

# LCSWA Wants Action From DA

by Doris Cherry

Lincoln County Solid Waste Authority (LCSWA) wants to see some action from the district attorney toward resolving the criminal charges against a former authority manager. At their meeting Tuesday, October 28 in their offices in Ruidoso Downs, LCSWA chairman Don Coleman asked LCSWA attorney Angie Schneider if it is possible to get a decision from District Attorney

Scott Key about the Rick Simpson case. "Or should we refer this to the attorney general?" Coleman asked. Almost two years ago LCSWA sent to DA Key allegations of fraud against former LCSWA manager Rick Simpson (who is also a county commissioner). LCSWA alleged Simpson while serving as LCSWA manager had not properly documented travel and per diem for which he was monetarily compensated. The allegations were sent to

DA Key, but nothing has been done since, and now the statute of limitations of two years is approaching. Schneider said she called Key but he did not get back with her before the meeting. She said she thought she had little leverage with Key and she was concerned that a prior agreement between LCSWA and Simpson (for repayment of the per diem and mileage) will preclude the current complaint from the LCSWA board. In 2002, the LCSWA

board which had two different members than now tried to resolve the alleged overpayment issue by allowing Simpson to repay the amount. However, the current board has refused to cash any of the "repayment checks" Simpson has sent. Instead the current board referred the situation to the district attorney for investigation for possible criminal charges. LCSWA member Bobbi Shearer, representing Cap-

itan, said it was in the best interest of LCSWA to get behind the issue. LCSWA member Leo Martinez, representing the county, said the Attorney General will not touch the issue.

Coleman asked if LCSWA is still holding Simpson's checks. When told yes, Martinez said the former LCSWA board "on the spot accepted Simpson's repayment and forgiveness." "The authority board, with (Capitan mayor) Sederwall

(SEE PAGE 2)



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VOLUME # 98, NUMBER 44 THURSDAY, OCTOBER 30, 2003 CARRIZOZO, NM 88301



**NO BOUNDARY COMMISSION** members Pat Casey and Carmen Garza, with assistant attorney general Alvin Garcia prepare to open the City of Ruidoso Downs Annexation hearing held October 23 in Ruidoso Downs. A large group of residents from the areas to be annexed attended the meeting with about half in favor and the other half against the annexation.

## Ski Run Fire Is Not Contained

by Doris Cherry

Fire crews are working to surround a 250 acre fire on the ski run road that was human started late on Monday.

According to New Mexico State Forestry Fire Specialist Bill Duemling who spoke to THE NEWS late Wednesday afternoon, the Ski Run Fire started about 8:17 p.m. Monday night in the switch back areas from mile marker 6 to just above the Oak Grove Campground on the ski run road. The cause of the human started fire is under investigation by the Lincoln County Sheriff's Office, Duemling added.

Considered zero percent contained by Wednesday afternoon, Duemling said the fire is burning in a mosaic on a very steep area

along the ski run road which is very narrow and hard for fire equipment to pass. "There is a lot of work to do to contain this fire which is scattered and spotty," Duemling said.

At one point on Tuesday, fires had crowned into tree tops in an isolated area, but overall most of the fire was on the ground, Duemling added.

Five hand crews and a US Forest Service "short crew" of permanent employees are fighting the fire, Duemling said the Smokey Bear Hot Shots, who are seasonal employees, are not available to help with this fire.

Crews have help from three helicopters and two Single Engine Attack Transport (SEAT) airplanes currently stationed at Sierra Blanca Regional Airport.

No houses or structures have been burned in the fire which is about three fourths of a mile from Oak Grove Campground. Duemling said the campground had not been damaged by the fire.

Duemling said there are 22 houses in the Eagle Creek summer homes area and 15 in the Villa Madonna area, most of which are used seasonally. He said the full time residents in those areas were voluntarily evacuated Tuesday and the road to the Mon Jeau Look-out tower and ski run road were closed to the public.

Ski run road will remain closed except for residents who live along Eagle Creek and emergency crews. Duemling said none of the residents who live in the lower part of Eagle Creek were evacuated.

"At this point there is minimal risk from the fire to the Ruidoso or Sun Valley areas," Duemling said. "However, we never say there is no risk when talking about wildfire."

As of Wednesday afternoon winds had not been much of a factor in spreading the fire, but the weather service is forecasting winds with gusts up to 45 miles per hour on Thursday, October 30.

## Ruidoso Downs Annexation Decision Delayed

by Doris Cherry

When the City of Ruidoso Downs went before the New Mexico Boundary Commission on October 23, city officials hoped they would get the go ahead to annex 591,597.4 acres of county land. Their main reason to annex was to hook septic systems on lands in the annexation area onto the regional waste water plant facility which has imposed upon it the strictest phosphorus standard in the nation.

What they got was a seven day delay, given in response to a request from property owners who oppose the annexation.

City of Ruidoso Downs City Clerk Carol Virden told THE NEWS on Wednesday, Oct. 29 that the boundary commission had not yet scheduled a follow up meeting, and may let her know by Friday, when the follow up meeting will be held.

People opposing and supporting the annexation filled the City of Ruidoso Downs meeting room at the four-hour long boundary commission hearing held on October 23.

City officials first made their case by presenting information in nine exhibits showing the city's legal processes and how the city has ability to provide water and sewer services to the annexation area and how the regional waste water treatment facility has enough capacity to deal with the additional sewage.

reason for the annexation is to reduce the river pollution caused by septic tanks in the annexation area. Currently the city has a moratorium on hooking sewer systems located in the extraterritorial areas (county lands surrounding the city) until the regional waste water treatment facility is upgraded to meet the Environmental Protection Agency (EPA) mandated phosphorus level, which is the most stringent in the US.

City officials reasoned that annexing these properties, most along the Rio Ruidoso east of the city, will allow the properties to hook into the regional sewer plant, and will bring added property taxes and bonding base to the city in order to provide funds to upgrade the sewer plant.

Among those opposing the annexation were valley property owner Ralph Romeo and attorney Bob Beauvais representing other property owners. They asked the boundary commission members to keep the records presented by the city open for a week to allow review and possible rebuttal because some of the information was made available to the public only on the day of the boundary commission meeting.

The City of Ruidoso Downs was represented by city attorney Dan Bryant who questioned city manager John Waters about the city's process of the annexation and other information about water rights, or is acquiring rights, and has enough "wet" water to provide services to the area to be annexed.

The city also showed in exhibits how its gross receipt tax revenues have continued to grow, how the city is able to provide police and fire protection and in the city Infrastructure Capital Investment Plan (ICIP) how the city plans to expand water and sewer services to the area to be annexed.

By state law, two elements must be met for a municipality to annex land, the land to be annexed is contiguous to the municipality and the municipality must be able to provide city services to the area to be annexed.

Bryant said he had met with Ralph Romero who was representing land owners opposing the annexation. He said they discussed the concerns about the availability of "wet" water and the ability of the waste water plant to handle the additional volumes of sewage from the areas to be annexed.

Beauvais said the proposed annexation area was "cherry picking" and "patchwork annexation" that leaves out lower income subdivisions in Palo Verde Slopes while taking in higher valued Agua Fria developments.

Bryant asked Waters about Palo Verde slopes area.

"It would have been nice to include the area, but monetarily the city is unable to do that," Waters answered.

Waters also said several of the property owners in the areas to be annexed have offered to help pay for hooking into the sewer and water services.

Boundary Commissioner Pat Casey said annexing the Palo Verde Slopes area may be a subject of discussion in the future. "But for the present I see you have a very pressing need to assure the quality of water in the Rio Ruidoso," Casey added. "Yet to leave out a subdivision that ties back to your ability to remove phosphorus and leaching I don't understand."

Casey said he understands the function of money and where the city is willing to spend money to provide services. "But when I see big gulfs of land to be excluded I get concerned."

Also during testimony from the city department of public safety chief Robert Logan told how the city has two paid fire department employees and 16 fire department volunteers and 11 police officers who would be able to respond to the areas to be annexed. Logan said already the city responds to fires and police calls in the annexation area.

After the city officials presented their testimony, Boundary Commission vice-chair Carmen Garza told the audience that by law the boundary commission does not have to take public comment or public participation, but as courtesy they would allow public comments. Garza said she grew up in Ruidoso and has a real interest in the area and what the residents have to say.

Those opposing the annexation were first allowed to comment.

Beauvais asked for 30



**BOY AND GIRL STATERS**, Tommy Aldaz and Victoria Rossi were treated to dinner by Capitan American Legion and Auxiliary Post 57. Legion members pictured with the students are Bob Stephens, Gladys Neill and Thelma Stephens. Aldaz is a senior at Capitan High School, Rossi is a senior at Carrizozo High School. Other girl staters not pictured were Falon Sparks and Candle Turner both seniors at Capitan High School. Hosted by the American Legions and Auxiliaries, the Boys and Girls State events are held in separate locations in the summer where students learn about government and participate in mock elections.

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# LCSWA Wants Action

(Continued from Page 1)

on it, was ready to do that," Martinez added.

"We are taking care of business," Martinez added. "It's not right nothing has been done. We turned this investigation over to Key last December."

The LCSWA board once again also discussed the forgiveness of debt by the Village of Capitan and the pay-

ment of landfill closures by the Village of Capitan. The two items have been on the LCSWA meeting agendas for years. Shearer said the Capitan trustees unanimously voted at their October 14 meeting to not forgive the debt or pay the landfill closure because of comments made by Ronnie Montes who was the Capitan construction landfill manager. Montes "had a different spin on who dropped the ball" on the landfill closure, than the comments from former LCSWA manager Joe Lewandowski.

"I recommend we set a mediation or a joint meeting between Capitan and the authority," Shearer said. Schneider said she preferred to talk with Capitan attorney Marc Prelo and set up a meeting between the two entities instead of going to mediation at this time.

But Shearer thought mediation was best to keep both sides out of court. Martinez said he did have a problem with mediation, but he does not understand the situation. He said he does not intend to attend the Capitan village meeting to learn more, but as he sees the situation all other entities involved with LCSWA had forgiven their debt because it was considered "double taxation."

Capitan wants the forgiveness of the debt to offset the cost of closing its landfill, Martinez added. "We're talking about a debt of \$17,000 more or less with interest."

Martinez then suggested that while he wants Capitan to work with LCSWA, the LCSWA board will be liable for the cost of monitoring the Capitan landfills for 30 years. He said Capitan should forgive the debt to stay with LCSWA and share in the cost of monitoring the landfills.

"Are you suggesting if Capitan does not pay for the landfill closure it should get out?" Shearer asked. Martinez then said Capitan costs LCSWA a lot of money.

Shearer said Capitan is keeping the two issues of debt and landfill closure tied partly because the trustees are unsure if they have all accurate information about the landfill.

"I think we should mediate," Shearer said. "But when you talk Capitan getting out of the authority, you are opening a door that we thought was closed a year ago."

"I think Capitan is willing to do what all the other authority entities did, but we want to make sure the landfill closing costs are our obligation and if we dropped the ball on the closure. That is why we have kept the two issues tied."

Carrizozo LCSWA representative Ray Dean suggested the landfill issue be resolved first, then go back and resolve the forgiveness issue.

Schneider said that is the way she is approaching the situation and she feels she is making progress by talking with Prelo. Schneider then asked the board to let her go to mediation with Capitan and not let the issue go any farther.

When discussing who would serve on a mediation board, LCSWA operating supervisor Debra Ingle suggested the New Mexico Environment Department (NMED) solid waste department official be asked to be involved and to bring in all information submitted about the Capitan landfill closure.

Martinez asked if Capitan will accept the information from the NMED about the landfill closure.

Shearer answered, "Give me the facts and I'll look at them objectively."

Coleman concluded the discussion, which has become redundant to LCSWA meetings, by instructing the attorney to get with the Capitan attorney about the situation.



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 May 15, 1959.

## Ramblin' Around Lincoln County

(Ed Note: The author of the following article on Lincoln County has asked that his name remain anonymous.)

Some years before his death I had the opportunity and the privilege of visiting with and talking to John Meadows, one of the colorful pioneers of Southeastern New Mexico. John Meadows had been a trusted and valuable deputy sheriff of Lincoln county under George Curry. He had served with great credit to himself and to Curry, who became sheriff of the county at a time when there was little semblance of either law or order.

At the time of my visit with him, John Meadows was living in Tularosa, a small hamlet at that time in Dona Ana county whose early day residents would be amazed today, could they see and know the growth and development which the Army and Air Force installations to the south have brought to all of the Tularosa Basin. A large business building in Tularosa still bears the name "Meadows Building".

The Occasion of his coming to Roswell was an Old Timer's meeting and program which was given for the benefit of the Roswell Museum and which was sponsored by Mrs. Corrine Whitney, Mrs. Amelia Church, Mrs. W.W. Phillips, Mrs. C.D. Bonney, and others and which incidentally made a considerable amount of money which was used most judiciously by these pioneer women in furthering the interests of the museum.

John Meadows was the "Old Timer" and was to answer any and all questions put to him concerning the very early days in Lincoln county, when this great county reached from the Rio Grande on the west to the Texas line on the east, and where for a number of years there was probably less law and order than in any like area in the United States.

The stage where the program was given was so constructed that it vividly resembled a cowboy camp at night, with the camp fire burning, the Dutch oven and the coffee pot on the coals, and the cowboys there resting on their saddles, after a hard ride during the day. John Meadows was the Old Timer providing the answers and Hiram M. Dow and C.D. Bonney were the questioners.

There was a lot of talk back and forth that night about Billy the Kid, Albert J. Fountain, Oliver M. Lee, Pat Garrett and others who had made colorful history in the great Southwest. The hall was packed. The large crowd did not want to miss the rare opportunity to hear early and authentic history first hand. Indeed, it was an occasion never to be forgotten.

During the occasion of John Meadows' visit to Roswell, and in a private conversation later, he told me that after Billy the Kid had killed his guards, Bell and Ollinger at Lincoln, Billy came to the Meadows ranch, arriving late at night, and then and there told Meadows all of the circumstances surrounding his escape and the killing of the two deputies who had been left to guard him while Pat Garrett attended to official business on that day in the then booming mining town of White Oaks.

John Meadows said that he warned Billy the Kid that Garrett would surely kill him and advised him to leave the county immediately and go to Mexico. Meadows further said he told Billy that he would give him the best horse that he had.

"I know Pat Garrett," Meadows said he told Billy the Kid, and "unless you get out of the country at once, he is certain to kill you as you are sitting there right now."

On this occasion John Meadows disclosed that Billy said he knew that if he remained in the territory or the United States for that matter, Garrett would kill him, since he had been elected Sheriff of Lincoln county on a law and order platform and was an utterly fearless man.

"I want to make a last visit with my girl at Fort Sumner," John Meadows said Billy told him, and "after this visit you may be sure I will leave the country forever."

History records that Billy the Kid did go to Fort Sumner, and later Pat Garrett, acting on a tip from White Oaks, together with two deputies, John W. Pope and Tip McKinney, went to Fort Sumner and there in a dark room in the house of Pete Maxwell, beat Billy the Kid to the draw.

This is not the time or the place to discuss

(SEE PAGE 8)

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## Corona News

The Corona School Halloween celebration will begin Thursday night at 7 pm in the Corona School Auditorium. Everyone is invited to come out in costume for fun games and prizes. There will be many activities and chances to support the school.

Tim and Arliss Sanchez are the proud parents of a baby girl. A shower was held in their honor. The Sanchez's named her Jessica Rose.

Funeral services were held Sunday at the Corona Baptist Church for Nathan Romero.

The Corona girl's volleyball team lost to Temple Baptist Thursday. They will play in the district play offs this week.

Bernadine and Ralph Dial from Estancia will provide the entertainment for the American Legion Auxiliary covered dish dinner to be held November 4 at the school recreation room starting at 5:00 p.m. American Legionnaires and Auxiliary members and their spouses are invited.

The Ranney family came to the Ranch Friday, including George, Eddie, David, and Nancy Ranney Levy. They went to Santa Fe Saturday to celebrate the birthday of Betsy Getz.



