

Illegal Dumping Creates Negative Economic Impacts

by Doris Cherry

This week someone got rid of an old mobile home by dumping its remains around 20 Lincoln County Solid Waste Authority (LCSWA) containers in the Capitan area.

Someone also got rid of their construction trash by carefully cutting it up and putting it into LCSWA dumpsters. The problem was,

the LCSWA collection truck could not even get to the containers because of the illegally dumped non-household trash in some places. Where the truck could get to the cans, the dumpsters were so heavy their hooks which are used to lift the containers to dump into the truck broke.

LCSWA has tried to minimize the illegal dumping by emptying the containers in the Capitan area up to four

times a week. But even that extra service seems to do little good as the non-household trash piles up around the containers overnight.

"This is an economic disaster for Lincoln County," said LCSWA operational supervisor Debra Ingle. Not only does the illegal dumping result in added cost to LCSWA and ultimately to the LCSWA customers, it results in lowered values of proper-

ties near the LCSWA containers and creates eyesores in a county that survives off its beauty through tourism, she added.

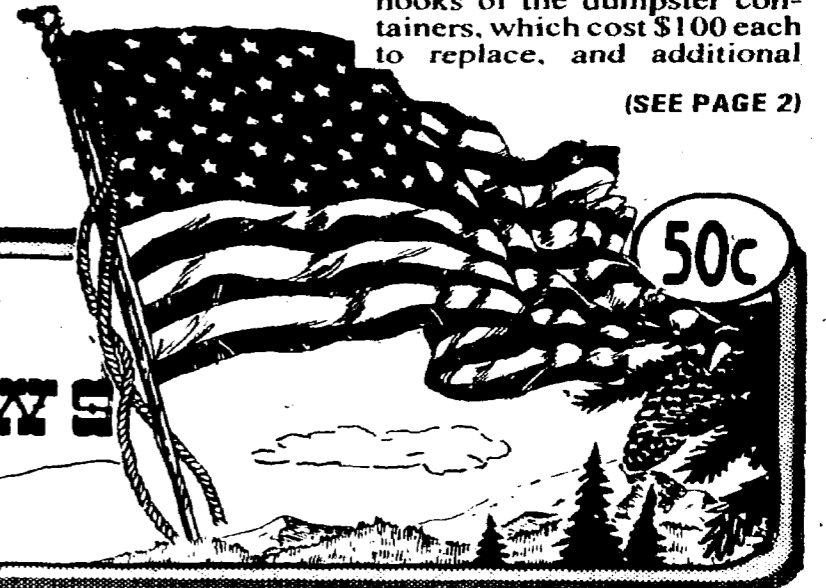
Illegal dumping costs LCSWA and its customers in several ways. To remove the illegally dumped trash, for which no one paid extra, LCSWA will send out a crew to pick up around the containers, which can cost \$200 to \$300 each time. If there is

too much illegally dumped trash, LCSWA might have to send its grapple truck at a cost of \$500 each time, Ingle said.

A prime example of illegal

dumping is at the dumpsters located on North Center Road off mile marker 83 on Highway 380 west of Capitan. This week illegal dumping resulted in damage to the hooks of the dumpster containers, which cost \$100 each to replace, and additional

(SEE PAGE 2)



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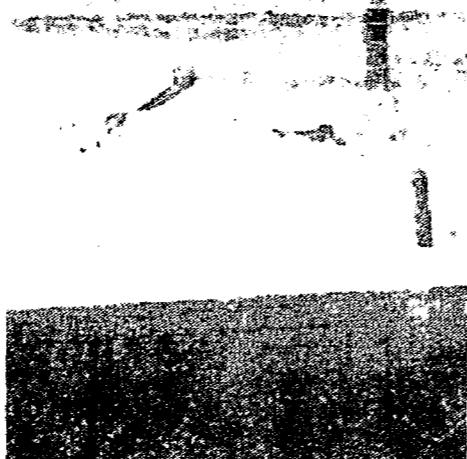
THURSDAY, SEPTEMBER 2, 2004

CARRIZOZO, NM 88301



Illegal Dumping

REMODELING? Remains of an old mobile home and construction waste from remodeling dumped illegally at LCSWA dumpster sites west of Capitan resulted in damage to the containers (see inset with broken hook) and added cost for cleaning up the mess. Dumping of construction and other non-household trash next to a dumpster designated for household trash is illegal in Lincoln County. But lack of enforcement allows the illegal dumping to continue to be a major economic problem for LCSWA and its customers.



Agri-tourism and Agri-economics Explained at (PLURAAC) Meeting

by Doris Cherry

Tourism and public entertainment activities may be the salvation of the small agricultural operation.

Edward Avalos with the New Mexico Dept. of Agriculture (NMDA) in Las Cruces presented information about agri-tourism and agri-economics to the Lincoln County Public Land Use and Rural Affairs Advisory Committee (PLURAAC) at its August meeting in the courthouse in Carrizozo.

Avalos works with the NMDA Director of Marketing to focus on the selling of New Mexico agricultural products including produce, processed foods/livestock, advertising and promotion of New Mexico agricultural products.

Invited by PLURAAC chair Sally Canning, Avalos said he was there to provide ideas on how to preserve small farming and ranching by subsidizing income with public recreational and entertainment activities on the farm or ranch. Avalos said agri-tourism as a term is new

for New Mexico, however there are many activities that now occur on ranches, such as fishing, hunting, dude ranching, RVs and four wheeling that would fit within this term. On farms in New Mexico there are u-pick operations, community membership farms and the traditional roadside stands.

Small operations cannot grow enough product to meet the demands of the large chain stores, Avalos said. So the idea for agri-tourism is that people in small operation agriculture must adjust their farming/livestock and marketing techniques and products to appeal to a different buying public.

Avalos listed negative and positive aspects of the changes required by climate change and urban encroachment into traditional farming and ranching areas. Negatives for agriculture are: encroaching suburban areas bring large stores and restaurants; poor markets with competition from foreign products; government regulations; increased taxes; noise pollution. Positives are: encroach-

ing populations are your customer base especially kids and their parents; produce agricultural products that are in export demand, for instance Stahman Farms Peas to Japan.

The NMDA's role in agri-tourism in New Mexico over the last two years has been to administer a federally financed program with a paid consultant involving 10 chosen operations that were given help in enhancing their agricultural operations.

Avalos said the enhancements were simple as a roadside stand with a professional sign, and clean public restrooms which alone resulted in quadrupled business. A bigger operation with an Angus herd began farm entertainment with flyers in the schools, hay rides, and a purple cow which resulted in 60,000 visitors. Other operations expanded a fruit stand into a "country store" and petting zoo and other entertainment.

As for the future for NMDA in agri-tourism, Ava-

(SEE PAGE 9)

Sheriff's Candidates To Resign From Jobs

To Avoid Hatch Act Violations

by Doris Cherry

Thinking they had done well for their departments by obtaining federal grants to purchase such things as bulletproof vests, two candidates for Lincoln County Sheriff are finding themselves having to resign from their jobs.

Republican sheriff candidate Rick Virden, and Democratic sheriff candidate David Hightower told *THE NEWS* they will resign their jobs to avoid prosecution under the federal Hatch Act.

The federal Hatch Act, according to information on the website for the US Office of Special Counsel (OSC) which investigates allegations of violations of the act, applies to executive branch state and local (government) employees who are principally employed in connection with programs financed in whole or part by loans or grants made by the United States or a federal agency. Such employees may run for public office in nonpartisan elections, such as school board or municipal elections.

The intent of the federal act was to prevent the use of official authority or influence to interfere with or affect the results of an election or nomination.

Virden was hired by sheriff Tom Sullivan as undersheriff and has served in that capacity since 1996. Hightower is

deputy police chief for the City of Ruidoso Downs, and had previously served as police chief.

Although a state statute exempts undersheriffs and their administrative secretaries from the Hatch Act, the OSC informed Virden that the prohibitions of the Hatch Act are not affected by state or local laws.

Virden received a letter from the OSC dated August 23 in which he was advised that the OSC completed its review of information concerning his candidacy in the election for sheriff. "This letter serves as notice that we have reasonable grounds to believe that your candidacy in the partisan election for Sheriff is in violation of the Hatch Act," wrote William Reukauf, associate special counsel for investigation and prosecution of the OSC.

The letter further advised Virden that based on information the OSC received concerning the Lincoln County Sheriff's Office and Virden's duties as undersheriff, "it appears that you are covered by the Hatch Act."

The letter supports the determination by listing the federal programs in which the Sheriff's Office participates, namely the cooperative agreement with the US Forest Service to provide deputies for forest patrol in

heavily trafficked recreation areas, and possibly the US Dept. of Justice Bulletproof Vest Program. Also the sheriff's office received federal reimbursement funds to cover overtime for deputies involved with the Peppin and other forest fires in Lincoln County.

The letter states that Virden explained to the OSC investigator that he was appointed by the sheriff and together they oversee the management and operation of the department, including supervision over deputies assigned to forest patrol.

"Based on the preceding information, by virtue of your position as Undersheriff, we believe that you have duties in connection with activities that are funded, in part, by federal grants," the

(SEE PAGE 3)

EMT / Basic Class Starts in Capitan

Lincoln County EMS is sponsoring an Emergency Medical Technician Basic (EMT-Basic) class at the Capitan High School. Orientation will be held today, Thursday, Sept. 2 and class will begin next week.

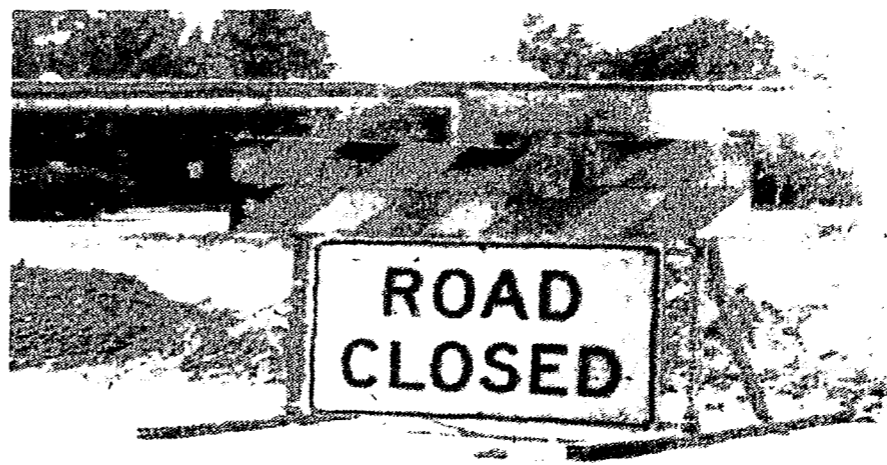
The class is open to all Lincoln County residents who would like to join the emergency medical services field.

"There is a need for more EMTs in Lincoln County," said Jim Stover, head of Lincoln County EMS. "The call volume is going up in Lincoln County and with our current volunteer staffing having less time to volunteer, having life style changes or leaving Lincoln County, the need is greater than ever for more EMTs in the county."

Minimum requirements to participate and become an EMT Basic are: if less than 18 years of age, the student must have parent or guardian sign a consent form, and be of good character.

The class will meet starting September 11 from 8 a.m. until 4 p.m. and class will be completed December 18. There is no cost to the student who becomes a volunteer EMT Basic for Lincoln County.

To sign up for the class or for more information about emergency medical services in Lincoln County and how you may become a volunteer call Stover or Steve Spande at 257-8290.



STEP AT A TIME. The new Carrizozo Town Hall complex is moving ahead 'slowly', with recent excavations to remove old concrete and the asphalt from the end of 4th Ave, which has been permanently closed to allow for construction of the new facility. Due to increased cost of steel and labor, the town hall project will most likely be done in two phases, unless the town is successful in its pursuit of additional state funds. The project is financed with a special state appropriation which turned out to be less than the bids submitted for the whole project.

Illegal Dumping Creates

(Continued from Page 1)

cost for manpower to go to the site to manually clean up, Ingle said.

The dumpster hooks were damaged because illegally dumped trash around the cans prevented the collection truck from getting near enough to properly catch the containers when the collection truck tried to empty the containers. And inside the dumpsters someone had dumped sheet rock scraps, old broken down lumber and

other construction trash items creating a too heavy load. Two of the containers ended up turned over, with their overfilled contents spilling out into the roadside.

Construction trash illegally dumped around the dumpsters also damages the tires on the LCSWA collection trucks, Ingle said. Each tire costs \$400 and each truck has 10 tires.

LCSWA has received calls from people living in the

county area around Capitan, asking for more dumpsters to lessen the illegal dumping situation, Ingle said. However, increasing the number of dumpsters at each location is not necessarily an answer, she said.

LCSWA added more containers in the county areas around Capitan, but that did not stop the illegal dumping, Ingle added.

One issue with putting additional dumpsters is the cost, especially in this era of increasingly high steel prices. One of the heavy duty three-year household trash dumpsters costs LCSWA up to \$500, Ingle said. And that is only if LCSWA orders a load of 36 dumpsters at a time. "That's more than \$18,500 for just the dumpsters, then add to that the cost of freight," Ingle said.

By county ordinance only household trash is allowed in the LCSWA dumpsters marked "for such. Illegal dumping, which is a misdemeanor, carries a fine of \$300. But rarely are illegal dumping charges filed and go to court, Ingle said.

The same county ordinance gives enforcement duties to the Lincoln County Sheriff's Office. Ingle said the sheriff's office is reluctant to pursue a case of illegal dumping unless the people doing the illegal dumping are caught in the act, either by an officer or by a citizen eye-witness. Ingle said citizens who witness illegal dumping can file a complaint report with the sheriff's office if they have the license plate number of a vehicle seen involved with illegal dumping.

"Our biggest need in stopping illegal dumping is law enforcement and judges who

will enforce the ordinance," Ingle said.

In other counties with similar ordinances on illegal dumping, if a name is found with the illegal trash, that person will be responsible.

LCSWA does provide a service for disposal of construction trash. Construction trash can be taken to the LCSWA office in Ruidoso Downs from 8 a.m. until 4 p.m. Monday through Friday, Ingle said. To dispose of the construction/non-household trash LCSWA charges \$10 a yard, which is about a pickup bed or to the top rails of a 16 foot flatbed trailer, she added.

The village of Capitan has a convenience site with a \$10 a yard fee to dispose of the non-household trash. Ingle said to call or go by Carrizozo town hall for more information on access to the site.

Carrizozo also has a convenience site with similar fees. Ingle said to call or go by Carrizozo town hall for more information on access to the site.

LCSWA rents out construction/non-household waste containers which are brought to the site. LCSWA has choice of the three-yard dumpster, or 30- and 40-yard roll off containers. The three-yard dumpster costs \$20 for delivery plus \$50 for dumping. The cost to rent a 30 or 40 yard container is a \$200 deposit payable when the container is ordered, plus a \$250 dumping fee, \$5 a day rental and \$13.90 per ton of waste dumped from the roll off into the regional landfill south of Alamogordo. The \$200 deposit is taken off the total for the roll off cost, Ingle added.

LCSWA will also do specialized hauling. For this service people can call LCSWA at 378-4697 to arrange for a billing specialist to come to the site and do an estimate cost for the pick up and hauling, Ingle said.

LCSWA has no provision for "hardship cases", Ingle told THE NEWS. As an example, Ingle said two burned homes in the Capitan area were demolished and remains removed with LCSWA containers because of the generosity of neighbors and friends of the home owners who could be considered "hardship cases."

"These hardship cases did the right thing," Ingle said.

Illegal dumping is not a problem in some dumpster sites, Ingle said. She attributed this to the people who live near the dumpster sites who seem to have pride in keeping their areas cleaned. Ingle said she would like to see some kind of "adopt a dumpster" program to help prevent illegal dumping.

"If you are remodeling, just think of how your property can be devalued by illegal dumping of that construction waste," Ingle said.

"People need to understand the negative economic impact that illegal dumping has on our county," Ingle said.

"We all have to work together to stop illegal dumping or we will see tourism and land sales devalued."

By press time, Lincoln County Sheriff Tom Sullivan and undersheriff Rick Virden were unavailable for comment about the sheriff's department's role in the enforcement of illegal dumping.



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"

Friday, July 29, 1938

Ancho Groceryman And His Young Clerk Found Brutally Slain

Geo. Roberts,
E. D. Ferguson

Latest Lincoln County Victims in a Double Murder Committed Friday Night; Three Men Being Held; Charges Filed Yesterday

Not since Hollis Martin killed his little cousin with a hatchet, and shot and killed his aunt and uncle at their home in Tinnie, has Lincoln county been so stirred as it was last Saturday morning when it became known that some persons unknown had slain Mr. George Roberts, 56-year-old merchant at Ancho, and his assistant, E.D. Ferguson, a 19-year-old boy just as they were closing the store Friday night.

He installed a Kohler light plant, and also added living quarters at the side of the store, a "lean to" as he called it.

The boy had turned the gas down in both gas pumps, and had locked one of them, and presumably was getting ready to lock the other when he heard the shot at the rear of the lean-to, and as was natural, ran back to investigate, when he, too, was shot thru the temple and apparently died instantly.

Mr. Roberts was shot through the left arm and the bullet struck some vital spot, and he died apparently within a few minutes.

Mr. Roberts had removed his shoes and it was supposed he was sitting on the bed, partly dressed, when the shot was fired. Powder burns were on the screen indicating the assailant placed his gun against it.

The boys' body was discovered early Saturday morning. Mr. Geo. Goodson, a deputy sheriff, and Mr. W.J. Barlow, justice of the peace at Ancho, broke the door of the "lean to" open and beheld the body of Mr. Roberts on the bed. Messrs Goodson and Barlow called Sheriff Greisen and Deputy Hugh Bunch, who reached the scene as quickly as they could. Mr. Barlow presided at the hearing of the coroner's jury whose verdict was "murdered by persons unknown."

Sheriff's officers and members of the State Police force are making an intensive search for the guilty parties.

After discovery of the bodies Saturday morning, neighbors around Ancho remembered having heard shots shortly after 9 o'clock Friday night, but had not thought of investigating the matter.

Saturday morning while seeking clues, footprints to a nearby corral, were found and a horse was said to have been missing from the corral.

State police and sheriff's officers questioned a father and two sons, who live not very far from Ancho, and all three are being held, but no charges have been preferred against them.

If robbery had been the motive the slayers evidently became too frightened to carry out their intentions after they killed the boy.

Assistant District Attorney, Cuba Clayton, and sheriff's officers are seeking clues and a motive. Developments are promised within the next two or three days, but so far the officers aren't making any statements.

THURSDAY, JULY 28

Sheriff S.E. Greisen filed charges of murder against a father and his two sons in justice of the peace court here this morning at 11:15.

District Attorney M.A. Threet, prepared the complaint, and Justice of the Peace, Elerdo Chavez, will preside at the preliminary hearing, date for which has not been set. The three men are Ben Mixon, Sr., and his two sons, Lewis and

(SEE PAGE 5)

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LAST CHANCE to enter the Carrizozo Fair Parade and Vehicle Show, Labor Day, Saturday, September 6.

Lineup for parade starts at 9:30 a.m., between Four Winds Restaurant and The Heritage Museum.

To reserve your place in the parade or vehicle show contact JEFF 505-648-2035
czojeff@hotmail.com

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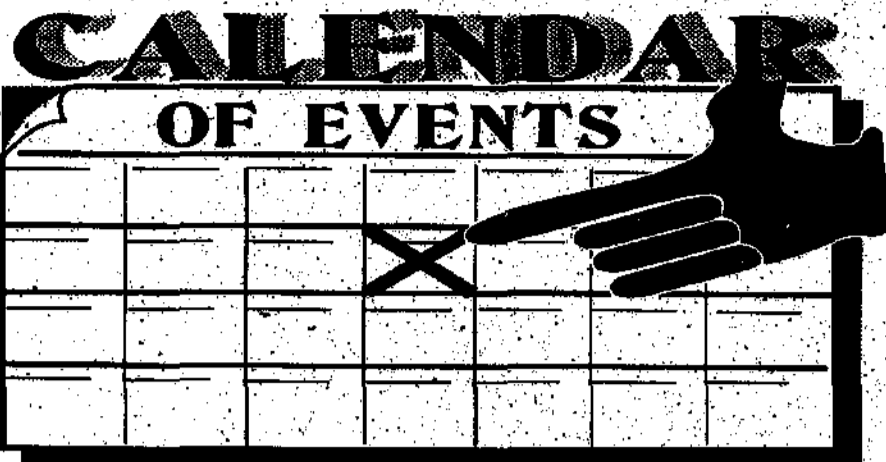
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Lincoln County News

CLOSED LABOR DAY



Sheriff's Candidates

(Con't. from P. 1)

letter stated. "Therefore we have concluded that you are covered by the Hatch Act, and we have reasonable grounds to believe your current candidacy in the partisan election for sheriff is in violation of the Act."

Instead of pursuing disciplinary action against Virden, the letter advised Virden that OSC was giving him opportunity to either withdraw from the candidacy, or resign from his position with the sheriff's office. The letter also requested Virden advise the OSC of his intent to withdraw from the race, or forward a copy of his resignation to OSC by September 3.

Virden told *THE NEWS* that the sheriff's office is not a large enough agency to provide services in the busy forest areas without the federal dollars.

"I am going to continue with the election," Virden said.

Lincoln County Manager Tom Stewart on Wednesday, September 1 told *THE NEWS* he had not yet received the resignation letter from Virden, but expected to receive it by September 3.

Stewart said he considers it "terribly unfortunate" that an act that had good intentions in the past is construed to "this level of government". Stewart said the sheriff's office with a budget of \$1.3 million a year, derives about \$45,000 a year from federal funds. "This does not pass the 'make sense' test," Stewart added.

Democratic sheriff candidate David Hightower told *THE NEWS* on August 31 that he had not yet received written correspondence from the OSC. However, the special investigator for OSC called Hightower about three



Grizzly Team Prepares for Season Opener

GRIZZLY FOOTBALL players practice under the guidance of head coach Gerald Burns in anticipation of the season opener on Friday, Sept. 3, when the varsity Grizzlies take on the Hagerman Bobcats at 7:00 p.m. in Laabs Field at Carrizozo school. Grizzly JV football kicks off at 7:00 p.m. Thursday, Sept. 9 against Mescalero in Carrizozo.

weeks ago and asked questions regarding his position with Ruidoso Downs police department as grant administrator.

Hightower made the application for and oversaw the federal grant for the bullet-proof vests, which cost \$500 each. Also Hightower said the department received federal funds for surplus military equipment and funds for the High Intensity Drug Trafficking Area (HIDTA) program.

For information about the OSC, go to the OSC website at <http://www.osc.gov>.

- 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.
--Fibromyalgia Syndrome Support Group meets every third Tuesday, 6 p.m. K-Bob's in Ruidoso. Call 354-3046 for more information.
- TUESDAYS**
--Capitan Public Library preschool reading hour at 1 p.m.
--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.
- TODAY, THURSDAY, SEPTEMBER 2**
--Democratic Party of Lincoln County general business meeting, 6:30-8 p.m. meeting room in the Best Western Inn on Highway 70 west in Ruidoso (behind the new Motel 6, turn just before the Highway 70 Post Office). Call Democratic Headquarters at 630-2004 for information. Everyone invited.
--EMT Basic class orientation Capitan High School. Call 257-8290 for information.
- FRIDAY, SEPTEMBER 3**
--Lincoln County Water Research and Conservation Committee regular meeting, 2 p.m. commissioners chambers in the Lincoln County Courthouse in Carrizozo.
--Art in Public Places reception 5-7 p.m. Ruidoso Village Hall and Ruidoso Public Library. No charge.
- LABOR DAY, MONDAY, SEPTEMBER 6**
--All municipal, county, state and federal offices, including post offices, and banks closed for Labor Day.
--Carrizozo Street Fair, parade at 10 a.m., booths, car show and activities at McDonald Park after the parade.
- TUESDAY, SEPTEMBER 7**
--Lincoln County Public Land Use and Rural Affairs
(SEE PAGE 4)

THANK YOU CARD

We would like to thank everyone for your thoughts, prayers, cards, calls, and concern during Chuck's illness. We ask for continued prayer during his recovery.

Sincerely,
The Rominger family

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Lincoln County News

CLOSED LABOR DAY

Obituary



Fabian Flores Valderrama

Fabian Flores Valderrama, 76, of Carrizozo, died August 4. He was born January 20, 1928 in Brawley, CA.

A memorial service was held in his honor Saturday, Aug. 7 at Unity Church of the Living Christ in Hewitt, TX.

Fabian was an avid bowler and won several medals and honor in the senior olympics for the state of NM.

He is survived by his family in Waco: his wife, Pearl Elaine Valderrama, his daughter, Melody LeVan; and his granddaughter Tina Gilley. He is also survived by three siblings, five children in California, 20 grandchildren and 16 great-grandchildren. He was preceded in death by three children.

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THOUGHTS
FROM THE EDITOR'S DESK

Baby chickens?

By Ruth Hammond

Considering that the general election will be held two months from today, on Tuesday, November 2, candidates should be planning their strategy. Instead two candidates must resign from their jobs because of accusations of violations of the Hatch Act. Just what is the Hatch Act?

One might assume that the Hatch Act is an ordinance that regulates how baby chickens are hatched, as if there was a need for human intervention in the way baby chicks emerge from their shells. But the Hatch Act has nothing to do with baby chickens. It is a federal act that prohibits federal employees from being candidates for public office in a partisan election. The law also includes any state, county or municipal employees whose job duties are in connection with programs financed in whole or in part with federal funds. The intent of the Hatch Act was to prevent the use of official authority to influence or to affect the results of a partisan election or nomination.

Not all elections are partisan, such as municipal and school board elections where candidates do not declare a party affiliation. County, state and federal elections are partisan elections and candidates are members of a party. Dedicated party members sometimes will choose to not vote for individual candidates but will vote a straight party ticket. This might be an advantage for some of the candidates, but it might also be unfair to other candidates.

Unless there is more mitigating evidence presented, it appears both candidates did nothing wrong and were in no way trying to influence the election. Both candidates were trying to help their departments by obtaining extra funds that are always needed in law enforcement. There was an exorbitant amount of paperwork to complete, but the end result hopefully would be worth the extra work.

County voters should be pleased that these candidates were diligent in their quest to obtain additional funds for their departments, not as a way to influence the election but to help provide additional equipment at no cost to the residents. No cost? Now that accusations of violations of the Hatch Act have surfaced, it could be a considerable cost to both candidates. If they both resign their positions of employment to be able to remain as candidates in the election, it will mean a loss of wages for many months.

The most unfair thing about this entire situation is that it is an example of selective enforcement. The federal agency must receive a complaint before investigating the possibility of a violation of the Hatch Act. It could be that in two years candidates in 31 other New Mexico counties may be doing the same thing but will not have to make a decision about employment or candidacy. Falling under the Hatch Act may be more complicated than a chicken trying to peck its way out of a shell and face the world.

CALENDAR OF EVENTS

(Continued from Page 3)

Advisory Committee (PLURAAC) regular meeting 9 a.m. county commission chambers in the Lincoln County Courthouse in Carrizozo. Public invited.

- Ruidoso Planning and Zoning 2 p.m. village hall.
- DWI Council meets at 6 p.m. at Ruidoso Village Hall.
- Lincoln County Republican Party regular monthly meeting at K-Bob's Restaurant in Ruidoso. Dinner at 6 p.m. and at 7 p.m. program featuring guest speaker Dan Bryant on election rules. Everyone welcome regardless of party affiliation.

THURSDAY, SEPTEMBER 9

- Regional Waste Water Treatment Plant board meets at 10 a.m. in Ruidoso Village Hall. Public invited.
- Ruidoso Lodgers Tax Committee 1 p.m. village hall.
- Capitan Board of Education 6 p.m. school administration building.

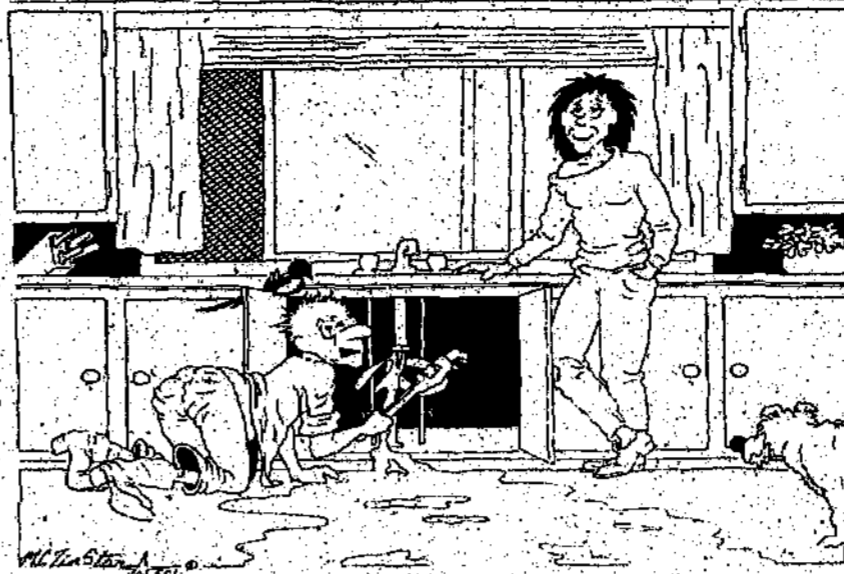
FRIDAY, SEPTEMBER 10

- Free legal workshop for the elderly. 9:30 a.m. Munson Senior Center in Las Cruces. For information on the workshop, or for free legal assistance, call the toll free number at 1-800-6657. The workshop is offered by the Lawyer Referral for the Elderly Program.

SCHOOLS OPEN 



EARL...



"SURE YOU CAN SMILE WHEN THINGS GO WRONG. YOU ALREADY KNOW YOU'RE GOING TO BLAME IT ALL ON ME!"
Big Dry Syndicate

Inside the Capitol



by JAY MILLER

SANTA FE -- Gov. Bill Richardson appears to be headed for more trouble with his latest request for full disclosure by the federal government of everything it knows about the crashed flying saucer the military originally claimed to have found near Roswell in 1947.

Richardson made his request in the foreword of a book about a recent archeological dig at the crash site by scientists from the University of New Mexico. Both the dig and the book were sponsored by the SCI-FI Channel. Richardson says he wants to get to the bottom of what happened so he wants the case reopened and our best scientific investigation to be conducted.

That sounds suspiciously like what Richardson wants done with the Billy the Kid case. He thinks modern scientific methods should be able to reveal secrets that historians for over a hundred years have not been able to find.

The sheriffs who want to dig up Billy and his mom to compare their DNA, now have brought Dr. Henry Lee into the case. Lee, a nationally-known forensic scientist, has been asked to find Billy's blood on a carpenter's bench he might have been laid on, since the grave-digging project still is in limbo.

I currently am interviewing other nationally-known forensic scientists and soon will have some possibly-surprising information for you about what they think of Dr. Lee's qualifications and research methods.

Possibly Richardson can get away with asking that the UFO investigation be reopened without harming his reputation. The late Rep. Steve Schiff, of Albuquerque, seemed unharmed by his request for a congressional investigation into the Roswell UFO. He even got some action out of the government. The Air Force switched its weather balloon explanation to a spy balloon before closing the case again.

But Rep. Schiff had such a button-down reputation that he survived any image problems. Gov. Richardson's quest for Billy's bones, followed by a search for UFOs, however, may cause some chuckles around the state and nation from those who don't see eye to eye with our governor. It's not that he's a kook, but he may be a little too anxious to promote interest in our state.

The use of science to prove what one wants to find has cast a shadow lately, on the scientific community that worries serious scientists. Recently, in Russia, scientist Yuri Labvin announced that a research team he heads intended to find evidence that aliens were involved in the tremendous blast that leveled hundreds of square miles of Siberian forest, without leaving a crater.

Labvin said that the intention of the expedition was to find remnants of an alien spaceship. And whadda ya know? A week later, they found one. An "extra-terrestrial technical device" and a large block of metal were recovered and taken to a laboratory for study. The complicity of laboratories in such pseudo-scientific hoaxes also is becoming a concern.

To his likely detriment, Gov. Richardson has also picked up on Los Alamos National Laboratory director Pete Nanos' characterization of scientists who don't follow security laws as being "cowboys". That's what he called them on Don Imus' morning talk show recently. It is surprising that Imus didn't call him on it, since Imus grew up on a ranch and fancies himself still as a cowboy.

It may not have bothered Imus, but in Cowboy country, which includes much of New Mexico, those will be fighting words come next election.

Richardson isn't running this time, but that won't keep Republicans from running against him if it can help them. GOP legislative candidates from throughout the state ran against "Manny and Ray" even though they represented districts a hundred miles away. Back in the '80s, Republican legislative candidates still were running against former Gov. Toney Anaya even after he had left office.

With Manny and Ray no longer on the political scene and Bill Clinton long gone, Republicans have to find an unworthy opponent somewhere. And it might as well be old Bill.



Lincoln County News

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ruth hammond and peter aguilera
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Psychic Judi Christopher
Ruidoso NM
http://www.ruidoso.net/psychic
(505) 257-2986
e-mail: judithchristopher@hotmail.com

Virgo (Aug 23 - Sept 22)
There's never a better time than right now to do what needs to be done with no questions asked. Just do it, and do it the best way possible. Your love life is in question! You get out of it what you put in it. Give more. **Libra (Sept 22 - Oct 22)**
What you are about to do is okay. Don't fear the unknown but have faith in yourself that you can get through this. Seek support from the ones that truly love you and will support you in your decision either way.

Scorpio (Oct 23 - Nov 21)
How much sleep and the right food you receive will predict the outcome. You can't do this alone. You need good energy with your Mind, Body and Spirit. Speak with kindness so your karma grows with love. **Sagittarius (Nov 22 - Dec 21)**
Don't even try to run away again! Shut the door to the future and sit down and find out why you're afraid of SUCCESS. Have total faith in you and receive what you have always been dreaming of. Let love in.

Capricorn (Dec 22 - Jan 19)
Things will start settling down once you can stop fixing things for everyone else. It's time that you concentrate on you and let others save themselves. Give support and love where needed. Reach out and receive love.

Aquarius (Jan 20 - Feb 18)
What is up with everyone else is not your concern. Gossip will hurt you first even if it isn't about you. Speak only kindness or karma could return the favor at the wrong time. Tell the truth. Walk away from anger.

Pisces (Feb 19 - March 20)
Money? The thing you most seek is the thing you most push away. Why? Because you only allow enough money to come your way because of fear of failure. You deserve the best so get out there and get it. Enjoy.

Aries (March 21 - April 19)
Someone is seeking your counsel. Listening is a very important part of healing. Let this person talk so you can really find out the problem. This will heal you too. Speak without ego. Learn a lesson about yourself.

Taurus (April 20 - May 20)
Are you ready? Didn't think so! You better get ready. For what? You know what, so get out there and tear it up. Have the time of your life. You know you can do it. You've done this before, so don't be afraid. Have fun.

Gemini (May 21 - June 20)
It doesn't matter who is right and who is wrong. What matters is what you feel about the situation. The truth and the outcome are two different things. You always know what to do, so just do it. Think kindness.

Cancer (June 21 - July 22)
Before you start this new project, you better ask yourself if you really want to do this or is someone else talking you into this. It's your future not theirs. Don't let anyone bully you in to anything at this time.

Leo (July 23 - Aug 22)
Here you go again, letting that Leo ego lead the way. Let your heart tell you what is right and wrong. It's not true that your heart gets you into trouble. You allow your heart to start then your Leo Pride pulls you back.

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:

August 23
8:26 a.m. male subject in Oscuro reported a cat bite received two days prior. Deputy dispatched.

9:35 a.m. forest service officer reported a missing forest service person was found at Baca Campsite. Officer requested a deputy, state police and ambulance for possible unattended death. At 9:46 a.m. the forest service officer advised he arrived at the location and it looked like a crime scene. Deputies responded. Med 1

advanced life support (ALS) ambulance from Lincoln County Medical Center (LCMC) in Ruidoso responded. At 10:29 a.m. the district attorney's office was contacted and at 12:28 p.m. a deputy advised that the Office of Medical Investigator (OMI) was at the scene.

1:27 p.m. Med 7 ALS stationed in Hondo advised they were making a general call at a store in Hondo and Hondo ambulance was not needed.

1:34 p.m. Lincoln County Detention Center (LCDC) requested an ambulance to transport a patient to the Indian Health Services. Med 1 arrived at 2:28 p.m. and at 2:37 p.m. left for the IHS arriving there at 3:40 p.m.

4:28 p.m. request for deputy for peacekeeping at location on Lance Trail so caller could retrieve things. Deputy dispatched.

10:44 p.m. 911 request for ambulance at location on Aspen for 10 year old female who was bitten on the leg by a dog earlier and now she could not stop coughing. Carrizozo ambulance arrived at 10:59 p.m. and at 11:03 p.m. left for LCMC arriving there at 11:47 p.m.

August 24
2:05 a.m. request for deputy for dog barking at residence on Lance Trail. Deputy assigned.

2:44 a.m. request for Game

and Fish Dept. for bear problem at Bonito Lake. the caller advised a bear was coming toward them and he fired off shots and hit the bear. Deputy dispatched and Game and Fish Dept. notified.

6:02 a.m. attempted hay theft from location on Hall Road in Capitan. Deputy dispatched.

8:13 a.m. attempt to locate subject at indoor market on Highway 70 in order to deliver message their mother was in the hospital in Corpus Christi. Deputy dispatched.

11:43 a.m. damage to gate at location in Hondo. Deputy arrived at 12:17 p.m. and assignment was completed by 1:26 p.m.

1:05 p.m. district judge requested a deputy to serve a warrant at the LCDC. Deputy dispatched.

2 p.m. accident with injuries, rollover, at mile marker 8 on Highway 37. Nogal Fire Dept. arrived at 2:03 p.m. Med 1 arrived at 2:35 p.m.

3:34 p.m. deputy advised he did warrant service at LCDC.

4 p.m. deputy advised he did warrant service to 23 year old male subject at LCDC.

5:03 p.m. 911 report of tractor on property in Deer Park. Two men in a red pickup were dropping off a tractor on the caller's property. The reporting party called

back at 5:08 p.m. and advised the contractor who was to be working on her property had left the tractor. The deputy dispatch was cancelled.

August 25
7 a.m. Children, Youth and Families Department (CYFD) requested deputy for referral at location in Hondo-San Patricio. Deputy dispatched.

7 a.m. CYFD requested deputy for referral in Alto. Deputy dispatched.

7:12 a.m. Med 7 advised it was meeting the paramedics for a run to LCMC, arriving at LCMC at 7:53 a.m.

9:29 a.m. anonymous caller reported illegal dumping by subject in truck with Texas plates at dumpsters on Eagle Creek Road just off Gavilan Canyon. Deputy dispatched.

3:50 p.m. deputy advised he did warrant service to a 29 year old male subject at the Ruidoso Downs post office.

3:59 p.m. loose sheep at mile marker 83 on Highway 380, request for deputy because the neighbors sheep are in the caller's yard in every morning.

9:30 p.m. LCDC requested deputy to serve a warrant to a male subject who turned himself in. Deputy dispatched.

August 26
8 a.m. CYFD requested deputy for referral at location in Alto. Deputy dispatched.

9:17 a.m. request for ambulance at location on Salado Drive in Capitan. Med 1 arrived at 9:42 a.m. and at 10 a.m. left for LCMC arriving there at 10:28 a.m.

1:30 p.m. request for ambulance at Capitan middle school for student with possible broken nose. Capitan ambulance arrived at 1:49 p.m. Med 1 arrived at 1:54 p.m. and at 2:05 p.m. transported the patient to LCMC arriving there at 2:35 p.m.

2:10 p.m. LCDC requested ambulance for a booking guard who cut himself. Carrizozo ambulance arrived at 2:18 p.m. and at 2:26 p.m. left for LCMC arriving there at 3:12 p.m.

3:14 p.m. CYFD requested deputy for peacekeeping at location on Screaming Eagle. Deputy arrived at 4 p.m.

7:59 p.m. request for ambulance at business for female in her 70s with shortness of breath. Med 1 arrived at 8:12 p.m. and at 8:22 p.m. left for LCMC arriving there at 8:38 p.m.

9:15 p.m. 911 request for ambulance at location on G. Ave. for 62 year old female with extreme stomach pain. Carrizozo ambulance arrived at 9:23 p.m. and at 9:35 p.m. left for LCMC arriving there at 10:19 p.m.

August 27
12:59 a.m. deputy requested agency assistance for Ruidoso Downs police at a business as he was out with a subject on possible vandalism.

1:56 a.m. Ruidoso police requested agency assistance at business where a subject was passed out and the subject needed to be checked. Deputy dispatched.

9:10 a.m. CYFD requested deputy for referral in Hondo area. Deputy dispatched.

9:32 a.m. business in Capitan reported gas skip. Deputy dispatched.

10:04 a.m. report of dog bite at location on Sierra Blanca Trail. Deputy dispatched.

11:44 a.m. Juvenile Probation Office (JPO) requested deputy for a referral. Deputy dispatched.

1:32 p.m. possible arson at location in Hondo Valley. Deputy dispatched and state fire marshal's office was contacted at 2:13 p.m.

10:01 p.m. suspicious vehicle person at mile marker 17 on Arabela highway. A subject in a gold newer model mini-van with out of state plates was at the dumpster for a long while and when the caller came back later the vehicle had just moved down the road a ways. Deputy dispatched.

10:08 p.m. Carlsbad caller made a 911 request for ambulance four miles east of Capitan on Highway 380 for



(Continued from Page 2)

Randall, who reside at Ancho. They are charged collectively with the crime.

Dynamite Explosion

M. F. Hutter, a miner at White Oaks, had a narrow escape from death at his home last Sunday.

Mr. Hutter had a keg of powder, a box of caps and a box of dynamite sitting in a room near a west window. The caps were wet and he put them where they could dry, so he could take them to his mine. The sun shining through the glass proved quite effective, and the caps dried sufficiently to cause a terrific explosion.

The house, which was a gour-room brick with tin roof, was lifted entirely from the ground. Mr. Hutter, who was sitting on the side of a bed in his room, was blown through a window several feet from the house, which, when it collapsed left him at the edge of the debris with a few gashes and bruises.

Windows in a house 200 yards away were completely shattered and the walls sprung two or three feet apart.

Easy to Find Out

Jenkins (to new acquaintance) -- I wonder if that fat old girl is really trying to flirt with me? Wilkins -- I'll ask her. She's my wife.

Friday, September 23, 1938

Lincoln County's Murder Trial Ends Monday Night; July Deliberated 45 Minutes

Father and Son Convicted of First Degree Murder

Judge Frenger Sentences Ben Mixon and Son, Randall, to Die in Electric Chair

On Monday, December 19, 1938, for the Brutal Murder of George Roberts and His Young Helper, E.D. Ferguson, at the Former's Store in Ancho

Trial of the State vs. the Mixons charged with the murder of Geo. Roberts, Ancho merchant and his helper, E.D. Ferguson, on the night of July 22 was continued on Sept. 16.

Dr. Dwight W. Rife, Santa Fe ballistic expert, testified the 45 shell sound at the scene of the crime was fired from the pistol owned by Lawrence Randall Mixon. Thirty exhibits were shown by the state including the 30-30 rifle, the 45 pistol and holster, wrapped in gray cloth all bundled into some burlap bags, which were found on the Mixon ranch after the double slaying of Geo. Roberts and E.D. Ferguson.

Attorney Sutherland was constantly on his guard to protect his clients. He objected to showing most of the exhibits, which he claimed were confusing and of no value. In fact he objected consistently and conscientiously to almost everything.

Dr. Rife, who is medical examiner for the State police, and also medical examiner for the 1st Judicial district, having been appointed by Judge Otero, would have permitted the jurors to examine the gun shells through his microscope, but Mr. Sutherland objected.

At this stage of the trial Mr. Sutherland requested that Lewis Mixon be released as he had no connection with the crime committed, other than ownership of a gun, which he hadn't had in his possession for some time. Judge Frenger instructed Mr. Peebles, the foreman of the jury, to sign his release. Dismissal of charges against Lewis left as defendants, Ben Mixon, father, age 53, and his son, Lawrence Randall Mixon, age 21.

At Friday afternoon's session Ben Mixon testified that on the 22nd day of July he remained at home and fixed a cultivator. Randall testified Friday night he bought a 45 caliber pistol from Mr. Kelly on the 9th day of July, and that Mr. Lutz was present at the time of purchase of weapon.

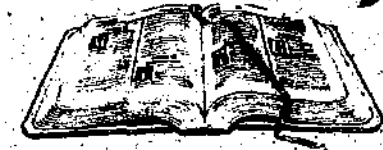
(SEE PAGE 9)



I'LL BUY THAT SHOT-GUN NOW - I SOLD SOME STUFF FROM THE ATTIC WITH A WANT AD

Sell "White Elephants" Buy What You Want!

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: TERRY AIELLO, Pastor | 648-2024

Worship 9:00 a.m.
Sunday School 10:00 a.m.

Corona Presbyterian Church:

Sunday School 10:00 a.m.
Worship 11:00 a.m.

First Baptist Church

HAYDEN SMITH, Pastor
314 10th Ave., Carrizozo, NM
648-2868 (Church) or 648-2107
Sunday School 9:45 a.m.
Worship Service 10:55 a.m.
Sun. Evening Training at 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, 648-2188
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 8:30 p.m.
SUNDAY:
Capitan Sacred Heart 9:00 a.m.
Carrizozo Santa Rita 10:30 a.m.
Corona St. Theresa 1:00 p.m.

Church of Christ

TOM POINDEXTER, Minister 354-3135
Ave. 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.

Claunch Community Church

TONY SCACCIA, Minister
948-1402
Second Sunday of Each Month 9:00 a.m.

United Methodist Churches

JOHANNA ANDERSON, Pastor
1000 O. 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) 8:30 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 / 338-4827
Sunday Bible Study 10:00 a.m.
Worship Service 11:00 a.m.
Evening Worship 8:00 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 / 849-7975
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 9:30 a.m.
Morning Worship 10:30 a.m.
Children's Church 10:45 a.m.
Evening Worship 8:00 p.m.
Wednesday:
Teen dinner and games 6:00 p.m.
Teen Bible Study 7:00 p.m.
Prayer Meeting 8:00 p.m.

LaGrone Funeral Chapel

Jerry & Lanita Rasak

In Memory of
BILL WINKLER

Stearns Insurance Agency

(SEE PAGE 8)

LEGAL'S

**LEGAL NOTICE
PROCLAMATION
NOTICE OF ALTO LAKES
SPECIAL ZONING DISTRICT ELECTION
PROCLAMACIÓN
NOTÍCIA DE ELECCIÓN
ESPECIAL PARA LA REGIÓN ESPECIAL
DE ALTO LAKES;
ELECCIÓN DE UNA COMISIÓN PARA
EL DISTRICTO REGIONAL**

On the 13th day of September, 2004, there will be held in the Alto Lakes Special Zoning District, Lincoln County, New Mexico, a special election for the purpose of electing members of the Zoning Commission.

En el día 13 de Septiembre, 2004, en el Distrito Regional Especial de Alto Lakes, Condado de Lincoln, Nuevo Mexico, tomará lugar una elección especial para elegir miembros a la comisión regional.

The Voting District and the Precinct Board Members for this election shall be as follows:
Los Distritos de votar y los miembros de la Junta de Precinto serán especificados así:

<u>Election Precinct</u> <u>Distrito de Elección</u>	<u>Polling Place</u> <u>Lugar de Votar</u>	<u>Precinct Board Members</u> <u>Los Miembros del Consejo del Precincto</u>
5.3 and 5.4	Bonito Volunteer Fire Station Estación de Bomberos Bonito Alto, New Mexico Alto, Nuevo Mexico	Presiding Judge-Joyce Hansen Juez Presidiendo-Joyce Hansen Election Judge -David Powers Juez de Elección-David Powers Election Judge - June Hobbs Juez de Elección- June Hobbs Election Clerk- Gloria Powers Escribana de Elección-Gloria Powers
Absentee/Absentee In Person Ausente/ Ausente (en Persona)	Office of the County Clerk Oficina de Clerigo del Condado Lincoln County Courthouse Casa De Corte de Lincoln. Lincoln County Condado de Lincoln Carrizozo, New Mexico Carrizozo, Nuevo Mexico	Presiding Judge -Joyce Hansen Juez Presidiendo-Joyce Hansen Election Judge -David Powers Juez de Elección-David Powers Election Judge - June Hobbs Escribana de Elección-June Hobbs Election Clerk -Gloria Powers Escribana de Elección-Gloria Powers

The polls for said Election will be open between the hours of 7:00 a.m. and 7:00 p.m. on the day of the Election.

Los lugares de votar estarán abiertos entre las horas de las 7:00 a.m. hasta la 7:00 p.m., el día de la elección.

Absentee voting will be permitted in the manner, authorized by 1-6-1 et seq., NMSA 1978; provided, however, that pursuant to Section 1-22-19, NMSA 1978, qualified electors may also vote absentee in person at the office of the County Clerk of Lincoln County, during the regular hours and days of business from 8:00 a.m., August 19, 2004, being the twenty-fifth day preceding the Election, until 5:00 p.m., September 10, 2004, being the Friday immediately prior to the Election. Absentee ballots shall be airmailed or, if requested, electronically transmitted to each such applicant or registered voter who is a federal qualified elector and overseas voter, not later than September 9, 2004 being the Thursday immediately prior to the date of the election as provided in Section 1-6-5 NMSA 1978.

El votar en ausente será permitido según 1-6-1 et seq., NMSA 1978; como quiera que sea, según la sección 1-22-19, NMSA, 1978, electores calificados tambien pueden votar ausente (en persona) en la oficina del clérigo del condad de Lincoln mientras los dias de oficina regulares desde las 8:00 a.m., el día 19 de Agosto, 2004, siendo el día 25 antes de la elección, hasta las 5:00 p.m., día 10 de Septiembre, 2004, siendo el viernes antes de la elección. Las boletas de ausente se enviarán por aérea, o, si así se pidan, transmitidas electronicamente a cualquier votante o aplicante que sea un elector calificado Federal y de ultramarino antes de día 9 de Septiembre, 2004, siendo el jueves antes del día de elección, según sección 1-6-5, NMSA 1978.

At such Election, there shall be five at-large positions on the Commission that shall be filled by the qualified electors of the District.

En dicha Elección, las siguientes cinco posiciones en general de la Comisión se llevaran por los votantes habilitados del distrito.

The following names of the candidates that declared their candidacy on July 27, 2004 are shown in the order they will appear on the ballot:

Los nombres siguientes de los candidates que declaran su candidatura de Julio el 27, 2004 se demuestran en la orden que aparecen en la balota.

Candidates:
Candidatos:

1. Earl Adamy
2. Francis J. Higgins
3. Harry Gevertz
4. William T. Doyle Jr.
5. Robert E. Allen
6. Lynette Guy Ranton

This notice is published in my capacity as Principal Filing Officer for this election.

Este aviso se publica conforme a la autorización que la ley me otorgo como funcionario principal de archivos para esta elección.

LINCOLN COUNTY CLERK
CONDADO DE LINCOLN

By: /s/
Por: /s/

Tammie J. Maddox
Lincoln County Clerk
Escribana de Condado Lincoln

[SEAL OF THE
COUNTY CLERK]
[Sello de la Escribana
del Condado]

Published in the Lincoln County News on September 2 and 9, 2004.

**DISTRICT COURT
CALENDAR**

Monday, August 30
8 a.m.

Jeff Renteria; CR-2004-29 (Winrow/Holmes) Change of Plea)

Evan McClendon; CR-2004-22 (Winrow/Mitchell) Motions.

8:15 a.m. Teleconference. Minor v. Walker CV-98-163 (Rafkin/Shanor) Pretrial hearing.

8:30 a.m. Jury trials.

- #1 Evan McClendon; CR-2004-22 (Winrow/Mitchell)
- Jeff Renteria; CR-2004-29 (Winrow/Holmes)
- #2 Henry Bentley; CR-2004-39 (Schryer/C.Hawthorne)
- #3 George Padilla; CR-03-207 (Dobbs/Holmes)
- #4 John Geneva; CR-2003-205 (Kinsella/Mitchell)

Tuesday, August 31

Judge Parsons in Ruidoso

8:00 a.m. First Appearances.

Angela Avallone; JR-2004-49

Ryan Muldowney; JR-2004-50

Fidel Hernandez; JR-2004-51

Milinda McCarty; JR-2004-52

Niles Baca; JR-2004-53

Joshua Germany; JR-2004-55

Change of Pleas:

Danielle Russell; JR-2004-35

Kristos Thokasakis; JR-2004-33

Robert Coleman; JR-2004-40

Carleen Grant; JR-2004-34

Adjudicatory:

Me-Lisa Gordon; JR-2004-29 & 44

Amanda Brady; JR-2004-45

Brandon McMasters; JR-2004-41

Disposition: Davis Mcleskey; JR-2004-20

10:00 a.m. Morin v. Morin; DV-2004-16 (ProSe) Order to show cause.

10:30 a.m. Finch v. Finch; DM-2002-61 Judicial inquiry.

11:00 a.m. Camelot Place v. Rogers; CV-2004-114 (Rafkin/Pro Se) Merits.

1:30 p.m. Precision v. Hovey; CV-2002-25 (Beauvais/R.Hawthorne)

3:30 p.m. Drug Court Screening

5:00 p.m. Drug Court

Wednesday, September 1

8 a.m. Teleconference. Tracey v. Tracey; DM-2003-140 (JRB/McSwane) Judicial inquiry.

8:30 a.m. Jury trials.

#1 Chris Carson; CR-2004-40 (Esquibel/Mitchell)

#2 George Padilla; CR-03-207 (Dobbs/Holmes)

1:00 p.m. Teleconference. Jude Sanchez; CR-2002-169 & CR-2003-148 (Kinsella/Mitchell) Judicial inquiry.

Darrell Brantley, domestic mediator hears the following cases Wednesday, Sept. 1:

11:30 a.m. Romero v. Romero; DV-2004-99

1:00 p.m. Hicks v. Hicks; DM-2004-100 (McSwane) Interim relief.

2:00 p.m. Atkinson v. Atkinson; DM-2004-92 (McSwane/Rafkin) Interim relief.

Thursday, September 2

8:15 a.m. Teleconference Federal Express v. Folk of the Wood; CV-2003-194 (Rafkin/Loman) Pretrial hearing.

8:30 a.m. Jury trial. #1 Robert Servantez; CR-2004-73 (Winrow/Mitchell)

Friday, September 3

8:15 a.m. Teleconference. Ritchie Sanchez; CR-2002-201 (Schryer/Rafkin) Motion.

9:00 a.m. Gutierrez v. Gutierrez; DV-98-61 (Molrel/Beauvais) Motion.

1:00 p.m. Judge to meet with jurors.

1:30 p.m. Eric Anaya; CR-2004-03 (Dobbs/ProSe) Merits.

2:30 p.m. Seals v. Seals; DM-2002-60 (Beauvais/ProSe) Merits.

**REDDT Council Will Meet
Saturday, Sept. 11 in Lincoln**

The September 11 meeting of the Lincoln County Rural Economic Development Through Tourism (REDDT) council will be held at the Wortley Hotel, Highway 380 in Lincoln at 10:00 a.m. Please note that this is a Saturday! Discussion will focus on upcoming Arts in the Orchard and 2005 Farm Tour. Immediately following the meeting the group will adjourn to the BLM orchard to prepare for Sunday's Arts in the Orchard

REDDT usually meets on the second Monday of the month at 1:00 p.m. The meetings are open to the public and all are welcome.

The goal of REDDT is Rural Economic Development Through Tourism. Projects include Natural Fiber Festival in Lincoln, Arts in the Orchard in historic Lincoln, Voices From the Past at White Oaks Miner's Day, and

Starry Nite in Lincoln.

REDDT is a program of the USDA, administered through NMSU via local County Extension Agents and County Extension Home Economists. For more information, please contact Pete Gnatkowski by phone 505 648-2311 or by email pgnatkow@nmsu.edu





Significant rain fell over many areas of Lincoln County in the last week, bringing cooler fall-like temperatures. Labor Day, Monday, September 6 is predicted to be partly cloudy and cool. The following information was taken from the National Weather Service website. Up to date weather reports can be viewed at www.srh.noaa.gov/abq/ on the internet.

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

Today, Thursday, September 2
Mostly sunny with southwest wind 10 to 15 miles per hour (mph). High around 84. Tonight mostly clear with southwest wind to 10 to 15 mph, low near 55 in Carrizozo.

Friday, September 3
Partly cloudy with southwest winds 10 mph. High around 89. Friday night mostly clear with low around 59.

Saturday, September 4
Partly cloudy with 10 percent chance for showers and thunderstorms. High around 85. Saturday night partly cloudy with low around 58.

Sunday, September 5
Partly cloudy with high near 82. Sunday night partly cloudy with low near 57.

Labor Day, Monday, September 6
Partly cloudy with high around 83. Monday night partly cloudy with low around 58.

Tuesday, September 7
Partly cloudy with high around 84. Tuesday night, partly cloudy with low near 59.

Forecast for Ruidoso, Capitan and Corona.

Today, Thursday, September 2
Partly cloudy with 10 percent chance for showers and thunderstorms after noon with north winds 5 to 10 mph becoming south in Ruidoso and Capitan. Mostly sunny with west winds 10 to 15 mph in Corona. High near 76 in Ruidoso, near 84 in Capitan and 78 in Corona. Tonight partly cloudy with 10 percent chance for showers and thunderstorms before midnight with south winds 5 to 10 mph in Ruidoso and Capitan. Mostly clear with west winds 10 to 15 mph in Corona. Lows of near 51 in Ruidoso, near 53 in Capitan and 52 in Corona.

Friday, September 3
Partly cloudy with south winds 5 to 15 mph in Ruidoso and Capitan, west wind 10 to 15 mph in Corona. High near 80 in Ruidoso, 83 in Capitan and near 82 in Corona. Friday night mostly clear. Lows around 56 in Ruidoso, 59 in Capitan and 54 in Corona.

Saturday, September 4
Partly cloudy with 10 percent chance for showers and thunderstorms. High near 76 in Ruidoso, near 79 in Capitan and 78 in Corona. Saturday night partly cloudy. Lows around 56 in Ruidoso, 57 in Capitan and 54 in Corona.

Sunday, September 5
Partly cloudy with high near 73 in Ruidoso, 76 in Capitan and 75 in Corona. Sunday night partly cloudy with lows near 55 in Ruidoso, 56 in Capitan and near 52 in Corona.

Labor Day, Monday, September 6
Partly cloudy with high near 74 in Ruidoso, 78 in Capitan and 77 in Corona. Monday night partly cloudy with lows around 55 in Ruidoso, 57 in Capitan and 52 in Corona.

Tuesday, September 7
Partly cloudy with high near 75 in Ruidoso, 79 in Capitan and 77 in Corona. Tuesday night, partly cloudy with lows near 54 in Ruidoso, 56 in Capitan and 51 in Corona.

LEGALS

LEGAL NOTICE

TWELFTH JUDICIAL DISTRICT COURT COUNTY OF LINCOLN STATE OF NEW MEXICO

No. CV-04-204
Division III

DIANE WALDINE,
Plaintiff,

vs.
GROUP I: THE FOLLOWING NAMED PERSON IF LIVING, IF DECEASED HIS UNKNOWN HEIRS, AND THE UNKNOWN SPOUSE OF THE FOLLOWING NAMED PERSON IF LIVING, IF DECEASED HER UNKNOWN HEIRS: RAJA MAKAREM;

GROUP II: C.O.R., INC., A TEXAS CORPORATION, SUCCESSOR IN INTEREST TO THE DEFUNCT CAMELOT OF RUIDOSO, INC., A NEW MEXICO CORPORATION;

GROUP III: ALL UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE PLAINTIFF;

Defendants.

SUMMONS AND NOTICE OF PENDENCY OF ACTION

THE STATE OF NEW MEXICO TO THE DEFENDANTS ABOVE NAMED IN GROUPS I, II and III:

GREETINGS: You are hereby notified that Diane Waldine, Plaintiff, has filed an action in the District Court of Lincoln County, New Mexico, Civil Docket No. CV-04-204 Div. III, wherein you are named as Defendants and wherein said Plaintiff seeks to obtain construc-

tive service upon you.

The general subject matter 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 10, Block 3, of CAMELOT SUBDIVISION, UNIT 1, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County on April 21, 1973, in Tube No. 492. TOGETHER WITH all improvements thereon. SUBJECT TO reservations, restrictions and easements of record.

You are further notified that unless you enter your appearance, plead or otherwise respond in said cause on or before September 22, 2004, 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 for the attorney for the Plaintiff is: Archie A. Witham, P.O. Box 83, Nogal, New Mexico 88341.

WITNESS my hand and seal of the District Court of Lincoln County, New Mexico, on this the 9th day of August, 2004.

(SEAL)

JAN PERRY
Clerk of the District Court
By: **Mickie L. Vega**
Deputy

Published in the Lincoln County News on August 12, 19, 26, and September 2, 2004.



LEGAL NOTICE

NOTICE is hereby given that on June 7, 2004, Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, New Mexico 88345, filed application No. 01313 & 01314-Comb., H-53, H-54, H-55 & H-56 into 0275-A & H-272 et al (T) with the STATE ENGINEER for permit to temporarily change point of diversion, place and purpose of use of surface and supplemental groundwater and groundwater in the Hondo Underground Water Basin in the State of New Mexico.

The applicant proposes to discontinue the diversion of 37.44 acre-feet per annum of the surface waters of the Rio Ruidoso, a tributary of the Rio Hondo, via the F. Herrera Ditch South at a point in the NE 1/4 NE 1/4 SW 1/4 of Section 25, Township 11 South, Range 13 East, N.M.P.M., and supplemental shallow groundwater and groundwater diverted from the following described shallow wells:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-53	SW 1/4 SW 1/4	20	11 S.	14 E.
H-53-S	SW 1/4 NE 1/4 NW 1/4	29	11 S.	14 E.
H-54	NE 1/4 SE 1/4 NE 1/4	30	11 S.	14 E.
H-55	SE 1/4 NW 1/4 NW 1/4	29	11 S.	14 E.
H-56	NE 1/4 NW 1/4 NW 1/4	30	11 S.	14 E.

by ceasing the irrigation of 11.7 acres of land described as follows:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
Pt. W 1/4 NW 1/4 NW 1/4	29	11 S.	14 E.	3.5
Pt. E 1/4 NE 1/4	30	11 S.	14 E.	8.2

The applicant proposes to commence the diversion of 16.848 (consumptive irrigation requirement) of the surface waters of the Rio Ruidoso, and supplemental shallow groundwater, from the following described points of diversion:

SURFACE:	SUBDIVISION	SECTION	TOWNSHIP	RANGE
Rio Ruidoso	NW 1/4 SW 1/4 SW 1/4	19	11 S.	13 E.
Rio Ruidoso	SW 1/4 NE 1/4 SW 1/4	19	11 S.	13 E.
WELLS:				
H-272	NW 1/4 NE 1/4 SW 1/4	36	11 S.	13 E.
H-272-S	SE 1/4 SW 1/4 NE 1/4	25	11 S.	13 E.
H-272-S-2	SW 1/4 SW 1/4 NE 1/4	2	11 S.	13 E.
H-272-S-3	NE 1/4 SW 1/4 SE 1/4	2	11 S.	13 E.
H-272-S-4	SE 1/4 NW 1/4 NE 1/4	11	11 S.	13 E.
H-272-S-5	NE 1/4 NW 1/4 SW 1/4	14	11 S.	13 E.
H-272-S-6	SW 1/4 NE 1/4 NE 1/4	15	11 S.	13 E.
H-272-S-7	SW 1/4 NE 1/4 SE 1/4	10	11 S.	13 E.
H-272-S-8	SE 1/4 NW 1/4 SW 1/4	14	11 S.	13 E.
H-272-S-9	NW 1/4 NE 1/4 NE 1/4	23	11 S.	13 E.
H-272-S-11	NW 1/4 NE 1/4 SE 1/4	25	11 S.	13 E.

for the municipal purposes within the Village of Ruidoso.

The amount diverted from the farm turnouts from the F. Herrera Ditch South (move-from surface point of diversion) is limited to 12.0 acre-feet per annum per sub-file No. R-98.A. The total irrigation water right being moved is 37.44 acre-feet per annum. Applicant requests a diversion for municipal purposes of 33.69 acre-feet per annum to balance the move-from consumptive irrigation requirement with 50% (of diversion) consumptive use for municipal use.

This is a temporary application, for a ten-year period, with all rights to revert to the move-from points of diversion, place and purpose of use on November 1, 2014; subject to an earlier reversion by written request of the applicant.

The move-from points of diversion and places of use are located at the race track in Ruidoso Downs, Lincoln County, New Mexico. The proposed move-to points of diversion and place of use are located within the Village of Ruidoso, Lincoln County, New Mexico.

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 the facsimile. 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 August 19, 26, and September 2, 2004.

LEGAL NOTICE

STATE OF NEW MEXICO COUNTY OF LINCOLN TWELFTH JUDICIAL DISTRICT

No. D-1226-CV-200400069

NATIONAL CITY MORTGAGE CO. DBA COMMONWEALTH UNITED MORTGAGE COMPANY,

Plaintiff,

vs.
WAYNE C. MARTINEZ, DENVER PUBLIC SCHOOLS CREDIT UNION; UNKNOWN MOBILE LIENHOLDERS, IF ANY; UNKNOWN MOBILE HOME OWNERS, IF ANY; UNKNOWN OCCUPANTS WHOSE TRUE NAMES ARE UNKNOWN; THE UNKNOWN SPOUSE OF WAYNE C. MARTINEZ, IF ANY.

Defendants.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that the undersigned Special Master will on September 28, 2004, 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 29, Block 1 of LAS LOMAS SUBDIVISION, Ruidoso Downs, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, February 26, 1971, in Tube No. 397.

ALSO TO INCLUDE THE MOBILE HOME.

The address of the real property is 305 Nevada, Ruidoso Downs, NM 88346. Said sale will be made pursuant to the Decree of Foreclosure entered on August 5, 2004, in the above entitled and numbered cause, which was a suit to foreclose a note and mortgage held by the above plaintiff and wherein plaintiff was adjudged to have a lien against the above-described real estate in the sum of \$77,097.04, plus interest from July 31, 2004 to the date of sale at the rate of 6.125% per annum, the costs of sale, including the Special Master's fee, publication costs, and plaintiff's costs expended for taxes, insurance, and keeping the property in good repair. Plaintiff has the right to bid at such sale and submit its bid verbally or in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash.

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

NOTICE IS FURTHER GIVEN that this sale may be subject to a bankruptcy filing, a pay off, 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 mortgage giving this notice shall not be liable to the successful bidder for any damages.

NOTICE IS FURTHER GIVEN that the real property and mobile home and improvements concerned with 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 purchase at such sale shall take title to the above-described real property subject to rights of redemption.

Dated: August 19, 2004.

"/s/ "

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 August 26, September 2, 9 and 16, 2004.

PUBLIC NOTICE

Notice is hereby given that the Lincoln County Planning Commission will hold a Regular Meeting on Wednesday, September 1, 2004. The meeting is scheduled to begin at 6:30 p.m. in the Commissioners Meeting Room in the Lincoln County Courthouse in Carrizozo, New Mexico.

AGENDA

CALL TO ORDER
ROLL CALL
APPROVAL OF MINUTES - June 2, 2004.
NEW BUSINESS

- A. A Replat of Tracts 14 and 14-A, Block 4, Timberlane Hills Subdivision. Blaney Enterprises, Inc.
- B. Partial Vacation of Wild Cat Ranch and addition of Rancho Arabela Subdivision. Ryan-Stevens, Ltd. Co.

Published in the Lincoln County News on Thursday, September 2, 2004.

FOR ALL YOUR PRINTING NEEDS
Call 648-2333

Corona News

Forty-eight degree mornings make one think of fall or even winter. There have been some really hard rains in the area.

Thursday, August 12, high winds east of Corona took out windows and Friday, August 13, the tornado uprooted trees and light poles at the Gran Quivira turnoff causing a 12 hour blackout which certainly interfered with our viewing of the opening ceremonies of the Olympics. Several in town lost their skylights.

Monday, Janetta Stewart was transferred to the UCLA hospital. Gilbert Stewart accompanied his wife on the helicopter.

Mr. and Mrs. Byron Yancey made three trips to Tucumcari during the final illness of Sharon Voller. Services were held Monday, August 16. The remains were taken Tuesday to the National Cemetery in Santa Fe for interment beside her husband, Eddie. Survivors include one son, Jimmy McCord, a daughter, Tammy Fenner and husband, Clarence, four grandchildren and two great grandchildren.

