Defendants to determine if they oppose this motion but was unsuccessful.

Motion at 1-2; *see* Fed. R. Civ. P. 60(a) (“The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record”). No responses opposing the Motion have been filed.

IT IS ORDERED that:

- (i) Plaintiff State of New Mexico, *ex rel.* State Engineer’s (“State”) Motion to Correct Error in Default Judgment for Subfile No. CHCJ-003-0058, Doc. 11650, filed July 7, 2023, is **GRANTED**.
- (ii) The Court’s Order Granting Default Judgment, Doc. 9110, filed February 13, 2008, is corrected by changing the description of the point of diversion for Header A from El Llano Ditch to Bordo Ditch.
- (iii) The Clerk of Court shall mail a copy of this Order to the Defendants at the following address:

Abraham A. Chavez
Lena E. Chavez
815 ½ North Aztec Blvd.
Aztec, NM 87410

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE