

# County To Set Trash Rates

by Doris Cherry

Within the next 45 days, a new county law goes into effect that will increase fines for illegal dumping of waste and will give authority to set county residential trash service rates back to the Lincoln County Commission.

At their regular meeting Tuesday, July 19 in Carrizozo, county commissioners unanimously adopted an ordinance that provides for collection of solid waste and penal-

ties for violation of the ordinance. Under the new ordinance, the county commission, with advice from Lincoln County Solid Waste Authority (LCSWA), will hold public hearings to set type of services and rates for residential trash collection services for people living in the unincorporated areas of the county.

County attorney Alan Morel said he envisions the trash rate setting process to include

the public and rates will depend on what services a particular area will receive. As example he said some developments and sanitation districts have gone with a centralized compactor and some have door to door poly cart service. Morel said the county will have to enter into a service agreement with LCSWA on the different rates and services. "I do not believe there will be just one rate for the whole county," Morel said.

In addition to the rate making authority, the ordinance includes increased fines for illegal dumping of solid waste. Authorized by a new state statute, the fines for persons convicted of "discarding or disposing of refuse, litter or garbage on public or private property in any manner other than disposing it in an authorized landfill" are now set at a maximum of \$1,000. Fines for "improper or illegal disposal of hazardous ma-

terials or waste in any manner other than as provided for in the Hazardous Waste Act" are now set at a maximum of \$5,000. Each violation and every day an offense continues constitute a separate offense. (Hazardous waste includes used motor oil.)

County commissioner Earl Hobbs was against the county commission taking over rate setting authority. "I feel this goes against good public policy for the county commission to set rates," Hobbs said. He

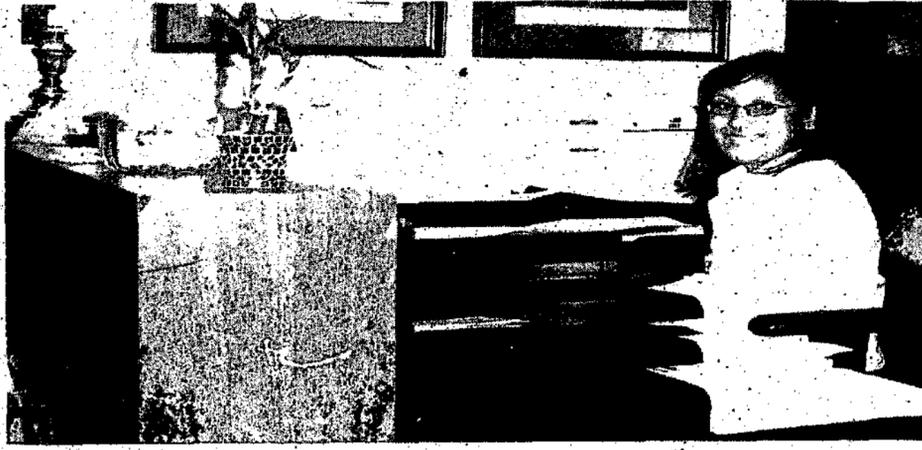
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CARRIZOZO, NM 88301



**FAMILIAR FACE.** Courtney Perez, who grew up in Corona and whose family still resides there, took a brief moment from her work as full time staff assistant and legislative correspondent for Congressman Steve Pearce's office in Washington, D.C. for a picture by NEWS reporter Doris Cherry who was in D.C. to attend a national disability conference. Rep. Pearce's staff gave Cherry a guided tour to the Capitol building including a brief visit to the house chambers, which were empty because elected congressional officials do not work on Fridays or Mondays.

## Charcoal Not Allowed In LCSWA Dumpsters

County Continues Burning Ban

by Doris Cherry

Charcoal cooking is popular with many summer visitors to Lincoln County.

But one charcoal cooker, discarded complete with hot charcoal inside, was the cause of great excitement at the Lincoln County Solid Waste Authority yard in Ruidoso Downs just before quitting time on Friday, July 15.

"Please, do not put charcoal ashes, or charcoal grills, into the LCSWA dumpsters," begged LCSWA operational supervisor Debra Ingle who was speaking to the Lincoln County Commissioners at their meeting Tuesday, July 19 in Carrizozo.

Ingle said at 4:45 p.m. July 15 almost everyone had left for the weekend from the LCSWA yard in Ruidoso Downs. One of the last employees to leave for the day saw what he thought was just a puff of dust coming out of the walking trailer trash transporter parked on the LCSWA yard. When he saw a second puff then smoke, the employee knew something was wrong and went for help. Ingle said there were 125

cubic yards of trash in the trailer. The first load of trash that was put into the transport trailer came from Highway 37 and included the charcoal grill filled with live coals that smoldered for 24 hours before it ignited the surrounding trash. "There were three loaded transporter trailers parked in the yard, which is just next to a dense residential area," Ingle said. "It could have been bad."

Ingle thanked the Ruidoso Downs fire department and police department for their quick response that helped contain the fire just to the one transport trailer. "We lost the walking floor on the trailer plus some electrical damage," she added. "But with the help

of our crew and the Ruidoso Downs crews we got the trash out of the transport trailer, into another one and cleaned up the mess."

Ingle said she and other employees were dealing with respiratory problems from inhaling the "trash" smoke.

Open burning of fires including charcoal and campfires, except in designated places in appropriate containers, is prohibited in Lincoln County under a resolution that county commissioners at their meeting July 19 continued for another 30 days.

Open burning is allowed under certain conditions with a permit from the county manager's office.

## County Begins Revising Subdivision Ordinance

County Attorney Predicts Long Process

Should Lincoln County restrict and prohibit certain uses of domestic well water in new county subdivisions?

That question will come into play as Lincoln County Commissioners begin a major revision of the county subdivision ordinance. The current subdivision ordinance has not been amended since 1996.

During the July 19 county commission meeting public hearing on a proposed ordinance that starts the county subdivision ordinance revisions into motion, county attorney Alan Morel said the process to change the subdivision ordinance will take at least six months. He said by state statute any proposed changes to the ordinance must be recommended by the county planning commission, then submitted to the county commission which must give its tentative approval. Then the proposed changes are sent to the various state agencies that deal with subdivisions and water for their review and approval. Once approval is received from the state agencies, the proposed changes come back to the county commission for public hearing and possible adoption.

"This is the beginning," Morel said. "All we need to know is what the county commission wants addressed."

Water was the first and biggest issue for all county commissioners and most people in the audience. Morel said all it would take to slow subdivision growth in the county would be to require commu-

nity water systems. "This means the developer would have to own water rights to the developed land," he added.

The county could make its subdivision rules more restrictive than state rules, but that would require the county to have a land use plan that is recognized by the state, Morel added. As an example Morel said the county cannot reduce the amount of water used out of a domestic well in a subdivision to less than the three acre feet a year the state allows, because the county does not have a recognized land use plan. Only the state engineer's office can make such a reduction now, Morel said.

County commissioners discussed whether the county Comprehensive Land Use Plan (CLUP) which exists now in resolution form should be reviewed and changed in conjunction with the subdivision ordinance. County commissioner Earl Hobbs thought the CLUP should be revised and adopted as an ordinance to serve as a basis for the subdivision ordinance.

County commissioner Eileen Lovelace said the Public Land Use and Rural Affairs Advisory Committee (PLURAAC) is currently reviewing the CLUP for recommended changes.

County commission chair Rick Simpson said the discussion that day was to adopt an ordinance that would start the process for revising the county subdivision ordinance, not for the specific details.

County commissioner Maury St. John, who had served on the county planning commission, said the planning commission has given recommended changes to the subdivision ordinance to county commissioners, who rejected the recommendations.

County planning officer Curt Temple made several suggestions. He said a new subdivision ordinance needs to address fire protection requiring developers to donate a highway accessible tract of land for a fire station and provide water and storage after the station is built and operating. The new ordinance should have a time limit on exemptions because there have been many "subdivisions by exemptions" in the county. Exemptions include dividing land for family. Access to exempted divisions be at least 50 feet wide, instead of the 25 feet now allowed and all roads regardless public or private be built to county standards. Temple also suggested that the subdivision ordinance be restructured to be more readable in clearer order.

Jim Crouse, county planning commission member, asked the county commissioners to provide their thoughts and recommendations for changes to the subdivision ordinance to the county planning commission. "The planning commission wants to know what the county commission wants and where we should start," Crouse added. "This would

(SEE PAGE 3)

## Hightower Family Grand Marshals McDonald Day

The Vernelle Hightower extended families are the grand marshals for the 2nd

Gov. McDonald and Pioneers Day parade at 10 a.m. on Saturday, July 30 in Carrizozo.

The parade will be on 12th Street starting at the northeast and ending at McDonald Park, the hub of entertainment and food, exhibition and arts and crafts booths.

The event honors the State of New Mexico's first elected governor. Gov. McDonald owned the nearby B-W ranch, now owned by the Spencer family, descendants of the first governor.

At the park, Canyon Cow-Belles, dressed in pioneer costume, will host an educational exhibit on beef and will be giving out samples. Carrizozo Animal Shelter and its pets to be adopted will be highlighted in the booth hosted by volunteer Barbara Culler.

Also at the park, at 12:30 p.m. Sheriff Pat Garrett will come to life with the chautauqua performance by Ron Grimes, sponsored by the New Mexico Humanities Council. Grimes, who performed at the first McDonald Day last year, is back by popular demand to tell of the murders of Albert Fountain and his young son as they traveled by the southern side of White Sands while on their way from Mesilla to Lincoln.