Members of the American Legion Auxiliary at its regu-

lar August meeting discussed plans for the coming year. They will serve pie and coffee election day in the city council chambers as one of their fund raisers.

A service will be held this fall for those of you who wish to retire a flag.

A joint meeting with the American Legion will be held September 8th at 6:00 p.m. in the Legion Hall to hear Matthey May give his Boys' State Report. The public is invited to this covered dish dinner.

At the August city council meeting, Mayor Gilbert Stewart appointed Bill Hignight to fill the position left vacant by the resignation of Bob Burroughs. The audit was approved by the state auditor with no unfavorable variances. A letter of commendation was received from Jose R. Martinez, Department of Finance and Administration (DFA), for having no instances of noncompliance concerning financial statements and no matters considered being material weaknesses involving the internal control over financial reporting and operation, as well as having no prior year audit findings or current year audit findings.

Sheriff's Report

(Continued from Page 5)

a 69 year old female having difficulty breathing and having chest pains. Capitan ambulance arrived at 10:23 a.m. and at 10:29 a.m. left for LCMC and requested Med 8 paramedic who met them at 10:40 p.m. for transport to LCMC arriving there at 10:50 p.m.

10:22 p.m. request for ambulance at location on I Ave. for female with heart pounding and breath short. Carrizozo ambulance arrived at 10:31 p.m. and at 10:54 p.m. left for LCMC. and at 11:13 p.m. requested the paramedic intercept which occurred at 11:23 p.m. for transport to LCMC arriving there at 11:45 p.m.

August 28
7:22 a.m. request for deputy for peacekeeping at location at mile marker 267 on Highway 70. Deputy dispatched.

8 a.m. CYFD requested deputy for referral at location in Hondo. Deputy dispatched.

8:44 a.m. neighbor dispute behind business in Alto area. Deputy dispatched.

9:28 a.m. domestic at location in Capitan. Deputy and Capitan police dispatched.

12:06 p.m. request for ambulance at location on Buck Downs. Capitan ambulance arrived at 12:23 p.m. and at 12:41 p.m. left for LCMC arriving there at 1:12 p.m.

2:56 p.m. black smoke in area of Valley View, Capitan fire department arrived at 3:03 p.m. and advised it was a controlled burn with people at it, so the rest of the fire department was cancelled.

August 29
9:03 a.m. K-9 running at large on War Bow. Deputy assigned.

5:05 p.m. K-9 running at large on Screaming Eagle, a small dog chased the caller from the dumpster. Deputy assigned.

7:50 p.m. district attorney's office requested a welfare

check of several people and a small child in the doorway of the courthouse (into the assessor's office area) and the child was crying. Deputy dispatched.

8:08 p.m. alarm sounding at location on Mira Monte, the alarm had been sounding for more than one hour. Deputy dispatched.

FOR ALL YOUR PRINTING NEEDS
CALL 648-2333

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Old Lincoln News

by Rosalie Dunlap

The past two weekends have been busy ones. The Creative Memories retreat met at Ft. Lone Tree for their quarterly get-together and 21 women worked on their albums. The consultants gave some very interesting crop-talks and introduced new tools and materials to use in their album making.

While I was at the retreat, Ralph attended the NM Rural Water User's Assn. directors meeting at Anthony, NM.

This past weekend was the Alto Artist's Studio tour. There were 11 studios on the tour: wood lathe turned items, paintings, photography, weavings, various types of sculptures, jewelry, quilts and other art work displayed.

As always you see so many people you know and so many that you don't know. It is always amazing to have so many recognize me and tell me that they read and enjoy my column. I appreciate the compliments and comments.

John T. Soden, photographer, is making a name for himself. He is now showing at the Lincoln Schoolhouse Gallery, the Gallery in Roswell and been accepted into the Cody Gallery in Santa Barbara, CA. Congratulations.

We are still getting late heavy rains late in the afternoon. Lincoln area received close to 3/4 inches of rain Sunday evening.

Work is still going with the roofs and painting of the outside woodwork on the State

Monument's building.

Speaking of the buildings, there is a tacit agreement among the Lincoln people with the state taking over the Hubbard Museum in Lincoln.

The drip irrigation system at the courthouse Park has been repaired. It was damaged during the pageant when it was run over by a vehicle.

It is election time again. I hope you have registered to vote and express your choice of candidates. After the Republican convention this week everyone will be able to vote at the courthouse in Carrizozo and the Senior Citizens Center in Ruidoso. Yes your vote does count.



Air Force Airman 1st Class Jacqueline R. Vogt has graduated from basic military training at Lackland Air Force Base, San Antonio, TX.

Vogt is the daughter of Harold and Merci Epperson of Alamogordo and granddaughter of Virgie and the late Tony Samora of Carrizozo.

In 1996, she graduated from Alamogordo High School, and in 2001 received an associate degree from NMSU-Alamogordo.

LEGAL NOTICE

NOTICE is hereby given that on June 7, 2004, Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, New Mexico 88345, filed application No. H-53, H-54, H-55 & H-56 et al into 0275-A & H-272 et al (T), with the STATE ENGINEER for permit to temporarily change location of well, place and purpose of use of 123.0 acre-feet per annum of shallow groundwater, and change point of diversion from groundwater to surface and groundwater, by ceasing the diversion of said waters from the following described wells:

WELL NO.	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-53	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	11 S.	14 E.
H-53-S	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.
H-54	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	11 S.	14 E.
H-55	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	29	11 S.	14 E.
H-56	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	30	11 S.	14 E.

and severing said waters from commercial racetrack purposes within the Ruidoso Downs Racetrack Facilities.

The applicant proposes to commence the diversion of said 123.0 acre-feet per annum of shallow groundwater and the surface waters of the Rio Ruidoso from the following described points of diversion:

SUBDIVISION	SECTION	TOWNSHIP	RANGE
SURFACE:			
Rio Ruidoso	NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S. 13 E.
Rio Ruidoso	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	19	11 S. 13 E.
WELLS:			
H-272	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	36	11 S. 13 E.
H-272-S	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	11 S. 13 E.
H-272-S-2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	2	11 S. 13 E.
H-272-S-3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	2	11 S. 13 E.
H-272-S-4	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	11	11 S. 13 E.
H-272-S-5	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S. 13 E.
H-272-S-6	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	11 S. 13 E.
H-272-S-7	SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10	11 S. 13 E.
H-272-S-8	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	11 S. 13 E.
H-272-S-9	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	11 S. 13 E.
H-272-S-11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	11 S. 13 E.

Application is made to divert up to 123.0 acre-feet per annum from the Rio Ruidoso and/or the H-272 et al wells due to similar consumptive uses at the move-from and move-to places of use.

This is a temporary application, for a ten-year period, with all rights to revert to the move-from points of diversion, place and purpose of use on November 1, 2014; subject to an earlier reversion by written request of the applicant.

The move-from points of diversion and places of use are located at the race track in Ruidoso Downs, Lincoln County, New Mexico. The proposed move-to points of diversion and place of use are located within the Village of Ruidoso, Lincoln County, New Mexico.

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 affected. 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 the facsimile. 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.

Looking Back...

(Continued from Page 5)

He also testified he did not have quite enough money to pay for same, so he hunted up his father, Ben Mixon, who was also in town that day. His father went back to Kelley's store with him and loaned him \$2 or \$3 to finish paying for the gun. Also on that date Randall purchased seven 45 caliber cartridges. Court adjourned until 10 o'clock Saturday morning, at which time Randall was again on the stand for cross-examination by Mr. Threet.

Randall testified that he traded the pistol off shortly after its purchase to Cecil Tickle (or Teakell) for a rifle. This trade, he stated, took place on the streets of Carrizozo, near the bank.

Several contradictions and conflicting testimony occurred concerning the age and appearance of Cecil Tickle. It came out in cross examination that if this exchange of guns had been effected with Tickle, that Randall would have owned the pistol an hour or less time before he traded it off.

After young Mixon left the stand Saturday morning witnesses who testified were Messrs Henry Lutz and E.L. Jarnigan. Court then adjourned for noon and reopened Saturday p.m. at 2 o'clock. First witness called was young Mixon's wife, Mrs. Edna Mixon. She was followed on the stand by Charlie Page, Jack Chaney and A.R. Dean, all of whom testified as to some horse tracks which led to the home of Nick Maes.

Court recessed at 5:40 p.m. Saturday and reconvened Monday morning. Witnesses Monday were: Messrs. McCamant, Geo. Goodson, Tom Grimmett and Doc. Kennedy. At 11:30 Monday morning, as all witnessed had testified, both sides rested.

In the afternoon Judge Frenger instructed the jury, after which Assistant District Attorney, Cuba Clayton, summed up the evidence. He was followed by Mr. Sutherland, who made a strong plea for the defendants. He talked from 4:10 to 6:00 p.m. and made some strong points in their behalf. This left Mr. Threet for the evening session.

In his eloquent and convincing manner, he spoke of the finding of indisputable evidence. Everyone listened in rapt silence as he called attention to discrepancies and contradictions which had been made by the defense. Case went to the jury about 9 p.m. They deliberated about 45 minutes and returned a verdict of murder in the first degree.

The Mixons moved to Ancho from Oklahoma in 1928, where they filed on some homesteads and have made their home there ever since.

Judge Frenger read sentences on the two Mixons Tuesday at 2 p.m. Sentence was death by electrocution, to take place on Monday, December 19, 1938.

Local and Personal

Democratic headquarters will be in the M. Doering building, formerly occupied by Wayne Zumwalt's Kandy Shop.

Mr. Marvin Roberts is again at his old position as mechanic at the Ford Garage.

Jess Garrison, contractor on the Yucca Cocktail parlor, lost two finers on his left hand last Tuesday.

Political Announcements

For Tax Assessor

I hereby announce myself as a candidate for Tax Assessor of Lincoln County, subject to the will of the Democratic Convention. Your support will be appreciated.
Wm. E. Kimbrell

For County Commissioner

I hereby announce myself as a candidate for County Commissioner of District No. 2. Your support will be appreciated.
Gordon Wells

For Sheriff

I hereby announce my candidacy for nomination for the office of sheriff of Lincoln County subject to the will of the Democratic voters. Your support will be appreciated.
A.R. Dean

For County Commissioner

I hereby announce myself as a candidate for the nomination as Commissioner of Lincoln County from District No. 1, subject to the will of the Democratic Convention. Your support will be greatly appreciated.
Roman C. Nunez

Goodbye

PLURAAC Meeting

(Continued from Page 1)

los said there is a need for a state-wide agri-tourism association with paid membership that would give more power to the movement and would support the existing chili, sheep/goat and peanut commissions and beef council. He said the NMDA has had \$1.2 million in requests for assistance in agricultural programs with only \$120,000 to spend.

Canning said she is interested in creating a county-wide agri-tourism council because many small agriculture operations cannot afford professional signs or advertising like a bigger group could.

PLURAAC member Ronnie Merritt told about the New Mexico Zone Store at the State Fair which showcases all New Mexico food products. This will be the 12th year for the store in the Ag Bldg, during the state fair in Albuquerque. The fair begins September 2.

PLURAAC member Kenneth Nosker said the Hondo Valley is a good example of a declining agricultural area. At one time 400 families had 19 apple and other fruit stands and shipping operations. Now the only big commercial farm is selling berries, he added.

Also over the last 30 years inflation and the lack of pickers has wiped out the apple industry in Lincoln County, Nosker said. He attributed the lack of pickers to the discontinuation of the Mexican bracero program by President Kennedy in the 1960s. As for roadside farm and/or fruit stand signs he said regulations now in his area prevent him from putting up any signs.

