

Carrizozo In Deep Sh To Fix Sewer Plant

To Avoid \$15,000 A Day Fines

by Doris Cherry

Town of Carrizozo, scrambling to make emergency repairs to the town sewer facility to avoid costly fines, has hired a new engineer to do a new design for the new waste water facility.

At a special meeting Monday, August 25 town trustees unanimously accepted the engineering services agreement with Bohannon-Huston, Inc. Firm vice-president Rob Richardson from the Las Cruces office was at the trustees meeting.

Bohannon-Huston, with offices in Las Cruces and Albuquerque, had the best

of five proposals submitted by firms in response to a request for proposals (rfp) for engineering services advertised by the town. Trustees had selected Bohannon-Huston at their regular meeting August 12 and instructed an agreement be drawn.

During the special meeting Monday town clerk Leann Weibrecht said

Bohannon-Huston rated the highest in experience.

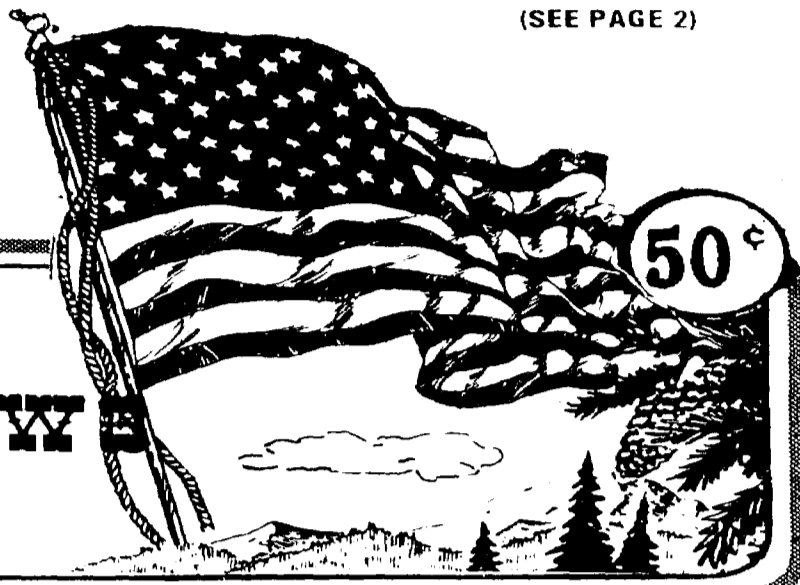
For seven percent of the \$2.4 million project, Bohannon-Huston will do the "design phase services" plus an additional \$30,000 plus for the preliminary engineering report and for various permitting processes. Weibrecht said even with the addendum,

Bohannon-Huston will cost less than what the town paid the previous engineering firm. Bohannon-Huston is the second

engineering firm to work on the town's waste water facility designs.

Weibrecht said Bohannon-Huston meets dead

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VOLUME # 98, NUMBER 35

THURSDAY, AUGUST 28, 2003

CARRIZOZO, NM 88301

Traditional Ranch Kitchen At C'zozo Heritage Museum

A traditional ranch kitchen from the 1930's era will be featured at the Carrizozo Heritage Museum starting Labor Day, September 1. The kitchen will be on display through the end of the year.

The start of the traditional ranch kitchen display on September 1 is in conjunction with the 10th annual Carrizozo Street Fair on Labor Day.

Also on display one day only, Labor Day, September 1, will be "What did the Kid Really Look Like?", a new theory on the Upham tintype, presented by Sandra Smith.

Museum hours are 10:00 a.m. to 2:00 p.m. Tuesday through Saturday.



Enjoy Your Labor Day!! Be Safe.

All American Festival Gun & Western Show In Ruidoso Aug. 30 & 31

The 13th annual All American Festival gun and western collectible show will be held at the Ruidoso convention Center Saturday, Aug. 30 and Sunday, Aug. 31 from 9: a.m. to 5:00 p.m. each day.

Events include the opportunity to buy, swap, sell, or just look at lots of guns and gun related items. There will also be Indian artifacts, knives, cowboy gear, saddles, spurs, western relics, crafts and food.

Proceeds from the event will benefit Lincoln County charities. Admission for adults is \$4, children under 12 free, when accompanied by an adult. No one under age 18 will be admitted without adult supervision.

For more information call toll free 1-877-877-9322.



Maj. Frank North

Who was the real hero at "The Battle of Summit Springs?"

(See Page 2)

Carrizozo Plans To Sell Golf Course

Cell Tower To Be Built In Center Of Town

by Doris Cherry

Very soon a 190 foot tower will be constructed on the north side of 13th Street in Carrizozo to better provide cell phone service. And also very soon, the Carrizozo Municipal Golf Course may have new owners.

Carrizozo town trustees at a special meeting Monday, August 25 accepted the town planning and zoning committee recommendation to give a conditional use variance to Zuni Investors, LLC of Albuquerque to construct the tower on the north side of 13th Street (gravel street next to the railroad) between 3rd and 4th Aves. The land is vacant and is zoned C-2 commercial.

In the Zuni Investors, LLC application for the variance, the company wrote that the reason for the request for variance for the tower is the town is in need of much improved cellular phone reception. The company stated that Verizon Wireless is willing to provide the cell phone service but a 190 foot pole is required from an engineering perspective to provide coverage to the town and surrounding areas/freeways.

Town P&Z member Pat Voss at the special meeting Monday said that a condition that P&Z placed

on granting the variance for the tower is that other companies can use it.

Town clerk Leann Weibrecht said she spoke with the company that will construct the tower and they have agreed to a "three user minimum" for the tower.

Zuni Investors, LLC is the owner of the tower and will lease use to Verizon. Weibrecht said in response to a question from THE NEWS.

When the request for variance for the tower went before P&Z at its

meeting in early August, the request was listed on the P&Z agenda under Zuni Investments, LLC. When it came before the town trustees for final approval at the special meeting Monday, the P&Z request was listed on the agenda as approval of "P&Z recommendation for Verizon Wireless to place a tower in Carrizozo."

Audience member Jerry Carroll asked if the town had talked with the county which is looking to

(SEE PAGE 4)

State Water Plan Group Meets In Roswell Sept. 10

A forum to gather public input on how New Mexico balances its future water with limited supplies will be held by the Interstate Stream Commission in Roswell on Wednesday, September 10. The meeting will be held from 7:00 p.m. to 9:00 p.m. at the Chavez County Administrative Building, #1 St. Mary's Place in Roswell.

Governor Bill Richardson has mandated that the comprehensive state water plan be completed by the end of December 2003. This meeting in Roswell will be the 28th meeting in a series of 29 public meetings to be held around the state.

This public forum will provide an opportunity for interested citizens to take an active role in discussions of water issues affecting the region, which could include topics such as water banking, drought contingency measures, strategies for conservation, shortage sharing, water rights, and other issues.

The nine member Interstate Stream Commission is responsible for apportioning water between New Mexico and neighboring states on streams that cross state borders. The commission has water planning responsibility for the state.

County Seeks AG Opinion

Can Indigent Funds Be Used To Pay Doctors?

by Doris Cherry

Lincoln County will ask a state legislator to request an opinion from the NM Attorney General about the intent of the new state wording on the Indigent Health Care Act.

Lincoln County Commissioners at their meeting August 19 authorized the county manager to ask NM Rep. Dub Williams to request the NM Attorney General to issue an opinion on the new wording in the state indigent health care act. The new wording in state law concerning the indigent care fund now requires such payments to be made to qualified medical providers in a "hospital setting."

Previously the state law allowed indigent care funds to be paid to medical providers outside a hospital setting. Lincoln County Commissioners had passed its ordinance with wording to allow indigent health care payments to medical providers in an outpatient setting and had started making payments.

This spring county attorney Alan Morel brought the issue about the new state indigent fund wording to the county commission. At that time he urged the commission to change its ordinance to comply with the new state law. In June, county commissioners defied the new state laws and did not change their ordinance to reflect the new wording. Also at that time the county treasurer advised she would not sign indigent health care payment checks to private doctors.

In July county commissioners authorized the county manager to write NM Senator Tim Jennings, D-Roswell, the original sponsor of the indigent care bill, to clarify the intent of the new changes. On August 15, Jennings sent a letter back to the county commission stating it was not his intent that the legislation eliminate payments to independent medical providers in a non-hospital setting.

"In fact, it was my intent to provide payment for such health care services as primary care, prenatal care, dental care, prescrip-

tion drugs, preventive care and health outreach services to the extent allowed by resolution of the Board of County Commissioners," Jennings wrote.

"I am concerned there may be a potential problem with SB 524. As I worked closely this past session with the NM Hospital Association, NM Medical Society and Association of Counties in drafting the legislation, those groups assured me that the legislation provided for payment as I noted in this letter," Jennings wrote.

Even with Jennings letter, at the August 19 meeting county attorney Alan Morel continued to caution county commissioners not to make indigent health care fund payments to medical providers in an outpatient setting.

Morel said according to the new indigent care laws, he does not believe the county can pay indigent care fund money to providers outside a hospital. "But Sen. Jennings thinks it can," he added.

County commissioner Maury St. John asked how the situation can be resolved.

County commissioner chair Rex Wilson said it might take an amendment in state statutes to clarify the issue.

County commissioner Rick Simpson suggested that with Sen. Jennings reply the county write its indigent health care ordinance accordingly and use the Jennings letter as a backup.

(SEE PAGE 3)



LABOR DAY Monday, Sept. 1

Fun for the Whole Family

10:00 a.m. to 3:00 p.m.

McDonald Park

(See Ad on P. 7)

Carrizozo In Deep

(Continued from Page 1)

lines and is good about updating the trustees about the project.

Richardson presented a standard agreement which he said is acceptable to the federal Rural Utilities Service (RUS). RUS is providing the largest portion of the financing for the town waste water project. Richardson said the agreement includes the study/design phase and administration services.

The design study will identify three design op-

tions based on the town's waste water flow and environmental impacts and make a recommendation on the preferred alternative, Richardson said.

Once the preferred alternative design is approved by the NM Environment Department (NMED) Richardson said Bohannon-Huston will begin work on the construction designs as soon as possible. They also will make application for the town to update its waste water discharge permit

depending on which alternative is accepted.

To prevent cost overruns with unexpected obstacles, Richardson recommended doing a soils characteristic test at the site of the new waste water facility, at the existing facility about a mile west of town south of Highway 380. Richardson said from information he has gotten there are rocks and other potential for hard surfaces at the site. With the test, estimates on the cost for the project will be "reasonably accurate."

Richardson said he hopes there is enough loose soils at the site to do the preferred lagoon based facility because bringing in dirt will drive up the cost.

The mayor asked if Richardson would consider a wetland facility. Richardson said probably not.

There is some concern the facility will need extra land. The mayor and trustee Eileen Lovelace said Stirling Spencer will not sell the land at the site but will lease it. Richardson said leases are acceptable to RUS with certain conditions in the lease agreement.

Prior to the vote, Weihbrecht urged the trustees to get the engineer on board to meet the deadline of September 4. But Lovelace was hesitant. "It's hard to do this without seeing the agreement," she said.