# Property Taxes Are Due Nov. 10

by Ruth Hammond

Lincoln County Treasurer Beverly Calaway reported that the 2003 tax bills are in the mail. A total of 28,820 tax bills were delivered to the Carrizozo Post Office on Thursday, Oct. 23, an increase of 804 tax bills from last year.

Tax bills are due on November 10 and become delinquent after December 10. Taxpayers have the option of paying in full or paying half with the second half due on April 10, 2004 and delinquent after May 10, 2004.

State statutes require the county treasurer to mail the bills by November 1 of each year.

The Lincoln County Treasurer bills, collects and distributes taxes for the state, the County of Lincoln, five municipalities in Lincoln County, five school districts in Lincoln County, Lincoln County Medical Center, rural health clinics, Eastern New Mexico Univer-

sity at Ruidoso and several special soil and water and sanitation districts.

Calaway asks that if a property owner does not receive their tax bill by November 1 to please contact the treasurer's office. "We now have a toll free number for our property owners to call with questions concerning their tax bills, 1-800-687-2705," Calaway said, and added, "We also have a new website at lincolncountym.net where people can log on for information concerning the Lincoln County Treasurer's Office." Address change forms and other information may be downloaded from the website.



## MONDAYS AND THURSDAYS

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

## FIRST AND THIRD TUESDAYS

--Jalayne Spivey of the District II Office of the State Engineer is at Ruidoso Village Hall from 9 a.m. to 12 noon.

## TUESDAYS

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

--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.

--Crossfire Youth Group, 6:30-8 p.m. Trinity Baptist Church in Capitan. For junior and senior high school age youth.

## WEDNESDAYS

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

--AWANA club for kids age 3 to 6th grade meets 6-8 p.m. First Baptist Church of Carrizozo.

## TODAY, THURSDAY, OCTOBER 30

--Carrizozo School PFK Halloween Carnival, 6-8 p.m. old gym.

## FRIDAY, OCTOBER 31 HALLOWEEN

--Chili Cook-off at Carrizozo School. Enter at 9-10 a.m.

--Last day to drop off veterans information to Carrizozo School to be included in the Veteran's Day Memorial Wall. Call Carrizozo school at 648-2346 for more information.

--Halloween Party at Smokey Bear Historical Park in Capitan, 5:30-7 p.m. refreshments.

--Carrizozo varsity football v. Faith Christian, 5:30 p.m. kick off at Laabs Field in Carrizozo.

--Capitan Varsity Football v. Mescalero, 7 p.m. kick off in Tiger Stadium in Capitan.

--Ruidoso varsity football v. NMMI 7 p.m. kick off Horton Stadium in Ruidoso.

## SATURDAY, NOVEMBER 1

--Carrizozo Fire Department Costume Dance 8 p.m. fire hall.

--Capitan Chamber of Commerce "Smokey's Hometown Holiday Bazaar" through Sunday at Capitan Senior Center. Call 354-0305 for information.

## MONDAY, NOVEMBER 3

--Capitan Chamber of Commerce meets at 8:30 a.m. at the Chamber Building on Second Street.

--Carrizozo Planning and Zoning Committee meets at 5:30 p.m. in the town hall offices in Carrizozo Recreation Center.

## TUESDAY, NOVEMBER 4

--Lincoln County Public Land Use and Rural Affairs Advisory Committee (PLURAAC) meets at 9 a.m. in the Lincoln County Commission chambers in the Lincoln County Courthouse in Carrizozo.

--Ruidoso Utility Council 9:30 a.m. village hall.

--Lincoln County Republican Party meets at 6 p.m. at K-Bobs Restaurant in Ruidoso. Call 354-4230 for more information.

--American Legion Post 57 meets at 7 p.m. at Capitan Senior Center.

## WEDNESDAY, NOVEMBER 5

--Ruidoso Library Board noon, library.

## THURSDAY, NOVEMBER 7

--Free flu shots given at 9-10:30 a.m. at Carrizozo Senior Center, 11:30 a.m. to 1 p.m. Capitan Senior Center and 3 to 4 p.m. at San Patricio Senior Center. Call the centers for more information.

## SATURDAY, NOVEMBER 8

--Lincoln County Democrat Party meets at 9:30 a.m. at Cornerstone Bakery on Sudderth Dr. in Ruidoso. For information call 354-2673.

# Free Flu Shots

Flu shots will be given at no cost on Friday, November 7 at the Zia senior citizen centers in Lincoln County.

At Carrizozo Senior Center, shots will be given from 9 to 10:30 a.m.

At Capitan Senior Center, shots will be given from 11:30 a.m. to 1 p.m.

At San Patricio Senior Center, shots will be given from 3 to 4 p.m.

For more information please call the area senior centers, or Ada Hendryx senior center supervisor at 648-2121.

Flu shots will also be given at Ruidoso Conven-

tion Center from 10 a.m. to 5 p.m. on November 8 and at Corona City Hall on Main Street from 1 to 3 p.m. on November 18.

There will be flu vaccine available for children age 6 months to 18 years at the clinics. Children must be accompanied by parent or legal guardian.

There is no charge for the flu shots but if people are covered by Medicare or Medicaid they are asked to bring their cards in order for the flu clinics to be reimbursed.

For more information about flu shots call 1-800-232-2522.



PROPERTY TAX BILLS were mailed last week in Carrizozo. Postmaster Jimmy Samora, Lincoln County Treasurer Beverly Calaway and deputy treasurer Albert LaFave stand beside one of three mail carts filled with the 28,820 tax bills that were sorted and in tubs ready for delivery.



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# LEGALS

## LEGAL NOTICE

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL  
DISTRICT COURT

No. CV-03-209

HOMECOMINGS FINANCIAL NETWORK, INC.,  
Plaintiff,

vs.

STEPHANIE HAY, STEVE LEE, and PIERCE A.  
HUMBLE, SR.,  
Defendants.

## NOTICE OF SALE

Notice is hereby given that on December 2, 2003, at the hour of 9:00 a.m. the undersigned Special Master, or his designee, will at the front entrance of the Lincoln County Courthouse, at 300 Central, Carrizozo, New Mexico, sell all of the rights, title and interest of the above-named Defendants, in and to the hereinafter described real estate to the highest bidder for cash. The property to be sold is located at 247 Fourth Street, Ruidoso, New Mexico 88345 (if there is a conflict between the legal description and the street address, the legal description shall control), and is more particularly described as follows:

LOT 24 AND THE EAST 15' OF LOT 25,  
BLOCK 0 OF RUIDOSO PINE LODGE CO.  
SUBDIVISION, RUIDOSO, LINCOLN  
COUNTY, NEW MEXICO, AS SHOWN BY  
THE PLAT THEREOF FILED IN THE  
OFFICE OF THE COUNTY CLERK OF  
LINCOLN COUNTY, MARCH 26, 1925.

including any improvements, fixtures, and attachments, such as, but not limited to, mobile homes, subject to all taxes, utility liens and other restrictions and easements of record, and subject to a one (1) month right of redemption by the Defendants, the foregoing sale will be made to satisfy a foreclosure judgment rendered by this Court in the above-entitled and numbered cause, being an action to foreclose a mortgage on the above-described property. The Plaintiff's judgment is \$132,214.13, and the same bears interest at 9.4000% per annum, which accrues at the rate of \$34.05 per diem, commencing on September 1, 2003, with the Court reserving entry of final judgment against said Defendants Stephanie Hay and Steve Lee for the amount due after foreclosure sale, for costs and attorney's fees, plus interest as may be assessed by the Court. The Plaintiff has the right to bid at such sale all of its judgment amount and submit its bid verbally in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash. The sale may be postponed and rescheduled at the discretion of the Special Master.

The Court's decree, having duly appointed Peter Baca, as its Special Master to advertise and immediately offer for sale the subject real estate and to apply the proceeds of sale, first to the costs of sale and the Special Master's fees, then to pay the above-described judgment, interest, and costs of sale, and to pay unto the registry of the Court any balance remaining to satisfy future adjudication of priority mortgage holders.

NOW, THEREFORE, notice is hereby given that in the event that said property is not sooner redeemed, the undersigned will as set forth above, offer for sale and sell to the highest bidder for cash or equivalent, the lands and improvements described above for the purpose of satisfying, in the adjudged order of priorities, the judgment described herein and decree of foreclosure together with any additional costs and attorney's fees, costs of advertisement and publication, a reasonable receiver and Special Master's fee to be fixed by the Court. The total amount of the judgment due is \$132,214.13, plus interest to and including date of sale of \$3,166.63 for a total judgment plus interest of \$135,380.78. Sale is subject to the entry of an order of the Court approving the terms and conditions of this sale.

PETER BACA, Special Master  
P.O. Box 215  
Carrizozo, New Mexico  
(505) 648-9925

Published in the Lincoln County News on October 30 and November 6, 13 and 20, 2003.

**THOUGHTS**  
FROM THE EDITOR'S DESK

**Fire Season Never Stops**

By Ruth Hammond

Doesn't it seem to be late in the year for a forest fire? Maybe it was because of the drought this summer, but the fire danger was very high across the state yesterday. The fire in the Lincoln National Forest this week was not a surprise, but we do wish it had not happened. The main thing to remember is that fires can start anywhere and at any time and everyone should be extra careful. Hunters are invading the area they also need to be careful with fire. Hunters are out in the woods, too many on motorized vehicles, and sometimes they leave campfires unattended which is very unsafe.

Another concern this week was the possibility of problems from the solar flares which started on Tuesday and were to continue through today. There has been no sign of sun drops falling in this area but it could happen. Seems the sun flared out of control and one portion was heading toward Earth. We haven't heard if there is a serious threat of sunburn from the solar flare but suppose it could happen. You might want to wear extra sun screen if you will be out in the sun for a long time.

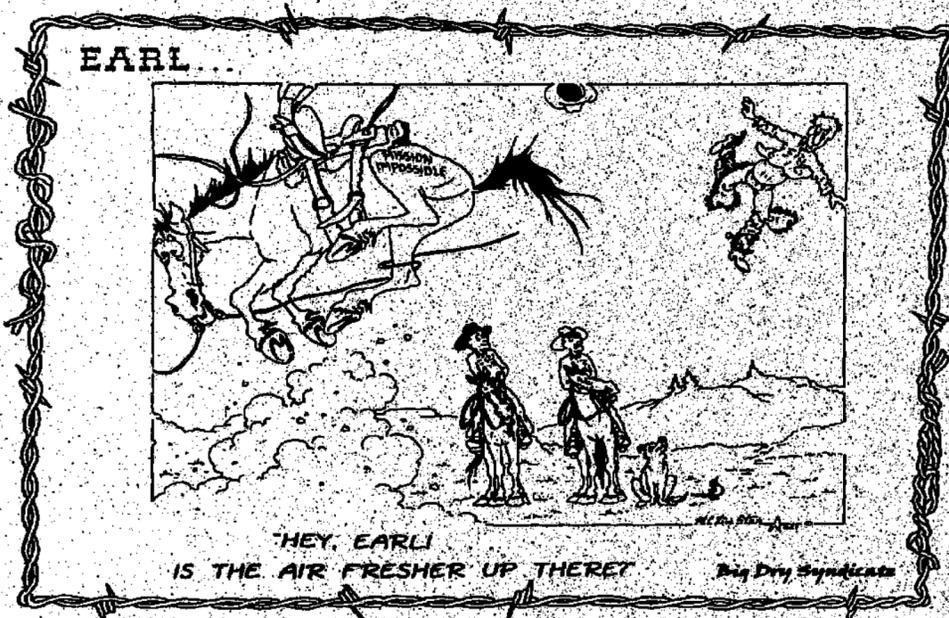
Next thing of concern is that colder weather will be here early in November, which is not all that uncommon. One year it snowed on Halloween and we've been told that it was normal for it to snow in October in Lincoln County. The moisture might help contain the fire in the Lincoln National Forest and that would be a great help. We do hope there is enough moisture to keep the fire from spreading to homes. The concern about cold weather is for older people who need to take extra precautions for safety and health issues.

Clitches can also cause problems, though some are not as serious as others. You may have noticed this column is quite different this week, and the reason is a computer glitch which necessitated a change. And of course the glitch had to happen when we were putting the paper together. Seems problems happen when they are least wanted.

Except for a few frazzled nerves, the computer glitch was not much more than an inconvenience, and adapting seemed the best solution. Wouldn't it be nice if everyone would be willing to adapt and work together instead of doing the things they do? Why accuse someone unjustly when the easiest and most sensible thing to do would be talk about it? Why spout of so-called wrongs when there was nothing wrong, only in the minds of some people? Why point fingers, unless it is to bring attention to the obnoxious finger pointer.

Rational people use reasoning, but brainless people bully their way around. Their victims are usually smaller and less able to defend themselves. Apparently it gives bullies a feeling of power to be able to trounce others; but most people realize that tyrants swagger only to try to prove their own self worth, while important people know the difference between bluster and authenticity. It is not important what bullies do, because they do not listen and they do not care. What is important is the things that matter, the things you care about and the things that are of most concern to you.

*Concern Is Caring*



**INSIDE THE CAPITOL**  
by Jay Miller

**SANTA FE** — The search for Billy's bones has begun. The sheriffs' offices in Lincoln and DeBaca counties have filed a petition asking the Grant County District Court to order exhumation of the body of Catherine Antrim, Billy the Kid's mother.

This exhumation may be easier than previous efforts to dig up the remains of Billy and other celebrities because this one is being done as part of a reopened investigation of the Kid's death, 122 years ago.

Sherry Tippet, an attorney representing Lincoln and DeBaca county authorities says the normal procedure is to get a permit for exhumation from the state medical investigator's office. But Tippet says she and the sheriffs decided to go to District Court for an order so the process will be open and any complaints can be heard.

And there will be complaints. The mayors of Silver City and Fort Sumner both have announced their opposition to unearthing Billy's mama's bones.

A forensic anthropologist from the state Office of the Medical Investigator says she has researched the burial history on the exact location of Antrim's remains and is confident they can be exhumed without disturbing other graves, according to the court petition.

That claim is subject to debate since the entire cemetery in which Antrim was buried was moved many years ago to make room for a housing development. If someone else's remains are unearthed, the DNA from those surely won't match whatever might be found in Billy's grave. That possibility naturally bothers the Fort Sumner mayor. The DNA testing, by the way, will be privately funded.

The Silver City mayor and some of his council members aren't pleased that no one has consulted with the town of Silver City. They see it as no more than a publicity stunt.

The sheriffs and Gov. Bill Richardson are trying to untangle some of the historical questions surrounding the Kid's death. There have long been stories that Billy may not have been killed that night in Fort Sumner. Sheriff Pat Garrett may have shot someone

The coroner's jury, in its report to the New Mexico attorney general, attested that it viewed the body and

unanimously agreed it was William Bonney, although stories persist that the jury didn't arrive until after the body was buried.

Gov. Richardson says he wants a thorough analysis of what happened. His main interest seems to be the pardon the Gov. Lew Wallace reportedly promised Billy in return for his telling all he knew about the Lincoln County War. Billy apparently upheld his end of the deal but wasn't let off as some others were who testified.

According to some accounts, that is what caused Billy to stage his daring escape from the Lincoln County Courthouse, killing two deputy sheriffs in the process. Evidently Gov. Wallace wanted to deliver on his promise but the prosecutor wouldn't agree.

As recently as last January, descendants of The Kid have asked subsequent governors for that pardon, which has never been granted. Gov. Richardson says he feels a certain responsibility to look into the matter and do the right thing. He also adds he wants the investigation to be right at all costs and not make any mistakes.

That's not easy 122 years later. But Richardson says he's going to appoint a prosecution and defense to argue the case in Silver City, Las Cruces, Lincoln and Fort Sumner. That obviously has its publicity and tourism value but the governor is playing with fire. He likes to be in control, but other people, with possibly other motives, also are involved.

DNA testing of hundred-year-old bodies will be inconclusive at best and prove nothing. A wave of crazies are bound to come out of the woodwork along with a spate of opportunists once the "investigation" gets rolling. And the whole thing may get out of control.

But it should be fun to watch.

*Have A Good Day!!*



**PSYCHIC PREDICTIONS FOR THE NEW MILLENNIUM**

Psychic Judith Christopher  
Ruidoso NM  
http://www.ruidoso.net/psychic  
e-mail.....  
judithchristopher@hotmail.com  
(505) 257-2996

**Scorpio (Oct 23 - Nov 21)**  
Take a time out when it comes to your temper. Others don't know the pain that you're holding inside. Share your thoughts with someone you trust.

**Sagittarius (Nov 22 - Dec 21)**  
It's time to tell others that you have to do certain things at a certain time. If they don't understand, they'll get over it. Just say "NO".

**Capricorn (Dec 22 - Jan 19)**  
A good time to start that project, but you're not ready! Get organized, or lose valuable time and money. Plan first on paper, save the money now.

**Aquarius (Jan 20 - Feb 18)**  
You're trying to do the right thing, but maybe with the wrong people, or the wrong place. Ask your heart what you really want. Not logic this time.

**Pisces (Feb 19 - March 20)**  
Clean up the mess, and start the band. Your life is changing for the better. You'll be able to breath a little easier now. Give away that great smile.

**Aries (March 21 - April 19)**  
Don't worry! The money will come to you, once you decided to change your life as you know it. You can't keep on doing the same old thing. Change.

**Taurus (April 20 - May 20)**  
When you least expect it, you'll lose someone or something you thought you had neatly tucked away. Don't assume anything, check first.

**Gemini (May 21 - June 20)**  
Touchy, touchy. Think first before saying the wrong thing. You are right about what is going on, but that doesn't count when it comes to feelings.

**Cancer (June 21 - July 22)**  
It doesn't matter! What you think and feel is only good for you. Others can't even begin to understand why you are doing what you have to do. Do it.

**Leo (July 23 - Aug 22)**  
Great start on a new project. Make sure the money is there, and not just lip service. Money talks, others can walk. Look in their eyes for the real truth.

**Virgo (Aug 23 - Sept 22)**  
Love is in the air. Maybe more than you can handle at this point. Remember true friendship is the cornerstone of true love. Friends first, then love.

**Libra (Sept 22 - Oct 22)**  
Your life is in stalemate. Mix it up, and bring back the excitement you need and crave. Do something out of the ordinary. Do something a little crazy.

**Weather Report** *THINK RAIN*

A cold front on Saturday and Sunday will send low temperatures down into the 20s in the high country and into the 30s in the lowlands, bringing the first hard freeze of fall.

The following information was taken from the National Weather Service website.

Forecast for Carrizozo, Lincoln, Hondo and high plains of Lincoln County:

Today, Thursday, Oct. 23  
Partly cloudy with high of 82 in Carrizozo. Tonight partly cloudy with low of 47 in Carrizozo. No chance for precipitation.

Friday, October 24  
Partly cloudy with high of 80, low of 46.

Saturday, October 25  
Partly cloudy with slight chance for showers. Much colder with highs to the 50s to upper 60s, lows in the 30s to low 40s.

Sunday, October 26  
Partly cloudy with highs in the 50s to upper 60s, lows in the 30s.

Monday, October 27  
Partly cloudy with highs in the 50s to upper 60s, lows in the mid 30s to low 40s.

Tuesday, October 28  
Partly cloudy with highs in the low 60s to mid 70s, lows in the upper 30s.

Forecast for Ruidoso, Capitan and higher elevations of the northern Sacramento mountains.

Today, Thursday, Oct. 23  
Mostly sunny with high of 73 in Ruidoso and 77 in Capitan. No chance of precipitation. Tonight partly cloudy with lows of 41 in Ruidoso and 43 in Capitan.

Friday, October 24  
Partly cloudy with highs of 66 in Ruidoso to 69 in Capitan. Lows of 40 in Ruidoso and 44 in Capitan.

Saturday, October 25  
Partly cloudy with slight chance of showers. Highs in the low 50s to mid 60s. Lows in the 20s to upper 30s.

Sunday, October 26  
Partly cloudy with highs in the 50s to low 60s. Lows in the upper 20s to mid 30s.

Monday, October 27  
Partly cloudy with highs in the 60s to lower 70s, lows in the 30s.

Tuesday, October 28  
Partly cloudy with highs in the 60s to lower 70s, lows in the 30s.



**Lincoln County News**  
USPS 313460

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Ruth Hammond and Peter Aguilar  
co-publishers

**SUBSCRIPTION RATES**  
IN COUNTY: 1 Year \$25.00 / 2 Years \$45.00  
IN STATE (NM): 1 Year \$28.00 / 2 Years \$51.00  
OUTSIDE NM: 1 Year \$32.00 / 2 Years \$58.00

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.



**Halloween Safety Recommendations**

The National Confectioners Association has established these safety tips to help make this Halloween a safe & enjoyable one:

- \* Wear light-colored clothing that's short enough to prevent tripping and add reflective tape to the sides, front and back of costume.
- \* Make sure children can see well through face masks, or use cosmetics to create fun or scary faces.
- \* Adults should accompany young children.
- \* Go out in daylight and carry a flashlight in case of delay.
- \* Stay within the neighborhood and only visit homes you know.
- \* Watch for traffic.
- \* Only give and accept wrapped or packaged candy.
- \* Examine all candy before allowing children to eat it.
- \* Keep costumed children away from pets. The pet may not recognize the child and become frightened.
- \* Avoid hard plastic or wood props such as daggers or swords. Substitute with foam rubber which is soft and flexible.

**LEGALIS**

**LEGAL NOTICE**  
STATE OF  
NEW MEXICO  
NO. M32-CV2002-00024  
DIVISION II

**RONNIE COONS**  
Plaintiff

VS.  
**WESLEY OWENS dba CIRCLE W. EQUIPMENT**  
Defendant

**NOTICE OF SHERIFF'S SALE**

On November 10, 2003 at 10:00 a.m. at the front steps of the Lincoln County Sheriff's office, 300 Central Avenue, Lincoln County, New Mexico, I will offer for sale and sell the below described property to the highest bidder for cash or immediately available funds. Amounts due on the date of sale \$6,663.65.

Said sale is pursuant to a judgment in the captioned cause M32-CV2002-00024 filed in the 2nd division Magistrate Court Lincoln County, New Mexico wherein the following property was seized under a Writ of Execution by the Lincoln County Sheriff's department.

- 1.) 1978 CHEVROLET C65 TRUCK, VIN#TCB678V600574.
- 2.) 1953 INTERNATIONAL SEMI TRUCK VIN#6781
- 3.) MILLER BOB CAT WELDER MODEL #225GPLUS VIN#0993440850
- 4.) INGERSOL RAND AIR COMPRESSOR MODEL #2475P11G SERIAL #30TC830745
- 5.) 2' BACKHOE BUCKET
- 6.) 2 HYDRAULIC CYLINDERS
- 7.) HYDRAULIC FLOOR JACK
- 8.) 6 HOSE REELS
- 9.) 1 FOUR HUNDRED GALLON FUEL TANK
- 10.) 1 METAL GUN SAFE
- 11.) 1 CUMMINS DIESEL ENGINE VIN#CKW133G434
- 12.) 1 GRACO AIR POWERED PUMP
- 13.) 1 LOT OF MISCELLANEOUS TOOLS

Pursuant to New Mexico Statutes SS39-42 9NMSA 1978, Defendant may redeem Ownership of above listed properties, by full payment of judgment and costs up to time of sale.

**TOM SULLIVAN,**  
Lincoln County Sheriff

Published in the Lincoln County News on October 23, 30 and November 6 and 13, 2003.

**Sheriff's Report**

The following information was taken from dispatch records in the Lincoln County Sheriff's Office in the Lincoln County Courthouse in Carrizozo.

October 20:  
12:56 p.m. criminal damage to gate, possible breaking and entering at location on Center Street in Capitan. Deputy arrived at the scene at 1:47 p.m.

12:57 p.m. request for ambulance at location off mile marker 273 on Highway 70 in Glencoe. Med 1 advanced life support ambulance responded at 12:58 p.m. and arrived at the scene at 1:13 p.m. but the patient refused transport.

2:20 p.m. 911 request for ambulance at Lincoln County Detention Center (LCDC) for 35 year old male inmate with chest pains. Carrizozo ambulance responded to the scene at 2:30 p.m. and requested Med 1 at 2:33 p.m. and Med 1 responded at 3:04 p.m. intercepting with Carrizozo ambulance for transport to Lincoln County Medical Center (LCMC) in Ruidoso arriving at 3:33 p.m.

5 p.m. harassment at location on B. Ave. in Carrizozo, request for deputy to make report on harassment by a long distance company for nonpayment of phone bill, and send a copy of the report to the district attorney.

9:08 p.m. deputy advised he was doing warrant service of a 37 year old male subject.

October 21:  
4:01 a.m. suspicious vehicle, possible breaking and entering at location on Deer Park Drive. Deputy notified and state police as back up.

9:30 a.m. deputy advised he was doing warrant service at LCDC.

12:15 p.m. vandalism at the gun club location on Highway 380 east of Capitan.

1:30 p.m. two car accident with injuries at mile marker 286 on Highway 70. Med 7 ambulance located at the construction company in Hondo and Hondo Fire Department responded. Med 7 arrived at 1:38 p.m. and requested Med 1 which transported the injured to LCMC arriving at 2:33 p.m.

3:24 p.m. missing firewood, request for deputy for firewood missing from a private lot. Deputy Woods responded.

3:52 p.m. deputy advised he made an arrest on a warrant at location on Highway 70 east and was transporting the prisoner to LCDC.

4:53 p.m. two car rear-end accident with injuries at mile marker 298 on Highway 70. Hondo Ambulance and Med 7 ambulance responded at 5:12 p.m. with Hondo ambulance transporting to LCMC arriving at 6 p.m.

8:02 p.m. request for agency assistance at accident with injuries at mile marker 77 on Highway 380. Carrizozo ambulance arrived at the scene at 8:20 p.m. and transported to LCMC arriving at 7:17 p.m. Two deputies and state police notified.

10:05 p.m. caller from Alamogordo requested a welfare check at a location on Crestview in Capitan.

October 22:  
9:25 a.m. Children, Youth and Families Department (CYFD) requested deputy for refer-

10:47 a.m. trespassing/property damage at location in Nogal Canyon. Deputy spoke with the occupant of the property who said he cut the fence to enter a residence to clean it up and he would repair the fence within the week. The property owner requested the occupant be identified and the owner advised he would file property damage case in court.

2:29 p.m. request for deputy for threats at location on Blue Ridge.

2:54 p.m. subject in Hondo requested permission to visit his home. Deputy responded to the location at 3:30 p.m. and completed the assignment by 4:04 p.m.

3:59 p.m. Capitan village hall requested deputy to check out control burn on 4th St. and Bonito. Deputy responded to a residence at 4:06 p.m. and advised all was okay, they had a permit and a hose available. The deputy also advised city hall.

5:25 p.m. deputy advised he did warrant service to a 25 year old male inmate, 45 year old male inmate and a 21 year old male inmate at LCDC.

5:53 p.m. civil standby, caller advised there was breach of contract and when he was trying to get his property back the person pulled a gun on him at an RV park in Bonito area. Deputy responded, met with the caller.

8:38 p.m. caller requested deputy for warrant service/arrest in Capitan. Responding deputy advised there was an outstanding warrant and he had one prisoner whom he was transporting to LCDC.

9:50 p.m. deputy advised he was serving a bench warrant out of Magistrate Judge Butt's court to subject at trailer park east of Ruidoso Downs.

October 23:  
11 a.m. state police sergeant requested agency assistance at location on Santiago Drive in Ranches of Sonterra for a recovered gun.  
3:38 p.m. Ruidoso police requested deputy to take a report from a subject who was at the police station wanting to file a report of trespassing. Deputy responded at 4:03 p.m. and advised the assignment was completed at 6:58 p.m.  
3:52 p.m. construction company requested dep-

uty for subject who was coming on the job and harassing highway construction workers at location on Highway 70 east of Ruidoso Downs.

8:07 p.m. break in at location at Pat Garrett and Little Creek, with no threat someone is in the location and the caller advised he believed he knew who did it. Deputies responded at 7:24 and 7:42 p.m.

7:02 p.m. missing person from location at mile marker 271 on Highway 70. Their mother left for Las Cruces and never made it. Deputy notified at 7:03 p.m. but the call was cancelled at 7:21 p.m.

11:02 p.m. 911 report of loud music on county road 22 on top of Coyote Trail in Capitan. Deputy notified.

October 24:  
9:51 a.m. request for ambulance for man down at mile marker 285 on Highway 70. Med 7 arrived at 9:58 a.m. and requested Hondo fire department with extrication equipment but by 10:09 a.m. Med 7 cancelled the call as it was on its way to LCMC.

(SEE PAGE 2B)

**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  
648-2968 (Church) or 648-2107  
Sunday School ..... 9:45 a.m.  
Worship Service ..... 10:55 a.m.  
Sun. Evening ..... Training at 6:15 p.m.  
Evening Worship ..... 7:15 p.m.  
Wednesday Bible Study ..... 7:00 p.m.

**Carrizozo Community Church (A/G)**  
JOHNIE 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 ..... 8:00 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. C 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. Matthias 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.

**Chaunch Community Church**  
TONY SCACCIA, Minister  
849-1402  
Second Sunday of Each Month ..... 9:00 a.m.

**United Methodist Churches**  
JOHANNA ANDERSON, Pastor  
1000 D. Ave. 648-2893 / 648-2846  
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 VINSON, 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. 48)  
Sunday School ..... 9:30 a.m.  
Worship Service ..... 11:00 a.m.

**First Baptist Church of Corona**  
CAL WEST, Pastor / 848-7975  
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

**Angus Church of the Nazarene**  
Serving All of Lincoln County  
RICK HUTCHISON, Pastor / 338-8032  
Southwest Corner of Hwy. 48 & 37 Junction  
Between Ruidoso and Capitan, NM

Sunday:  
Sunday School for all ages ..... 9:45 a.m.  
Morning Worship ..... 10:45 a.m.  
Children's Church ..... 10:45 a.m.  
Evening Worship ..... 6:00 p.m.  
Wednesday:  
Teen dinner and games ..... 6:00 p.m.  
Teen Bible Study ..... 7:00 p.m.  
Prayer Meeting ..... 7:00 p.m.

**LaGrone Funeral Chapel**  
**Jerry & Lanita Rasak**

In Memory of  
**BILL WINKLER**  
**Stearns Insurance Agency**

# LEGALIS

## LEGAL NOTICE

TWELFTH JUDICIAL DISTRICT  
COUNTY OF LINCOLN  
STATE OF NEW MEXICO  
No. PQ-2001-02 III

IN THE MATTER OF THE  
GUARDIANSHIP AND CONSERVATORSHIP  
OF JOE BEN ASHBY, JR.

NOTICE OF PETITION FOR ORDER FOR  
FORMAL PROBATE OF WILL  
FOR DETERMINATION OF HEIRSHIP  
AND COMPLETE SETTLEMENT OF ESTATE

To: MARTHA PROCTOR ASHBY; ANNE  
ASHBY; AND ANY UNKNOWN HEIRS  
OR CLAIMANTS OF JOE BEN ASHBY,  
JR., DECEASED.

Anne Ashby, Personal Representative of the Estate of Joe Ben Ashby, Jr., deceased, has filed a Petition requesting the Court to enter an Order which (1) formally probates the Decedent's Last Will and Testament dated July 22, 1999; (2) confirms the previous informal appointment of Petitioner as Personal Representative; (3) determines the heirs of the Decedent; (4) approves the accounting of Petitioner as filed herein; (5) determines the persons entitled to distribution of the estate of the Decedent; (6) declares that after Petitioner makes the distributions of the estate, this estate is fully settled and discharges Petitioner from further claim or demand of any interested person; and (7) grants such other and further relief as may be proper. Notice is hereby given that hearing on such Petition will be held at the Lincoln County Courthouse in Carrizozo, New Mexico on Wednesday, December 3, 2003 at 8:30 a.m.

JAN PERRY,  
Court Clerk  
By: Jolene Biggs,  
Deputy

Published in the Lincoln County News on October 23 and 30, 2003.

## LEGAL NOTICE NO. CV03-216

IN THE DISTRICT COURT OF  
LINCOLN COUNTY, NEW MEXICO  
TWELFTH JUDICIAL DISTRICT

WHISPERING BLUFF INTERVAL  
OWNER'S ASSOCIATION, INC.,  
a nonprofit Corporation,

Plaintiff,

vs.

GROUP I:

THE FOLLOWING NAMED  
DEFENDANTS, IF LIVING; IF DECEASED,  
THE UNKNOWN HEIRS OF THE  
FOLLOWING NAMED DEFENDANTS:  
DAVIE L. FRANKLIN, AND  
YOLANDA Y. FRANKLIN,

GROUP II

FIRST WESTERN FEDERAL SAVINGS  
BANK, RESORT EXCHANGE, INC.,  
BANKWEST BOULDER INDUSTRIAL  
BANK, FINANCIAL MANAGEMENT  
TASK FORCE, INC., LIQUIDATOR  
OF BANKWEST BOULDER  
INDUSTRIAL BANK,

GROUP III

ALL UNKNOWN CLAIMANTS OF  
INTEREST IN THE PREMISES  
ADVERSE TO PLAINTIFF,

Defendants.

## NOTICE OF PENDENCY OF CIVIL ACTION

THE STATE OF NEW MEXICO TO: THE FOLLOWING NAMED DEFENDANTS, IF LIVING; IF DECEASED, THE UNKNOWN HEIRS OF THE FOLLOWING NAMED DEFENDANTS: DAVIE L. FRANKLIN, AND YOLANDA Y. FRANKLIN, FIRST WESTERN FEDERAL SAVINGS BANK, RESORT EXCHANGE, INC., BANKWEST BOULDER INDUSTRIAL BANK, FINANCIAL MANAGEMENT TASK FORCE INC., LIQUIDATOR OF BANKWEST BOULDER INDUSTRIAL BANK, ALL UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO PLAINTIFF.

NOTICE IS HEREBY GIVEN, that in the above styled cause, Plaintiff has filed an action to foreclose their Claim of Lien and to quiet their title against you in and to the following lands in Lincoln County, New Mexico:

An undivided one-fifty-second (1/52nd) interest in and to Apartment Number 703 in Building 7 of WHISPERING BLUFF CONDOMINIUMS, together with an undivided one fifty-second (1/52nd) in and to an undivided 1.8867% of the general common element of Whispering Bluff Condominiums, a condominium described in that certain Declaration of Condominium recorded in Book 78, Pages 1063-1098 of the Miscellaneous Records of Lincoln County Clerk's Office, Lincoln County, New Mexico.

Together with: The exclusive right to occupy the said Residence Unit and as between owners of interest in said condominium to use and enjoy the said Common Areas and rights and easement appurtenant to the said condominium, during Unit Week #8 and as said Unit Week is defined in the instruments entitled "Declaration" and "Master Deed" of Whispering Bluff Condominiums.

Unless you enter your appearance in this cause on or before the 24th day of November, 2003, judgment will be rendered against you by default. O'Reilly & Doherty, LLP (Mel B. O'Reilly) 7125 Prospect Place NE, Albuquerque, NM 87110, are attorneys for Plaintiff.

WITNESS my hand and seal of the District Court this 30th day of September, 2003.

DISTRICT COURT CLERK  
ELIZABETH YSASI,  
DEPUTY

Published in the Lincoln County News on October 9, 16, 23 and 30, 2003.

## LEGAL NOTICE

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL  
DISTRICT COURT  
No. CV-03-237  
Division III

IN THE MATTER OF THE PETITION OF  
ELLEN SUSANNE EGERT FOR THE  
CHANGE OF HER SURNAME

## NOTICE OF CHANGE OF SURNAME

Notice is hereby given that Ellen Susanne Egert has filed a Petition in the above Court for a change of her surname to Rippel. Said Petition will be heard by the Honorable Karen L. Parsons, District Judge, Division III, on the 20th day of November, 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

By: JAN PERRY  
District Court Clerk

Published in the Lincoln County News on October 23 and 30, 2003.

## LEGAL NOTICE

### NOTICE OF SPECIAL MEETING

NOTICE is hereby given that the Lincoln County Board of Commissioners will hold a Special Meeting at 6:00 P.M., on Wednesday, November 12, 2003, at the Community Church in Lincoln, New Mexico. The purpose of this meeting is to hold a Public Hearing to consider revisions to the Lincoln Historic Preservation Ordinance No. 1998-09, and any other proper business that come before the Board.

Copies of the agenda for the November 12, 2003 special commission meeting will be available at the office of the County Manager prior to said meeting.

Auxiliary aides are available upon request; please contact Martha Guevara at 505/648-2385 at least 48 hours in advance of the meeting to make any necessary arrangements.

MARTHA GUEVARA  
Assistant County Manager

Published in the Lincoln County News on Thursday, October 30, 2003.

## LEGAL NOTICE

The Lincoln County Board of Commissioners are hereby accepting nominations to the Public Land Use and Rural Affairs Advisory Committee for one (1) alternate member to serve on the Committee. Nominee(s) must be domiciled and registered to vote within the County of Lincoln.

In making appointments to the PLURAAC, the Board of County Commissioners shall give consideration to maintaining a balance of interest and skills of the appointees, and to the individual qualifications of the candidates, their experience and knowledge of the community.

Nominations or letters of interest shall be made in writing to the Lincoln County Board of Commissioners for appointment to the Public Land Use and Rural Affairs Advisory Committee.

Nominations will be accepted by the Lincoln County Board of Commissioners at the Lincoln County Courthouse, P.O. Box 711, Carrizozo, New Mexico 88301, until 10:00 A.M., November 12, 2003.

MARTHA GUEVARA  
Assistant County Manager

Published in the Lincoln County News on Thursday, October 30, 2003.

## LEGAL NOTICE

12TH JUDICIAL  
DISTRICT COURT  
COUNTY OF LINCOLN  
STATE OF NEW MEXICO  
No. CV03-225

IN RE: The Petition for Name Change  
of: Cheyenne B. Underwood

## NOTICE

TAKE NOTICE that in accordance with the provisions of Sections 40-8-1 through 40-8-3, N.M.S.A. 1978, Cheyenne Belle Underwood will apply to the Honorable KAREN L. PARSONS, District Judge of the 12th Judicial District, at the 12th Judicial District Courthouse at Carrizozo, New Mexico, at 8:15 o'clock a.m., on the 6th day of November, 2003, during a regular term of the Court, or as soon thereafter as the matter may be heard for an Order for a change of name from Cheyenne Belle Underwood to Cheyenne Belle Goodloe Evans.

JAN PERRY,  
District Court Clerk  
By: Elizabeth Ysasi,  
Deputy Court Clerk

Published in the Lincoln County News on October 23 and 30, 2003.

## LEGAL NOTICE

The Lincoln County Board of Commissioners are hereby accepting nominations to the Joint Lincoln County/Ruidoso Extraterritorial Zoning Commission for three (3) members to serve on the Commission. Nominee(s) must be domiciled and registered to vote within the County of Lincoln.

Nominations or letters of interest shall be made in writing to the Lincoln County Board of Commissioners for appointment to the Extraterritorial Zoning Commission.

Nominations will be accepted by the Lincoln County Board of Commissioners at the Lincoln County Courthouse, P.O. Box 711, Carrizozo, New Mexico 88301, until 10:00 A.M., November 12, 2003.

MARTHA GUEVARA  
Assistant County Manager

Published in the Lincoln County News on Thursday, October 30, 2003.



(Continued from Page 2)

further the circumstances surrounding the death of Billy the Kid. However, those who lived in Lincoln County in those stirring days knew full well that it was either Pat Garrett or Billy the Kid who would have been buried on the banks of the Pecos, near the old fort which was one of America's last outposts in the march westward of civilization.

When word reached the law abiding citizens of Lincoln county back in July, 1881 that Billy the Kid was no more, there was a general feeling of relief. Six guns and the rifles were put away and time marched on.

And as the years have gone by, men generally have come to know that there is a better way to settle differences than by the sword or the six-shooter or the carbine. Courts have been established, law has been written and methods of arbitration have been discovered.

It had to be this way because men in taming a wild and difficult last frontier had learned to tame themselves.

## Along the Bonito

by Louise Runnels

These old orchards along the Bonito are blooming like new — makes one imagine what a happy valley this must have been more than 50 years ago. Folks raised most of their food and lived a slow pace with the wagon and team. Now cars buzz up an down the canyon foggin' dust in each other's faces trying to hurry to a picnicking place and then home for miles away or to church at night on Sundays.

The forest fire just east of the dam was in a funny place for a fire — but it covered a little ground. The wind slowed down, rain came and the Indians from Mescalero made fast work battling the blazes. Several men from Bonito Creek and Ruidoso helped in the worst of the fire when the fires was first discovered.

## UNM Coach Speaker at 'C' Club Banquet

Harry Miller, assistant basketball coach at the University of New Mexico, will be guest speaker at the Carrizozo High School 'C' banquet this Thursday night at the school cafeteria lunchroom. The dinner at 6:30 will be followed by Mr. Miller's address and the 'C' Club lettermen's awards.

Bennie Herrera is president of the 'C' Club. The Carrizozo Lions Club and other Carrizozo businessmen are cooperating with high school administrators in sponsoring the banquet.

## Baccalaureate Sunday for Carrizozo Seniors

The Rev. W.P. Lytle of Corona will deliver the Baccalaureate address to the members of the Carrizozo High School graduating class of 1959 in the junior high school auditorium at 8:00 p.m., this Sunday, May 17.

The Rev. James L. Wells will give the professional and recessional for this ceremony.

Miss Opal McBryer will play the professional and recessional for this ceremony. Graduation exercises for the Senior Class of Carrizozo High School will be in the junior high school auditorium at 8:00 p.m., Thursday, May 28, 1959.

## Capitan Tigers 2nd at District Track Meet

from  
Lincoln County News  
And Carrizozo Outlook  
May 1, 1959

Charles Lockhart of Capitan captured three first places and a fourth in the discus to take high individual honors at the District 5B track meet held at NMMI, Roswell, Saturday.

The Eunice Cardinals swept to the championship for the district title. The Cardinals scored 98 points to outclass nearest competitor, Capitan, which scored 53 points.

The team scoring: Eunice 98, Capitan 53; Jal 47 1/2; Carrizozo 39 1/2; Dexter 23; Hondo 11; Hagerman 8 and Ruidoso 7.

Next for the 5B schools is the State meet in Albuquerque, Friday and Saturday, May 1 and 2.

Outstanding performances were turned in by Carrizozo's Patrick Aguilar who set a new district record in the 880 yard run, in the time 2:06.4, followed by Fred Vega who won first in the pole vault with a jump of 10'9". Joe Petty took second in the low hurdles, third in the high hurdles and tied for fourth in the broad jump and D.D. Ortiz, who took third in the javelin with a throw of 143'6", and tied for fourth in the pole vault. These four boys turned in a time of 4:43 in the mile relay to win by 10 yards and bring home a trophy. They were second in the 880 yard relay, missing the state qualifying time by one tenth of a second.

# Lincoln County Manager's Report

Lincoln County Manager Tom Stewart presented his monthly project report to Lincoln County Commissioners at their meeting on Tuesday, October 21 in their chambers in the Lincoln County Courthouse in Carrizozo, as follows:

## Ruidoso Downs Annexation

At 10 a.m. (today, Thursday) October 23 at the Ruidoso Downs City Hall, the New Mexico Municipal Border Commission met in public hearing to hear testimony concerning the proposed annexation of property by the city of Ruidoso Downs. The commission is concerned with two issues: is the area under consideration contiguous to the municipality and can the municipality provide services to the area in a reasonable period of time, which Stewart said has been defined as seven years.

County commissioner Rick Simpson said most citizens who called him about the annexation are opposed. Simpson said he has tried to explain that the county commission has nothing to do with the annexation. Simpson said he is opposed to the city's plan for "hop scotch" an-

nexation of prime areas and he planned to be at the October 23 annexation hearing.

County commissioner Maury St. John said two months ago when the issue was first brought to the county commission they decided there was nothing the county could do. She also said she planned to attend the annexation hearing. St. John said the city of Ruidoso Downs is planning to do a bond election in November for sewer improvements.

County commissioner Leo Martinez said the reason for the annexation came about because of problems with septic tanks on properties in the annexation area, and the need to get these properties connected to the regional wastewater treatment plant.

## Progress of Stevens Tower for Hondo Valley Communication

The tower was delivered to the site, the base concrete is cured and construction of the tower is underway. Otero County Electric Cooperative is bringing power to the site and operational status is expected within the month.

## Flood Plain Management Threat by Lending Institutions

Stewart received correspondence forwarded from a title company that indicates that a growing number of lenders are not issuing loans to individuals for homes when the local government does not subscribe to the National Flood Plain Insurance Program.

## County Construction Update

Carrizozo Clinic expansion is proceeding well with earthwork and concrete slab/foundation complete. The contractor is awaiting the production and shipment of the hollow steel materials, doors and window frames, before continuing work. The contractor currently estimates the project will be complete by mid-February 2004.

The ambulatory surgery project at Lincoln County Medical Center in Ruidoso is progressing. There have been three change orders filed by the contractor concerning relocating the existing electrical lines; relocating a water line; and relocating an emergency oxygen in-fill valve. Total cost of changes is \$22,888.16 to be paid by

the LCMC/Presbyterian reserve as offered by LCMC administrator Jim Gibson. "The construction crew is running into surprises that are not on the 'as built' plans for the building," Stewart said. Estimated completion date is June 21, 2004.

The Public Health Facility project in Ruidoso has gone to contract with the contracts sent to the county's Community Development Block Grant (CDBG) project manager for approval and authority to issue the "Notice to Proceed." The contractor currently envisions commencing work the week of October 26 with an anticipated completion date of June 27. Stewart wrote a letter to the Department of Health Secretary to support the county's request of legislative funds to cover our costs.

## Birth of Community Radio

KEDU-LP will commence operations on October 21 with celebrations at 5 p.m. and sign-on at 6 p.m. at the station at 2117 Sudderth Drive in Ruidoso. The radio group will ask for loggers tax and county general funds for operational support.

## Ruidoso Downs Auction of Surplus Equipment

The Chaves County auction previously announced for Nov. 1 has been postponed until spring 2004. Ruidoso Downs will sponsor an auction of municipal equipment on Nov. 15. "I am in the process of coordinating county participation," Stewart said.

## Forest Treatment Legislative Tour

County commissioners Leo Martinez and Maury St. John and Stewart attended the October 14 legislative tour of wildland interface programs around Ruidoso hosted by the Energy, Minerals and Natural Resources Dept. Forestry Division; the Ruidoso Wildland Urban Interface and Otero Working Groups. State legislators in attendance were Representatives Dub Williams and Gloria Vaughn and Senator Rod Adair. St. John said the tour was very good, well organized and informational. She said she rode on the tour with Ruidoso Village Urban Forester Rick Delaco who pointed out treated v. untreated lots.

## Wildland Urban Interface Clearing

Greg Shaver is currently working on 81 projects and has 45 closed out for a total of 126 land owner projects. All of the available \$516,800 has been committed and the county has received a reimbursement in the amount of \$103,876 so far for the closed projects.

## Construction of the Carrizozo Animal Holding Facility

Construction is going well with prisoner labor. The county used inmate (client) labor from Fort Stanton to remove all usable fencing hardware from the old county facility at Fort Stanton and those materials will be used for the new runs. With local prisoners the building has been prepared, sewer and water taps are being installed and slabs are to be poured. Thus far the project has cost the county \$1,800 for the movement of the building which was part of the Carrizozo health clinic

project, and a \$5,000 contribution to the Town of Carrizozo for the upcoming work.

## Charge for GED Classes at the County Detention Center

According to John Hemphill at ENMU-Ruidoso,

the state has mandated that there be a charge for Adult Basic Education Services (GED) to county detention centers. With the next classes, ENMU-Ruidoso will commence charging an annual fee of

(SEE PAGE 12)

**Corona Christmas  
Crafts Fair**  
Corona Schools Auditorium  
November 22, 2003  
9:00 a.m. to 4:00 p.m.  
**Door Prizes! / Cakewalk!**  
**All Crafts Welcome**  
Tables provided - Spaces \$15.00  
Contact: April Joy Bailey 505-849-4353

## LEGALS

**LEGAL NOTICE**

Carrizozo Soil & Water Conservation District Board of Supervisors will continue to meet on the second Tuesday of the month, including the November meeting to be held on November 11th. Time of the meetings have been changed to 6:30 p.m. The public is invited to attend all meetings. The SWCD prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. If you would like further information, or information on district activities, please call the Carrizozo SWCD office at 648-2941.