Territorial Governor Lew (SEE PAGE 4)



**LINCOLN COUNTY EMPLOYEE** of the Month for July is Lincoln County Sheriff's Deputy Sgt. Robert Sheperd. Sheriff Rick Virden presented Sheperd with a plaque of recognition at the Tuesday, July 19 Lincoln County Commission meeting in Carrizozo. Each month a different county department recognizes one of its employees for outstanding service to the county.

# County To Set Trash

(Continued from Page 1)

further said sometimes an entity needs to change quickly instead of having a cumbersome process with public hearings for minor rate changes. "This does not strike me as good business management," Hobbs said.

Morel said the LCSWA

consultant recommended the county commission take back the rate setting authority. LCSWA operational supervisor Debra Ingle said it is the LCSWA board of director's recommendation for the county commission to set county residential rates. Answering

questions from the county commission, Ingle said LCSWA will bring its requested rates, which will be arrived at from the budget process, or if people request a new service.

Hobbs, once learning that LCSWA was also seeking to return the rate setting authority to the county commission, agreed to support the ordinance.

Oscuro resident Jerry Carroll expressed concern that salvaged items and junked parts on his property would be considered refuse and thus making him in violation of the ordinance. "Under this ordinance's definitions almost everything I have is a violation," Carroll said.

He requested wording in the ordinance that would specifically state that stored salvaged/junked items are not considered refuse, litter or garbage. Also, he said requiring a county resident to bring trash to the nearest LCSWA container is "involuntary servitude."

County commissioner Maury St. John said storage of salvaged/junk items on a property would not apply under the ordinance. "This ordinance is for disposing of illegal items in Lincoln County. Solid Waste Authority containers," St. John said.

As for the involuntary servitude, St. John said it would not be viable for LCSWA to come onto each property to empty trash containers.

Other areas of the new ordinance retained previous language, such as the provisions to allow liens to be placed on property owned by a resident with overdue trash bills. Late fees are currently set by LCSWA.

Later in the meeting, Ingle gave a LCSWA monthly report and referred to illegal dumping in the county that last month cost LCSWA

\$1,575 in just labor and disposal costs only. Ingle said the large number of visitors in the county causes an influx of trash and yard waste cuttings. "While it happens every summer, there seems to be an increase this year," Ingle said.

Ingle said LCSWA crews finally got illegally dumped items cleaned up at Cedar Creek and LCSWA has installed a camera at the location to catch illegal dumpers. She said LCSWA now has three names and addresses of people who dumped illegally in Cedar Creek.

LCSWA is also cleaning up 182 old tires at a location in Carrizo Canyon and is trying to clean up at Hale Lake which is a "disaster." To reach Hale Lake, located south of Highway 70 on a forest road, dumpers have to drive past LCSWA in Ruidoso Downs, Ingle said.

County commissioner Eileen Lavelace said constituents have complained of the illegal dumping at LCSWA containers on Dean Road and off mile marker 83 west of Capitan. Ingle said those are two of the worst sites for illegal dumping. She said LCSWA empties the dumpsters in those two locations at least three times a week. LCSWA empties containers in Cedar Creek and Rancho Ruidoso Valley Estates and other "bear locations" every day. Containers in Oscuro, Ancho and Windmill Ranches on the west side of the county and containers in all municipalities and subdivisions with door to door service by LCSWA are emptied only once a week. All other locations are emptied at least twice a week.

The cost of cleaning up the illegal dumping is covered by the fees from roll off container rentals and commercial trash service, Ingle added.

St. John asked why the monthly county trash rates don't include free disposal of large items as furniture or old appliances at the LCSWA yard in Ruidoso Downs. Currently, customers must pay to dispose of the non-household items with LCSWA, unless it is into one of the scheduled free roll off containers.

County commission chair Rick Simpson suggested a fee structure that has the large item disposal figured into it. Ingle said such a service would require a rate increase.

Morel said under the new ordinance, which goes into effect 30 days after it is filed of record, county commissioners must hold public hearing to adopt new trash rates by resolution. Notice of the proposed resolution must be published at least 20 days prior.

He asked if county commissioners wanted to hold a hearing, or workshop, to review the current or proposed LCSWA rates and types of services and to set up a process for public participation.

Commissioners finally asked county manager Tom Stewart to work with LCSWA to set up a workshop. No date was set.



As the Lincoln County News goes into its 101st year 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 "Carrizozo News".

January 24, 1913

## Carrizozo Awarded County Seat

THE Supreme Court of the United States - the court of last resort - has spoken, and Carrizozo has been awarded the county seat. Tuesday morning Deputy Clerk Chase received a telegram from Judge Edward L. Medler, who is - or was - in Washington, conveying the information that the court had reached a decision the day previous with the result as stated above. This ends the case so far as the actual location of the county seat is concerned, but brings to the front another phase of the question, that to parties concerned, is equally interesting - and that is the question of damages for which two bonds have been made, one for \$15,000 and one for \$10,000.

The board of county commissioners, which had been in special session the day before and two of its members having gone home, began communications by wire with one another, the treasurer and district attorney, and a special meeting will be held here tomorrow. In addition to the members of the board at the meeting tomorrow, the treasurer, district attorney, Contractor Bechtel and all parties in any way connected with the litigation - perhaps the attorneys for both sides as well - are expected to be present and an adjustment of the whole affair made. Some details will have to be arranged between the board and the contractor, owing to the fact that work ceased on the building more than fifteen months ago, and when these incidentals are satisfactorily completed it is thought the work of rebuilding will commence at once.

This is the final act in the main drama that has been in progress for almost four years, and with which most of our readers are familiar. Of course, the question of damages growing out of the injunction which prevented the completion of the buildings, yet remains to be settled, but that of itself has nothing to do with the removal of the county seat.

The story, in all its ramifications, is too long to be re-told, but it can be recapitulated without extensive space.

Almost four years ago the legislature of the then territory authorized boards of county commissioners, under certain conditions, to call elections for county seat removals - a certain percent of the voting population petitioning making it mandatory upon the board to call an election. The petition was prepared and presented to the board at its July, 1909 meeting. The board finding the requisite number of names on the petition - which called for the removal of the county seat from Lincoln to Carrizozo - ordered an election to be held August 17th of the same year. At that election Carrizozo won by a majority of 287 votes. The commissioners canvassed the returns and officially declared Carrizozo the county seat.

Following the election, some court proceedings were instituted by the people of Lincoln, but the proceedings were not considered serious at the time. The board proceeded to advertise for the sale of bonds and the bonds were sold - in the sum of \$28,000.00. In March 1910, the contract for the erection of a court house and jail at Carrizozo was let to Ben Bechtel. Before, however, the contractor got fairly started on his work an injunction was secured by parties at Lincoln, and the work halted until a hearing before Judge Mechem in June, 1910, dissolved the injunction, and the county seat awarded to Carrizozo. The plaintiffs carried the case to the territorial supreme court, which, however, affirmed the decision of the lower court. Work, in the meantime, had been pushed on the courthouse, and by October, 1910, the walls were practically complete, the building ready for the roof. At this time another injunction was issued - by Judge McFie of Santa Fe - and work stopped and has not since been renewed.

The county, through its board of commissioners, asked for a bond for damages, to protect its own interest and that of the contractor. By direction of the court a \$10,000.00 bond was given and approved and later increased to \$15,000.00. On a quo warranto the case came back to the district court;

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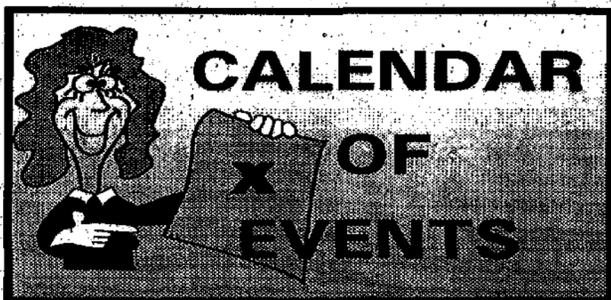
### Obituary

#### TED TURNBOW

Memorial services for Ted, Turnbow, 64, of Loma Grande Estates will be today July 21, at 11:00 a.m. at Trinity United Methodist Church in Carrizozo with Rev. Bill Sebring and Rev. Lynn Turnbow officiating.

Mr. Turnbow died July 17, in Las Cruces. He was born March 16, 1942 at Portales, NM. He graduated from Leveland High School and received his Bachelor's from Texas Tech University. He then began his 14 year coaching and teaching career at

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# CALENDAR OF EVENTS

## FRIDAYS

--Crossfire Theater, doors open at 7 p.m. film begins 7:30 p.m. Trinity Baptist Church on Highway 48 in Capitan. Christian videos, with no admission, every Friday night through August 12. Soft drinks and popcorn also served. Community invited to attend. Call Cheyenne Evans at 354-2925 or Lisa Daniels at 354-5022 for title of film to be shown.

## EVERY WEEKEND

--White Oaks School House Museum open to visitors 10 a.m. to 4 p.m. every weekend through September.

## TODAY, THURSDAY, JULY 21

--Workshop meeting for Ruidoso Village Council, 5 p.m. village hall.  
--Lincoln Historic Preservation Board meeting 7 p.m. in Community Church in Lincoln.

## SATURDAY, JULY 23

--Open House at new Carrizozo Municipal Building 11 a.m.

## MONDAY, JULY 25

--Lincoln County Solid Waste Authority meets at 2 p.m. at LCSWA offices in Ruidoso Downs. (Meeting day changed to accommodate members.)

## TUESDAY, JULY 26

--Federated Republican Women of Lincoln County regular meeting at Carrizozo Joe's in Carrizozo. Lunch at 12 noon. \$6 cost includes meal, drink, tax and tip. Speaker is Vickie Perea, candidate for NM Secretary of State.

--Carrizozo Town Trustees meet at 6 p.m. tentatively in new city hall. (Meeting postpones from July 19.)  
--Ruidoso Village Council meets at 6 p.m. in village hall.

## WEDNESDAY, JULY 27

--Family law workshop on divorce, custody and child support 5:30 p.m. to 7:30 p.m. in the Terrace Gallery of the Branigan Memorial Library in Las Cruces.

## THURSDAY, JULY 28

--Consumer debt/bankruptcy workshop at 5:30 p.m. in the Terrace Gallery of the Branigan Memorial Library in Las Cruces.  
--Capitan School Board meeting at 6:30 p.m. in board room. Public welcome.

## FRIDAY, JULY 29

--Corona Festival; hamburger fry at 5:30 p.m. at Corona Senior Center.

## SATURDAY, JULY 30

--Corona Festival; Class of 1955 Talk-a-thon open house begins at 8:30 a.m. and all day at the recreation room; 9 a.m. Corona War Casualties Memorial opens at Corona Museum; 10 a.m. parade with line up on south end of town; 11 a.m. Corona FFA brisket dinner at school cafeteria; 11 a.m. to 1 p.m. student art show, school cafeteria; 12 noon Ranch Rodeo; 1 p.m. Christian Music festival school auditorium; 5-8 p.m. harmonica concert, school auditorium; 8-12 p.m. western dance, school auditorium. Call village hall at 849-3511 for parade and vendor information.

--Gov. McDonald Day in Carrizozo. Parade at 10 a.m. on 12th Street, chautauqua performers, musicians, food, arts and crafts and educational booths at McDonald Park on 12th Street. Call Antique Liquidators at 648-3007 for more information.

# County Begins

(Continued from Page 1)

speed things up."

Agreeing water is the biggest issue with subdivisions, Crouse said the planning commission supports community water systems in subdivisions as opposed to each lot having a domestic well which he considers a theft of water rights. "Until the state engineer's office gets an oil company here to map the underground water and how much is being used and when, we have no idea how much water there is available," Crouse said.

"Requiring developers to provide a community water system is the only way to slow down development in this county," Crouse said.

Crouse said no changes have been made to the subdivision ordinance since 1996 because county commissioners rejected every recommendation from the planning commission. As example, Crouse said the planning commission wanted the ordinance to require developers to prove their subdivision has enough water to provide a half acre foot of water per year per lot and domestic well. Instead, county commissioners lowered that required amount to only a quarter acre foot per lot, while each domestic well is currently allowed to use up to three acre feet per year.

County commissioner Tom Battin said he supports the community water system concept and asked how many lots are required in a development

for such a system. Crouse said by state definition 15 households or more could be considered a community water system, however the current county subdivision ordinance allows subdivisions of up to 499 lots before requiring community water systems.

Crouse said his idea for domestic wells would be if the tract has three acres or more, then up to three acre feet a year could be used from a domestic well, if a tract has less than three acres, the well could only be used for indoor uses only.

Hondo valley resident Jackie Powell, and member of the county water committee, spoke about the proposed water rules for the area that could restrict metered domestic well use to indoors and require those with ditch rights to construct weirs and meters and how this could impact future subdivisions.

Mary Kokianos, from Alto, encouraged restrictions to slow development which she said weaken the custom and culture of the county as more people move in from other areas. She said that allowing uncontrolled development that puts further demands on limited water supplies could lead to a county reputation that thwarts or halts economic development.

Kokianos asked commissioners to tighten the water requirements and look at the state engineer's office recom-

mended guidelines for county subdivision regulations for water supply and demand, especially in limiting the amount of water use allowed to less than the current three acre feet. Also developers should be required to assess the potential impact that new wells in their development will have on neighbors. Lastly, Kokianos encouraged the county to institute an aggressive educational campaign on water conservation.

Kokianos suggested meters be required on all domestic wells to create an awareness of how much water is used; impact fees be imposed to identify domestic wells; encourage rain catchment and gray water for outdoor use; personal swimming pools and large ponds prohibited in arid areas of the county.

Kathy Minter of Ranches of Sonterra said several wells in their area have gone dry recently. She offered a two page written list of recommendations to the subdivision ordinance including: limiting water use to half acre foot a year per well; require rain catchments, gray water use and water conservation devices; limit irrigation to 800 square feet and livestock to two or three horses; require developers to prove water availability with annual limits; required aerobic, septic systems to treat waste water; community education on conservation; tighten community water systems requirements and double dipping when land is divided and previous water rights sold elsewhere while lots drill domestic wells; county controls golf courses and other facilities that use water.

San Patrio resident Ken Nosker, and county resident Doris Cherry voiced opposition to restricting the use of domestic well water. Nosker spoke about well measurements taken that show static water levels being the same or increased even during the drought and how most water is returned to the ground in the septic system.

Cherry said prohibitions on using domestic well water outdoors will deny subdivision lot owners the "rural experience" of being able to grow a vegetable garden which she considers a Homeland security issue because one knows where the food is grown and how. Also she opposed prohibiting personal swimming pools, which may be needed for physical therapy. She suggested that if domestic well use is restricted to a certain amount of water, (65 gallons per day per person per domestic well is being proposed by the state engineer's office) that well users be allowed to choose how and where the water is used. "Some of us would rather water a garden than take a bath or wash clothes every day," Cherry said.

Larry Mulligan from Glencoe fire department supported the idea of requiring developers to prove availability of water and for requiring developers to donate a tract of land with permanent water storage and sufficient water for fire protection after the development is completed.

Oscuro resident and county planning commission member Jerry Carroll agreed the county commission should compile a list of items to be considered in the subdivision ordinance and give the list to the planning, water and PLURAAC committees for review and recommendation. Carroll said only the state legislature can fix some of the problems with water rights and domestic well use, not the county commission. He said that restricting use of water should be voluntary. "I paid for my well and I take care of it," Carroll said. "And with my type of system I doubt I use two acre feet a year."

Carroll was concerned that certain people have an agenda to destroy the CLUP.

Tom Mann, chair of the Lincoln Historic Preservation Board, asked that wording be added to the subdivision ordinance that allows the historical board to review and comment upon all proposed subdivisions within the Lincoln historical preservation zone. As a private citizen he asked that the current system of "summary plat review" and approval of small subdivisions without full hearing by the planning commission be restricted and the exemptions be

reviewed. Bob Moeller, from Nogal, alternate member of PLURAAC, said the land use plan review has been assigned to PLURAAC. He said he has offered copies of the state's land use plan guidelines to the PLURAAC.

After nearly an hour of discussion, Simpson closed the public hearing on the proposed ordinance that only starts the process of revising the county's subdivision ordinance. When asked where commissioners want to start, Morel said the information he gained from the hearing was to start with water being the top issue, that smaller developments be required to have community water systems, domestic wells to have meters and also mentioned were meter readers and address sewage.

Morel suggested as a way to speed the revision process, that county commissioners send their suggestions to the planning commission which will consider them and make recommendations for the county commission to support their concepts, instead of having the planning commission draft specific language for the proposed changes. Morel suggested the county water committee be included in the discussions, and

Lovelace asked that the PLURAAC also be included because they are working on the land use plan.

County commissioners unanimously approved the ordinance that begins the process of revising the county subdivision ordinance.

The Lincoln County Planning Commission meets next at 7 p.m. Thursday, August 4, in the county commission chambers in the courthouse in Carrizozo. PLURAAC meets at 9 a.m. Tuesday, August 2 in the county commission chambers. The water committee meets at 2 p.m. also on Tuesday, August 2 in the commission chambers.



You Thinkin' Rain?



# Obituaries

(Continued from Page 2)

Morton, TX then moved to Magnolia, TX.

He moved to Lincoln County in 1983 and was Education Director at Camp Sierra Blanca, and later managed the Carrizozo Golf Course and then was the Cart Barn Manager at Alto Lakes Country Club and Golf Course until retirement.

He attended the Nogal Presbyterian Church. He married Linda Daniel on August 28, 1965 at Levelland, Texas.

He is survived by his wife, Linda of Loma Grande Estates; two sons, Bryan Ted Turnbow and his wife Leslie, and Cody James Turnbow, all of Las Cruces; three brothers, Jay Turnbow of Bonito, Lynn Turnbow and his wife Martha of Brownwood, TX and Don Turnbow and his wife Janie of Paragould, Arkansas; a sister-in-law Marisue Cunningham and her husband Ron and brother-in-law Bill Daniel and several nieces and nephews.

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**COMING EVENTS**  
*Artist of the Month*  
Valerie Romario graduated from Eastern New Mexico University with a Bachelor of fine Arts. After working in New York City, Valerie returned to New Mexico to teach at Clovis Community College and Eastern New Mexico University. Valerie has worked with the Audubon Society in conjunction with Jane Goodall and has a permanent collection at the Jane Goodall Institute in Maryland, Eastern New Mexico University and Save the Chimps in Alamogordo. She lives in Cloudcroft with her husband and son. Valerie presents a new series: *Beyond Bars: a portrait of hope* at the Flickinger Center for Performing Arts July 1 through 30.

**Saturday, July 23**  
Tailgate at New Mexico Museum of Space History  
Time: 8:00 p.m. Gates open at 6:30 p.m.  
Earl and the Dynamites: Dixieland/Jazz.  
Walk-ups are only \$5 per person, bring your lawn chair, snacks, or dinner, relax and enjoy a wonderful evening of great music.

**Saturday, July 23**  
Miss Alamogordo/Otero Pageant  
Time: 7:00 p.m.  
Tickets: General Admission \$10.

**July 29, 30, 31 and August 5 and 6**  
New Voice Theater Presents  
"Oklahoma" Time: 7:30 p.m. Tickets: \$7  
Saturday, July 30

**THOUGHTS**  
FROM THE EDITOR'S DESK

**Insensitive or Inconsiderate?**

By Ruth Hammond

Driving to Albuquerque for whatever reason, whether it is an appointment with a medical specialist or to get to the airport in ample time before a flight, can be tiresome. Depending on where a person plans to go in Albuquerque, usually makes a difference as to which route is taken. Some people go north out of Carrizozo and meander which ever way they choose. Others may go on Highway 380 from Carrizozo the 65 miles from Carrizozo to Interstate 25.

Instead of leaving extra early, many people allow just enough time for a leisurely drive with maybe a stop on the way. Apparently their reasoning is they don't want to have to wait in a medical office longer than necessary or have to sit alone somewhere in the airport. They usually don't have an extra couple of hours for any type of delays on the way.

Some people are concerned that unknown closures of Highway 30 causes problems. People do not know the road is closed until they travel about 40 west of Carrizozo. Then they must drive back to Carrizozo and use another route. It could mean a missed appointment or plane reservations.

Recently this concern was addressed at a regular county commission meeting and a letter was sent to White Sands Missile Range asking if a flashing light could be installed near Carrizozo warning travelers of the road closure, such as on the sign that is on Highway 70 near Alamogordo or if radio broadcasts could inform the public about closure.

Evidently someone didn't understand the concern. The response stated, "I understand your concern and would like to minimize the impact to the community." There is much more than community impact. There is impact to tourists, and can you imagine trying to turn around a travel trailer in the middle of nowhere on Highway 380? Tourists wouldn't just be unhappy about a missile test closing the road, they would complain about the entire state of New Mexico.

Generally Highway 380 is not closed often, and these delays are inconvenient, but the public has a right to know in advance, not 40 miles west of Carrizozo. The response stated they do not warrant any state funding for a warning light, however there would be radio broadcasts about it.

And what if a driver isn't listening to the particular station that announces Highway 380 will be closed? The most logical thing would be to have a sign with a fold over that could be placed up if the highway was to be closed. The sign could be placed at the west edge of Carrizozo and if closures are that infrequent, the cost would be minimal.

Rather than argue with the people in charge, we would like to know if the Lincoln County Sheriff's Office is being informed of closures on Highway 380. Community people could call the non-emergency number for that information. But what about those travelers and their expensive RVs? Doesn't everyone deserve to be informed in advance?

*Letters to the Editor*

**EDITOR:** Comments on article "Gravel Mine Owner Asks for Reconsideration"

If onw ere to believe everything states in a Legal Notice published in this paper on May 19th by the Dallas firm called White Oaks Resources, they would be misled.

Rather than a legal notification communicating the "proposed construction of a 100 ton/hr sand and gravel-processing facility" on the site where David Dotson's rock quarry has been operating since the 1950's, the notice should have been communicating the expansion of the facility to "re-mill old gold mine tailings" as David Dotson reported in your July 7th article on the mine story. They are two different things. Different agencies are involved in permits and oversight. Different chemicals are used. What exactly are we to believe?

And with regard to David Dotson's complaint that no one came to him first before going to the county commissioners, that same shoe might be wiggled back onto the quarry owner with the bigger question: Why can no more than six people be found in White Oaks who were sent a registered letter communicating the intended quarry expansion? Twenty-nine folks signed a statement requesting that a permit not be granted for the expansion. More than twenty of those could not recall being forewarned by any notification and some of those are on properties that are closest to the quarry.

Not a soul in White Oaks wishes to curtail the present level of business done by David Dotson, in fact no one person can be found who will say anything negative about this good neighbor. What we are resisting is the expansion of toxic particles in the air and that by an outfit that has no roots in our community. We simply want less particulate than we now have, not more.

**DON BAKER**  
HC 31 Box 33  
Carrizozo, NM 88301

(SEE PAGE 10)

**Lincoln County News**

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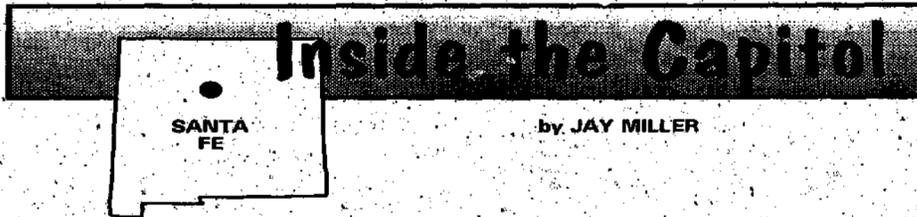
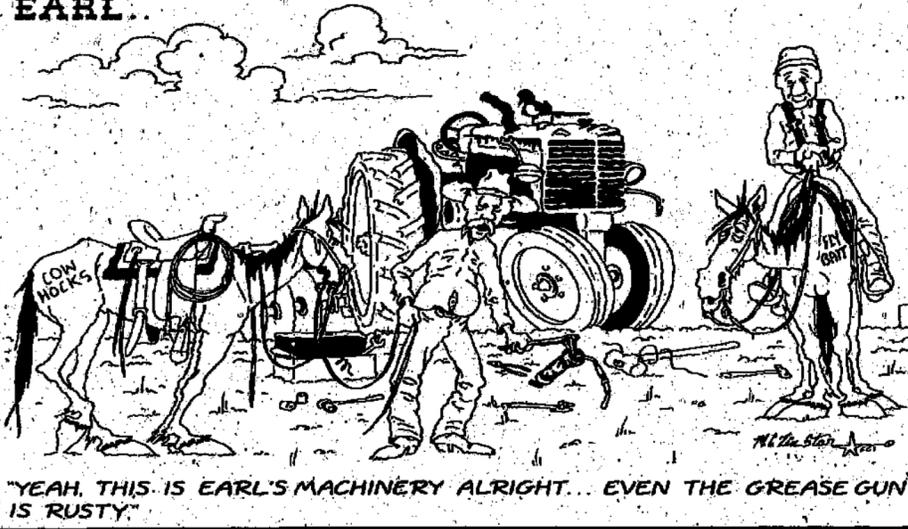
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**EARL**



**SANTA FE** -- A recent column's passing comment about the Jay Miller Book Club brought some inquiries about why no one has ever heard of it. The answer is that I only mentioned it that one time, and that was in jest.

Although there isn't such a club, there could be. I try to read a book a day when I am on business trips or vacation, both of which are becoming more frequent these days.

But too many other irons are already in the fire. Sunstone Press, in Santa Fe, has graciously consented to do a series of books using my columns on several different subjects.

The first book will be about the Billy the Kid exhumation controversy of the past two years. The next will be on New Mexicans in the Pacific Theater of World War II. And the third is scheduled to be about New Mexico being the birthplace of rocket science and still on the cutting edge.

As I recall, just about all the books I have recommended during the past 18 years are non-fiction, since that is about all I read. My wife gets after me for seldom relaxing and reading a fun book.

In the next few columns, I'll cover some of the books I have recommended over the years. Most relate to New Mexico or New Mexico politics in one way or another and many are by New Mexico authors. Some can be found in bookstores, but others will require a library or used books from the Internet, one of my favorite sources.

For an outstanding summary of our state's history and an understanding of its character, read "Marc Simmons New Mexico: An Interpretive History." Simmons is a great South-west historian and the best I've read at presenting complex subjects in a very easy-to-read style. And he can point you to further reading.

"New Mexico's Troubled Years," by Calvin Horn, tells of our state's first 19 territorial governors. From James Calhoun in 1851 to Lew Wallace, in 1881, the book gives a picture of life during New Mexico's first 30 tumultuous years as a territory.

Horn made his money in oil, but his compelling interest was in New Mexico history and politics. He served in the state House and Senate for 10 years and rose to Speaker of the House. But he always wanted to be governor. But the time was never quite right.

This book was the closest Horn came to the governor's office. He put a lot into it. Through his political connections he persuaded then-President John F. Kennedy to write the forward. Then-Gov. Jack Campbell wrote a tribute for the dust jacket.

Horn also formed a publishing company to reprint out-of-print books about New Mexico and its history. Wouldn't it be great if someone would do that again?

"Cowboy in the Roundhouse" covers the last 50 years of New Mexico politics from the perspective of former Gov. Bruce King, the longest-serving chief executive in the state's 400-year history. It is a fascinating view into New Mexico

political oife with keen insights into how government works.

Another treasure chest of New Mexico politics is former Sen. New Mexico Coe's lively and passionate look at the trials and triumphs of women wanting to get into the game during the 1920s, '30s, and '40s.

"Lady and the Law Books," takes us through her political career, beginning with election as a county school superintendent and continuing through 16 years as a state senator.

Her final four years in the Senate were a spresident pro tem, a position it is difficult for New Mexicans to imagine could be held by a woman today. But Coe did it almost 70 years ago.

**Hightower Family Grand**

(Continued from Page 1)

Wallace will tell his story at 2:30 p.m. in the Community Room of Otero County Electric Cooperative Building across 12th Street from McDonald Park. The room will be air conditioned with seating. Dr. Noel Pugash from UNM will portray Wallace who was territorial governor during the Lincoln County War and days of Billy the Kid in the 1880s. This also is a chautauqua performance under the auspices of the New Mexico Humanities Council.