Richardson had faxed the agreement to the town

on Friday, August 22, but not all the fax was received, Weihbrecht said. Trustees were unable to see copies of the entire five-page agreement prior to the meeting and did not have copies of the agreement at their desks at the meeting. They were able to view it quickly during the meeting.

Richardson recommended trustees accept his project agreement on condition of approval by RUS. "If they question Bohannon-Huston fees I will defend them," Richardson said. "But in my opinion they are well within the range of scope of work for other projects."

Trustee Wes Lindsay made the motion to accept the agreement with the condition of approval from RUS. Lovelace seconded and all voted yes on a roll call.

Carrizozo is scrambling to get the new plant going and to repair the existing plant because the town was notified by the NMED Ground Water Quality Bureau (GWQB) on June 4 that the town wastewater treatment plant is in violation of state Water Quality Act and the Water Quality Control Commission Regulations. The violation was for the wastewater treatment plant "not operating in compliance" with the discharge permit section 20.6.2.3104 NMAC of the state Water Quality Control Commission regulations.

To remedy the violation, the town was ordered to meet several requirements. By September 4 the town must submit to the GWQB a proposal for a wastewater treatment system designed to adequately treat the strength of the wastewater. The town must submit a revised ground water discharge permit application by November 4. Within two months of approval by all agencies the town must submit to the GWQB a detailed construction plan for the new wastewater facility. By June 4, 2004, the town must submit verification that construction of the new facility has begun.

The town will have to submit monthly reports to the GWQB describing actions taken to comply with remedies, descriptions of the current status of the existing treatment plant, and actions taken to improve the operation of the existing system. These actions include solids management, spill prevention and management of wastewater flow through the lagoons.

Also the town must submit results of ground water sampling from three on-site monitoring wells taken in February, May, August and November.

The town could be fined up to \$15,000 a day in civil penalties if it fails to comply with the conditions and remedies set out by the GWQB by failing to disclose all relevant facts, by violating any provisions of the Water Quality Act or any applicable regulations or water quality standards, violate any applicable effluent regulations or limitations, or exhibits a willful disregard for environmental laws.

Currently repairs are underway at the wastewater plant. Trustees hired Hoot Gibson to do the temporary repairs.



As the Lincoln County News nears the century mark of being in existence (1905-2005), we will be randomly publishing articles that have been published in the NEWS, from old files. The following article appeared in the "Lincoln County News" on July 20, 1934.

The Battle of Summit Springs

By Elmo Scott Watson

SIXTY-FIVE years ago, on July 11, 1869 there was fought in eastern Colorado an Indian battle which, by a curious chain of circumstances, is more famous for an incident in it which never took place than it is for any one of several interesting incidents in it that actually did. If you in your youth ever sat through a performance of Buffalo Bill's Wild West show and thrilled to the swift moving and colorful pageantry of that exhibition, you probably remember the "reproduction of the battle of Summit Springs" which for many years was a climax of the performance. If so, you probably remember also that you came away from it with the belief that in this battle, "Buffalo Bill" Cody, the scout, charged through the Indian village at the head of the troops, saved one white woman from death at the hands of the savages and avenged the killing of another by slaying Tall Bull, chief of the Dog Soldier Cheyennes.



Buffalo Bill

The only thing "wrong with this picture", is that it's all wrong. For the facts of the Battle of Summit Springs, as they are recorded in such authoritative works as George Bird Grinnell's "The Fighting Cheyennes" and "Two Great Scouts and Their Pawnee Battalion," are these:

In June, 1869, eight troops of the Fifth cavalry, who had been campaigning in Kansas and Colorado under Maj. W. B. Royall, were ordered to Fort McPherson, Neb., for a summer campaign against hostile Indians, especially the band of Dog Soldier Cheyennes, led by Chief Tall Bull, one of the worst raiders of the plains of that period. The troops were placed under the command of Gen. Eugene A. Carr, a major of the Fifth who had risen to the rank of major general in the Civil War. At Fort McPherson the command was joined by three companies of Pawnee Indian scouts, commanded by Maj. Frank North, with his brother, Luther H. North, as captain of one of the companies. The other officers of the scouts were Captains Cushing and Murie and Lieutenants Becher, Matthews and Kirlingberry. There, too, they were joined by two civilian scouts, a certain Garry and William F. Cody, already known as "Buffalo Bill".

Carr's pursuit of the Indians led him 150 miles into the present state of Colorado. Early on the morning of July 11 North's Pawnees found the site of the camp that Tall Bull's people had left the previous day, after which they had separated into three parties. Accordingly Carr divided his command to continue the pursuit. With part of the cavalry and five or six Pawnee scouts he followed the left-hand trail toward the northwest. The rest of the cavalry, commanded by Royall with Cody as their guide, took the right-hand trail toward the northeast and Frank and Luther North with Captain Cushing and 25 of the Pawnees took the middle trail which led directly north.

Fifteen miles up the trail one of the Pawnees who had gone with Carr came riding swiftly to Major North with the news that some of his fellows had found the Cheyenne village at the place

(SEE PAGE 8)

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CALENDAR OF EVENTS



MONDAYS AND THURSDAYS

-Carrizozo School Library open for public use, 5-7 p.m.

TUESDAYS

-Fibromyalgia Syndrome Support Group, every other Tuesday, 6 p.m. K-Bob's in Ruidoso;
-Alcoholics Anonymous, 6:30 p.m. Carrizozo First Baptist Church Fellowship Hall.

WEDNESDAYS

-Alcoholics Anonymous, 7 p.m. Capitan Senior Citizens Center.

THURSDAYS

-Capitan Public Library preschool reading hour, 1 p.m.

TODAY, THURSDAY, AUGUST 28

-Capitan Schools PTA Back to School Night; 5-6 p.m. classroom visits; 6 p.m. hot dog cookout on football field; 6:30 p.m. welcome new principals, fall athletes, staff and others. Parents and community welcome.

SATURDAY & SUNDAY, AUGUST 30 & 31

-All American Festival 13th annual Gun and Western Collectable Show; 9 a.m. to 5 p.m. Ruidoso Convention Center. For information call toll free 1-877-871-9322.

MONDAY, SEPTEMBER 1, LABOR DAY

-Schools, banks and public offices closed for Labor Day.
-Carrizozo Street Fair. Hot air balloon 7:30-9:30 a.m. McDonald Park, 10 a.m. parade down 12th Street, music, activities, booths and vehicle show at McDonald Park until 3 p.m.

TUESDAY, SEPTEMBER 2

-Lincoln County Public Land Use and Rural Affairs Advisory Committee regular meeting 9 a.m. county commission chambers in the Lincoln County Courthouse in Carrizozo.
-Lincoln County Water Research and Conservation Committee special meeting 2 p.m. commissioners chambers in the Lincoln County Courthouse in Carrizozo.

THURSDAY, SEPTEMBER 4

-Ruidoso Arts Commission 4 p.m. Ruidoso village hall.
-US 70 Hondo Valley 4th Open house to discuss access to Sections B & C and drainage, 4-7 p.m. Glencoe Fire Station.

FRIDAY, SEPTEMBER 5

-Youth baseball at Ruidoso Eagle Creek Sports Complex (off ski run road) through September 7. No admission.

SUNDAY, SEPTEMBER 7

-Sixth Annual Arts in the Orchard 10 a.m. to 5 p.m. on the BLM orchard north of Highway 380 on the west side of old Lincoln. No fee to enter Lincoln county grown fruit pie contest. Call Sue Harkness at 630-0044 for information.

MONDAY, SEPTEMBER 8

-Village of Ruidoso workshop meeting to discuss Lincoln County community facility, 5:30 p.m. Ruidoso Convention Center.

TUESDAY, SEPTEMBER 9

-Carrizozo Chamber of Commerce, 12 noon Carrizozo Recreation Center.
-Ruidoso Village Council 6 p.m.
-Carrizozo Town Trustees 6 p.m.
-Capitan Village Trustees 7 p.m.

WEDNESDAY, SEPTEMBER 10

-NM Interstate Stream Commission meeting for input on state water plan, 7-8 p.m. Chaves County Administrative Building off south Main St. in Roswell. (Last meeting in this area.)

Billy's True Self Revealed Sept. 1

Carrizozo Heritage Museum will host a one-day exhibit and lecture by Sandra Smith of Lincoln who will present the most profound vision of Billy the Kid since the Upham tintype that made the image of Billy famous.

Smith's exhibit will open at 10 a.m. and Smith will present her lecture on the project at 11 a.m. on Monday, Labor Day, Sept. 1 at the Carrizozo Heritage Museum.

Smith has been working for more than four years in an attempt to more accurately portray the appearance of the legendary outlaw. Working with a reproduction of the original tintype of The Kid, a historical documentation of first-hand descriptions of his appearance, Smith has extrapolated a haunting image of the charismatic character that is far more lifelike than any ever seen before.

Committed to accuracy and dedicated to details, Smith has approached the project with a forensic attitude and offers a compelling case to support her work. During the project Smith familiarized herself with the ferrotype camera, the kind used to produce the famous Upham tintype of Billy. She came to know the camera's properties, probable exposure time and the angles of the

camera's four separate lenses. To gain further understanding, Smith purchased and painstakingly studied tintypes from the same time period.

Armed with the knowledge of the tintype medium and the sensitivity required for fine photographic restoration, Smith entered into the process of separating image from damage to define image boundaries.

The result is a fascinating representation of a young man, no longer a sketchy caricature, coming into focus and becoming more real.

Smith's skill in digital imagery, combined with her knowledge of "Kidology" and an obsession for accuracy will capture the interest of history buffs as well as those with an interest in technoforensics and computerized digital imagery.

Whether a fan or foe of Billy the Kid, Smith's restoration / reconstruction will give viewers a provocative view of Billy the Kid as they peer into the eyes of a legend, and possibly for the first time see a man.

Carrizozo Heritage Museum is located at 103 12th Street behind Four Winds Restaurant in the old frozen food locker.

Regular museum hours are 10 a.m. to 2 p.m. Tues. through Sunday. For more information about the museum call 648-1105.

CARRIZOZO RECREATION CENTER

FALL LEAGUES NOW FORMING

Tuesday Afternoons Mixed Seniors League

Begins Tues., Sept. 2nd (day after Labor Day) 1:30 p.m.

Tuesdays (Starts Sept. 30th) Women's

Wednesdays (Bowls every other Wednesday, starts Oct. 1st) Mixed Team

Thursdays (Starts Sept. 25th) Men's

Fridays (Starts Sept. 19th) Mixed Team

Contact JIM MACK

at 648-4220

for more information

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County Seeks AG

(Continued from Page 1)

County Commissioner Earl Hobbs said that Sen. Jennings' intent is not what the governor signed. County commissioner Leo Martinez said, "Intent goes a long way with the attorney general."

Martinez said he wanted to do the county indigent health care ordinance to reflect Jennings' comments. "I would like to see these doctors get paid," Martinez said.

There are currently five indigent health care fund claims on hold until the issue is resolved, said county indigent fund administrator Teresa Montoya. She said when indigent patients call her about the funding she recommends they talk with their medical provider about how there is a risk they will not be paid for services performed outside the hospital. "Also we can only pay out of the fund if it is for a life threatening situation," she added.

Hobbs said the new state wording only affects three of the 33 counties in New Mexico. Lincoln County and Chaves County are two of the three and the third was not mentioned.

"We're the only county with a solvent Indigent Care Fund," Wilson added. Montoya said Chaves County is the only other county that pays doctors in an outpatient setting. "Their doctors aren't happy either," she added.

Hobbs asked who decides if doctors/providers can be paid from the indigent fund.

County manager Tom Stewart said the county commission, serving as the Indigent Health Care Board.

Hobbs then wanted to know who could give a definite interpretation.

Morel suggested getting a legislator to ask the Attorney General for an opinion. Morel then said he regularly disagrees with the Attorney General but he was not opposed to getting her opinion.

"If we can get Bill Richardson to give the statute a reading, he can call Patricia Madrid," Hobbs added.

"I guarantee Madrid will say okay," Martinez replied.

Morel said other than an AG opinion the county could file a declaratory judgment which would take over a year.

St. John said the county commission should leave the indigent care ordinance alone and get an AG opinion, and then work on the legislature to get the wording amended again.

Wilson said part of the rationale of the new language is some of the counties are in trouble with their indigent care funds.

Wilson then asked if the indigent fund is now covering medical care being provided in the county detention center.

Stewart said the jail is an outpatient setting and medical care given there is being paid from the general fund.

"It's a travesty to not pay the doctors if they are out of the hospital," Martinez said. "This was written for the hospital," he added.

Stewart offered to contact Rep. Williams for a letter to the AG and Wilson directed Stewart to do so.

Montoya asked if she should pay the five pending claims.

Martinez said pay, Wilson said they're on hold and St. John said the treasurer would not sign the checks.

CARRIZOZO HERITAGE MUSEUM

Presents

A Traditional Ranch Kitchen

From the 1930's era

Opening September 1, with the Street Fair

What Did The Kid Really Look Like?

Explore a new theory on the Upham tintype, presented by Sandra Smith, one day only - September 1

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THOUGHTS

FROM THE EDITOR'S DESK

More \$\$\$ Down The Drain

By Ruth Hammond

Dozens of people have complained that their water and sewer bills have increased more than \$10 a month in Carrizozo. It has been especially difficult for low income people and others on a fixed income. Businesses using very little water are now being charged more than double their previous rate. And now we hear that Carrizozo may be charged \$15,000.00 a day in fines because of violations of the state Water Quality Act and Water Quality Control Commission. The town was notified June 4, more than two months ago, and now the town is scrambling to rectify the situation. Why did the town wait this long to do something?

Instead of waiting until one week before the deadline, which is September 4, why didn't the town begin work on complying with state regulations more than two months ago? Will the extra money residents are paying monthly for water and sewer be used to pay these excessive fines?

Sometimes government works slowly, but the project originally started in 1999. Why has it taken more than four years for the town to boot out the previous engineer and get a new engineer to take the project? What exactly did the town receive for the more than \$100,000 paid to the previous engineer? And if the design phase of the project has not been completed, how do they know it will cost \$2.4 million? Residents are paying more to flush, but will this extra money go down the drain, or will it be used properly?

Construction of a new waste water facility is important, and we certainly hope it will be completed before another four years elapse and more fines are assessed against the town. The most surprising thing is that the Rural Utilities Service (RUS) is providing the largest portion of funding for the waste water treatment project even with the delays. It seems there would have been a time limit set by RUS, and it seems RUS would be questioning why the town was not in compliance with the state Water Quality Act and the Water Quality Control Commission regulations. Surprising.

How long will it take for the soils characteristic tests, and will the possible fines be delayed while these tests are being conducted? Is there a possibility even more fines will be assessed for other as yet unannounced violations? And will residents and businesses have to pay for these fines?

Apparently there will be three design options based on the town's waste water flow and environmental impacts. Does this mean an Environmental Impact Study (EIS) must be completed? And will residents and the public have opportunity to provide input before a decision is made as to which design will be recommended for the final project?

Residents have a right to know why there were delays in the project. Four years delay is ridiculous! If residents don't pay their water and sewer bills service will be stopped long before four years have elapsed. Why did the town not do something long before this to get the project on course?

Getting a new engineer was long overdue, but residents have a right to know all the facts and figures, which tests are to be conducted and why these tests are necessary. Earning the respect of voters and residents should be another priority with officials. Will they give us the facts?

Or Will They Flush?

C'zozo Plans To Sell

(Continued from Page 1)

upgrade its cellular and radio communications.

The mayor said the town had not talked with the county about this.

Trustees upheld another decision by P&Z to deny the conditional use variance request from resident Dennis Dunnun who was seeking to place a 1950s model mobile home on his lot to serve as a guest house. The mayor said P&Z had turned down Dunnun's request two times because of the zoning ordinance. The mayor said the town had allowed mobile home variances for a long time. "Then we were told by an attorney to abide by the ordinance or throw it out and allow people to park trailers wherever they want," the mayor said.

Dunnun was not present at the meeting, but had sent a letter dated July 21 to the P&Z committee expressing his concerns about their "emotional" reaction to his first request for the mobile home. In the letter Dunnun stated that the town chief of police told him the reason for the denial is Dunnun has too much of his property already covered by buildings. Yet Dunnun said he was told at the P&Z meeting that he should build a straw bale house.

Dunnun stated in his letter that in the two years he has served on P&Z he did not recall refusing a conditional use permit for a mobile home. "I can appreciate the fact that you would like to use me as a precedent, however unless

it is the intention of the committee to never, ever, under any circumstances allow a mobile home be set on an R-1 zoned property the town should set down the conditions under which a conditional use could be granted," he wrote.

Dunnun went on to state he has improved his property and the 1950s mobile home once restored would further improve the lot and provide affordable guest quarters.

Dunnun wrote that he was "truly dumbfounded by the vehement reactions of the entire (P&Z) committee" to his request and was not "prepared to counter the barrage of arguments put forward."

"It seemed that many of the members (of P&Z) felt I was personally insulting them by asking for this variance," Dunnun wrote.

During the meeting Monday, Weihbrecht said during the P&Z meeting they discussed how they were requiring the Kratchovils to take down an existing trailer before they could set up the new one. "If we approve Dennis' request, we'll have to allow the Kratchovils to have two trailers," Weihbrecht said.

"We have to start somewhere," Weihbrecht added. Trustees also met in closed session to discuss purchase or acquisition of real property or water rights and personnel matters.

After closed session trustees unanimously voted to start proceedings to sell the golf course.



INSIDE THE CAPITOL

by Jay Miller

SANTA FE -- Be careful of what you wish for. That's what this column warned state Democrat lawmakers soon after Gov. Bill Richardson's election last year.

For eight years they pleaded with Gov. Gary Johnson to give them some leadership and direction about what he would like them to do. Johnson instead chose to wait until they sent him legislation, which he would either sign or veto. Sometimes he vetoed bills his staff had worked on. Once he even vetoed a measure his wife championed.

Bill Richardson couldn't be more different. During the 2003 legislative session, lawmakers of both parties willingly took a great amount of direction from their new governor, hoping he could lead the state out of its economic doldrums. The result was a session with a substantial amount of promising legislation passed.

Lawmakers complained occasionally about the governor's strong arm tactics, but he managed to deflect most of it with personal meetings at the mansion. Those complaints are now being heard again as Richardson makes decisions about the use of federal funds that are arriving as a result of the tax-relief package passed and signed earlier this year.

Richardson has doled out some \$62 million to a variety of state projects, including fire fighting, truancy programs, light rail systems and water projects. Lawmakers contend that is totally unconstitutional because the Legislature is vested with the sole authority of appropriating money. The governor says that just applies to state money and that he can spend federal money.

The same argument is occurring in many states. It isn't unusual for branches of government to fight over turf. The really sore spot here is that much of this money is being used for what are commonly referred to as pork projects.

Lawmakers delight in taking this money home to each of their districts as proof of their legislative powers. They are not happy to see Bill Richardson setting himself up to get all the credit.

Meanwhile Richardson is reporting continued economic development initiative that are creating more jobs and more revenue. He plans a summit on economic development, September 9-11, in Santa Fe focusing on helping businesses develop strategies to take

advantage of New Mexico's tax advantages, workforce training and equity funding.

Next on Richardson's plate is the big September 23 vote on constitutional amendments designed to give more education authority to the governor's office and to get a bigger percentage of the permanent school fund into schools during the next several years.

For the past few weeks he has been barnstorming the state with Sen. Pete Domenici, former Gov. Gary Carruthers and the Association of Commerce and Industry promoting those constitutional amendments. It will be a tough battle.

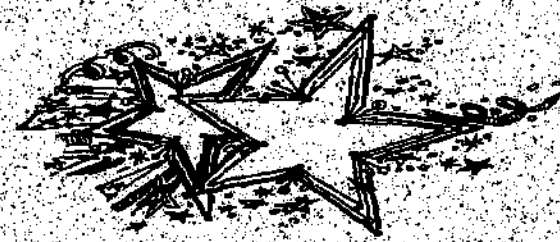
The state GOP is fighting him, along with its past chairman John Dendahl and State Land Commissioner Patrick Lyons. Lyons, the only Republican statewide elected official, is raising money from oil and gas companies he regulates to fight the amendments.

October will see a special session to redesign the state tax code. A task force appointed by Richardson, is readying its final recommendations for presentation to lawmakers.

And as always, there is the constant national exposure. During the recent blackouts in the East, Richardson was on every news channel explaining why it happened. Why wasn't it Spencer Abraham, the current Energy Secretary or Senate Energy Committee Chairman Pete Domenici or Jeff Bingaman, the ranking Democrat?

Well, Abraham was in Europe, Domenici was in Alaska and we aren't sure about Bingaman. According to Richardson, that left him for everyone to call. He handled it quite well, ticking off the 11 electricity summits he held around the nation, warning electric utilities what would happen if they didn't invest in better infrastructure.

It is true that Richardson is a good interview because he is frank and to the point. But are we to believe that the media always comes to him with no encouragement?



PSYCHIC PREDICTIONS FOR THE NEW MILLENNIUM

Psychic Judith Christopher
Ruidoso NM
<http://www.ruidoso.net/psychic>

Virgo (Aug 23 - Sept 22) A good time to get by yourself and do what you want to do, even if it's only for a day, or even a few hours. You need to regroup and refresh.

Libra (Sept 22 - Oct 22) Lay the law down, once and for all. Explain this is what you feel. If you don't change what's wrong around you now, you'll end up with this always.

Scorpio (Oct 23 - Nov 21) Mars is playing havoc with your Mind, Body, and Soul. Give in, until it's over. Keep away from people that upset you. Run, go far far away.

Sagittarius (Nov 22 - Dec 21) What you're going through right now is going to soon end. Get ready to start a new life. Exercise, eat right, build you mind and soul too. Faith.

Capricorn (Dec 22 - Jan 19) What was once, what you thought you had, you might lose! Check out your life to see if you really want it in your life, or it's time to let go.

Aquarius (Jan 20 - Feb 18) Now is the time for you to set your sails and drift off from everything and everyone you know. Let your spirit fly free. Be the person you once were.

Pisces (Feb 19 - March 20) What's up? Besides your life? Get in charge or forgo what you think you're in charge of! Things can change very quickly. Get ready, Get set, Go.

Aries (March 21 - April 19) You can't have faith and fear at the same time. Quit listening to others. You know what is best for you. Don't you? If not, then find out what it is.

Taurus (April 20 - May 20) What have we here? A life that needs to be changed or will compound it's problems. Don't gripe, just do what needs to be done. Get it over with.

Gemini (May 21 - June 20) Your heart is in the right place doesn't count when it comes to money. Do the best you can. If others don't like it, then tell them to kiss your assets.

Cancer (June 21 - July 22) You're very tender-hearted. Wait to have a heart to heart talk. Get stronger. When you talk, remember feelings are not facts. Talk Facts or Feelings?

Leo (July 23 - Aug 22) You can be a little strong when it comes to your words. Lighten up. You can get a lot more done if you'd ask, instead of demanding. Be Happy.

e-mail.....
judithchristopher@hotmail.com (505) 257-2996

Lincoln County News
USPS 312480

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Sheila's Report

The following information was taken from dispatch records in the Lincoln County Sheriff's Office in the Lincoln County Courthouse in Carrizozo, August 18:

3:22 a.m. deputy advised of roll over accident with out injuries on Little Creek Road.

10:51 a.m. Ruidoso Police advised of a parent reporting a runaway from location on Highway 380 in Hondo area. The woman advised she knew her daughter was at a location where a male subject answers the phone and says the daughter is not there.

12:52 p.m. shoplifting at business in Capitan. Dep-

uty responded.

4:19 p.m. 911 request for ambulance for unattended death of 72 year old male. Med 1 advanced life support ambulance responded to the scene at 4:43 p.m. Capitan police responded with first responder. At 4:45 p.m. the office of the medical investigator (OMI) was requested to respond. The funeral home was called for transport at 5:22 p.m.

5:11 p.m. 911 request for ambulance at location on C. Ave. for 73 year old female who dropped hot liquid down her right side. No blisters but redness and severe pain. Carrizozo ambulance responded at 5:20 p.m. and transported

to Lincoln County Medical Center (LCMC) in Ruidoso.

10:03 p.m. deputy advised of accident without injuries, vehicle v. deer at the intersection of State Roads 48 and 220.

August 19:

10:45 a.m. deputy advised he had a male prisoner from a traffic arrest on a Lea County warrant.

11:49 a.m. 911 request for ambulance at church camp for 66 year old male with severe sweats, chest pain up his left side, shortness of breath. Med 1 responded at the scene at 12:08 p.m. and transported to LCMC.

12:52 p.m. illegal vehicles on county roads, juveniles and adults on ATVs and dirt bikes on county roads.

1:10 p.m. careless driver 20 miles north of Carrizozo on Highway 54.

3:13 p.m. shots fired in Wolf Springs Circle area. Deputy responded at 3:37 p.m. but made no contact with shooters.

4:13 p.m. accident at Eagle Creek and Gavilan Canyon Roads. Deputy responded at 4:21 p.m. but made no contact with an accident.

4:25 p.m. Ruidoso fire department personnel advised of a missing person at the ski run. A woman

was missing, her cell phone was off but had her last GPS setting. The woman was on Aspen Trail #35 and had four dogs with her. At 8:29 p.m. a field search team was coordinated and by 9:09 p.m. search and rescue began.

9:13 p.m. request for deputy for dispute on Highway 70 in Hondo because the other party pulled a shotgun and pointed it at the calling party. Two deputies assigned.

August 20:

2:12 a.m. accident without injuries at mile marker 70 on Highway 380. Carrizozo fire department responded but was unable to locate the accident. State police responded at 2:49 a.m.

10:03 a.m. Med 7 ambulance advised of an accident without injuries at mile marker 285 on Highway 70. The ambulance was refused and state police were notified.

1:09 p.m. lost cell phone from location on H. Ave. in Carrizozo. Deputy assigned.

8:11 p.m. request for deputy for missing item/watch from location on Gavilan Canyon Road.

6:49 p.m. deputy advised of accident without injuries, vehicle v. deer on Angus Hill.

10:24 p.m. request for ambulance for subject with chest pains. Carrizozo ambulance arrived at 10:34 p.m. and requested Med 1 which arrived at 11:28 p.m. and transported to LCMC.

11:52 p.m. noise/disturbance at location on High Mesa Road in Alto.

11:53 p.m. request for ambulance for patient who fell at location on D. Ave. Carrizozo ambulance responded at 11:59 p.m. but was refused.

from the
Lincoln County Sheriff's Office
by **R.E. Virden**
Lincoln County Undersheriff



This service is provided to the citizens of our county in an effort to address their concerns and to better assist them in protecting their day to day way of life and an attempt to continually move in a positive direction.

PROTECTING YOURSELF FROM FALLS

The risk of falling increases with age and is greater for women than for men. At least one-third of all falls involve hazards in the home - slippery floors, throw rugs, poor lighting, cluttered hallways, unsafe stairways and uneven door thresholds. To reduce your risk of falling, exercise often! Exercise increases muscle and bone strength and improves balance and flexibility. Other tips for reducing your risk of falling include the following:

- * Eat nutritiously, consuming foods with calcium.
- * Arrange furniture for maximum open space and clear walkways.
- * Keep floors free of clutter. Do not place electrical cords in walkways.
- * Discard throw rugs or use non-slip tapes on the underside.
- * Install handrails on both sides of a staircase. Use both rails when traveling up or down the stairs. Keep stairways clear of clutter. Use caution on all staircases. Short staircases can be just as hazardous as longer ones.
- * Install grab bars by the toilet and in the bathtub. Water can create an extremely slippery surface. In the shower or tub, use non-slip mats.
- * Wear low-heeled shoes with rubber soles that provide adequate arch support.
- * Be sure not to stand up too quickly. If you become dizzy getting out of bed or a chair, take a moment to get your balance.
- * Use canes and walkers if you need help keeping your balance. Whenever possible, have someone assist you when you walk outside your home.
- * Have your eyes and ears checked by a doctor regularly, and follow your doctor's advice about the use of hearing aids and glasses.
- * Talk to your doctor about the side effects of some medications, including drowsiness, disorientation or dizziness.
- * Reduce or eliminate consuming alcohol.
- * Install timers on lights. Use night lights, and consider purchasing clap-activated lights.

AUCTION

118 Island Road -- Capitan, NM
Saturday, August 30
10:00 a.m.

Tools, furniture, wood stove, ladders, commodes, kitchen items, electric heaters, solar panels, 1993 Chevrolet Corsica, camper shells, and much more.

Consignments welcome.
354-9202

Church Directory



MOUNTAIN MINISTRY PARISH, SIERRA BLANCA PRESBYTERY

Nogal Presbyterian Church:
BILL SEBRING, Pastor
Sunday School 10:00 a.m.
Worship 11:00 a.m.

Ancho Community Presbyterian Church:
SCOTT KING, Pastor / 648-2024
Worship 9:00 a.m.
Sunday School 10:00 a.m.

Corona Presbyterian Church:
Sunday School 10:00 a.m.
Worship 11:00 a.m.

First Baptist Church
HAYDEN SMITH, Pastor
314 10th Ave., Carrizozo, NM
648-2868 (Church) or 648-2107
Sunday School 9:45 a.m.
Worship Service 10:55 a.m.
Sun. Evening Training at 8:15 p.m.
Evening Worship 7:15 p.m.
Wednesday Bible Study 7:00 p.m.

Carrizozo Community Church (A/B)
JOHNNIE L. JOHNSON, Pastor
Corner of C Ave. and Thirteenth, 648-2186
Children's Church 10:30 a.m.
Worship Service 10:30 a.m.
Wednesday Bible Study 7:30 p.m.

Santa Rita Catholic Community
FR. DAVE BERGS, Pastor
213 Birch, Carrizozo, NM, 648-2853
SATURDAY:
Capitan Sacred Heart 5:00 p.m.
Carrizozo Santa Rita 6:30 p.m.
SUNDAY:
Capitan Sacred Heart 9:00 a.m.
Carrizozo Santa Rita 10:30 a.m.
Corona St. Theresa 1:00 p.m.

Church of Christ
TOM POINDEXTER, Minister 354-3135
Ave. G at 12th, Carrizozo, NM
Sunday School 10:00 a.m.
Worship Service 11:00 a.m.
Evening Worship 1:15 p.m.
Wednesday Bible Study 7:00 p.m.

St. Matthew Episcopal Church
REV. RON THOMSON, Rector
Corner of E. Ave. and Sixth, Carrizozo, NM
1-505-258-1242
Holy Eucharist Sunday 9:30 a.m.

Church Community Church
TONY SCACCIA, Minister
848-1402
Second Sunday of Each Month 9:00 a.m.

United Methodist Churches
JOHANNA ANDERSON, Pastor
1000 D. Ave. 648-2883 / 648-2848
Carrizozo, NM 88301
Sunday School (All Ages) 10:00 a.m.
Worship Service 11:00 a.m.
Choir Practice (Tuesday) 6:30 p.m.
United Methodist Women
Every 3rd Wednesday 2:00 p.m.
Fellowship Dinner on
4th Sunday of Month 12:30 p.m.

CAPITAN:
Adult Sunday School 8:30 a.m.
Worship Service 9:15 a.m.
Children's Sunday School 9:30 a.m.
Fellowship Time 10:15 a.m.
Adult Sunday School 11:00 a.m.
Choir Practice (Tuesday) 7:00 p.m.
Fellowship Dinner Every Third Sunday
Handmaidens (Ecumenical Women's Group)
1st and 3rd Tuesday 9:30 a.m.

Christ Community Fellowship
ED VINSO, Pastor (Inter-denominational)
514 Smokey Bear Blvd., Capitan, NM
Sunday School 9:30 a.m.
Sunday Morning Worship 10:30 a.m.

Capitan Church of Christ
LESLIE EARWOOD, Minister
5th & Lincoln / 338-4627
Sunday Bible Study 10:00 a.m.
Worship Service 11:00 a.m.
Evening Worship 6:00 p.m.
Wednesday Bible Study 7:00 p.m.

Trinity Southern Baptist Church
MEL GNATKOWSKI, Pastor / 648-2530
Phone 354-2044
Capitan (South on Hwy. 49)
Sunday School 9:30 a.m.
Worship Service 11:00 a.m.

First Baptist Church of Corona
GAL WEST, Pastor / 849-7875
Sunday School 10:00 a.m.
Worship Service 11:00 a.m.
Wednesday Bible Study 7:00 p.m.
Fellowship Dinner 1st Sunday of Month

11:53 p.m. request for ambulance for patient who fell at location on D. Ave. Carrizozo ambulance responded at 11:59 p.m. but was refused.

August 21:

5:51 a.m. suspicious subject at location in Fawn Ridge area. A subject on a porch requested a deputy. A second call reported the man been tied up and left in the woods. Four deputies responded but at 6:12 a.m. another male called and advised his friend had been robbed and taken to the woods. He advised they took items and tied him up.

2:11 p.m. Capitan village hall requested animal control officer at location one mile south on Highway 48 for a brindle colored pit bull mix running at large across the highway.

3:55 p.m. Med 7 ambulance advised of a telephone pole on fire at a residence in Hondo area. Hondo Fire Dept. responded to the scene at 3:59 p.m. and had the fire out by 4:13 p.m.

10:10 p.m. deputy advised of a sick child at a business. Carrizozo ambulance responded to the scene at 10:17 p.m. and transported to LCMC arriving at 11:03 p.m.

August 22:

3:01 a.m. request for ambulance at location on 12th Street for patient having trouble breathing. Carrizozo ambulance arrived at the scene at 3:18 a.m. and requested Med 1 at 4:36 a.m.

7:33 a.m. K-9 running at large at location on Gavilan Canyon.

9:50 a.m. 911 request for ambulance at doctor's office in Capitan for transport to hospital in Roswell. Med 1 responded

was missing, her cell phone was off but had her last GPS setting. The woman was on Aspen Trail #35 and had four dogs with her. At 8:29 p.m. a field search team was coordinated and by 9:09 p.m. search and rescue began.

9:13 p.m. request for deputy for dispute on Highway 70 in Hondo because the other party pulled a shotgun and pointed it at the calling party. Two deputies assigned.

August 20:

2:12 a.m. accident without injuries at mile marker 70 on Highway 380. Carrizozo fire department responded but was unable to locate the accident. State police responded at 2:49 a.m.

10:03 a.m. Med 7 ambulance advised of an accident without injuries at mile marker 285 on Highway 70. The ambulance was refused and state police were notified.

1:09 p.m. lost cell phone from location on H. Ave. in Carrizozo. Deputy assigned.

8:11 p.m. request for deputy for missing item/watch from location on Gavilan Canyon Road.

6:49 p.m. deputy advised of accident without injuries, vehicle v. deer on Angus Hill.

10:24 p.m. request for ambulance for subject with chest pains. Carrizozo ambulance arrived at 10:34 p.m. and requested Med 1 which arrived at 11:28 p.m. and transported to LCMC.

11:52 p.m. noise/disturbance at location on High Mesa Road in Alto.

11:53 p.m. request for ambulance for patient who fell at location on D. Ave. Carrizozo ambulance responded at 11:59 p.m. but was refused.

COURT CALENDAR

12th JUDICIAL DISTRICT
Division III

The calendar for district
Judge Karen L. Parsons.

Monday, August 25
9 a.m.

Jury Trial #1 cancelled, Beau Allen; CR-2003-49 (C. Stevens / Mitchell)

Jury Trial #2 cancelled, Kenneth Holmes; CR-2003-09 (Thompson / Mitchell)

Tuesday, August 26
8:15 a.m. teleconference, Forrest v. MVD; CV-2003-113 restore license
9 a.m. Jury trial #1 second day cancelled
Wednesday, August 27

9 a.m. Jury Trial #1, James Luke Miller; CR-2003-01 (C. Stevens / Mitchell)

Thursday, August 28
9 a.m. Jury Trial #1, Bernardino Mendez; CR-2003-78 (Singh / Mitchell)

Friday, August 29
9 a.m. Suzanne DiPaolo; JR-2002-15 (C. Stevens / Mitchell) merits, pretrial.

at 10:14 a.m. and transported to Roswell arriving at 12:14 p.m.

10:55 a.m. stray cats in Gavilan Canyon. Animal control officer (ACO) assigned.

11:30 a.m. request for deputy for peacekeeping at location in Osturo.

1:05 p.m. theater requested deputy to remove camp/vehicles from property.

4:30 p.m. larceny, a stolen computer, from location on Bonito Lake road.

5:07 p.m. 911 request for ambulance for male subject on oxygen at a trailer park where the electricity was off and the man was out of oxygen. Med 1 responded to the scene at 5:18 p.m. but was refused.

5:31 p.m. dumpster fire on Eagle Creek Road and Gavilan Canyon. Bonito Fire Dept. responded to the scene at 5:46 p.m. and

the fire was out by 5:55 p.m.

6:24 p.m. request for ambulance for subject with injuries resulting from a fight at LCDC. Carrizozo ambulance responded to the scene by 6:32 p.m. and transported one to LCMC and another was transported by the detention center staff.

9:23 p.m. request for ambulance for diabetic who was confused. Carrizozo ambulance responded to the scene by 9:28 p.m. and by 9:38 p.m. advised the patient's blood sugar was okay and she was not confused.

9:52 p.m. windows shot out of residence on Gavilan Canyon Road next to White Mountain Meadows.

9:52 p.m. windows shot out of residence on Gavilan Canyon Road next to White Mountain Meadows.

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LaGrone Funeral Chapel

Jerry & Lanita Rasak

In Memory of
BILL WINKLER

Stearns Insurance Agency



Old Lincoln Town

by Rosalie Dunlap

Our condolences to Preston Stone's family. We knew he was seriously ill during the County Fair but didn't know he had the West Nile virus.

The beautiful stained glass windows at the First Baptist Church in Capitan were dedicated recently. Murray Arrowsmith presented the windows in memory of his wife Judy. The windows were crafted by Kathleen and Bob Hellman.

Other family members present were daughter, Mandy Arrowsmith, Dick and Eric Ashworth, Santa Fe, Judy's parents, and Rex and Bonnie Arrowsmith, Tucson AZ, parents of Murray.

Ciprienne Herra of San Patricio celebrated her 100th birthday Saturday with a birthday party. I was unable to go and take pictures as I was out of town. Congratulations to a great lady.

Barbara Luna recently had her cousins from Albuquerque visiting. She was giving them a tour of Lincoln.

Bob and Linda Hart, daughters Beth and Kendra bid a fond farewell to their Lincoln friends recently. They are moving to Eugene, Oregon where Bob will be the director for the Lane County Museum.

Shaun McArthur, son of

Pam and Mac McArthur, we recently promoted to Lt. Col. at NMMI in Roswell. A member of the Commandant's staff, he is a senior advisor for the Cadet Leadership.

An alumni of NMMI class 1983, Shaun served as an Army paratrooper special forces ranger in the Berlin Brigade.

The McArthur's hosted their goddaughter, Caroline Cain and family of San Antonio, TX recently. Others present were husband Chris, and five month old Charlotte, her parents Dan and Molly Webster and Chris's parents Bob and Dagmar Cain. Molly and Pam are long time childhood friends.

Ralph and Rosalie Dunlap and Debra Ingle attended the NM Rural Waters Assn. meeting in Taos last week.

Thursday evening when we arrived there had been rain resulting in a most gorgeous double rainbow. How long has it been since we have seen a full double rainbow?

Ralph Dunlap is proudly wearing the beautiful belt buckle presented to him by the Fair Board. There were so many others that made the fair such a success. I wish they could have been there also.

No, I didn't "put up" with the 4-Hers. They were a great group of kids. We had lots of fun with many experiences, good, funny, scary, and educational.

People are still enjoying the photographs. I haven't had time to take them down yet so have them on display at the upper house.

Hopefully, I have just one more trip to Portales for the time being. We plan on having an estate sale in October.

Drop Capitan Library Books In Carrizozo

Capitan Public Library now has a book drop box in Carrizozo.

The library drop box is located at Carrizozo Joe's Espresso Shop & More, 113 Central Ave. in Carrizozo.

Library patrons can drop off books at the box anytime and the books will be picked up by library staff. Books dropped in the boxes will not be charged overdue fines if books are dropped within the week the books are due.

There is also a drop off box located just outside the library building in Capitan. The book drop box is available to patrons at all times, regardless if the library is open.

Capitan Library will have new hours beginning Tuesday, September 2. The library will be open from 10 a.m. until 6 p.m. Tuesday, Wednesday and Thursday, and from 10 a.m. to 2 p.m. Friday and Saturday. The library is closed Sunday and Monday.

For more information about the drop boxes or the library call 354-3035.



(Continued from Page 2)

now called Summit Springs. So the Norths and their detachment immediately turned west and galloped over to join Carr and his men who had dismounted and were waiting half an hour for that officer to appear and fearful lest the hostiles might learn of the presence of the troops and escape, he decided to attack.

Ordering his troops into their saddles, Carr advanced toward the village which was about three miles away. When the column reached a long valley which ran almost down to the villages, Carr gave the command to charge. Frank North was riding a very fast horse and he was the first to speed over the brow of the hill below which the Cheyennes' lodges were pitched.

Tall Bull and his people had no idea that they had been pursued so closely. As the day was warm, they were lounging in the shade of their lodges with most of their ponies grazing on the prairie some little distance away. Before they realized what was happening the Norths and their Pawnees came racing over the hill, followed a moment later by Carr's cavalrymen, who charged among the lodges, shooting as they came. Thrown into a panic by the attack, the Cheyennes scattered in every direction without attempting to offer any resistance. A few escaped on ponies which had been picketed near the lodges but most of them fled on foot, taking refuge in the ravines and washouts of the surrounding hills.



Tall Bull, From the Portrait by H.H. Cross

Carr's cavalrymen now divided up onto squads and began hunting down the scattered enemy through the ravines. Meanwhile the Norths and Captain Cushing had ridden up to a big ledge near the end of the village which, it later developed, was the lodge of Tall Bull, the chief. As Cushing dismounted, a white woman captive came crawling out of the lodge and, running up to him, fell to her knees and clasped him around the legs, talking in a pleading but unintelligible fashion. She was a Mrs. Welchel, foreign-born and unable to speak English, but the Norths and Cushing finally succeeded in making her understand that she was safe at last. Tall Bull had made her his wife and when Carr's men charged his camp he had shot her to prevent her being rescued alive by the soldiers but had succeeded only in inflicting a serious wound in the chest.

While they were talking to her, Capt. Luther North started to ride away. Beside a little creek that ran through the village he came upon the body of another white woman who had been killed by the blow of a tomahawk. She was Mrs. Suzannah Alderdice, who had been captured in the same raid in Kansas with Mrs. Welchel and who had shared with her the horrors of captivity among Tall Bull's Dog Soldiers for more than a year. It had been said that Tall Bull himself struck the blow which killed Mrs. Alderdice but there is no definite proof as to this.

Meanwhile the work of hunting down the fugitive Indians was going on all around the village. During this phase of the battle the two Norths with a party of their Pawnees surrounded one of the ravines into which a number of the Cheyennes had taken refuge. Among them were Tall Bull with his wife and little daughter.

As the two Norths rode past this ravine an Indian raised up and fired at them, then dropped down out of sight again. His bullet narrowly missed Frank North, who sprang down from his horse and handed Luther North his bridle rein, saying "Ride away and when he hears that, he will put up his head again." As Luther North started to lope away, the Indian raised his head to look and Frank North shot him in the forehead. A moment later the Indian woman and her little daughter climbed out of the ravine and, walking over to Frank North, began talking to him in the sign language and begging for mercy. North

(SEE PAGE B)

ALL AMERICAN FESTIVAL

13th Annual

GUN AND WESTERN COLLECTABLE SHOW

Saturday & Sunday

August 30th & 31st

9:00 am to 5:00 pm

Ruidoso Convention Center

Adults	Children Under 12
\$4.00	FREE

Buy • Swap • Sell • or Just Look

Lots of Guns • Gun Related Items

Indian Artifacts • Knives • Cowboy Gear

Saddles • Spurs • Western Relics

Crafts • Food Available

Fun for the Whole Family!

Proceeds Benefit Lincoln County Charities

No one under 18 admitted without adult supervision.

US 70 HONDO VALLEY DESIGN/BUILD PROJECT

Partners in Progress and Preservation

www.us70hondovalley.com

US 70 Activities Underway In September 2003

Shoulder and lane closures will continue along the 38-mile project corridor through September. Finish grading, paving & bridgework will continue in Sections A & D. Excavation, drainage, wall & bridgework will continue in sections B & C. Finish grading, wall and paving work will continue in sections E & F. Various lane shifts, detours and roadway re-striping will occur as the work progresses.

Please drive alert, observe and pay attention to construction signs, flaggers and changing road conditions. Please allow an extra 20-30 minutes in your travel schedule to accommodate general construction activities.

Highway closures for rock blasting will become more frequent during the latter part of September on weekdays (Monday-Friday), in See E and B. All blasts will begin at approximately 1:00 pm, and last up to one hour.

Up-to-date blasting closure and travel information is available at the US 70 Information Center, and via the hotline, website, and roadside electronic message signs.

Toll Free Hotline: 1-866-653-4069 **Website: www.us70hondovalley.com**

September Calendar of Events

4th Open House

Sections B & C (MP 267-285)

Access, Inform & Drainage Discussion

Date: Thursday, September 04, 2003

Place: Gilmore Line Department

Time: 1:00 pm - 7:00 pm

For information call **Mary Ann Wootton**,
SBC Community Relations Liaison
 toll free at **1-866-653-4069**
 or main office **505-653-4396**.

Ruidoso Downs Annexation Plan Concerns Residents

by Daris Cherry
Residents Seek Help From County

The City of Ruidoso Downs has requested the governor call a boundary commission to annex a large area of land along highway 70 east of the city. Some of the reasons to annex is to force property owners in the newly annexed areas to hook into the regional waste water plant because their septic tanks may be polluting the Ruidoso River.

Several residents opposed to the annexation and some in favor of it attended the Lincoln County Commission meeting on August 19 in the courthouse in Carrizozo. The residents sat through an all-day meeting waiting until commissioners got to their annexation agenda item at 5:10 p.m.

Ruidoso Valley resident Ralph Romero had requested to be on the agenda to protest the annexation and to address how highway 70 construction will affect a turn around on Apple Blossom Lane. Romero said he had learned in the last four weeks that the City of Ruidoso Downs is in the process of annexing considerable amount of land. He said the city has applied for a boundary commission which consists of three individuals appointed by the governor. The three must not live within Lincoln County, one must be an attorney licensed to practice in New Mexico and two must be from the same political party.

There are three ways to annex, Romero said. If 51 percent of the affected citizens want and petition for it, if the city wants it or

the fastest, sneakiest way to go to the boundary commission. Romero said the application for the boundary commission has been done and sent to the state.

County commissioner Maury St. John asked if this was done without the knowledge of the citizens. Smokey and Sue Davis who live in Agua Fria, one of the county areas identified for annexation into Ruidoso Downs, said this was done without anyone knowing.

Romero said Ruidoso Downs put the decision to go to the boundary commission on a meeting agenda without public hearing because they say the river is polluted from septic tanks on county properties outside the city.

County commissioner Leo Martinez, who is the county's representative on the Regional Wastewater Treatment Facility board said Ruidoso Downs has conceded and the federal Environmental Protection Agency (EPA) testing has shown that the septic tanks are leaking and polluting the river. "Annexation is one way the city can control this," Martinez said.

"The city of Ruidoso Downs has no choice because EPA says it has to." Any septic tank that has potential for leaking or flowing into the river will be put under the EPA, Martinez added.

Romero said the test results were not specific and he wanted more information.

Martinez invited Romero to attend the next Regional Wastewater Treatment Facility board meeting.

Valley resident Larry Mulligan said EPA cannot force Ruidoso Downs to annex.

Martinez said the city feels it has a need to control the septic tanks or the pollution issue can fall on the county.

A reason for Ruidoso Downs to want to annex the properties is to have them hook into the regional wastewater treatment facility that is located just west of the Biscuit Hill bridge on Highway 70 across the Rio Ruidoso. Mulligan said that 10 percent of the properties within Ruidoso Downs are not hooked into the sewer, especially the 1978 subdivision north of the river.

Mulligan suggested instead of annexing the properties in the county to hook them into the sewer, people are saying drill wells to test if the septic tanks are polluting.

Martinez said an option is to put in a sewer line to take care of the people in the county area.

Romero said if 10 percent of the Ruidoso Downs properties are not connected to sewer how does the city expect to annex the county area.

Part of the trade off in annexation is the city have capability to provide water, sewer, police and fire services.

In response to a question from Martinez, Romero said the annexation should take place in about a month and a week. The boundary commission had 60 days to hold public

hearing on the annexation, Romero added.

While Romero's property is located within a subdivision with its own water system, he said the state engineer's office has reported that City of Ruidoso Downs has no more water rights available. "Why are they so concerned about annexing us then?" he asked.

Tom Lewicki, who owns 12 acres in the area to be annexed, said the sewer line to the regional wastewater plant goes through his property but he has never been compensated. He said one reason he bought the property was to be in the county, out of the city. "I'm bothered about this that I only found out about last Sunday," Lewicki said.

County commissioner Rick Simpson said he and commissioner Earl Hobbs were at the Extraterritorial Zoning Commission meeting where several people were irate about the annexation. "It made us look like liars because we didn't know until last week," Simpson said.

Smokey Davis said he sold his water company to Ruidoso Downs, with condition his property was guaranteed water from Ruidoso Downs and a promise that his property would not be annexed. Davis said he went to the Ruidoso Downs meeting where there were so many people no one had time to respond. He said there are problems with the current sewer plant which is running full and cannot handle another hook up.

"I don't want to pay for their sewer plant with my higher taxes," Davis said.

Martinez said EPA is telling the municipalities (Ruidoso and Ruidoso Downs) they have to fix the sewer plant. "A \$21-million bandaid won't do it," Martinez added.

County commissioner Maury St. John then asked if they could do a resolution against the annexation. "I'll so move," she added.

County commissioner Earl Hobbs said when he heard Ruidoso Downs was going to annex a large area he "almost felt lied to." "But they are faced with the EPA requirements so you have to understand their need," he added.

Then Hobbs said he got a call from a woman who favored annexation and made a good case for it. "In my opinion there is now nothing the county commission has to do with the issue," Hobbs said.

Rhonda Vincent, who with her husband owns Rocky Mountain Trailer and RV Park on Highway 70 east of Ruidoso Downs, spoke in favor of the annexation. Her park has 56 mobiles and 48 RV sites on seven acres, and is having septic problems because there is no room for leach fields. "I'm not saying we're polluting the river, but there is pollution in the river," she said.

Vincent said since they bought the park in 1996 in "good faith" they have spent thousands trying to comply with the NM Environment Department (NMED) but still have problems. She said they went to the city to get

hooked into the regional sewer plant, and even asked the city to annex just her property. "But the door was closed to us," she said. Now they have gotten a letter from the EPA saying they will be fined up to \$15,000 a day if they do not resolve their waste water problems.

"My predicament is I may have to close the park and evict the 88 percent Hispanic low income people in my park unless I can hook onto the sewer," Vincent added.

Later in the discussion, Frank Vincent said they did not really want to be

annexed; but with the environmental problem they should "step up to the plate and fix it."

Johnny VanWinkle, who also owns an RV park and campground on Highway 70 east of Ruidoso Downs, said he has asked to be annexed into the city. "I understand some not wanting to be," he added. "But it's inevitable."

VanWinkle said there are some property owners wanting to be on the sewer to "get EPA off our backs".

Another resident who lives near the sewer plant was not in favor of being annexed, because the added property taxes and sewer fees will not pay for the needed improvements.

Romero then asked the county commission to write a letter to the City of Ruidoso Downs about how the majority of the citizens in the proposed annexation area are opposed.

Martinez said he did not want the county to get in the middle of the annexation process. "We can't take a position," he said. "I am personally opposed to annexation unless it is necessary."

"We've got to get this fixed," Martinez added.

Hobbs said he agrees with Martinez there is no question about the annexation, rather resolving the sewer problems.

Simpson said a problem he has with the proposed annexation is it does not include the largest subdivision. Palo Verde. "They're skipping a big problem," he added.

Rhonda Vincent said she will have to pay to hook into the sewer system because Ruidoso Downs has no money for this.

"Even if you are annexed?" asked St. John.

(SEE PAGE 8)

Accident On Hwy. 54 Sends Six To Hospital

A member of an Amarillo, TX family was airlifted to the hospital in Albuquerque while five others were taken to local hospitals after their 1993 Chevy carryall rolled as a result of a tire blowout 20 miles north of Carrizozo on Highway 54.

According to state police who investigated the accident, everyone in the vehicle was ejected when the vehicle had a blowout causing it to leave the roadway, hit a tree and roll. Police said upon arrival at the scene they found people were scattered everywhere.

Both Carrizozo ambulances and Ruidoso Advanced Life Support Med 1 ambulance responded to the accident.

Injured were driver 43 year old Thomas Alfaro, 41 year old Jesus Alfaro, 17 year old Jesus Alfaro Jr., three year old Omar Alfaro, all of Amarillo, TX and 37 year old Jesus Zamarrida of Amarillo.

State police issued citations for no seat belt and no child restraints. None of the passengers were wearing seat belts at the time of the accident.

It has over 20 million faces but only one name:
DEPRESSION

Depression has specific symptoms. Do any of these apply to you?

- I feel sad and/or irritable.
- I don't enjoy the things that once gave me pleasure.
- My appetite and/or weight has changed.
- My sleep patterns have changed, and I now sleep too much or not enough.
- I am tired all the time and have no energy.
- I can't concentrate, remember things, or make decisions.
- My friends have noticed that I am restless or that my activity has decreased.
- I often think about death or have even tried to commit suicide.

If you have experienced five or more of these symptoms for longer than two weeks, take this checklist to your doctor or call the Heritage Program for Senior Adults.



LINCOLN COUNTY
MEDICAL CENTER
An affiliate of Presbyterian Healthcare Services

HERITAGE PROGRAM FOR SENIOR ADULTS
101 Raines Road
Ruidoso, New Mexico 88345
(505) 257-0491

TENTH
ANNUAL

2003

Labor Day
Sept. 1



10:00am - 3:00pm - McDonald Park

FAMILY FUN

SPECIAL EARLY MORNING EVENT

Wells Fargo HOT AIR BALLOON "A Loan at Last"
Tethered rides 7:30a.m. - 9:30a.m. (weather permitting)

MUSIC

44th ARMY BAND "DIRECT HIT" COMBO - DANZA MATACHIN PAVO REAL
MARCELLA & EDDIE GARCIA - CARRIZOZO'S OWN "RAILROAD SINGERS"

KIDS ACTIVITIES

KIDS GAME AREA
SPECIAL 1 - KIDS BIRDHOUSE PAINTING & AUCTION
WITH LOCAL ARTIST GAY SPIERBRAIN

PARADE

Food & Beverages - Arts & Crafts - John Henry Steel Man Contest
Cool Vehicle Show - Buggy Rides to Carrizozo Heritage Museum

FREE ADMISSION

Remember, the best way to enjoy the event is to be a STREET FAIR VOLUNTEER!!
VOLUNTEERS STILL NEEDED
To volunteer or for other STREET FAIR INFORMATION call Karla at 648-5837.

