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OCT 23 1997

FIFTH JUD	ICIAL	DISTRICT	COURT
COUNTY C	F CHA	AVES	
STATE OF	NEW	MEXICO	

BEE J. CLEM, CLERK

STATE OF NEW MEXICO ex rel.)
State Engineer and)
PECOS VALLEY ARTESIAN)
CONSERVANCY DISTRICT,)
) Nos. 20294 & 22600
Plaintiffs,) CONSOLIDATED
)
vs.)
)
L.T. LEWIS, et al.,) Carlsbad Basin Section
UNITED STATES OF AMERICA,) Carlsbad Irrigation District
)
Defendants.)

SECOND AMENDMENT AND REVISION TO OPINION RE THRESHOLD LEGAL ISSUE NO. 2 AND ORDER REQUESTING THAT COUNSEL SUBMIT ALTERNATE DATES FOR A PRETRIAL CONFERENCE

THIS MATTER comes on for consideration by the Court in connection with certain recommended corrections set forth in a letter dated October 17, 1997 from Fred H. Hennighausen, Esq., Stuart D. Shanor, Esq., and Eric Biggs, Esq., attorneys for Pecos Valley Artesian Conservancy District (PVACD), which should be made in the OPINION RE THRESHOLD LEGAL ISSUE NO. 2 served on September 19, 1997 and the Court being sufficiently advised;

IT IS THEREFORE ORDERED that:

- 1. In the citation to El Paso & R.I. Ry. Co. v. District Court of the Fifth Judicial District, page 4, the reference to the year of the case, (1981) is deleted and (1931) substituted therefor.
- 2. In the middle of line 18, page 4, (third line in the last incomplete

paragraph), the word "with" is inserted between the words "connection" and "the".

- The citation to Johnson v. Aztec Well Servicing Co., 117 N.M. 701, 875
 P.2d 1132 (App. 1994), page 18, is changed to 117 N.M. 697, at 700, 875
 P.2d 1128 (App. 1994).
- 4. The word "were" is inserted between the words "which" and "included" on page 19, line 11, (third line of the only full paragraph on the page).

No recommendations of counsel, other than PVACD's Comments on Court's Opinion re Threshold Legal Issue No. 2 and The United States' and the Carlsbad Irrigation District's Comments on the Court's Opinion re Threshold Legal Issue No. 2 and Request for Additional Time to Present Supplemental Evidentiary Materials, have been received.

The opinion requested that counsel submit "...recommendations to the Court concerning alternate dates for a pretrial conference (if deemed desirable) and an evidentiary hearing...". At page 31.

Counsel are requested to confer and comply with the Court's directive by submitting agreed upon alternate dates for a pretrial conference and an evidentiary hearing by November 17, 1997.

HARL D. BYRD

DISTRICT JUDGE PRO TEMPORE