

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

UNITED STATES OF AMERICA)	
and)	No. 01cv00072-MV-WPL
STATE OF NEW MEXICO, ex rel. STATE)	
ENGINEER,)	ZUNI RIVER BASIN
Plaintiffs,)	ADJUDICATION
v.)	
)	Subfile No. ZRB-4-0311
A & R PRODUCTIONS, et al.)	
Defendants.)	

UNOPPOSED MOTION TO VACATE ENTRY OF CONSENT ORDER

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Plaintiffs United States of America and State of New Mexico ex rel. (“Plaintiffs”) hereby respectfully request that the Court vacate its entry of the Consent Order (Doc. No. 3136) entered on November 20, 2015, in the above-referenced subfile proceeding, stating as grounds:

1. Over the course of this past summer, counsel for Plaintiffs reached agreement with Lorenzo Perez on the nature and extent of the water rights associated with the real property Mr. Perez owns in the Zuni River basin.

2. Plaintiffs and Lorenzo Perez subsequently executed a proposed Consent Order setting forth Mr. Perez’s right to use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, and the United States lodged the proposed Consent Order with the Court for approval.

3. The Court approved and entered the above-described Consent Order on November 20, 2015 (Doc. No. 3136).

4. Because of a clerical mistake, the Consent Order submitted to the Court by the Plaintiffs and approved by the Court does not accurately represent the nature and extent of the water rights associated with the real property Lorenzo Perez owns in the Zuni River basin as agreed to by Mr. Perez and the Plaintiffs. Attached hereto as Exhibit A is a copy of the correct Consent Order that the Plaintiffs, simultaneously with the filing of this motion, is lodging with the Court for its review and approval.

5. Pursuant to D.N.M.L.R.-Civ. 7.1, counsel for the United States provided a draft of this motion and the proposed order granting this motion to Lorenzo Perez. Undersigned counsel is authorized to represent that Mr. Perez consents to the relief sought herein.

WHEREFORE, Plaintiffs move the Court for an order vacating the Consent Order (Doc. No. 3136) approved and entered in this subfile proceeding on November 20, 2015, so that the Plaintiffs may resubmit for the Court's consideration a proposed Consent Order in the form attached hereto as Exhibit A, accurately setting forth Lorenzo Perez's right to use the public waters of the Zuni River stream system, Sub-areas 1, 2, and 3 excluding Ramah.

DATED: December 9, 2015.

Respectfully submitted,

Electronically Filed

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COUNSEL FOR THE STATE OF NEW MEXICO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 9, 2015, I filed the foregoing *Motion to Vacate Entry of Consent Order* electronically through the CM/ECF system, which caused CM/ECF Participants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

AND I FURTHER CERTIFY that on such date I served the foregoing, on the following non-CM/ECF Participants, by first class U.S. mail:

Lorenzo Perez
403 Calle Onate
Bernalillo, NM 87004-6125

/s/ Samuel D. Gollis
Samuel D. Gollis