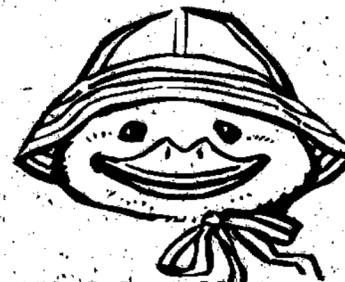
Music will fill the air with a variety of styles from Carrizozo guitarist Steve Martin, the Rawhide Hillbilly Band from San Antonio, NM and *Los Coyotes* from Espanola who play *Musica Tradicional* and *Bailes* which date to the 17th century.

Tentatively scheduled to jam the day's event toward conclusion are Ken Ronquillo and David Hice.

Warrants for arrest and *jailing* will be \$5, with Get Out of Jail bonds available for \$5 also. Proceeds from the jail will go toward covering costs of the event.

Carrizozo Heritage Museum will be open during the day's event.

For more information on booth space or the parade call Van Shamblin at 648-4565.



**I'm Waiting !!!**



**Psychic Judi Christopher**  
Ruidoso NM

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

**Leo (July 23-Aug 22)** Step up to the plate and make it quake! You've waited a long time to shine so get out there and do the very best you can and show others what you're made of. Don't let EGO get in the way, just do a good job.

**Virgo (Aug 23-Sept 22)** Don't assume others see this the same way you do. When you don't let them know just how you really feel inside, they will assume you feel the same way they do. This could get sticky. Tell the truth without hurting.

**Libra (Sept 22-Oct 22)** You can take a deep breath and know that you have tried with all your might. Take some time for yourself and pat yourself on the back for a good job well done. Look through a child's eyes and have some fun.

**Scorpio (Oct 23-Nov 21)** Others might not understand that you need to be by yourself right now, not to get away from them, as much as to find out what you need to do to fix the problem at hand. Don't feel guilty. Smile.

**Sagittarius (Nov 22-Dec 21)** Letting others be themselves is hard to do when you so want to be a part of their life. Loving someone and being with someone are two different things. Love will find a way to their heart even if you're not with them.

**Capricorn (Dec 22-Jan 19)** Starting over is good for you. Clean out the old, and bring in the new. Speak up and tell it like it is, without hurting someone's feelings. Give extra love to someone that needs it. Don't throw away real love.

**Aquarius (Jan 20-Feb 18)** Look, listen, and see what you have been missing. Moving? Starting over? New job? Got love? Don't assume it's that easy. This could be for the rest of your life. Measure twice and cut once. Take charge of your life.

**Pisces (Feb 19 - March 20)** Don't think about the money part of this, but think about how much money you can make and also how happy you can be. You can not buy happiness or love. A job is just a job, it's not your life or family.

**Aries (March 21-April 19)** Stand up and shake off this uneasy feeling you have been having. Don't worry or fear what has not happened. Get ready for a change by trying forward to it, and not trying to run away from it. Be positive.

**Taurus (April 20-May 20)** You can't look in the rearview mirror of life and expect not to run into something or someone you're fearing. Take pen in hand, write a letter to yourself, and get this out of your own system. Get a life. Be happy.

**Gemini (May 21-June 20)** Something you might be doing is fun for you, but not so much fun for someone around you. Take them into consideration when it comes to family and friends. Look and listen to what isn't being said.

**Cancer (June 21-July 22)** If you feel you have taken too much on yourself, then say so. Others will admire you for being truthful, and you'll be glad to get the monkey off your back. Only take on what you can do by yourself. More money.

# Sheriff's Report

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

**July 11:**  
 5:52 a.m. disturbance/family at location on 200 block of 12th Street. Carrizozo police dispatched.  
 8:08 a.m. deputy advised of a medical emergency at location at mile marker 12 on Highway 37. Carrizozo ambulance dispatched.

10:52 a.m. curfew/loitering/vagrancy at business location in San Patricio. Deputy dispatched.  
 11:25 a.m. burglary at location on 1000 block of Gavilan Canyon Road. Deputy dispatched.  
 3:30 p.m. larceny/theft at ranch on Highway 70 in Hondo area. Deputy dispatched.  
 9:30 p.m. anonymous caller requested check of new city

hall building. Carrizozo police dispatched.

9:46 p.m. medical emergency at location on 100 block of W. Grandview. Capitan ambulance dispatched.

**July 12**  
 7:25 a.m. civil dispute at location at mile marker 288 on Highway 70 in Glencoe area. Deputy dispatched.  
 9:22 a.m. medical emergency at Corona ambulance shed. Corona ambulance dispatched.

10:07 a.m. Children, Youth and Families Department (CYFD) requested deputy for sex offense at location on 1000 block of Little Creek Road. Deputy dispatched.

10:16 a.m. CYFD requested deputy for disturbance/family at location at mile marker 17 on Highway 368, in Arabella area. Deputy dispatched.

12:06 p.m. civil dispute at location in Hondo Valley. Deputy dispatched.

12:49 p.m. accident at location in Homestead Acres in Ruidoso area. Deputy dispatched.

2:58 p.m. fire at location in Kokopelli in Alto area. Bono fire dept. dispatched.

6:54 p.m. traffic hazard/traffic control on Ski Run

Road. Deputy dispatched.  
 7:33 p.m. larceny/theft at business. Capitan police dispatched.

7:37 p.m. drugs at mile marker 100 on Highway 54. Carrizozo police dispatched.

7:42 p.m. trespassing at Carrizozo swimming pool. Carrizozo police dispatched.

11:33 p.m. security alarm at location at mile marker 9 on Highway 37 in Nogal area. Deputy dispatched.

11:42 p.m. State Police advised of trespassing at ranch near White Oaks. Deputy dispatched.

**July 13**  
 12:04 a.m. shots fired at mile marker 15 on Highway 48 in Capitan area. Deputy dispatched.

12:50 a.m. disturbance/disorderly conduct at location on 500 block of D. Ave. Carrizozo police dispatched.

8:49 a.m. medical emergency at location on 1100 block of 5th. Carrizozo ambulance dispatched.

9:01 a.m. animal/dog at location on 1800 block of Old Fort Stanton Road. Deputy dispatched.

10:05 a.m. fire at the corner of Highway 220 and 380 (east of Capitan). Deputy and Bono fire dept. dispatched.

11:47 a.m. Lincoln County Detention Center (LCDC) reported damaged property/no crime. Deputy dispatched.

12:37 p.m. peacekeeping at location in Jicarilla Mountains near White Oaks. Deputy dispatched.

1:09 p.m. animal at large at RV park on Gavilan Canyon Road.

1:24 p.m. larceny/theft at location on 100 block of Smokey Bear Blvd. Capitan police dispatched.

2:11 p.m. trespassing at condos in Alto area. Deputy dispatched.

2:16 p.m. deputy advised he did warrant service at location at mile marker 114 on Highway 54.

2:20 p.m. runaway from business location on Highway 70 near Ruidoso. Deputy dispatched.

6:52 p.m. disturbance/family at location on 100 block of Altamira Drive. Deputy dispatched.

7:52 p.m. deputy advised he did warrant service at sheriff's office.

7:54 p.m. vandalism at location on 100 block of Queenaire Ct in Alto area. Deputy dispatched.

7:58 p.m. check welfare at location on 300 block of Aspen St. Carrizozo police dispatched.

9:11 p.m. peacekeeping at location on D. Ave. Carrizozo police dispatched.

9:39 p.m. disturbance/other at location on 100 block of Altamira Drive. Deputy dispatched.

10:46 p.m. deputy advised of curfew/loitering/vagrancy at location on 100 block of Cedar Creek. Deputy dispatched.

11:20 p.m. Roswell police advised of a report of a missing person from location at mile marker 16 on State Road 246. Deputy dispatched.

**July 14**  
 1:26 a.m. disturbance/other at location on 700 block of High Mesa. Deputy dispatched.

1:32 a.m. animal/dog at location on 200 block of Mogal in Alto area. Deputy dispatched.

8:57 a.m. medical emergency at location on 600 block of D. Ave. Carrizozo ambulance dispatched.

10:25 a.m. medical emergency/ambulance at Carrizo-



(Continued from Page 2)

Carrizozo again won; the case was appealed and the territorial supreme court again affirmed the decision of the lower court. The contractor then attempted to get his money for estimates approved, but the court held the injunction was still binding, as the case was appealed to the supreme court of the United States, and the

The two cases -- the original and the que warrant -- were combined, and by agreement of counsel, briefs were submitted to the highest court without oral agreement. This was some months ago, and the decision handed down Monday is the result.

There were many minor -- and some major -- things that took place during this period that have not been recited in the foregoing, but in the main only intensifying the feeling between the two sections of the county and not advancing the interests of either. The court of last resort has spoken; there remains nothing but obedience. And now, without again raking over the dead ashes of the past, let us begin anew and all pull together for a greater and more prosperous Lincoln County.

Carrizozo News  
 January 31, 1913

## Supreme Court Opinion; County Seat

Supreme court of the United States -- 322 and 483, October term, 1912.

S. T. Gray and Robert Brady, appellants (322), vs. Robert H. Taylor, Charles W. Wingfield and Romualdo Duran, the board of county commissioners of Lincoln county, territory of New Mexico.

The territory of New Mexico by its attorney general, Frank W. Clancy, on the trial of Jacobo J. Aragon, appellant (483), vs. the board of county commissioners of Lincoln county, New Mexico.

Appeals from the supreme court of the territory of New Mexico.

January 20, 1913.  
 Mr. Justice Holmes delivered the opinion of the court.

The first of these suits is a bill in equity brought by tax payers to restrain the county commissioners of Lincoln county from erecting a court house and jail in the town of Carrizozo, the board assuming that the county seat has been changed from Lincoln to that town. The second is a quo warranto at the relation of a taxpayer against the same board to stop the same and other proceedings taken by the board on the same ground. The supreme court of the territory affirmed a decree dismissing the bill and also a judgment denying the quo warranto, 15 N.M. 742, 16 N.M. 467.