SPECIAL THANKS TO THIS YEAR'S ENGINEER LEVEL SPONSORS

Allsup's - Antique Liquidators - Carrizozo Air Center - Carrizozo Chamber of Commerce
Carrizozo Joe's - First Federal Bank - Lincoln County News - Neds Plumbing & Remodeling
New Mexico Land & Ranches Inc. - Otero Country Electric Co-op - Rainbow Inn & Cottages
The Stroud/Stearns Insurance Agency - The Sands Motel & RV Park
Tularosa Basin Telephone Company - Wells Fargo Bank

LEGALS

LEGAL NOTICE STATE OF NEW MEXICO TWELFTH JUDICIAL DISTRICT

No. CV-02-215
FIRST UNION NATIONAL BANK
AS TRUSTEE,
Plaintiff,

vs.
RAYMOND M. LOPEZ AKA REYMUNDO M. LOPEZ; JOHN DOE, TENANT WHOSE TRUE NAME IS UNKNOWN; JANE DOE, TENANT WHOSE TRUE NAME IS UNKNOWN; THE UNKNOWN SPOUSE OF RAYMOND M. LOPEZ, AKA REYMUNDO M. LOPEZ, IF ANY,
Defendants.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that the undersigned Special Master, or his/her designee, will, on September 9, 2003, at 9:00 A.M., at the Lincoln County Courthouse, 300 Central, Carrizozo, NM 88301, sell and convey to the highest bidder for cash all the right, title, and interest of the above-named defendants in and to the following described real estate located in said County and State:

LOT 42, BLOCK 3, OF WHITE MOUNTAIN ESTATES, UNIT 4, RUIDOSO, LINCOLN COUNTY, NEW MEXICO, AS SHOWN BY THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK AND EX-OFFICIO RECORDER OF LINCOLN COUNTY, NEW MEXICO, ON FEBRUARY 16, 1979, IN TUBE NO. 652.

The address of the real property is 201 LL DAVIS DR, RUIDOSO, NM 88345. Said sale will be made pursuant to the Decree of Foreclosure entered on July 9, 2003, in the above entitled ad numbered cause, which was a suit to foreclose a note and mortgage held by the above plaintiff and wherein plaintiff was adjudged to have a lien against the above-described real estate in the sum of \$357,293.85, plus interest from July 2, 2003 to the date of sale at the rate of 8.75000% per annum, the costs of sale, including the Special Master's fee, publication costs, and plaintiff's costs expended for taxes, insurance, and keeping the property in good repair. Plaintiff has the right to bid at such sale and submit its bid verbally or in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash.

At the date and time stated above, the Special Master may postpone the sale to such later date and time as the Special Master may specify.

NOTICE IS FURTHER GIVEN that this sale may be subject to a bankruptcy filing, a payoff, a reinstatement or any other condition that would cause the cancellation of this sale. Further, if any of these conditions exist, this sale will be null and void, the successful bidder's funds shall be returned, and the Special Master and the mortgagee giving this notice shall not be liable to the successful bidder for any damages.

NOTICE IF FURTHER GIVEN that the real property and improvements concerned with herein will be sold subject to any and all patent reservations, easements, all recorded and unrecorded liens not foreclosed therein, and all recorded and unrecorded special assessments and taxes that may be due.

NOTICE IS FURTHER GIVEN that the purchaser at such sale shall take title to the above-described real property subject to rights of redemption.

Dated: August 6th, 2003.

Peter Baca
Special Master
c/o Shapiro & Meinhold, L.L.P.
13725 Struders Road, Suite 201
Colorado Springs, CO 80921
(800) 286-0013 (719) 634-4868

Published in the Lincoln County News on August 14, 21 and 28, and September 4, 2003.

LEGAL NOTICE

NOTICE is hereby given that on March 21, 2003 the Town of Carrizozo, P.O. Box 247, Carrizozo, NM 88301, filed application with the STATE ENGINEER to appropriate underground waters of the State of New Mexico under file T-4284 and on August 4, 2003 the Town of Carrizozo filed corrective application with the STATE ENGINEER to appropriate underground waters of the State of New Mexico under said file from the Tularosa Basin in Lincoln County for municipal, residential, commercial and golf course purposes within and outside the municipal limits of the Town of Carrizozo for a diversion of 3,500 acre-feet per annum to be consumptively used from a proposed well to be drilled in the SE1/4SE1/4NW1/4, Section 11, Township 8 South, Range 10 East, N.M.P.M., on land owned by the Town of Carrizozo. Proposed well will be located in the vicinity of the Carrizozo Golf Course.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed and include the writer's complete name and mailing address). The objection to the approval of the application: (1) if impairment, you must specifically identify your water rights; and/or (2) if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially effected. The written protest must be filed, in triplicate, with the State Engineer, P.O. Box 729, Las Cruces, New Mexico 88004-0729 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to 505-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with Section 72-2-16, 72-5-6 and 72-12-3.

Published in the Lincoln County News on August 14, 21 and 28, 2003.

LEGAL NOTICE

NOTICE is hereby given that on March 21, 2003 and April 17, 2003 the Town of Carrizozo, P.O. Box 247, Carrizozo, NM 88301, filed application to appropriate underground waters of the State of New Mexico with the STATE ENGINEER under file T-4283 and AND on August 4, 2003 the Town of Carrizozo filed corrective application with the STATE ENGINEER to appropriate underground

Waters of the State of New Mexico under said file from the Tularosa Basin in Lincoln County for municipal, residential, commercial and golf course purposes within and outside the municipal limits of the Town of Carrizozo for a diversion of 3,500 acre-feet per annum to be consumptively used from existing wells T-1962, T-1962-S, T-1962-S-2 and T-1962-S-3 all located in the SE1/4NE1/4SE1/4, Section 1, Township 8 South, Range 10 East, N.M.P.M., on land owned by the Town of Carrizozo. Existing wells are located at the Carrizozo Golf Course.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed and include the writer's complete name and mailing address). The objection to the approval of the application: (1) if impairment, you must specifically identify your water rights; and/or (2) if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially effected. The written protest must be filed, in triplicate, with the State Engineer, P.O. Box 729, Las Cruces, New Mexico 88004-0729 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to 505-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with Sections 72-2-16, 72-5-6 and 72-12-3.

Published in the Lincoln County News on August 14, 21 and 28, 2003.

LEGAL NOTICE IN THE TWELFTH JUDICIAL DISTRICT COURT STATE OF NEW MEXICO

No. CV-2002-171

FIRST FEDERAL BANK, a federal banking corporation,
Plaintiff,

vs.
TRACY HARAGAN; DEBORAH GULEZ and
TRI-CO TRANSPORTING
Defendants.

NOTICE OF FORECLOSURE SALE

Notice is hereby given that pursuant to a Judgment entered in the above styled and numbered cause on August 11, 2003, said cause being an action on a Promissory Note and to foreclose a Real Estate Mortgage, the undersigned Special Master will, on September 22, 2003, at 2:00 o'clock p.m., on the east side of the Lincoln County Courthouse in Carrizozo, Lincoln County, New Mexico, offer for sale to the highest bidder for cash, the following described property located in Lincoln County, New Mexico:

Lot 46, Block 32 of Ponderosa Heights Subdivision, Unit V, Ruidoso, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk and Ex-officio Recorder of Lincoln County, August 18, 1958, in Tube No. 148.

Also known as 147 N. Oak, Ruidoso, NM 88345.

The sale is to satisfy the above Judgment, together with all costs and amounts due as follows:

Amount of the Judgment, attorney's fees and costs with interest to date of sale	\$73,345.99
Estimated cost of publishing Notice of Foreclosure Sale	\$400.00
Special Master Fee	\$150.00
TOTAL	\$73,895.99

This sale shall be subject to the Defendant's right of redemption within one month from the date of the sale as provided in the Judgment.

WITNESS my hand and seal this 18th day of August, 2003.

DONNA TUNELL

Eric J. Coll
SANDERS, BRUIN, COLL & WORLEY, P.A.
P.O. Box 550
Roswell, New Mexico 88201
(505) 622-5440
SA05EJC\FIRST FED\Haragan\NFS.wp

Published in the Lincoln County News on August 21 and 28 and September 4 and 11, 2003.

LEGAL NOTICE STATE OF NEW MEXICO COUNTY OF LINCOLN TWELFTH JUDICIAL DISTRICT COURT

No. CV-03-114

IN THE MATTER OF THE PETITION OF
MARCI RENEA JOINER FOR THE CHANGE
OF NAME OF HER DAUGHTER,
CASSANDRA DANIELLE SILVA

NOTICE OF CHANGE OF SURNAME

Notice is hereby given that Marci Renea Joiner has filed a Petition in the above Court for a change of her daughter's surname to Joiner. Said Petition will be heard by the Honorable Karen L. Parsons, District Judge, Division III, on the 25th day of September, 2003, at 8:15 A.M.

ALAN P. MOREL, P.A.
By: ALAN P. MOREL
Post Office Box 1030
Ruidoso, New Mexico 88355-1030
(505) 258-2202
Attorney for Petitioner

Published in the Lincoln County News on August 28 and September 4, 2003.

LEGAL NOTICE NOTICE OF INVITATION FOR BIDS

Bid 03-04-004

"Sale of Surplus Medical Equipment"
Due: Wednesday, September 10, 2003,
2:00 p.m. MDT

Lincoln County is requesting bids for the purchase of the following surplus County medical equipment:

Olympus Video Gastroscope Set,
Model GIF 130 and components
Smith & Nephew Dyonics Model CPC 7500
Peripheral Camera and components

The items will be sold "as is/where is" without warranty. The items are located at the Lincoln

County Medical Center in Ruidoso, NM and you may contact Jim Stover, Lincoln County EMS Coordinator, 505-257-8290, if you have questions regarding the equipment.

Bid packets with a detailed description of the equipment are available at the office of the County Manager, 300 Central Ave., Carrizozo, NM or will be mailed upon written or telephonic request to Jane Williams at 505-648-2385 ext. 15.

All bids must be clearly marked on the outside of the sealed envelope with the Bid Title, Bid Number, Date and Time of Opening. Bids received after the due date and time will be returned unopened.

The Lincoln County Board of Commissioners will review the offers and make their final determination at the County Commission meeting on September 16, 2003.

Lincoln County reserves the right to accept or reject all or any part of any offer, waive minor technicalities and award the bid to best serve the interests of Lincoln County.
JANE WILLIAMS
Purchasing Agent

Published in the Lincoln County News on Thursday, August 28, 2003.

Two County Students Earn NMSU Degrees

Two Lincoln County students earned degrees from New Mexico State University after the spring session.

Stephen David Bush of Nogal earned Bachelor of Criminal Justice.

Christel Dalton-Griego of Capitan earned Associate in Nursing.



(Continued from Page 6)

replied in the same manner, reassuring her and tell her that her life would be spared.