Published in the Lincoln County News on Thursday, October 30, 2003.

**LEGAL NOTICE**  
**TWELFTH JUDICIAL DISTRICT COURT**  
**STATE OF NEW MEXICO**  
**COUNTY OF LINCOLN**  
No. CV-03-206  
Division III

**LOUIS E. ARAGON,**  
Plaintiff,

vs.

**GROUP I**  
**LONGHORN DEVELOPMENT CORPORATION, a New Mexico Corporation not in good standing,**  
**FIRST INTERNATIONAL BANK,**  
successor in interest to  
**UNITED STATES NATIONAL BANK,**  
their heirs, devisees, successors and assigns;

**GROUP II**  
**JOHN DOES, 1 through 100,** and all of their lawful heirs, devisees or assigns; and

**GROUP III**  
**ANY AND ALL UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE PLAINTIFF.**

Defendants.

**SUMMONS AND NOTICE OF PENDING OF ACTION**

THE STATE OF NEW MEXICO TO THE FOLLOWING NAMED DEFENDANTS:

**LONGHORN DEVELOPMENT CORPORATION and FIRST INTERNATIONAL BANK,**  
successor interest to **UNITED STATES NATIONAL BANK**

**GREETINGS:** You are hereby notified that **LOUIS E. ARAGON,** Plaintiff, has filed an action in the District Court of Lincoln County, New Mexico, Civil Docket No. CV-03-206, wherein you are named as Defendants and wherein said Plaintiff seeks to obtain constructive service upon you.

The general subject of said action is to quiet title to certain real estate which is the subject matter of the above-captioned and numbered cause of action and is described as follows:

Lot 29, Block 6, of **ALPINE VILLAGE** (some times referred to as **Alpine Village Subdivision, Unit 2**), 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 March 10, 1964, in Tube No. 18.

You are further notified that unless you enter your appearance, plead or otherwise respond in said cause on or before November 28, 2003, judgment will be rendered against you by default and the relief prayed for in the Complaint will be granted to Plaintiff in conformity with the allegations of the Plaintiff's Complaint.

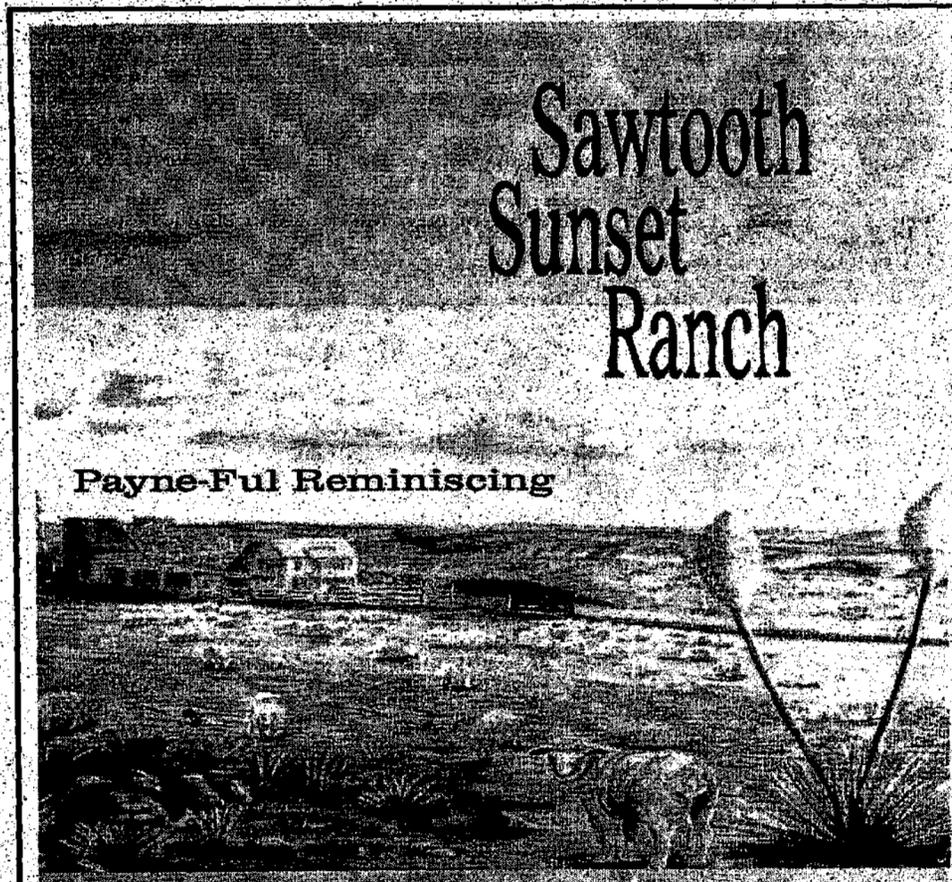
The name and address of the attorney for the Plaintiff are as follows: Alan P. Morel, Alan P. Morel P.A., Post Office Box 1030, Ruidoso, New Mexico, 88355-1030.

WITNESS my hand and seal of the Twelfth Judicial District Court of Lincoln County, New Mexico, on this the 7th day of October, 2003.

(SEAL)

**JAN PERRY**  
Court Administrator/  
District Court Clerk  
By: Elizabeth Ysasi  
Deputy

Published in the Lincoln County News on October 16, 23 and 30 and November 6, 2003.



## Sawtooth Sunset Ranch

Payne-Ful Reminiscing

### Naomi Wadsworth's first book, Sawtooth Sunset Ranch -- Payne-ful Reminiscing.

*recounts her early years living with her family on a ranch north of Capitan.*

*The book contains photos of family, grandparents, uncles, aunts, cousins and friends as well as photos of life as it was in the 1940s and 1950s, working with livestock, building new additions to homes, and the countryside.*

*Naomi, the daughter of Vernon and Ila Mae Payne, tells of her family's experiences through those early years in Lincoln County and the daily chores of each family member. She describes the colorful sunsets, brilliant rainbows, fields of wild flowers, and other wonderful memories.*

### Sawtooth Sunset Ranch Payne-ful Reminiscing

may be ordered from  
www.1stbooks.com  
and then type in Wadsworth

**DISTRICT COURT  
CALENDAR**  
*The Calendar for  
District Judge Karen Parsons*

**Monday, October 27**  
8:15 a.m.  
Morlack name changes; CV-2003-201, 202 & 203.  
Teleconference, Wear v. Wear; DM-2000-115 motions  
1:15 p.m. Griego v. Griego; DM-2003-24 judicial in-  
quiry for final decree  
1:30 p.m. Village of Ruidoso v. John Lewinger; CV-  
2001-168 (Rafkin/Underwood) motion in Limine/status  
2:30 p.m. Cockrill v. Lynn Homes; CV-2001-05  
(Underwood/Rafkin) merits for two hours

**Tuesday, October 28**  
8:30 a.m. teleconference, Waltrip v. Pike; CV-2003-  
242 (R.Hawthorne/Soto) pretrial  
10:30 a.m. Brill v. Brill; DM-2003-77 (Rhodes  
/R.Hawthorne) income splitting one hour  
11:45 a.m. teleconference, Dunn v. Dunn; DM-2003-  
112 judicial inquiry  
12 noon, Judge leaves at noon for Tribal-State Judi-  
cial Consortium in Albuquerque.  
1 p.m. Camp Sierra Blanca graduation.

**Wednesday, October 29**  
Judge to attend the Tribal-State Judicial Consortium  
in Albuquerque through Friday.  
10 a.m. Darrell Brantley domestic mediator  
Heaton v. Pollack; DM-1998-302 Otero Case



**LEGALS**

**LEGAL NOTICE**

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT  
No. CV-03-108

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. (SOLELY AS NOMINEE FOR  
LENDER AND LENDER'S SUCCESSORS AND  
ASSIGNS).

Plaintiff,  
vs.  
CAROL O. JONES AKA CARROL ODELIA  
JONES; WELL FARGO BANK NEW MEXICO,  
N.A.; THE UNKNOWN SPOUSE OF CARROL O.  
JONES AKA CARROL ODELIA JONES, IF ANY;  
JOHN DOE, TENANT WHOSE TRUE NAME IS  
UNKNOWN; JANE DOE, TENANT WHOSE  
TRUE NAME IS UNKNOWN,  
Defendants.

**NOTICE OF SALE**

NOTICE IS HEREBY GIVEN that the under-  
signed Special Master, or his/her designee, will, on  
December 16, 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 1, BLOCK 5, OF PONDEROSA  
HEIGHTS SUBDIVISION, 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  
JULY 26, 1956.**

The address of the real property is 102  
DOGWOOD, RUIDOSO, NM 88345. Said sale  
will be made pursuant to the Decree of Foreclosure  
entered on September 29, 2003, in the above enti-  
tled and numbered cause, which was a suit to fore-  
close 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  
\$77,260.90, plus interest from September 16, 2003  
to the date of sale at the rate of 8.37500% per  
annum, the costs of sale, including the Special Mas-  
ter's fee, publication costs, and plaintiff's costs  
expended for taxes, insurance, and keeping the prop-  
erty in good repair. Plaintiff has the right to bid at  
such sale and submit its bid orally 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 IS FURTHER GIVEN that the real  
property and improvements concerned with herein  
will be sold subject to any and all patent reserv-  
ations, easements, all recorded and unrecorded liens  
not foreclosed herein, and all recorded and unrec-  
orded special assessments and taxes that may be due.

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

Dated: October 17, 2003.  
**PETER BACA**  
Special Master  
c/o Shapiro & Meinhold, L.L.P.  
13725 Struthers Road, Suite 201  
Colorado Springs, CO 80921  
(800) 286-0013 (719) 634-4868

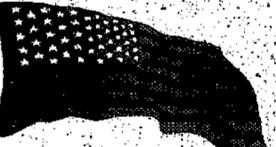
Published in the Lincoln County News on October  
23 and 30, and November 6 and 13, 2003.

**Sheriff's Report**

(Continued from Page 5)

10:57 a.m. dog attacked  
the caller's donkey at loca-  
tion on mile marker 98  
Highway 380.  
12:30 p.m. accident  
without injuries on Air-  
port Road in Carrizozo.  
Deputy notified.  
1:30 p.m. accident with-  
out injuries at mile  
marker 284 on Highway  
70.  
5:12 p.m. assault, de-  
structive employee. Man-  
ager from business ad-  
vised an employee was  
throwing things and they  
needed a deputy for assis-  
tance with restraint and  
removal. Deputy arrived at  
the location at 5:18 p.m.  
and at 5:45 p.m. reported  
he advised the female sub-  
ject she is no longer wel-  
come to the property in  
Alto.  
6:04 p.m. domestic at lo-  
cation on Haley. The  
caller was at a neighbor's  
house to report her hus-  
band threw a salt shaker  
and hit her arm, then he  
penned her down and  
would not let her leave the

house, use the phone, take  
the car or her purse. Depu-  
ties responded at 6:13 p.m.  
and went to the home at  
7:41 p.m. and advised the  
assignment completed at  
8:17 p.m.  
11:10 p.m. request from  
roadside service company  
for motorist assistance on  
Musketball Road.  
11:50 p.m. missing  
daughter from location on  
Second Street in Capitan.  
October 25:  
7:31 a.m. theft from loca-  
tion on Hidden Valley in  
Sun Valley.  
7:31 a.m. suspicious per-  
sons at location on North-  
view in Capitan.  
10 a.m. deputy advised  
he was doing warrant  
service at LCDC.  
10:28 a.m. request for  
assistance at the ambu-  
lance shed in Carrizozo.  
Med 15 responded at 11:18  
a.m.  
10:29 a.m. request for  
ambulance at location in  
Capitan. Med 1 responded  
at 11:01 and transported to  
a.m. Deputy arrived at  
10:55 a.m.  
October 26:  
12:20 a.m. missing 16  
year old male from loca-  
tion on Gavilan Canyon  
Road.  
10:18 a.m. theft at loca-  
tion on Smokey Bear  
Blvd., a woman had her  
purse stolen with a large  
amount of money in it. At  
10:33 a.m. the call was  
cancelled as the purse was  
recovered with all the  
money and cards in it.  
10:19 a.m. vehicle em-  
bezzlement at location on  
Lincoln Street in Capitan.  
Deputy assigned.  
12:58 p.m. phone threats  
at location on Lincoln  
Street in Capitan. Deputy  
assigned.  
3:48 p.m. request for wel-  
fare check on K-9 at loca-  
tion on Little Bighorn.  
Caller next door requested  
a deputy to check on the  
neighbor's two dogs that  
were chained to a tree, be-  
cause the dogs have no  
shelter.  
6:05 p.m. 911 report of a  
trailer fire at trailer park  
east of Ruidoso Downs,  
flames were out the top.  
Glencoe Fire Department  
responded to the location  
by 6:13 p.m. and case was  
completed by 8:51 p.m.  
Med 1 arrived at 6:30 p.m.  
8 p.m. possible breaking  
and entering on E018 in  
Hondo area.  
9:09 p.m. domestic at  
trailer park east of Rui-  
doso Downs, caller from  
Texas spoke with her sis-  
ter about the possible do-  
mestic. Two deputies re-  
sponded.



**Serving  
Our  
Country**

Navy Petty Officer 3rd  
Class Ryan M. Candelaria,  
son of Kitty L. Salas of  
Ruidoso Downs, and Ger-  
ald H. Candelaria of San  
Patricio, recently departed  
on a routine, scheduled  
deployment while as-  
signed to the guided mis-  
sile cruiser USS  
Philippine Sea, home-  
ported in Mayport, FL.  
Candelaria is a 2000  
graduate of Ruidoso High  
School.



Navy Petty Officer 1st  
Class Christine A. Herrera,  
whose husband, James is  
the son of Rita Herrera of  
San Patricio, and Roger  
Herrera of San Patricio,  
and fellow sailors make a  
week long port visit to  
Singapore while assigned  
to the aircraft carrier USS  
Nimitz, homeported in  
San Diego.



**"The Scientist  
and God"**

God is sitting in  
heaven when a scientist  
prays to Him. "God we  
don't need you anymore.  
Science has finally fig-  
ured out a way to create  
life out of nothing -- in  
other words, we can now  
do what you did in the  
beginning."  
"Oh, is that so" Tell  
Me... replies God.  
"Well," says the  
scientist, "we can take  
dirt and form it into the  
likeness of you and  
breathe life into it, thus  
creating man."  
"Well, that's very  
interesting," show  
Me."  
So the scientist bends  
down to the earth and  
starts to mold the soil  
into the shape of a man.  
"No, no, no,"  
interrupts God; "Get your  
own dirt."

**Grizzly**  
**WEEKLY**  
by Carrizozo High School  
Journalism Class  
Sarah Ball, Instructor

**Tutoring**

Carrizozo has made some improvements on  
their after school tutoring program. The purpose of the  
program is to help the elementary students with their  
homework or basic skills, particularly in reading and  
math. Students meet on Monday, Wednesday, and  
Thursday in the elementary computer lab after school,  
from 3:30 to 4:30 p.m. Students are helped by three  
teachers - Martha Bond, Margaret Barela (aide), and  
Anne Serna, as well as seven high school students  
Nathan New, Sam Ungaro, Brandon Morales, Brent  
Dixon, Jake Riddle, Francesca Rossi, and Victoria  
Rossi. Students must bring in homework and finish it  
before they can get on Computer Curriculum Coopera-  
tion (CCC), a program to enhance skills in reading and  
math. Students work on their own level and at their  
own pace. Or they may work on *Math Facts in a Flash*.  
This is a computerized program to speed up students'  
skills in multiplication, addition and subtraction.

Also, tutoring is available in the library for  
older students. Toni Rossi is there to help Mondays  
and Thursdays. Sarah Ball is in there on Mondays as  
well.

Francesca Rossi, a senior who is one of the  
helpers, replies, "I decided to do this to be able to help  
the younger students on homework that they may  
have trouble with. The high school students come in  
and help the younger students on a 'student to stu-  
dent' basis, not 'teacher to student' relationship. They  
seem to pay a little more attention to the high school  
students. The high school students help them with all  
of their subjects, from answering questions on home-  
work to helping the younger students go through CCC  
and even to race in multiplication tables online in  
*Math Mayhem*. Students seem to be doing real good. It  
seems to help out a lot. They have been finishing their  
homework and being able to get on CCC or *Math Facts  
in a Flash*. I think we are a real big help for the ele-  
mentary students. I'm glad that they started this pro-  
gram for them. I think it will work out real nicely!"

If parents are interested in using this service,  
please contact your child's teacher. And if high school  
students are interested in tutoring, please contact  
Becky Borowski for the details.

Cassie Heathcock

**Honor Roll**

The following students have achieved the Su-  
perintendent's Honor Roll at Carrizozo High School  
(All A's): Sixth Grade: Alexa Borowski, Tessa Hen-  
dricks. Eighth Grade: Erin Hightower. Tenth Grade:  
KC Hendricks. Eleventh Grade: Stephanie Brewer.  
Twelfth Grade: Francesca Rossi, Ariel Vallejos.

The following students from Carrizozo High  
School have achieved the Principal's Honor Roll (All  
A's and B's): Sixth Grade: Scott Barela, Shandy  
Grider, Tanner Huston, Mariah Vallejos, Ashley Ven-  
tura, and Cody Ventura. Seventh Grade: Elizabeth  
Bingerman, Kathleen Schlarb, Jennifer Shafer, and  
Sonny Vega. Eighth Grade: Hannah Corley, Jordan  
Grider, Autumn Kratochvil, Greg Vigil, Jessica Ward,  
and Kendall Wilson. Ninth Grade: Jace LeBlanc Ven-  
tura, and Kaitlyn Vega. Tenth Grade: Ryan Gaines,  
KC Hendricks, Jimmy Morris, and Whitney Whitaker.  
Eleventh Grade: Cory Lopez, Brandon Morales, Na-  
than New, and Jake Riddle. Twelfth Grade: Ariel  
Burr, Victoria Rossi, Sam Ungaro, and Chris Vallejos.  
Jessica Dawn Swift

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**LEGAL**

**LEGAL NOTICE**

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL DISTRICT  
No. CV02-266

BANK OF NEW YORK, AS TRUSTEE FOR  
FREMONT HOME LOANS OWNER TRUST  
1999-3,  
Plaintiff,

vs.  
SCOTT E. FRENCH; FREMONT INVESTMENT  
& LOAN; ASSOCIATES FINANCIAL SERVICES  
COMPANY, INC.; JOHN DOE, TENANT  
WHOSE TRUE NAME IS UNKNOWN; JANE  
DOE, TENANT WHOSE TRUE NAME IS  
UNKNOWN; THE UNKNOWN SPOUSE OF  
SCOTT E. FRENCH, IF ANY.  
Defendants.

**NOTICE OF SALE**

NOTICE IS HEREBY GIVEN that the undersigned  
Special Master, or his/her designee, will, on Decem-  
ber 2, 2003, at 10:00 A.M., at the Village Ruidoso  
Administrative Offices Bldg., Cree Meadows Dr.  
Ruidoso, NM, 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 16, BLOCK 2, ENCHANTED FOREST,  
UNIT TWO, LINCOLN COUNTY, NEW  
MEXICO, AS SHOWN BY THE AMENDED  
PLAT THEREOF FILED IN THE OFFICE  
OF THE COUNTY CLERK AND EX-  
OFFICIO RECORDER OF LINCOLN  
COUNTY, NEW MEXICO, OCTOBER 6,  
1972, IN TUBE NO. 466;

The address of the real property is 16 MESA  
DRIVE, ALTO, NM 88312. Said sale will be made  
pursuant to the Decree of Foreclosure entered on  
September 9, 2003, in the above entitled and num-  
bered 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  
\$109,709.18, plus interest from July 2, 2003 to the  
date of sale at the rate of 11.35000% 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 orally 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 mortgages giving this  
notice shall not be liable to the successful bidder for  
any damages.

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

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

Dated: Oct. 2, 2003.

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

Published in the Lincoln County News on October  
16, 23 and 30 and November 6, 2003.

**LEGAL NOTICE**

The Lincoln County Board of Commissioners are  
hereby accepting nominations to the Lincoln Historic  
Preservation Board for two (2) members to serve on  
the Board. Nominee(s) shall be a property owner in  
the Lincoln Historic District; must be domiciled and  
registered to vote within Lincoln County.

Nominations or letters of interest shall be made  
in writing to the Lincoln County Board of Commis-  
sioners for appointment to the Lincoln Historic Pre-  
servation Board. In making the appointment to the  
Board, the Commission shall give consideration to  
maintaining a balance of interests and skills of the  
Board, and to the individual qualifications of the  
candidates, including their interest, experience and  
knowledge in community and cultural traditions.

Nominations or letters of interest will be  
accepted by the Lincoln County Board of Commis-  
sioners at the Lincoln County Courthouse, P.O. Box  
711, Carrizozo, New Mexico 88301, until 10:00  
A.M., November 12, 2003.

MARTHA GUEVARA  
Assistant County Manager

Published in the Lincoln County News on  
Thursday, October 30, 2003.

**LEGAL NOTICE**

The Lincoln County Board of Commissioners are  
hereby accepting nominations to the Lincoln County  
Senior Citizens Olympic Committee for two (2)  
members to serve on the Committee. Nominee(s)  
must be domiciled and registered to vote within the  
County of Lincoln.

Nominations or letters of interest shall be made  
in writing to the Lincoln County Board of Commis-  
sioners for appointment to the Lincoln County  
Senior Citizens Olympic Committee.

Nominations will be accepted by the Lincoln  
County Board of Commissioners at the Lincoln  
County Courthouse, P.O. Box 711, Carrizozo, New  
Mexico 88301, until 10:00 A.M., November 12,  
2003.

MARTHA GUEVARA  
Assistant County Manager

Published in the Lincoln County News on  
Thursday, October 30, 2003.

**LEGAL NOTICE**

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL  
DISTRICT COURT  
No. CV03-51

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEM, INC.,  
Plaintiff,

vs.  
JAMES HELDT a/k/a James R. Heldt,  
Defendants.

**NOTICE OF SALE**

Notice is hereby given that on December 2,  
2003, at the hour of 9:05 a.m. the undersigned Spe-  
cial Master, or his designee, will, at the front  
entrance of the Lincoln County Courthouse, at 300  
Central, Carrizozo, New Mexico, sell all of the  
rights, title and interest of the above-named  
Defendants; in and to the hereinafter described real  
estate to the highest bidder for cash. The property to  
be sold is located at 1012 A Avenue, Carrizozo,  
New Mexico 88301 (if there is a conflict between the  
legal description and the street address, the legal  
description shall control); and is more particularly  
described as follows:

TOWNSHIP 8 SOUTH, RANGE 10 EAST,  
N.M.P.M. LINCOLN, NEW MEXICO  
A tract of land in the SE/4NE/4 of Section 3,  
more particularly described by metes and bounds  
as follows, to-wit:

Beginning at a point approximately 16 feet West  
of the Northwest corner of Lot 6, in Block 38 of  
McDonald's Addition to the Town of Carrizozo,  
Lincoln County, New Mexico; thence West a  
distance of 350 feet, more or less, to a point;  
thence South 345 feet, more or less, to a point;  
thence East 350 feet, more or less, to a point;  
thence North 345 feet, more or less, to the point  
of beginning, and containing 2.58 acres, more or  
less.

including, any improvements, fixtures, and  
attachments, such as, but not limited to, mobile  
homes, subject to all taxes, utility liens and other  
restrictions and easements of record, and subject to a  
one (1) month right of redemption by the Defendant,  
the foregoing sale will be made to satisfy a fore-  
closure judgment rendered by this Court in the above-  
entitled and numbered cause, being an action to fore-  
close a mortgage on the above-described property.  
The Plaintiff's judgment is \$43,243.02, and the  
same bears interest at 7.8750% per annum, which  
accrues at the rate of \$9.33 per diem, commencing  
on May 31, 2003, with the Court reserving entry of  
final judgment against said Defendant James Heldt  
a/k/a James R. Heldt for the amount due after fore-  
closure, sale, for costs and attorney's fees, plus inter-  
est as may be assessed by the Court. The Plaintiff  
has the right to bid at such sale all of its judgment  
amount and submit its bid verbally or in writing.  
The Plaintiff may apply all or any part of its judg-  
ment to the purchase price in lieu of cash. The sale  
may be postponed and rescheduled at the discretion  
of the Special Master.

The Court's decree, having duly appointed  
Peter Baca, as its Special Master to advertise and  
immediately offer for sale the subject real estate and  
to apply the proceeds of sale, first to the costs of sale  
and the Special Master's fees, then to pay the above-  
described judgment, interest, and costs of sale, and  
to pay unto the registry of the Court any balance  
remaining to satisfy future adjudication of priority  
mortgage holders.

NOW, THEREFORE, notice is hereby given that  
in the event that said property is not sooner  
redeemed, the undersigned will as set forth above,  
offer for sale and sell to the highest bidder for cash  
or equivalent, the lands and improvements described  
above for the purpose of satisfying, in the adjudged  
order of priorities, the judgment described herein  
and decree of foreclosure together with any addi-  
tional costs and attorney's fees, costs of advertise-  
ment and publication, a reasonable receiver and Spe-  
cial Master's fee to be fixed by the Court. The total  
amount of the judgment due is \$43,243.02, plus  
interest to and including date of sale of \$1,735.38  
for a total judgment plus interest of \$44,978.40. Sale  
is subject to the entry of an order of the Court  
approving the terms and conditions of this sale.

PETER BACA, Special Master  
P.O. Box 215  
Carrizozo, NM/88301  
(505) 648-9925

Published in the Lincoln County News on October  
30 and November 6, 13 and 20, 2003.

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

NOTICE is hereby given that the Lincoln  
County Board of Commissioners shall hold a Public  
Hearing beginning at 6:00 P.M. on Wednesday,  
November 12, 2003, to be held at the Community  
Church in Lincoln, New Mexico, to consider revisions  
to the Lincoln Historic Preservation Ordinance  
No. 1998-09.

All parties and interested citizens will have the  
opportunity to be heard. Copies of the proposed  
ordinance may be obtained from the County Man-  
ager's Office at the Lincoln County Courthouse in  
Carrizozo, twenty-four (24) hours prior to the  
meeting.

MARTHA GUEVARA  
Assistant County Manager

Published in the Lincoln County News on  
Thursday, October 30, 2003.



HAVE A  
GOOD DAY!!

**LEGAL NOTICE**

NOTICE is hereby given that on October 9, 2003, Ford Secure Trust, P.O. Box 2, Picacho, NM 88345, and New Mexico State Highway Transportation Department filed application No. 01707, 01576, 01640, H-387, H-387-S, & H-103-(T) with the STATE ENGINEER for permit to temporarily change partial point of diversion and place/or purpose of 59.64 acre-feet per annum of surface water of the Montano Ditch River Pump which diverts from the Rio Hondo at the SW1/4SE1/4NW1/4, Section 30, Township 11 South, Range 19 East, well H-387 located in the SW1/4SW1/4NW1/4 Section 30, Township 11 South, Range 19 East, and River Pump located in the SW1/4SW1/4NW1/4 Section 29, Township 11 South, Range 19 East N.M.P.M., by ceasing the irrigation of 28.4 acres described below:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. SE1/4	20	11 South	19 East	7.2
Pt. NE1/4NW1/4	29	11 South	19 East	5.4
Pt. S1/2S1/2	20	11 South	19 East	
Pt. N1/2N1/2	29	11 South	19 East	15.8

Applicant proposes to commence the diversion of said 59.64 acre-feet per annum of surface water and supplement groundwater using well H-103 located in the NW1/4NW1/4SW1/4 Section 21, Township 11 South, Range 19 East N.M.P.M., and well H-387-S located in SW1/4SW1/4NW1/4 Section 29, Township 11 South, Range 19 East N.M.P.M., for highway construction purposes.

This is a temporary application is with all rights to revert to original place and purpose of use on December 31, 2005, or upon written request from the applicant.

The move from and move to points of diversion are located near Riverside, Lincoln County, NM, N.M.P.M.

Any person, firm, 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, 1900 W. Second Street, Roswell, New Mexico, 88201, within ten (10) days after the date of the last publication of this Notice. Facsimiles (fax's) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of this Notice. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to (505) 623-8559. 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 October 30, and November 6 and 13, 2003.

**LEGAL NOTICE**

NOTICE is hereby given that on October 9, 2003, Ford Secure Trust, P.O. Box 2, Picacho, NM, 88345, and New Mexico State Highway Transportation Department filed application No. 0842 with the STATE ENGINEER for permit to temporarily change point of diversion and place of 99.4 acre-feet per annum of surface water by ceasing the diversion of said waters from the Main Ditch which diverts from the Rio Hondo at the NW1/4SE1/4NE1/4, Section 27, Township 11 South, Range 19 East, N.M.P.M., for the irrigation of 28.4 acres, described below:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. S1/2SE1/4	28	11 South	20 East	
Pt. S1/2S1/2S1/2	28	11 South	20 East	
Pt. N/2N1/2N1/2	33	11 South	20 East	
Pt. E1/2NE1/4	33	11 South	20 East	28.4

Applicant proposes to commence the diversion of 99.4 acre-feet using the Montano Ditch River Pump, which diverts in the Rio Hondo at SW1/4SE1/4NW1/4 Section 30, Township 11 South, Range 19 East, N.M.P.M., and a River Pump, which diverts on the West back of the Rio Hondo at SW1/4SW1/4NW1/4 Section 29, Township 11 South, Range 19. The move from and move to points of diversion are located near Riverside, Lincoln County, NM, N.M.P.M.

This is a temporary application is with all rights to revert to original place and purpose of use on December 31, 2005, or upon written request from the applicant.

Any person, firm, 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, 1900 W. Second Street, Roswell, New Mexico, 88201, within ten (10) days after the date of the last publication of this Notice. Facsimiles (fax's) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of this Notice. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to (505) 623-8559. 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 October 30, and November 6 and 13, 2003.

**Obituaries**

**SHARON LENORE STOWE**

Funeral services for Sharon Lenore Stowe, 80, of Aztec, NM and former Carrizozo resident, were held Oct. 17 at the Dove Creek First Baptist Church in Dove Creek, CO with pastor Sam Thompson officiating. Graveside services followed at the Cahone Cemetery. She died October 14.

Sharon was born August 3, 1943 at Dove Creek. She married Bill Stowe on December 28, 1983 at Dove Creek. She worked as an instructional assistant with students with special needs in Capitan and Farmington, NM, working with preschool age to adult.

She is survived by her husband Bill Stowe of Aztec; daughters, Shelly Morr and husband, Todd of Oceanside, CA, and Stephanie Headrick and husband, Mark of Albuquerque; her mother, Lenore Neely of Cahone; brothers, Jerry Neely of Cortez and Brian Neely of Phoenix, AZ; sister, Diane Bishop of Littleton, CO, and five grandchildren.

**FLOYD T. KISER**

Floyd T. Kiser, 89, of Ruidoso, died October 13. He was born October 4, 1914 in Alford, TX. He married Inez Drennan Harding in 1941. She preceded him in death on December 28, 1997.

He served at a US CCC camp for three years and then joined the US Army and was assigned to Horse Drawn Field Artillery, a horse mounted troop, at Ft. Sill, OK. He served in World War II and after the war became an electrician. He owned and operated Kiser Electric in Canyon, TX for many years. He was a musician and played the guitar, banjo and fiddle in many country swing bands through the years. He was a member of the first Presbyterian Church of Canyon, VFW Lucius Penick Post 5681, Canyon.

Survivors include two daughters, Carmen Sue James of Roswell and Korene Kiser Walker of Carrizozo; two sons, Floyd Dewayne Kiser of Carrizozo and Edwin Lee Kiser of Denton; brother Calvin Kiser of Bowie, TX; six grandchildren and 10 great grandchildren. He was preceded in death by one daughter, Janice Elaine Kiser Stovall, and one brother.