Both cases raised the question whether the attempted change of the county seat was void, and turn on the same facts, which may be stated in connection with the several objections that the appellants take.

In the first place, it is said that the statute under which the attempted change took place is void because it is a local law, and the act of Congress of July 30, 1886, c. 818, Sec. 1, 24 Stat. 170, provides that the legislature of the territory shall not pass local or special laws in the matter, among others, of changing county seats. The statute being c. 80 of the Laws of New Mexico of 1909, is thought to be local because by Sec. 2 it enacts that the place to which it is proposed to remove the county seat "shall be at least twenty miles distant from the then county seat of said county," and that no propositions to remove a county seat from a place situated on a railroad to one not so situated shall be entertained. It is agreed at great length and is obvious that at any given time this enactment does not bear in the same way on every part of the territory. In its present form the statute may be specially favorable to the change from Lincoln to Carrizozo, if, as is said, the latter town is on a railroad and Lincoln is not. It may be admitted that a local act could be disguised in general terms, if a legislature would condescend to evading its duties under a constitution or organic act. It may be assumed that general words are not necessarily enough to disguise such an intent. But it is not lightly to be supposed that a legislature is less faithful to its obligations than a court. General words indicate and affirm a general intent, and if the fact that different sections are differently affected is enough to make a law local the field of legislation would be narrowed beyond anything that Congress could have dreamed. It cannot have been intended for instance that no laws should be passed concerning cities or towns, yet such laws

(SEE PAGE 11)

(SEE PAGE 6)

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## 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  
 648-2968 (Church) or 648-2107  
 Sunday School . . . . . 9:45 a.m.  
 Worship Service . . . . . 10:55 a.m.  
 Sun. Evening . . . . . 6:00 p.m.  
 Wednesday, Sept. - April  
 AWANAS . . . . . 6:00 p.m.

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

Santa Rita Catholic Community  
 FR. DAVE BERGS, Pastor  
 213 Birch, Carrizozo, NM, 648-2853  
 SATURDAY:  
 Capitan Sacred Heart . . . . . 5:00 p.m.  
 Carrizozo Santa Rita . . . . . 6:30 p.m.  
 SUNDAY:  
 Capitan Sacred Heart . . . . . 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  
 849-1402  
 Second Sunday of Each Month . . . . . 9:00 a.m.

United Methodist Churches  
 JOHANNA ANDERSON, Pastor  
 1000 D. Ave. 648-2893 / 648-2848  
 Carrizozo, NM 88301  
 Sunday School (All Ages) . . . . . 10:00 a.m.  
 Worship Service . . . . . 11:00 a.m.  
 Choir Practice (Tuesday) . . . . . 6:30 p.m.  
 United Methodist Women  
 Every 3rd Wednesday . . . . . 2:00 p.m.  
 Fellowship Dinner on  
 4th Sunday of Month . . . . . 12:30 p.m.

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

Christ Community Fellowship  
 ED 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 / 336-4827  
 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 / 336-8032  
 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 . . . . . 6:00 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**  
 Insurance Exchange  
 Carrizozo Branch

# Sheriff's Report

(Continued from Page 5)

zo health clinic. Carrizozo ambulance dispatched.

10:31 a.m. check welfare at location on 100 block of Juniper Court. Deputy dispatched.

12:23 p.m. littering or dumping at location on 600 block of Highway 70. Deputy dispatched.

1:27 p.m. trespassing at location on 18th Street in Carrizozo area. Deputy dispatched.

3:45 p.m. followup at location on Highway 37 in Nogal area. Deputy dispatched.

4:43 p.m. check welfare at ranch location in Lincoln area. Deputy dispatched.

5:03 p.m. peacekeeping at location on the 100 block of Tiger Drive. Capitan police dispatched.

6:49 p.m. deputy advised he did warrant service.

7:03 p.m. disturbance/other at location on Rancher in Palo Verde Slopes. Deputy dispatched.

7:43 p.m. suspicious activity-other at location on 100 block of W. Cedar. Capitan

police dispatched.

7:50 p.m. disturbance/other at Capitan High School. Capitan police dispatched.

8:06 p.m. check welfare at location on 200 block of Sun Mountain Loop in Alto area. Deputy dispatched.

11:23 p.m. burglary in progress at location on 12th Street. Carrizozo police dispatched.

11:31 p.m. animal/dog at location on 1600 block of Ave. I. Carrizozo police dispatched.

July 15

1:11 a.m. curfew/loitering/vagrancy at location on 8th Street. Carrizozo police dispatched.

9:03 a.m. suspicious activity/vehicle up the canyon from Bonito Lake. Deputy dispatched.

10:04 a.m. check welfare at location up Ski Run Road past Monjeau Lookout road. Deputy dispatched.

10:14 a.m. check welfare at location on 400 block of Musketball in Cedar Creek. Deputy dispatched.

1:32 p.m. accident with injury at Highway 48 and Kokopelli in Alto area. Bonito fire dept. and Med I ad-

vanced life support (ALS) ambulance stationed at Lincoln County Medical Center (LCMC) in Ruidoso dispatched.

2:13 p.m. medial emergency at location on Hall Road. Capitan ambulance dispatched.

3:35 p.m. disturbance/other at location on county road near Angus Cemetery. Deputy dispatched.

4:08 p.m. check welfare at location on 6th St. Carrizozo police dispatched.

5:12 p.m. robbery at location on 400 block of Central Ave. Carrizozo police dispatched.

6:09 p.m. accident with injury on Highway 380 east of Carrizozo. Deputy and Med I dispatched.

8:44 p.m. accident with injury at mile marker 155 on Highway 54. Corona ambulance and fire department dispatched.

July 16

3:50 a.m. disturbance/loud party at Bonito Lake.

3:53 a.m. disturbance/family at location on 100 block of Franklin. Deputy dispatched.

8 a.m. State Police requested assistance at mile marker 155 on Highway 54. Deputy dispatched.

11:37 a.m. disturbance/other at location on 700 block of E. Ave. Carrizozo police dispatched.

2:39 p.m. stolen firearm from location on 100 block of Juniper Springs Road in Nogal area. Deputy dispatched.

3:49 p.m. grass fire on airport property. Carrizozo fire dept. dispatched.

4:15 p.m. suspicious activity-subject at location on Birch.

## LEGAL NOTICE

STATE OF NEW MEXICO  
COUNTY OF LINCOLN  
TWELFTH JUDICIAL  
DISTRICT COURT

No. CV 2004-272

CHASE MANHATTAN MORTGAGE CORPORATION,  
Plaintiff,

vs.

DON E. HOOVER, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DOBORAH LYNN HOOVER A/K/A DEBBIE HOOVER, THE ESTATE OF DEBORAH LYNN HOOVER A/K/A DEBBIE HOOVER, DECEASED, AND UNKNOWN HEIRS, DEVISEES OR LEGATEES OF DEBORAH LYNN HOOVER A/K/A DEBBIE HOOVER, DECEASED.

Defendants.

## NOTICE OF SALE

Notice is hereby given that on July 28, 2005, at the hour of 12:10 pm the undersigned Special Master, or his designee, will, at the front entrance of the Lincoln County Courthouse, at 300 Central, Carrizozo, NM 88301, sell all of the rights, title and interest of the above-named Defendants, in and to the hereinafter described real estate to the highest bidder for cash. The property to be sold is located at 110 North Loop Road, Nogal, New Mexico 88341, also known as 106 Wolf Springs Loop Road, Nogal, New Mexico (if there is a conflict between the legal description and the street address, the legal description shall control) and is more particularly described as follows:

Lot 1, Block 1, Wolf Springs Subdivision, Lincoln County, New Mexico, as shown by the plat thereof filed in the Office of the County Clerk and Ex-officio Recorder of Lincoln County, New Mexico, August 18, 1981, in Cabinet D, Slide Nos. 38 and 39 and as further shown by the Plat of Survey, filed November 21, 1996 in Cabinet F, Slide 570.

including any improvements, fixtures and attachments, such as, but not limited to, mobile homes. Subject to all taxes, utility liens and other restrictions and easements of record, and subject to a one (1) month right of redemption by the Defendants, the foregoing sale will be made to satisfy a foreclosure judgment rendered by this Court in the above-entitled and numbered cause, being an action to foreclose a mortgage on the above-described property. The Plaintiff's judgment is \$81,018.02, and the same bears interest at the rate of 5.0000% per annum, which accrues at the rate of \$12.21 per diem, commencing on January 1, 2005, with the Court reserving entry of final judgment against said Defendant Don E. Hoover, for the amount due after foreclosure sale, for costs and attorney's fees, plus interest as may be assessed by the Court. The Plaintiff has the right to bid at such sale all of its judgment amount and submit it verbally or in writing. The Plaintiff may apply all or any part of its judgment to the purchase price in lieu of cash. The sale may be postponed and rescheduled at the discretion of the Special Master.

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

NOW, THEREFORE, notice is hereby given that in the event that said property is not sooner redeemed, the undersigned will as set forth above, offer for sale and sell to the highest bidder for cash or equivalent, the lands and improvements described above for the purpose of satisfying, in the adjudged order of priorities, the judgment described herein and decree of foreclosure together with any additional costs and attorney's fees, costs of advertisement and publication, a reasonable receiver and Special Master's fee to be fixed by the Court. The total amount of the judgment due is \$81,018.02, plus interest to and including date of sale of \$2,551.89 for a total judgment plus interest of \$83,569.91. Sale is subject to the entry of an order of the Court approving the terms and conditions of this sale.