It was not known at the time that the Indian in the ravine was Tall Bull. Proof of that fact came three days later at Fort Sedgwick, where Carr took the 18 Indian women and children who were captured at Summit Springs. There Leo Palliday, an interpreter, recognized the Indian woman as the wife of Tall Bull and asked her if her husband had been killed in the battle. "Yes," she replied, pointing to Frank North. "This man killed him where I came out of the ravine."

By late afternoon the pursuit of the fleeing Indians among the hills was given up and the soldiers and Pawnee scouts returned to the village and began rounding up the horses and mules, more than 400 in number, that the Indians had abandoned. Soon afterwards a terrific rain and hail storm struck the camp and the victorious soldiers were forced to take refuge in the Indian lodges. In the midst of this storm, Buffalo Bill came riding into camp, followed a little later by Major Royall and his detachment. They had missed the fighting entirely and their only part in the Battle of Summit Springs was in the "mopping up" process -- that of disposing of all the rich plunder which was found in Tall Bull's camp.

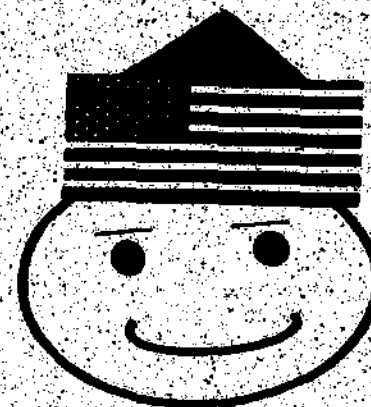
As for Buffalo Bill's becoming the "hero of the Battle of Summit Springs" it came about in this manner: Soon after the battle when the expedition had returned to Fort McPherson, Elmo Z.C. Judson ("Ned Buntline"), a prolific writer of dime novels, visited the post. In the exploits of Maj. Frank North, the "White Chief of the Pawnees," he saw the material for many a thriller.

But Frank North was not the type of man who cared to be made a dime novel hero. He poo-pooed all of Buntline's proposals to make him one. "If you want a man to fill that bill, he's over there under the wagon," he said. So Buntline went over and poked young Bill Cody with his foot. The twenty-three year old scout opened his eyes and looked up at the man who was to make him famous as "Buffalo Bill" on the stage and between the paper covers of dime novels.

That was in the seventies. A few years later Buffalo Bill, having tasted the delights of fame and hero-worship, was amazing two continents with a new venture in the amusement business -- the Wild West show. And living up to the reputation which had been created for him by Ned Buntline and other publicity agents he was "re-producing" the Battle of Summit Springs and appearing in the arena as the hero of that engagement.

Three years after the Battle of Summit Springs Luther North heard the story being circulated giving Cody, then on the stage in Buntline's "Scouts of the Plains," credit for the killing of Tall Bull. He was indignant and said to his brother, "Why don't you correct that?" But Frank North only laughed and replied, "I am not in the show business."

And with this modest disclaimer a truly great scout passed up his chance for fame as the slayer of one of the most dangerous "public enemies" of the frontier era and allowed a lesser man to wear such laurels, spurious though they were.



Have A
Good Day!!

County To Draft Own Flood Plain Ordinance

by Doris Cherry

Balking again on the state mandated "shall" the Lincoln County Commission directed their attorney to draft a flood plain ordinance that reflects the opinion of the county commission. The action was taken after a public hearing during the regular county commission meeting August 19 in the courthouse in Carrizozo.

"This shows we're making an effort to comply," said county commission chair Rex Wilson about the new state mandate for the county to adopt an ordinance that adopts the state regulations on land use in flood hazard areas. The state legislature this year changed the wording in the flood plain regulations from "may" to "shall" which mandates the county must follow the regulations and adopt the flood zone designated by the flood insurance rates maps and flood boundary and flood way maps.

As with the indigent health care fund act changes, the county has balked at changing its rules to comply with the state legislature mandates.

County commissioner Rick Simpson did not want a detailed ordinance, rather he wanted only a disclaimer to buyers about the federal designation of flood plains. "If you build in it it's your problem," he added.

County attorney Alan Morel said he had asked Delores DeVines in the Federal Emergency Management Agency (FEMA) office in Denton, TX if the county could gut the ordinance and still qualify for the flood plain insurance. He said DeVines said if the county deletes anything from the model ordinance sent by FEMA and writes its own modification FEMA would not approve it. "And if we're not approved we are not in compliance with state

statutes and we won't be eligible for the flood plain insurance," Morel added.

Oscuro resident Jerry Carroll asked if there is a time limit for the county to adopt the flood plain ordinance.

Morel said there is no deadline but it is existing law and the county must comply.

Carroll said he had attended a flood plain training session in "anticipation of federal control of our private property rights." He said in his opinion the statutory change to mandate adoption of the flood plain regulations was a "conspiracy, fraud and destruction of private property rights."

"This is federal zoning of rural lifestyle," Carroll added.

"I am responsible for a lot of things," Morel responded. "But not for the legislature passing and the governor signing this mandate for all counties and municipalities to have flood plain ordinances."

Morel said he was not opposed to delaying adoption of the ordinance for another month, especially since county planning officer Patsy Sanchez was at a training required by the law.

County commissioner Leo Martinez said he hated to agree with "the man from Oscuro" but he also thought the proposed flood plain ordinance was "weird." "What we do today has no effect on what the insurance companies will do," Martinez said.

"The problem is developers build in flood plains, get washed out and the taxpayers have to pay for them," Martinez added.

Simpson said the county commission took a stand on the state changes to the indigent health care ordinance, which is now being seen as correct. "Now I think we should take a stand on this," Simpson said.

County commissioner Earl Hobbs asked if the county is subordinate to the legislature and the laws of New Mexico.

Morel said the state has supremacy and assumes all is constitutional unless there is a challenge.

Hobbs then said the legislature imposed the law and the county has to comply with it regardless.

"I don't see how we have much choice but adopt a minimal ordinance," Hobbs continued. "I don't see anywhere in this ordinance where rights are be-

even to the Supreme Court.

St. John defended Morel whom she said was "taking an unfair hit."

"I believe he is looking out for us," she added.

Martinez said he agrees with Carroll a little. "But every ordinance here is opposed by the constitutionalists," he said. "We might not like this ordinance but it is law already and it's all moot because the regulations are determined by the insurance companies."

Simpson said he thinks the ordinance steps on the toes of private property rights and there should just be disclosure. "So it is up to us to challenge this," Simpson said. "I see this only places minimal restrictions on caveat emptor."

Morel said the ordinance requires certification from a property owner who proposes construction in a flood plain, and if so the building must be done according to the regulations.

"That is what a prudent man would do anyway," Hobbs responded.

Carroll got up and announced "Seig Heil" in objection.

Carrizozo resident Norm VanGorder also objected saying the president, congress, governor, state legislature, municipalities and counties are subordinate to the citizens.

Then county commission chair Rex Wilson advised Carroll he could only have five minutes to comment.

County commissioner Maury St. John asked who would update the flood plain maps which are required by the proposed ordinance.

Morel said FEMA is in the process, but Carroll said the FEMA maps that are computer generated have been found to have huge errors. He said at the workshop it was admitted the FEMA maps are not functional. He asked what the rush is to adopt.

An audience member suggested the county not adopt the rules and challenge the requirement

Simpson said. "We did this before and I'm ready to do it again."

Wilson then closed the public hearing and said he did not think it was appropriate to pass the ordinance without the most accurate flood plain maps. "Let's have Alan draft an ordinance of our opinions and let them turn that down," he said.

With that Wilson called for a motion. Hobbs made the motion to instruct Morel to draft a second ordinance to reflect the opinion of the county commission and have a public hearing after it is drafted. On a roll call vote Wilson, Hobbs, St. John and Simpson voted yes; Martinez voted no.

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Lincoln County News

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Ruidoso Downs Annexation

(Con't. from P. 7)

"Yes," Vincent said. "And they won't even let me pay to hook up now, and I've tried for years. The city needs to quit building if there is no room for us."

Before the discussion on the annexation, Romero discussed a problem with highway construction cutting into a county road. Romero said Apple Blossom Lane is a platted right of way to the Biscuit Hill bridge over the Ruidoso River. But recently Romero learned the highway construction is going to take at least 27 feet of the lane. "By doing this there will be no room for emergency vehicles to turn around," Romero said.

County manager Tom Stewart said he went out and looked at the situation with Romero. "The county owns the road and right of way," Stewart confirmed. He said he would contact the state department of transportation district engineer for solutions to the problem.

Woman Okay After Overnight In Woods

A 46 year old Ruidoso woman was found after spending 12 hours lost in the White Mountain Wilderness.

According to state police report, Philo Zischkale, who was staying with her aunt in Ruidoso, called from her cell phone to the Lincoln County Sheriff's Office at 4:25 p.m. on Tuesday, August 19 to report that she was lost. The phone had a Global Positioning System that indicated her whereabouts. The woman had gone on a hike with her four dogs on trail 35 from the ski run



Woman Okay After Overnight In Woods

area. State police activated search and rescue at 8:20 p.m. and the White Mountain Search and Rescue team, joined by members of the Chaves County Search and Rescue team, were mobilized by 8:45 p.m. at the base camp in Argentina Canyon.

Reportedly the woman was found about 2:30 a.m. in a very remote and rugged area of the wilderness. Because of the remoteness, searchers were not able to bring her back to base camp until about 10 a.m. on Wednesday.

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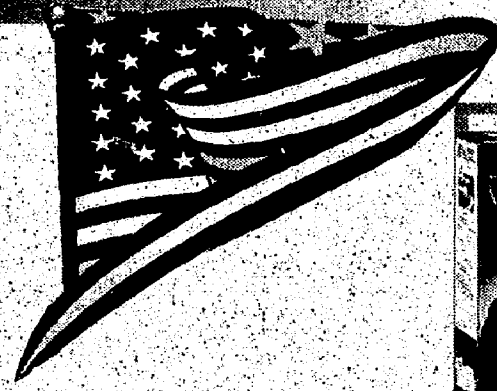
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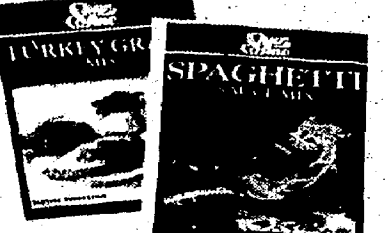
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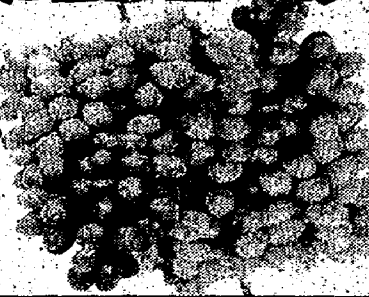
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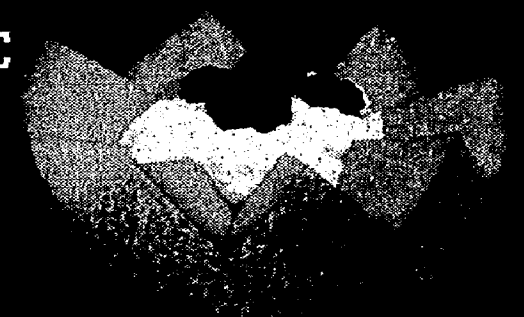
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