Funeral services were held October 17 at First Presbyterian Church in Canyon, TX with Rev. David Lowrie, pastor of First Baptist Church of Canyon officiating.



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NOTICE TO BE PUBLISHED IN DESIGNATED NEWSPAPERS

By November 6, 2003, Counsel for the Office of the State Engineer will direct the mailing of a copy of the following published notice to defendants in the Pecos River stream system water rights adjudication and to water rights claimants in the Pecos River stream system as known to the Office of the State Engineer, other than members of the Carlsbad Irrigation District ("CID"). CID members will be mailed a separate notice. The published notice will appear in this newspaper once each week for four consecutive weeks pursuant to NMSA 1978, § 14-11-10.

FIFTH JUDICIAL DISTRICT COURT  
COUNTY OF CHAVES  
STATE OF NEW MEXICO

STATE OF NEW MEXICO, ex rel  
State Engineer and PECOS VALLEY  
ARTESIAN CONSERVANCY DISTRICT,  
Plaintiffs,

vs.  
I. F. LEWIS, et al.  
UNITED STATES OF AMERICA,  
Defendants,

and  
STATE OF NEW MEXICO, ex rel  
State Engineer and PECOS VALLEY  
ARTESIAN CONSERVANCY DISTRICT,  
Plaintiffs,

vs.  
HAGERMAN CANAL CO., et al.,  
Defendants

Nos. 20294 and 22600  
Consolidated  
Honorable David W.  
Bonem  
District Judge Pro Tempore

Carlsbad Basin Section  
Carlsbad Irrigation  
District  
Sub-Section  
Project (Offer) Phase

TO ALL DEFENDANTS IN THE PECOS RIVER STREAM SYSTEM WATER RIGHTS ADJUDICATION AND ALL PERSONS CLAIMING WATER RIGHTS IN THE PECOS RIVER STREAM SYSTEM, INCLUDING ITS TRIBUTARIES AND UNDERGROUND BASINS, WITHIN THE STATE OF NEW MEXICO. This notice is provided pursuant to the order of the Court entered October 2, 2003 in the above titled action. You are hereby notified of the presentation to the Court of a proposed Partial Final Decree adjudicating the diversion, storage, and delivery rights claimed by the Carlsbad Irrigation District ("CID") and the United States of America ("United States"), the terms of which are summarized below. The purpose of this notice is to inform all defendants in the Pecos River stream system water rights adjudication and all persons claiming water rights in the Pecos River stream system whose water rights interests may be affected by the proposed Partial Final Decree of (1) their right to object to all or any part of proposed Partial Final Decree and (2) the manner in which they may file a Statement of Intent to File Objection.

Copies of the Joint Motion for Entry of Partial Final Decree, the proposed Partial Final Decree, the Settlement Agreement among the CID, Pecos Valley Artesian Conservancy District ("PVACD"), the United States, and the State of New Mexico (the "Settlement Agreement"), and the Agreement among the New Mexico State Engineer, the New Mexico Interstate Stream Commission, and the Fort Sumner Irrigation District (the "FSID/ISC Agreement") may be reviewed at: the Office of the State Engineer's web site at "www.seo.state.nm.us/hot-topics/index"; (copies of the documents can be printed from the website); the Office of the State Engineer's Roswell District Office, 1900 W. Second St., Roswell, NM 88201, 505-622-6467; the Office of the State Engineer's Litigation and Adjudication Program, 130 S. Capitol Pl. Santa Fe, NM 87504-5102; the PVACD Office, 2303 E. Second St., Roswell, NM 88201, or the CID Office, 201 S. Canal, Carlsbad, NM 88220. The documents also may be reviewed at the following District Clerk's Offices: Chaves County - Fifth Judicial District Clerk's Office, 1597 South Main, Roswell, NM 88203; DeBaca County - Tenth Judicial District Clerk's Office, 514 Avenue C, Fort Sumner, NM 88119; Eddy County - Fifth Judicial District Clerk's Office, 102 N. Canal, #240, Carlsbad, NM 88220; Guadalupe County - Fourth Judicial District Clerk's Office, 420 Parker Ave. #5, Santa Rosa, NM 88435; Lincoln County - Twelfth Judicial District Clerk's Office, 300 Central, Carrizozo, NM 88301; San Miguel County - Fourth Judicial District Clerk's Office, 500 W. National Ave., Las Vegas, NM 87701.

If you do not wish to object to all or any part of the water rights that would be adjudicated by the proposed Partial Final Decree, you do not have to take any action. If you wish to object to all or any part of the water rights that would be adjudicated by the proposed Partial Final Decree, you must file a Statement of Intent to File Objection with the District Court Clerk's Office for the Fifth Judicial District at the address shown below. A form of the Statement of Intent to File Objection may be obtained from: the Office of the State Engineer's web site at "www.seo.state.nm.us/hot-topics/index"; the Office of the State Engineer's Roswell District Office, 1900 W. Second St., Roswell, NM 88201, 505-622-6467; the Office of the State Engineer's Litigation and Adjudication Program, 130 S. Capitol Pl. Santa Fe, NM 87504-5102; the PVACD Office, 2303 E. Second St., Roswell, NM 88201, or the CID Office, 201 S. Canal, Carlsbad, NM 88220. Alternatively, you may file a Statement of Intent to File Objection in a letter. The letter must clearly state that it is a Statement of Intent to File Objection and must include an address or other location for service of process. Statements of Intent to File Objection must be sent or delivered no later than December 8, 2003 to:

Bee J. Clem, District Court Clerk  
Fifth Judicial District Court  
P.O. Box 1776, Roswell, NM 88202-1776  
1597 South Main, Roswell, NM 88203  
ATTN: Pecos River Stream System Water Rights Adjudication  
Statement of Intent to File Objection

Any person who files a Statement of Intent to File Objection, whether by form or by letter, shall be subject to the procedures established by the Court for hearing all objections filed, including without limitation filing of a Statement Setting Forth Objection with Specificity, pretrial conferences, and other hearings to adopt appropriate scheduling orders. Persons who file Statements of Intent to File Objection, and subsequently file a Statement Setting Forth Objection with Specificity, who do not fully comply with the procedural requirements governing the hearing of all objections filed are subject to having their objections dismissed.

Failure of a defendant in the Pecos River stream system water rights adjudication or a person claiming water rights in the Pecos River stream system whose water rights interests may be affected by the proposed Partial Final Decree, to file a Statement of Intent to File Objection, and to subsequently file a Statement Setting Forth Objections with Specificity, shall forever bar his or her subsequent objection to the diversion, storage, and delivery rights claimed by the CID and the United States and set forth in the proposed Partial Final Decree.

Commencing fifteen days after entry of the Court's Order directing publication of this Notice, the Notice and the accompanying summary of the proposed Partial Final Decree shall be published once a week for four consecutive weeks in the following newspapers of general circulation in the Pecos River stream system: Carlsbad Current Argus, Roswell Daily Record, Ruidoso News, Lincoln County News, DeBaca County News, Santa Rosa News, Las Vegas Optic. In addition, the notice and the summary shall be published once a week for four consecutive weeks in the Albuquerque Journal and the Santa Fe New Mexican.

By: (Seal)  
Bee J. Clem  
District Clerk, Fifth Judicial District  
P.O. Box 1776, Roswell, NM 88202-1776  
505-622-2212

SUMMARY OF PROPOSED PARTIAL FINAL DECREE

A COMPLETE COPY OF THE PARTIAL FINAL DECREE MAY BE REVIEWED AT THE LOCATIONS LISTED ABOVE

The following summarizes the proposed Partial Final Decree submitted to the Court by the United States, CID, the State, and PVACD, addressing the claims of the United States and CID in connection with the Carlsbad Project. The proposed Decree judicially establishes the maximum allowable annual diversion and storage rights of the United States and CID, and CID's right to deliver water for the members of the CID. Each individual CID member's surface water rights, to be further determined in the Membership Phase of the Carlsbad Irrigation District Sub-Section of these proceedings, shall be limited by the diversion, storage, and delivery rights held by the United States and CID and shall be subject to applicable state and federal law.

Under the proposed decree, the United States and CID shall have the right to divert and to store public surface waters from the Pecos River stream system to irrigate an area within the CID (a/k/a the "Carlsbad Project") not exceeding 25,055.00 acres.

- 1. Priority dates for diversions of water:  
A. Pecos River, State Engineer File Number 6: July 31, 1888, for an amount not to exceed 101,283 acre-feet annually; April 10, 1915, for an amount not to exceed 22,625 acre-feet annually; and June 24, 1919, for an amount not to exceed 1,292 acre-feet annually. The above priorities shall be subject to such superior rights of the FSID and the Storrer Project Water Users Association established by the Final Decree in *United States of America v. Hose Community Ditch*, U.S. District Court Cause No. 712 Equity (1933), in addition to being subject to all other water rights having senior priority dates.  
B. Black River, State Engineer File Number 1927: December 31, 1889.  
2. Place of Use: The CID consists of 25,055.00 acres, located in T. 21S., R. 26E.; T. 21S., R. 27E.; T. 22S., R. 26E.; T. 22S., R. 27E.; T. 22S., R. 28E.; T. 23S., R. 27E.; T. 23S., R. 28E.; T. 23S., R. 29E.; T. 24S., R. 27E.; T. 24S., R. 28E.; T. 24S., R. 29E., N.M.P.N. as shown on "Plan of the Carlsbad Irrigation District, Eddy County, New Mexico," filed for record April 16, 1993, in Eddy County, NM. The CID boundaries may be changed pursuant to and as authorized by state law.  
3. Purposes: For irrigation and for domestic and livestock watering uses incidental to irrigation use.  
4. Points of diversion: Pecos River - Avalon Dam gate into the CID Main Canal in Sec. 12, T. 21 S., R. 26 E., N.M.P.M., Eddy County, NM; Black River - Junction at which the CID Black River Canal intersects the Black River, in Sec. 12, T. 24 S., R. 27 E., N.M.P.M., Eddy County, NM.  
5. Allowable annual diversion: The combined annual diversion of water shall not exceed the lesser of (i) 125,200 acre-feet or (ii) the quantity of water necessary to supply an annual depletion of 55,572 acre-feet. The right, allotment or entitlement of use within the CID for each acre irrigated from the Pecos River shall be based on an amount of water at the point of diversion that shall not exceed a diversion of 4,997 acre-feet per year, a farm delivery of 3,697 acre-feet per year, and a consumptive irrigation requirement of 2,218 acre-feet per year. The right, allotment or entitlement of use within the CID for that acreage irrigated from the Black River, shall not exceed a total maximum diversion of 2,800 acre-feet per year, a farm delivery of 3,697 acre-feet per year, and a consumptive irrigation requirement of 2,218 acre-feet per year; such diversion to be governed by the State Engineer Findings and Order dated June 10, 1964, as the same exists or may be amended in the future.  
6. Diversion, impoundment, and storage of public surface waters of the Pecos River for the United States and CID, under State Engineer File Number 6.  
A. Lake Avalon, the headwall at the Avalon Dam outlet gate being in Sec. 12, T. 21 S., R. 26 E., N.M.P.M., Eddy County, NM: Amount of water - the amount of total reservoir capacity available, but not more than 7,000 acre-feet, with the right to fill and refill as often as waters are available; Priority - October 31, 1889.  
B. Bramley Lake, the control tower at Bramley Dam outlet gate being in Sec. 28, T. 20 S., R. 26 E., N.M.P.M., Eddy County, NM: Amount of water - an amount not to exceed 40,000 acre-feet, with the right to fill and refill as waters are available, said 40,000 acre-feet to include the quantity of water in bank storage which returns to and is available for release from Bramley Lake; Priority - October 31, 1893.  
C. Lake Sumner, the center of Sumner Dam being in Sec. 34, T. 21 S., R. 24 E., N.M.P.M., DeBaca and Guadalupe Counties, NM: Amount of water - the total reservoir capacity in acre-feet available at elevation 4,261 above sea level, provided that the elevation of 4,261 feet above sea level may be exceeded during the period from October 1 of each year to April 30 of the following year so long as the water level is reduced to an elevation not exceeding 4,261 feet above sea level by April 30 of each year and, provided further, that such impoundment and storage rights shall never be less than 20,000 acre-feet so long as the storage capacity at any elevation is 20,000 acre-feet or more; Priority - February 2, 1906.  
D. Santa Rosa Lake, the outlet gates at Santa Rosa Dam being near lat. 35° 01' 47", long. 104° 41' 30", Jose

Ferac Grant, Guadalupe County, NM: Amount of water - Not to exceed 176,500 acre-feet less the total reservoir capacity in acre-feet available for the storage of water for release for use by CID in Lake Avalon, Bramley Lake, and Lake Sumner (or any replacement or additional lake or reservoir that may be constructed to impound and store water for use by CID) as determined from current sediment surveys of those lakes, or by determining reservoir capacity by estimating sediment deposition by the use of generally accepted techniques for those years when the actual sediment surveys are not available, and the contract between the United States Department of the Interior, Bureau of Reclamation, and CID dated September 8, 1971; Priority - February 2, 1906.

SUMMARY OF PROPOSED SETTLEMENT AGREEMENT  
A COMPLETE COPY OF THE PROPOSED SETTLEMENT AGREEMENT MAY BE REVIEWED AT THE LOCATIONS LISTED ABOVE

The following summarizes the Settlement Agreement among the State of New Mexico (the "State"), the New Mexico Interstate Stream Commission ("ISC"), the United States Department of the Interior, Bureau of Reclamation, CID, and PVACD. The Settlement Agreement, which is an integral part of the Partial Final Decree adjudicating the diversion and storage rights of the United States and CID for the Carlsbad Project, is a water conservation plan among the State, ISC, the United States Department of the Interior, Bureau of Reclamation, CID, and PVACD designed to augment the surface flows of the lower Pecos River to: (a) secure the delivery of Project water; (b) meet the State's obligations to the State of Texas under the Pecos River Compact; and, (c) limit the circumstances under which the United States and CID are entitled to make a call for the administration of water right priorities. Among other points summarized below, fundamental to the Settlement Agreement is the construction or development of a wellfield (the "Augmentation Wells") to facilitate the physical delivery of groundwater directly into the Pecos River under certain, specified conditions; the purchase and transfer to the wellfield of existing groundwater rights in the Roswell Artesian Basin ("RAB") by the ISC; and the purchase and retirement of irrigated land within PVACD and CID. The Settlement Agreement also defines the conditions under which the land purchased by the ISC in the CID will be allotted and receive water.