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

Published in the Lincoln County News on June 30; and July 7, 14 and 21, 2005.

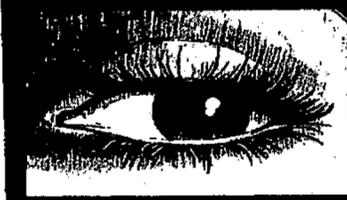
## INSURANCE EXCHANGE

CARRIZOZO BRANCH

Will be on vacation hours of

9:00 a.m. until Noon / Monday - Friday  
July 21 thru August 6

If other times needed, please call for an appointment  
505-648-1142



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LINCOLN COUNTY NEWS  
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VISIT CARRIZOZO  
OR

GOV. McDONALD DAY

Saturday, July 30, 2005

\* 10:00 A.M. PARADE Down 12th Street. Participants gather behind the Four Winds Restaurant.

GRANDMARSHALS: HIGHTOWER FAMILY

\* 12:30 P.M. Sheriff Pat Garrett at McDonald Park.

\* 2:30 P.M. Meet Lew Wallace\*, Territorial Governor during the Lincoln County War and time when Billy the Kid made his claim to fame, at Otero County Electric Cooperative Community Room. \*Made available thru the NM Endowment for Humanities.

Various art, crafts and food vendors at the park throughout the day.

MUSICAL ENTERTAINMENT THROUGHOUT THE DAY at the Park, Antique Liquidators, Gallery 408, Carrizozo Joe's and Carrizozo Heritage Museum. You can hear LOS COYOTES from the Espanola Valley playing Musica Tradicional; the Rawhide Hillbilly Band; Steven Wayne Martin; Alfonso Lucero, and others.

A SPECIAL FUN FUND RAISER IS THE JAIL. Get an arrest warrant for \$5.00 and a "Get Out Jail" card for \$5.00. Also see a chuch wagon exhibit by the Canyon CowBelles, and the Carrizozo Animal Shelter exhibit.

Join Your Friends and Neighbors and Have Fun in Carrizozo on Sat., July 30, 2005

SPONSORS INCLUDE: Sands Motel, Gallery 408, Anique Liquidators, American Oxygen Co., Otero County Electric Co-op., Southwest NM Title Co., Tularosa Basin Telephone Co., City Bank New Mexico, Presbyterian Healthcare Services, Well Fargo Bank, Socorro County Abstract & Title, NM Land & Ranches, Inc.

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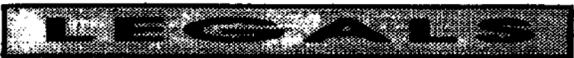


HISTORICAL

# Lincoln County

Spring \* Summer \* Autumn \* Winter





LEGAL NOTICE
TWELFTH JUDICIAL DISTRICT COURT
COUNTY OF LINCOLN
STATE OF NEW MEXICO
No. CV 05-197
Division III

RUTHANN COX CARNER and EDWARD CARNER, Plaintiffs,

vs. THE FOLLOWING NAMED LIVING PERSON: BETTY WILLIAMS, AND ALL UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE PLAINTIFFS. Defendants.

SUMMONS AND NOTICE

OF PENDENCY OF ACTION

THE STATE OF NEW MEXICO TO THE FOLLOWING NAMED DEFENDANTS:

ALL UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO THE PLAINTIFFS.

GREETINGS: You are hereby notified that Ruthann Cox Carner and Edward Carner, Plaintiffs, have filed an action in the District of Lincoln County, New Mexico, Civil Docket No. CV-05-197 Div. III, wherein you are named as Defendants and wherein said Plaintiffs seek to obtain constructive 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:

A tract of land in the SE1/4 SW1/4 of Section 32, Township 10 South, Range 14 East, N.M.P.M., Lincoln County, New Mexico, being

LEGAL NOTICE
TWELFTH JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF LINCOLN
No. CV-05-141
Div. III

STATE NATIONAL BANK, Plaintiff,

EDWARD GASTON LACKERY and SHARON LACKERY, husband and wife, THE LACKEY CORPORATION, a New Mexico corporation, UNITED STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, and STATE OF NEW MEXICO TAXATION AND REVENUE DEPARTMENT Defendants.

NOTICE OF FORECLOSURE SALE

NOTICE IS GIVEN that on August 15, 2005, at 10:00 A.M., at the front entrance to the Village of Ruidoso Municipal Building located at 313 Cree Meadows Drive in Ruidoso, New Mexico, the undersigned Special Master will offer at public sale and sell the following described real property and improvements to the highest bidder for cash:

Lot 1, Block 2 of Town and Country Estates, Ruidoso, Lincoln County, New Mexico, as shown by the plat thereof filed in the office of the County Clerk of Lincoln County, New Mexico, November 20, 1963, in Tube No. 17.

The real property is also known at 1001 Mechem Drive, Ruidoso, New Mexico 88345.

The Special Master's sale will be conducted pursuant to the Judgment, Decree of Foreclosure, Order of Sale and Appointment of Special Master entered by this Court on July 13, 2005, in an action for collection of a Promissory Note and foreclosure of a Mortgage.

Plaintiff's Judgment directed foreclosure of the real property to satisfy the following Judgment liens:

Table with 2 columns: Description of lien and Amount. Includes Principal and interest through 8/15/05, Reimbursement for ad valorem taxes, Costs of suit, Attorney fees, and Special Master's fees.

In addition to the Judgment liens referred to above, there will be accruing costs, including costs of publication of this notice.

The Special Master may continue the date of sale by appearing on the date and time designated in this notice and announcing the postponement to another specific date.

/s/ Sarah Prothro, Sarah Prothro, Special Master

H. JOHN UNDERWOOD, LTD.

By: /s/ Zach Cook, Zach Cook, 1221 Mechem Drive, Suite 5, Ruidoso, New Mexico 88345, (505) 258-9090, Attorney for Plaintiff

Published in the Lincoln County News on July 21 and 28 and August 4, 2005.

LEGAL NOTICE

NOTICE is hereby given that on May 27, 2005, Helen B. Richardson, C/o Robert P. Richardson, 5925 San Augustin, Las Cruces, NM 88012, filed application numbered SP-02560 into T-2240 with the State Engineer. Application for Permit to change Point of Diversion from Surface to Ground of the Public Waters of the State of New Mexico within the Tularosa Underground Water Basin in Otero County by changing the surface point of diversion located within the SE1/4 NW1/4, Section 4, Township 9 South, Range 13 East, NMPM, to well T-02240 permitted in accordance with section 72-12-1 NMSA for domestic purposes, located within the NE1/4 SE1/4, Section 32, Township 8 South, Range 13 East, on land claimed to be owned by the applicant in order to continue the diversion of 20 acre-feet per annum of surface water licensed under Lic. No. 2560 from well T-02240 because the spring no longer flows enough water for Irrigation, Livestock and Domestic purposes on 6.73 acres of land located as follows:

Table with 5 columns: Subdivision, Section, Township, Range, Acres. Lists various land parcels and their acreage.

The original and proposed diversion points can be found 1 mile east of Nogal, NM at the Richardson ranch.

Any person, firm or corporation or other entity having standing to file objections or protests shall do so in writing (legible, signed and include the writer's complete name and mailing address). The objection to the approval of the application: (1) if impairment, you must specifically identify your water rights; and/or (2) if public welfare or conservation of water within the state of New Mexico, you must show you will be substantially effected. The written protest must be filed, in triplicate, with the State Engineer, 1680 Hickory Loop Suite J, Las Cruces, NM 88005 within ten (10) days after the date of the last publication of this Notice. Facsimiles (faxes) will be accepted as a valid protest as long as the hard copy is sent within 24-hours of the facsimile. Mailing postmark will be used to validate the 24-hour period. Protests can be faxed to 505-524-6160. If no valid protest or objection is filed, the State Engineer will evaluate the application in accordance with Sections 72-2-16, 72-5-6 and 72-12-3.

Published in the Lincoln County News on July 7, 14 and 21, 2005.

more particularly described by metes and bounds as follows:

Beginning at the Northwest corner of said SE1/4 SW1/4 as shown on the plat of Shangri-la Sub-division, Unit 1; Thence South 02° 08' 11" West a distance of 114.37 feet to the North boundary of Shangri-la Drive; Thence along said North boundary along the arc of a curve to the left whose central angle is 04° 42' 09" and whose radius is 475.00 feet, an arc distance of 38.99 feet; Thence continuing along said North boundary North 83° 32' 01" East a distance of 547.97 feet; Thence continuing along said North boundary along a curve to the right whose central angle is 13° 05' 09" and whose radius is 525.00 feet, an arc distance of 119.91 feet; Thence continuing along said North boundary South 83° 22' 50" East a distance of 200.01 feet; Thence continuing along said North boundary along the arc of a curve to the left whose central angle is 52° 47' 08" and whose radius is 157.66 feet an arc distance of 145.25 feet; Thence continuing along said North boundary along the arc of a curve to the right whose central angle is 07° 54' 53" and whose radius is 325.00 feet an arc distance of 44.89 feet to the North boundary of said SE1/4 SW1/4; Thence South 89° 45' 15" West along said North boundary a distance of 1062.55 feet to the said place of beginning.

You are further notified that unless you enter your appearance, plead or otherwise respond in said cause on or before September 9, 2005, judgment will be rendered against you by default and the relief prayed for in the Complaint will be granted to Plaintiff in conformity with the allegations of the Plaintiff's Complaint.

The name and address of the attorney for the Plaintiff is: Archie Withan, (505) 354-7104, 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 15th day of July, 2005.

