



having reviewed and considered said motion, the STATE OF NEW MEXICO'S RESPONSE IN PARTIAL OPPOSITION TO THE UNITED STATES' MOTION TO AMEND FINAL ORDER RE: THRESHOLD LEGAL ISSUE NO. 2, served on December 19, 2000, the UNITED STATES' REPLY TO THE STATE OF NEW MEXICO'S RESPONSE IN PARTIAL OPPOSITION TO UNITED STATES' MOTION TO AMEND FINAL ORDER RE: THRESHOLD LEGAL ISSUE NO. 2 served on December 29, 2000, which was not submitted to the Court, and the UNITED STATES' REPLY TO THE STATE OF NEW MEXICO'S RESPONSE IN PARTIAL OPPOSITION TO UNITED STATES' MOTION TO AMEND FINAL ORDER RE: THRESHOLD LEGAL ISSUE NO. 2 which was served on January 2, 2001; it appearing to the Court that counsel for the United States has not complied with N.M.R. Civ. P. 1.007.1 B. and C. in connection with the submission of the United States' Motion to Amend; and the Court being otherwise sufficiently advised in the premise;

IT IS THEREFORE ORDERED that:

1. Paragraph four (4) of the Court's final order addressing Threshold Legal Issue No. 2 filed with the Clerk of the District Court on November 20, 2000 is deleted and the following substituted therefor:

4. The United States has elected to forego any interlocutory appeals addressing the matters set forth in this order.

Dated: 01-05-2001



HARL D. BYRD  
DISTRICT JUDGE *PRO TEMPORE*

CERTIFICATE OF MAILING

The undersigned does hereby certify that he caused to be mailed, postage prepaid, a copy of the forgoing order to counsel and repositories specified on attached Exhibit A on this 5th day of January, 2001.

A handwritten signature in black ink, appearing to read "Harl D. Byrd", written over a horizontal line.

Harl D. Byrd  
District Judge *Pro Tempore*

Lynn A Johnson Esq  
David W. Gehlert Esq  
U.S. Dept of Justice  
Environment & Natural Resources  
999 Eighteenth Street Suite 945  
Denver, Co 80202

Stephen L. Hernandez Esq  
Beverly Singleman Esq  
Hubert & Hernandez, P.A.  
P O Drawer 2857  
Las Cruces, NM 88004-2857

Ted Apodaca, Esq.  
Matthew McQueen, Esq.  
Pierre Levy, Esq.  
Heather L. Green, Esq.  
Special Assistant Attorney Generals  
P O Box 25102  
Santa Fe, NM 87504-5102

Fred Hennighausen Esq  
David M. Stevens Esq  
Hennighausen, Olsen & Stevens, L.L.P.  
PO Box 1415  
Roswell, NM 88202-1415

Eric Biggs Esq  
8 Jornada Loop  
Santa fe, NM 87505

Stuart D. Shanor Esq  
Hinkle Cox Eaton Coffield & Hensley  
PO Box 10  
Roswell, NM 88202

W.T. Martin Esq  
Law Office of W.T. Martin Jr., P.A.  
PO Box 2168  
Carlsbad, NM 88221-2168

Dick A. Blenden, Esq.  
208 W. Stevens  
Carlsbad, New Mexico 88220

Gregory M. Quinlan, Esq.  
Fettinger, Bloom & Quinlan, P.C.  
P O Drawer 600  
Alamogordo, New Mexico 88311-0600

John W. Utton Esq  
Susan C. Kery Esq  
Sheehan Sheehan & Stelzner  
PO Box 271  
Albuquerque, NM 87103

Stephen G. Hughes  
Christopher G. Schatzman  
Office of Commissioner of Public Lands  
PO Box 1148  
Santa Fe, NM 87504-1148

Chaves County Courthouse  
P O Box 1776  
Roswell NM 88201

DeBaca County Courthouse  
P O Box 910  
Ft Sumner NM 88119

Georgia Gomez, Clerk  
Guadalupe County Courthouse  
420 Parker, 2<sup>nd</sup> Floor  
Santa Rosa NM 88435

Harl D. Byrd

January 5, 2001

Ms. Trudy Hale  
Deputy Clerk  
Fifth Judicial District Court  
P O Box 1776  
Roswell, NM 88202-1776

**Re: State v. Lewis et al., Chaves County Cause No. 20294 and 22600  
Consolidated, Carlsbad Irrigation District, Carlsbad Basin Section -  
Order Granting, in Part, and Denying, in Part, the United States'  
Motion to Amend Final Order re THRESHOLD LEGAL ISSUE NO. 2**

Dear Ms. Hale:

Enclosed please find original of the above-captioned order for filing.

If counsel desire conformed copies of the order, they should make arrangements directly with you.

Counsel for the State are requested to serve copies of this Order upon all interested parties appearing *pro se* participating in this phase of these proceedings with the exception of counsel and repositories to whom the Court has mailed a copy as set forth in the Court's Certificate of Service and Exhibit A appended thereto.

Thank you for your cooperation and assistance.

Very truly yours,



Harl D. Byrd

HDB/jes

cc: All counsel and repositories listed on Exhibit A