Canning said she sees for sale signs on farms constantly and the reason she invited Avalos was to show the alternatives to preserve small agriculture. As an example, Avalos said the NMDA could work with farmers from the Hondo and Lincoln Valleys to help them set up a "farm tour."

As for agricultural associations, Avalos said there is a North American Farmers Direct Marketing Association.

Visitor Jerry Carroll asked if a person can sell their own grown produce, such as in a stand, without a license. Avalos said NMDA has not regulated such sales but there may be a local requirement such as a business license. "I feel it is better to ask forgiveness rather than permission," Mr. Avalos responded.

Avalos said people do not

need a license to sell at farmers markets, rather only pay for the space. He also said NMDA works with the farmers markets which have a statewide association. There was further discussion about the problems of marketing such as distribution, and licensing.

Avalos concluded that agri-tourism is huge and needs a hired statewide director and legislative support. Canning said since Lincoln County economy is already based on tourism, the county seems to be ready for agri-tourism. She suggested that PLURAAC could help in organizing such a county-wide agri-tourism association.

For more information about agri-tourism, and about programs offered by the NMDA call 505-646-4929 or visit the NMDA web site at <http://nmdaweb.nmsu.edu>.



Lady Tigers

PRACTICE MAKES PERFECT. Capitan high school varsity volleyball team sharpen their skills at practice this week under the guidance of coach Sherry Gowari. In its second full week of competitive play, the Tigers play the Hagerman Bobcats in Hagerman today, Thursday, Sept. 2, and play Mesilla Valley Christian beginning at 6:00 p.m. Friday, Sept. 3 in Cummins Gym at Capitan school.

FAST ACTION

Lincoln County News

CLASSIFIED ADS

CALL: (505) 648-2333

STEARNS INSURANCE AGENCY
CARRIZOZO
(505) 648-2911

YARD SALE: 18th Street in Carrizozo at Daniel Zamora's house -- follow signs. Sat., Sept. 4, start 8:00 a.m. Children's clothes, baby items, housewares and toys.
1tp/9/2

FOR SALE: 1985 Palm Harbor 16'x60' Mobile Home. Located at 600 'D' Ave., in Carrizozo, 2-bedroom, 2-bath, on (2) corner lots. Nice and clean, excellent condition. Call 648-4600.
7/29/tfn

THANK YOU St. Jude for favors granted. B.C.
1tp/9/2

Capitan Library & Village Wide YARD SALE
Saturday, Sept. 11, 8:00 a.m. to ? C'mon over, pick up a map and enjoy!
354-2273 / 354-3035
2tc/9/2-9

FOR SALE: 3 bedroom home in the beautiful Ruidoso Valley, 4 acres, 425 feet river frontage, all utilities approved. Fully furnished. Call Ken.
505-653-4557
3tc/9/2-16

HELP WANTED: Babysit in my home (22 miles N. of Carrizozo) -- 3-yr. old and 1-year old. Flexible hours, 1-2 week days and Saturday. References required. Ability to pass drug test.
505-418-8035
2tp/9/2-9

ALL AMERICAN STORAGE NOW OPEN
In Carrizozo
937-1061 or 258-1090

EMPLOYMENT OPPORTUNITY
The Village of Ruidoso is accepting applications for the position of Part Time RSVP Coordinator. Salary \$8.45 hourly. For complete job description and application, contact the Human Resource Department, 313 Cree Meadows Dr., Ruidoso, NM 88345. Phone 1-877-700-4343, Fax (505) 258-5848. Website: www.yoruidoso.com
Application will be accepted until 4:00 p.m. Friday, September 10, 2004. EEOE.
2tc/9/2-9



CAPITAN TIGER FOOTBALL SCHEDULE 2004

Sat., Aug. 28	Estancia	Home	2:00 pm
Fri., Sept. 3	Fort Sumner	Away	7:00 pm
Fri., Sept. 10	OPEN		
Sat., Sept. 18	Ruidoso JV	Home	2:00 pm
Thurs., Sept. 23	Artesia JV	Home	6:00 pm
Fri., Oct. 1	Hagerman**	Home	7:00 pm
Sat., Oct. 9	Alamo Soph.	Away	1:00 pm
Sat., Oct. 16	Cloudfcroft*	Away	1:00 pm
Fri., Oct. 22	Carrizozo*	Home	7:00 pm
Fri., Oct. 29	Mescalero*	Away	7:00 pm

* District Games

** Homecoming Game

CAPITAN JR. HIGH FOOTBALL SCHEDULE 2004

Thurs., Sept. 2	Hagerman	Home	4:00 pm
Thurs., Sept. 9	Cloudfcroft	Home	4:00 pm
Thurs., Sept. 16	Mescalero	Away	4:00 pm
Tues., Sept. 21	Carrizozo	Away	4:00 pm
Thurs., Sept. 30	Cloudfcroft	Away	4:00 pm
Thurs., Oct. 7	Mescalero	Home	4:00 pm
Thurs., Oct. 14	Carrizozo	Home	4:00 pm

County Resident Files As Write In For State School Board

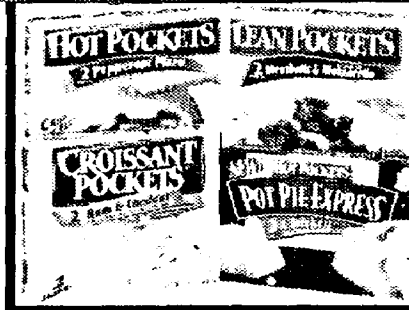
Karen Haughness of Capitan has filed as a write-in candidate for the position of District 8 New Mexico Public Education Commission.

Lincoln County Clerk Tammie Maddox advised THE NEWS that Haughness was the only person who filed with the Secretary of State office in Santa Fe on August 31 as a write-in candidate for the public education commission position. Haughness is a Democrat.

Maddox told THE NEWS that no other person from any other party filed as a write-in for that position which includes all of Lincoln County and portions of seven other counties.

★ LABOR DAY SAVINGS ★

FROZEN FAVORITES



HOT POCKETS
Assorted Hot, Lean, Croissant,
8-10.8 oz.
\$2.19

SWANSON CHICKEN DINNERS
Dark Meat or Breast, 11 oz.
\$1.79

REG. POLSKA, TURKEY, LITE OR HOT
SMOKED SAUSAGE
HILLSHIRE FARM
1 LB. PKG.
\$1.79

U.S. #1 Baking Potatoes, Northwest Bartlett Pears, Fancy Lemons, Tangy Limes, Yellow Onions or Green Bell Peppers (small to medium size)
10 FOR \$1



T.G.I. FRIDAY'S SNACKS
Potato Skins, Buffalo Wings, or Spinach/Artichoke Dip
8-10 oz.
2 FOR \$5

CHEESE STICKS
T.G.I. Friday's Mozzarella
12 oz.
\$2.99

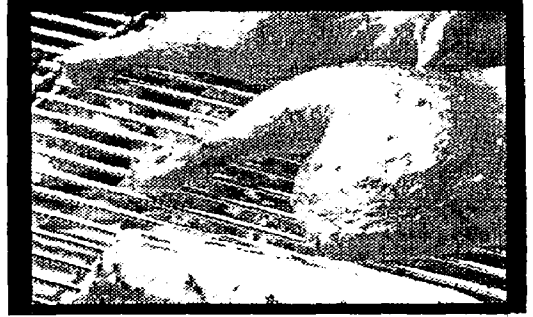
★ LABOR DAY SAVINGS ★

MEAT SPECIAL!!
Beef Brisket
99c Lb.

RIBEYE STEAK
Preferred Trim Boneless Beef
\$6.99 LB.

SHURFINE KETCHUP
24 oz. btl.
3 FOR \$2

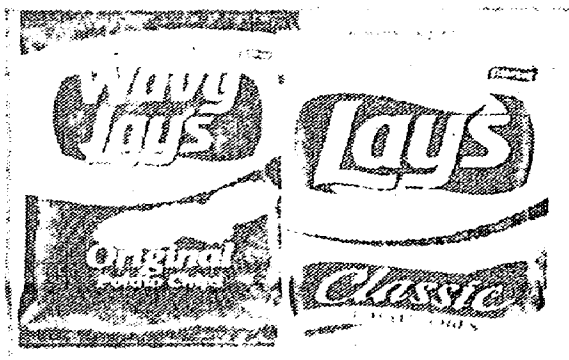
SLICED BUNS
TenderCrust Hamburger or Hot Dog, 8 count
2 FOR \$1



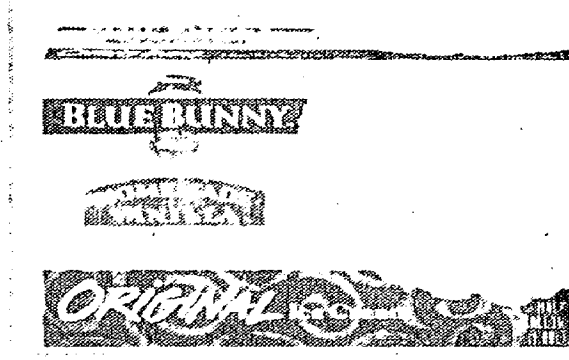
FRYER LEG QUARTERS
10 lb. bag
25¢ LB.
(\$2.50 per 10 lb. bag!)



BBQ SAUCE
Kraft Assorted
16.25-18 oz.
69¢

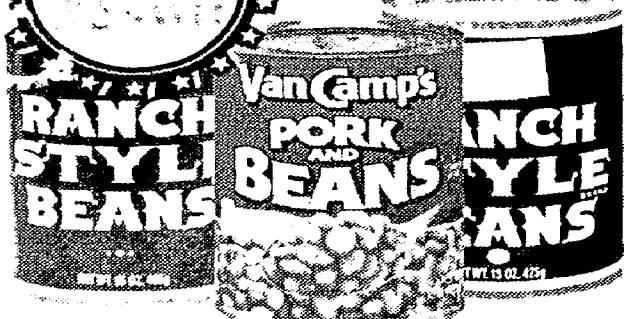


LAY'S OR WAVY LAY'S
Assorted Chips
13 oz. bag reg. \$2.99 size
3 FOR \$5



ICE CREAM
Blue Bunny Assorted Original
1/2 gallon sq.
2 FOR \$5

SHRIMP
Aquastar Large White
31/40 ct. - 2 lb.
\$8.99
Great on the Grill!



BEANS
Van Camp's Pork & Beans or Asstd. Ranch Style
15 oz. can
3 FOR \$1

FRESH PRODUCE

DOLE SALAD
Greener Selection or Just Lettuce 11-12 oz.
99¢

GALA APPLES
New crop Washington
99¢ LB.

TOMATOES
Large/Extra Large Red Rip
69¢ LB.

ONIONS
Rocky Mtn. Mild Yellow
2 FOR \$1 LBS.

CARROTS
1 lb. Cello Packed Mtn
99¢

VALUE STAR
Select Group Foam Plates
30-40 count
\$1.00

SHURFINE FROSTING
Assorted
16 oz. tub
\$1.19

KRAFT SPREADS
Reg./Light Mayo or Miracle Whip
32 oz. Jar
2 FOR \$5

CAKE MIXES
Shurfine Assorted
18.25-18.5 oz.
79¢

CLAUDE'S SAUCE
16 oz. BBQ Brisket or 12 oz. Fajita
\$1.99

STURGES VENTURE

PRICES EFFECTIVE: SEP 02 TO SEPT 08
HOURS: MON. thru SAT. 8:30 am to 7pm
CLOSED SUNDAYS

4th & Central / CARRIZOZO, NM / Ph. 648-2125
We Accept W.I.C. Checks -- We Honor EBT Cards for Food and Cash