Satisfaction of Conditions Precedent. The obligations of CID, the United States, PVACD, ISC and the State under the Settlement Agreement, and the force and effect of the Partial Final Decree are contingent upon either the satisfaction or waiver by express agreement of the Conditions Precedent set forth in the Settlement Agreement on or before December 31, 2004, or such later date as the Parties may agree to. The Conditions Precedent include:

- A. Entry of a Partial Final Decree. The Court shall enter a Partial Final Decree containing the same terms contained in the form of decree submitted to the Court. PVACD and CID shall seek to have as many of the objections in the Project (Offer) Phase of the Adjudication, as possible, withdrawn their objections to the Stipulated Offer of Judgment and consent to the entry of the Partial Final Decree.  
B. Initial Purchase of Land; Augmentation Wells. ISC shall acquire at least 4,500 acres of land on the CID assessment rolls that are entitled to the delivery of Project water, and 7,500 acres of irrigation water rights in the RAB. In addition, ISC shall construct, lease or purchase Augmentation Wells sufficient to undertake the augmentation pumping plan outlined in the Settlement Agreement, to a minimum capacity of 15,750 acre-feet of water per year.  
C. Federal Contracts and Environmental Compliance. Bureau of Reclamation, CID, and ISC shall enter or extend contracts to effectuate the purposes of the Settlement Agreement. Bureau of Reclamation shall complete all necessary environmental compliance related to those contracts, including compliance under the National Environmental Policy Act and the Endangered Species Act.  
2. Supplemental Well Pumping. The State Engineer shall limit groundwater diversions from each supplemental well within CID to a quantity of water equal to a combined maximum Farm Delivery Requirement ("FDR") of 3,697 acre-feet per acre per year, minus surface water allotments by CID. In the Membership Phase, the State shall include in offers of judgment made to CID members owning supplemental wells serving acreage within the CID entitled to receive water delivered by CID, a provision whereby each such Supplemental Well Owner will execute an assignment in favor of ISC for the purpose of preventing excess depletions to the annual surface water supply of the Pecos River. The assignments shall be exercised in accordance with regulations to be adopted by the State Engineer.  
3. ISC Water Right Acquisition, Sale Back and Lease Back. To effectuate the Settlement Agreement, ISC will use its best efforts to purchase land as follows: (a) up to 6000 acres of land on the CID assessment rolls that are entitled to delivery of Project water; (b) up to 1,000 acres of irrigation water rights between the Acme gate to and including the FSID; (c) up to 11,000 acres of irrigation water rights in the RAB, of which approximately 3,000 acres shall be water rights in the shallow aquifers and approximately 8,000 acres shall be water rights in the artesian aquifers. By owning land on the CID assessment roll, ISC shall become a CID member, entitled to the rights and benefits, and subject to the obligations, assessments, rules and regulations, of such membership, on the same basis as other CID members. ISC may sell or lease water rights, pursuant to the terms of the Settlement Agreement and in accordance with the terms of NMSA 1978, § 72-1-2.4.  
4. CID allotment of water; Transfers of Allotments Within CID. CID shall allot water on a pro rata basis to 25,055 acres of land on the assessment rolls of CID. CID shall deliver through the Carlsbad Project to Avalon Reservoir all water allotted by CID to lands owned by ISC and shall make such water available to ISC and account for it as provided in the Settlement Agreement. Notwithstanding the FDR limitation of 3,697 acre-feet per acre per year of land within CID set forth in the Partial Final Decree, nothing in the Settlement Agreement shall limit CID's authority pursuant to NMSA 1978 § 73-10-15 to approve transfers of allotments from the acreage to which the allotment was originally made to other acreage within CID, which may result in total water deliveries to the land to which the transfer is made in excess of an FDR of 3,697 acre-feet per acre per year; provided, that for purposes of determining the diversion limitation for any supplemental well on the land from which the allotment has been moved for stacking purposes, the allotment shall be charged to the acreage to which the allotment was originally made.  
5. CID Membership Phase. The State shall use its best efforts to expedite the Membership Phase. CID may provide technical assistance to any member served with an offer of judgment and may facilitate settlement of any dispute concerning the surface water rights elements of named owner, delivery ditch, and amount of irrigated land set forth in the offer of judgment. Upon entry of the Partial Final Decree containing the same terms as contained in the Partial Final Decree filed by the Parties, no Party shall present any claim or objection in the Membership Phase or any *inter se* phase of the Adjudication that is inconsistent with the Partial Final Decree and the Settlement Agreement; provided, however, nothing shall prevent any Party from protesting any change in purpose and/or place of use based on grounds provided by applicable law in proceedings before the State Engineer.  
6. Augmentation Well Pumping. ISC will develop the Augmentation Wells, or will lease or purchase existing wells in the RAB drilled into the Roswell Basin aquifer, to pump water to augment the flow of the Pecos River. ISC will acquire water rights in the RAB and FSID and transfer the rights to the Augmentation Wells pursuant to the statutes governing the acquisition and transfer of water rights and the rules and regulations and the administrative basin guidelines of the State Engineer. ISC will consult with PVACD in the purchase, lease or development of the Augmentation Wells; and shall make a reasonable effort to locate the Wells so their operation will not cause impairment to any valid existing water rights. ISC shall not divert from the Augmentation Wells more than 100,000 acre-feet during each five-year accounting period used for RAB administration, and in no event more than 35,000 acre-feet in any one year of such accounting period. ISC may use the Augmentation Wells to deliver water to the Pecos River in a Pecos River Decree Shortfall Condition as described in the Settlement Agreement. ISC shall not operate the Augmentation Wells to augment Pecos River flows for the purpose of conserving species listed as threatened or endangered under the Endangered Species Act, except as may be wholly incidental to the primary purposes established in the Settlement Agreement.  
7. Limitation on CID and United States Call Pursuant to the Partial Final Decree. Neither CID nor the United States shall place a call for administration of priorities or otherwise seek to curtail water uses in the RAB, and shall not store or divert water resulting from a call or curtailment exercised by others (including without limitation for the delivery of water to the New Mexico-Texas state line for purposes of compliance with the Pecos River Compact or any United States Supreme Court Decree or court order relating thereto), except to the extent necessary to supply not more than 50,000 acre-feet in any one year at the Avalon Dam gate for delivery into the CID main canal, as provided for in the Settlement Agreement.  
8. Pecos River Decree Shortfall Condition. In the event that the U.S. Supreme Court Pecos River Master determines that a net shortfall exists in New Mexico's delivery obligations to Texas under the Pecos River Compact ("Shortfall"), the Parties agree that the interests of the Pecos River Basin and the state of New Mexico will best be served by implementing voluntary measures to increase flows at the New Mexico-Texas state line. In the event of a Shortfall, ISC will use its best efforts to prepare a proposed plan pursuant to Article II (A) (2) of the Pecos River Decree that shall be based upon the following actions that will increase the amount of water at the New Mexico-Texas state line by March 31 of the calendar year following the accounting year in the amount of the Shortfall, in the following order of priority: (a) ISC may operate the Augmentation Wells to deliver water to the Pecos River to meet the Shortfall, subject to the limitations in any state permit under which the Wells operate. The State Engineer shall administer the river to insure that the water delivered to the Pecos River from the Augmentation Wells is passed through Carlsbad Project facilities, subject to normal stream conveyance losses, for delivery to the New Mexico-Texas state line; CID and the United States agree to comply with such administration. Any water delivered to the Pecos River from the Augmentation Wells to meet a Shortfall shall be subject to the 100,000 acre-feet over five years and 35,000 acre-feet in any one-year limitations specified in the Settlement Agreement. To the extent necessary to meet the Shortfall, PVACD shall make available by loan without charge to ISC for a reasonable period of time, water rights held by PVACD in its retirement program for temporary transfer to the Augmentation Wells in an amount necessary for such purpose. (b) The State Engineer and/or ISC may develop a proposed plan pursuant to Article II (A) (2) of the Pecos River Decree.  
9. Water Master. The State shall petition the District Court to expand the Pecos River Water Master's duties to include authority to: (a) order meters and records for the diversion of water from the Augmentation Wells, and administer the delivery of such water; (b) administer deliveries of water from the Augmentation Wells to Avalon Reservoir, and deliveries of water from Avalon Reservoir to the New Mexico-Texas state line in compliance with the Settlement Agreement by preventing by injunction any diversion of such water from the Pecos River by any person; provided, however, that the Water Master shall have no authority over Carlsbad Project internal operations and deliveries of water to CID members; (c) order records from CID for the deliveries of water from Project facilities to Avalon Reservoir and from Avalon Reservoir to and within the CID, to assure compliance with the Settlement Agreement; and (d) order meters and records for the diversion of water from supplemental wells within CID, and enforce by injunction the limitations on supplemental well pumping within CID set forth in the Settlement Agreement.

THE SUMMARIES PRESENTED ABOVE ARE DESIGNED TO IDENTIFY THE MOST IMPORTANT PROVISIONS IN THE PARTIAL FINAL DECREE AND THE SETTLEMENT AGREEMENT. A REVIEW OF THE ENTIRE TEXT OF BOTH DOCUMENTS IS REQUIRED FOR A FULL UNDERSTANDING OF THEIR TERMS. COMPLETE COPIES OF THE DOCUMENTS MAY BE REVIEWED AT THE REPOSITORIES LISTED ABOVE.

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# Ruidoso Downs Annex

(Continued From Page 1)

minutes to make his presentation but used about half questioning the city's information on water rights and ability to expand its services. He especially questioned the city's ability to provide sewer outside their city limits when the Parker Lane area inside the city and next to Rio Ruidoso has septic tanks and is not hooked into the city sewer.

Other opposing property owners, including Smokey Davis who developed the Agua Fria subdivision and sold the city the spring that provides most of the city's water, questioned the increase of property taxes, which Waters said would be a significant increase.

Some business owners in the annexation area were opposed because their gross receipt taxes will increase.

Those who favored the annexation, about half of the group who attended the meeting, included many people who live in the Rocky Mountain Trailer and RV Park on Highway 70. Many of the park residents chose to let park owner Rhonda Vincent speak on their behalf.

Vincent emotionally told how her park will be shut down by the New Mexico Environment Department (NMED) if the park is not allowed to hook into the waste water plant soon. She said she and her husband

bought the park in 1996 with the understanding they could hook into the regional sewer plant. But when they went to the Regional Waste Water Treatment Facility Board (which consists of members from the Village of Ruidoso, City of Ruidoso Downs and County of Lincoln) requesting to hook into the sewer, they were refused. Now the park is having its septic tanks pumped daily, which is being allowed by the NMED as a temporary measure.

"This is about the people who live here with me," Vincent said. "If we are not allowed to hook onto the sewer these people have to move. They pay property

taxes and own their mobile homes and are low income."

"If I am not annexed, my business will be no more," Vincent added.

NMED ground-pollution prevention section geologist Kurt Vollbrecht who also attended the meeting confirmed what Vincent said. He also told how the Rio Ruidoso valley is vulnerable to the impacts of septic tank leach fields which are not designed to remove nutrients especially nitrogen.

Other property owners in favor of the annexation were Bonnie Richardson who said the services are essential as police and fire departments are needed immediately and because the adjoining communities are not paying for these services they already receive.

Jady VanWinkle who owns Circle B campground also favored annexation, and said the city's annexation proposal is not "cherry picking" as Beauvais claimed. VanWinkle said they asked to be annexed into the city, and also they believed the city needs to bring in those properties that are illegally hooked into the sewer system.

Don Coleman, chairman of Lincoln County Solid Waste Authority (LCSWA) favored the annexation which will bring in the property that LCSWA recently purchased east of Ruidoso Downs.

Warren Beaver favored annexation because of ambulance and police services. Melissa Casehagen, representing the Village of Ruidoso Planning Department, said the village is in favor of the annexation because of the sewer issues. Ruidoso holds the majority vote on the Regional Waste

Water Treatment Facility board because the village creates most of the waste water treated in the facility.

## Lincoln County

(Con't From Pg. 7)

At the end of comments from the audience, Tom Lewicki who owns 12 acres of land on the north side of the river in the area to be annexed, spoke in opposition of the annexation. He said he wanted to be in the county, not in the city.

Beauvais concluded his comments by citing several court cases and other legal information.

At the end of public comments, Garza said she thought the request to keep the records open for seven days was appropriate. "I believe we need to leave the records open for seven days as requested," Garza said.

"Then we will come back to conclude and render our decision."

Boundary commissioners voted unanimously to continue the boundary commission meeting. Boundary commission was assisted by Assistant Attorney General Alvin Garcia.

Exhibits presented by the City of Ruidoso Downs have been forwarded to the Local Government Division of the Department of Finance and Administration where the records can be obtained, Garza added.

Bryant then said the records presented by the city would be available for viewing at city hall during the seven days.

No date has been set for the next Boundary Commission meeting.

\$4,726.10 for these services. Stewart advised he will take the payments out of the Inmate Care-Personal Development budget line which is funded from the proceeds from the operation of the inmate phone system.

County commissioner Earl Hobbs asked if there was some way to recover a portion of the cost from the inmates who are benefiting from the classes. Stewart said he would research this. He also said District Judge Karen Parsons wants to continue with the GED program at the detention center.

**Resignation of Indigent Health Care Fund Administrator**

During the meeting Stewart announced that "with deepest regrets" he received a letter of resignation from Teresa Montoya as the Lincoln County Indigent Health Care Fund Administrator. Stewart said Montoya, who was a God send and committed to the citizens of Lincoln County and their welfare. Stewart said the county owes her a deep debt of gratitude and best of luck on her new adventure.

Montoya said she has taken a position with the State Division of Vocational Rehabilitation office in Alamogordo.

County commissioner Leo Martinez said he sent many people to see Montoya and she always treated them with respect and dignity.

**US 70 HONDO VALLEY DESIGN/BUILD PROJECT**  
**Partners in Progress and Preservation**

**US 70 Activities Underway In November 2003**

Shoulder and lane closures will continue along the 38-mile project corridor through the month of November. 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 F & E. Various lane shifts, detours and roadway re-striping will occur as the work progresses.

The final 4-lane configuration is in place between EOP (end of project) and MP 300. The final 4-lane configuration will be in place in sections A & D by Thanksgiving.

SBC will have no construction 4pm Wednesday, Nov 26 through 7am Monday, December 1<sup>st</sup> in observance of the Thanksgiving Holiday Weekend.

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

**US 70 Blast Time Changes to 12 PM...**

Highway closures for rock blasting during the fall/winter will begin at 12 pm, lasting up to one hour. Blasting will become more frequent on weekdays (Mon-Fri), in Section B MP 272-275 located West of Gilencoe East of Fox Cave.

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**

**November Calendar of Events**  
US 70 Hondo Valley Citizens Task Force Meeting is on Hiatus for November

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

# STOCK UP ON THE SAVINGS

<b>COOKIES</b> Shurtzle Select Fudge Varieties or General Shurtzle 10.75-16 oz. pkg. <b>99¢</b>	<b>Q&amp;Q VERMICELLI</b> Original Video 5 oz. pkg. <b>4 \$1</b>
<b>PAPER TOWELS</b> Viva reg. roll. <b>99¢</b>	<b>TORTILLA CHIPS</b> Santa Fe Reg. or Seasoned 14-20 oz. <b>2 \$5</b>
<b>KRAFT PHILADELPHIA ASSORTED VARIETIES SOFT CREAM CHEESE</b> 8 OZ. TUB <b>\$1.59</b>	<b>UNCLE BEN'S ASSORTED NOODLE, PASTA OR RICE BOWLS</b> 12 OZ. <b>2 \$5</b>

<b>DORITOS® CHIPS</b> Assorted Reg. \$3.29 size <b>2 \$5</b>	<b>KEEBLER COOKIES</b> Assort. Chips Deluxe 16-18 oz. <b>2 \$5</b>	<b>SANTA FE SALSA</b> Assorted 16 oz. jar <b>2 \$4</b>
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**NATURE'S GRAIN PLAIN, CINN/RAISIN OR BLUEBERRY BAGELS** 6 COUNT..... **\$1.79**

**BOLO ASSORTED DOG FOOD** 13.2 OZ. CAN ..... **3 \$1**

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Boston Butt  
Pork Roast..... 99c Lb.  
Family Pack Drumsticks..... 69c Lb.  
Family Pack Thighs..... 69c Lb.  
Eye of Round Steak..... \$2.69 Lb.  
Eye of Round Roast..... \$2.49 Lb.  
Hillshire Farm, All Varieties  
Smoked Sausage..... 2/\$5.00  
Hillshire Farm, BRATWURT or  
Italian Sausage..... All Varieties... \$2.99  
Ball Park Franks Meat... 2/\$3 Beef... \$2.39

<b>ICEBERG LETTUCE</b> Cello Wrapped <b>2 \$1</b>	<b>RUSSET POTATOES</b> U.S. No. 1 5 lb. bag <b>99¢</b>
<b>EVAPORATED MILK</b> Carnation 12 oz. can <b>3 \$2</b>	<b>ICE CREAM</b> Blue Bunny Original or Hi-Lite Assort. half gal. eq. <b>2 \$6</b>
<b>CRUNCH BARS</b> or Honeycomb Cool Treats 5.5 oz. eq. <b>2 \$4</b>	

## TEXAS GRAPEFRUIT

**4 \$1**

TANGY LEMONS..... 5 FOR \$1	SALAD SIZE AVOCADOS..... 2 FOR \$1
JUICY LIMES..... 10 FOR \$1	YELLOW ONIONS..... 3 LBS. \$1
FRESH LARGE GREEN BELL PEPPERS..... 3 FOR \$1	FRESH LARGE RED BELL PEPPERS..... 2 FOR \$1
JUMBO GARLIC..... 5 FOR \$1	

# STURGES

## Venture