JAN PERRY, Clerk of the District Court

(SEAL)

By: Elizabeth Ysasi

Published in the Lincoln County News on July 21 and 28; and August 4, 2005.

LEGAL NOTICE
STATE OF NEW MEXICO
COUNTY OF LINCOLN
TWELFTH JUDICIAL DISTRICT COURT
No. CV-2005-180
Div. III

IN THE MATTER OF THE PETITION OF CAROL ANN MORGAN

FOR CHANGE OF NAME

NOTICE OF PETITION FOR CHANGE OF NAME AND NOTICE OF HEARING

COMES NOW the Petitioner and hereby gives notice that a Second Amended Petition for Change of Name was filed in Carrizozo, Lincoln County, New Mexico, on the 15th day of July, 2005, requesting that the Petitioner's name be changed from Carol Ann Morgan to Carolene Manzanares.

Furthermore, Petitioner hereby gives notice of a hearing on the Petitioner's Petition for Change of Name, which shall be held before the Honorable Karen L. Parsons at 8:15 a.m. on the 5th day of August, 2005 at the Lincoln County Courthouse in Carrizozo, New Mexico, whereby the Petitioner will request the Court to sign the final Order changing her name from Carol Ann Morgan to Carolene Manzanares.

/s/ CLYDENE BACA, Trial Court Administrative Assistant

Published in the Lincoln County News on July 21 and 28, 2005.

LEGAL NOTICE
CALL FOR PROPOSALS

The Carrizozo School Board of Education wishes for proposals to provide transportation for Carrizozo Municipal School District activity trips.

The transportation contract will run from July 2005 through school year June 2006.

Specifications are available at the office of the Superintendent.

Bids must be received in the office of the Superintendent by 4:00 p.m. on Thursday, August 4, 2005. Proposals must be sealed and marked "Proposals for activity transportation services." Proposals will be opened and read aloud at the school board meeting Tuesday, August 16, 2005 at 6:00 p.m. in the Administrative Office, Board Room.

The Carrizozo Municipal Schools Board of Education reserves the right to reject any and all bids and to waive all technicalities.

Sergio Castanon, Superintendent, P.O. Box 99, 800 D. Avenue, Carrizozo, New Mexico 88301

Published in the Lincoln County News on Thursday, July 21, 2005.

FOR ALL YOUR PRINTING NEEDS TRY US!! Lincoln County News 645-2135



Partly cloudy skies will cool afternoon temperatures and increase chances for showers county wide for the next six days.

The following information was taken from the National Weather Service website. For more up to date weather reports: www.srh.noaa.gov/abq on the internet. Weather reports are updated every four hours.

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

Today, Thursday, July 21 Partly cloudy with 10 percent chance of showers and thunderstorms after 3 p.m. South winds 5 to 10 miles per hour (mph) becoming east. High around 96. Tonight partly cloudy with 10 percent chance of showers and thunderstorms before midnight. East winds 10 to 20 mph becoming south. Low near 65.

Friday, July 22 Partly cloudy with 10 percent chance of showers and thunderstorms after noon. Calm winds becoming south around 5 mph. High near 94. Tonight partly cloudy with low around 64.

Saturday, July 23 Partly cloudy with 10 percent chance of showers and thunderstorms. High near 93. Tonight partly cloudy with 20 percent chance of showers and thunderstorms. Low around 64.

Sunday, July 24 Partly cloudy with 20 percent chance of showers and thunderstorms. High near 93. Tonight partly cloudy with 20 percent chance of showers and thunderstorms. Low near 61.

Monday, July 25 Partly cloudy with 20 percent chance of showers and thunderstorms. High near 92. Tonight partly cloudy with 20 percent chance of showers and thunderstorms. Low around 61.

Tuesday, July 26 Partly cloudy with 20 percent chance of showers and thunderstorms. High near 93. Tonight, partly cloudy with 20 percent chance of showers and thunderstorms. Low around 60.

Forecast for Ruidoso, Capitan and Corona.

Today, Thursday, July 21 In Ruidoso and Capitan, partly cloudy with 20 percent chance of showers and thunderstorms after 3 p.m. South winds 5 to 10 mph becoming east with highs around 85 in Ruidoso and 89 in Capitan. In Corona mostly sunny with south winds 5 to 10 mph with high around 89. Tonight in Ruidoso and Capitan, partly cloudy with 10 percent chance of showers and thunderstorms before midnight, southeast winds 5 to 10 mph with lows near 57 in Ruidoso and near 60 in Capitan. In Corona mostly clear with southeast winds 5 to 10 mph becoming calm, low near 60.

Friday, July 22 In Ruidoso and Capitan, partly cloudy with 10 percent chance of showers and thunderstorms after noon. Southeast winds 5 to 10 mph with highs near 84 in Ruidoso and 88 in Capitan. In Corona mostly sunny with calm wind becoming south 5 to 10 mph. High around 87. Tonight, in Ruidoso and Capitan partly cloudy with lows around 56 in Ruidoso and 59 in Capitan. In Corona, mostly clear with low around 59.

Saturday, July 23 Partly cloudy with 10 percent chance of showers and

(SEE PAGE 9)

# Looking Back...

(Continued from Page 5)

would be local in their application. The phase local law means, primarily, at least, a law that in fact is not in form is directed only to a specific spot, it has a wider meaning it involves questions of degree that cannot be decided by putting cases other than the one before us. We know nothing that would warrant us in declaring that this law was not intended according to its purport to regulate generally the change of county seats. *Ritchie vs. Franklin County*, 22 Wall. 67.

The full discussion in *Codlin v. County Commissioners*, 9 N.M. 565, has lost but little of its force and applicability notwithstanding the later amendment of the statute. The law is shown not to be a local law, and with regard to the twenty-mile limit it is said to be only reasonable to believe that the legislature intended, in fixing it, to prevent cities and towns situated within a few miles of each other from engaging in those injurious contests for the supremacy for the location of the county seat, based upon population only. The wisdom of these conditions is apparent, and it is within the power of the legislature to make them.

However it may be as to the foregoing question, which arises under an act of congress, the other objections are of a kind as to which we have often intimated our strong leaning toward following the local courts, and therefore will not be discussed at length. *Fox v. Hearstick*, 156 U.S. 674, 679; *Treat v. Grand Canyon Ry. Co.*, 222 U.S. 448, 453. In the first place it is said that the statute was not approved by the governor and does not appear to have reached him more than three days before the adjournment of the legislature so as to become a law by Rev. Stats. Sec. 1842. Also it is said that the bill was not signed by the president of the council or the speaker of the house of representatives, as required by the respective rules of those bodies. But the act appears in the official copy of the laws of 1909; it passed the two houses in fact, and in ample time to be submitted to the governor. The governor returned the bill to the council with the statement that he has allowed it to become a law by limitation. We agree with the court below that the governor's message is as good evidence as a note of the date on the bill that the bill had been received long enough before the return to make his statement correct. *Gardiner v. Collector*, 6 Wall. 499, 508, 509. The journals of the two houses showed the passage of the bill and we certainly should not reverse the local decision that the evidence, if necessary, was admissible and sufficient in aid of the act.

The next objection is to the form of the petition by which the proceedings for the change were begun. The statute provides that the board of county commissioners shall order a vote whenever citizens of a county equal in number to at least one-half the legal votes cast at the last proceeding general election in the county shall present a petition asking for removal of the county seat to some other designated place. The petition asked the board to "call an election and submit to a vote... the proposition to remove the county seat of said Lincoln county to Carrizozo," etc. It is said that this did not ask for the removal, and it read with extreme technicality it did not, in so many words. But the petition very well might be held to imply that the proposition to remove emanated from those signed, the only persons from whom it could emanate under the law that the petitioners had in mind.

Again it is said that the ballot was in an unintelligible and misleading form. The board following the statute, *Compiled Laws, 1897*,

Sec. 631, ordered that "the tickets voted shall contain 'For County Seat' with the name of the place for which the voter desired to cast his ballot, either written or printed thereon." If the court was of opinion that the voters would understand that those in favor of Carrizozo would write that work on the ticket and those opposed to a change would write Lincoln, we could not say that they overrated the intelligence of their fellow citizens. There was not evidence that the voters were deceived, but it is enough that the statute was followed. There is no ground on which the law could be declared void.

It is objected that there was no registration of voters, as required in general terms by Sec. 17-9 of the *Compiled Laws*. But that section required the county commissioners to appoint a board of registration sixty days before any election, and as the statute concerning the change of county seats in case of a special election required it to be called "at any time within two months of the date of presenting said petition" it naturally was held that the case was taken out of Sec. 1709 by the latter act.

It is objected that various allegations of the bill were admitted because not denied. If any such matter is open the allegations not denied were mainly if not wholly erroneous conclusions of law from the facts proved at the trial *Equitable Life Assurance Co. vs. Brown*, 213 U.S. 25, 43. It is not open. The arrangement seems to us to need no further or more elaborate reply.

Decree affirmed. Judgment affirmed.

# Old Lincoln Town

by Rosalie Dunlap

July 19, 2005

I really don't know where to start. It has been a trying time the last 11 days with Ralph in the Ruidoso Hospital for two days then flown to the heart hospital in Albuquerque.

He is getting better and hopefully will be well soon. He still has some capillary blood vessels that are clogged but with medication and time they should be in good shape in six to nine months. It is nice to see him breathing easily and able to walk a ways without running out of breath.

We need to thank so many for their concern, prayers, and help. From the McArthur's for their help in transportation, the EMT's and ambulance crew and Dr. Spencer Hall, Dr. Spence, the ER crew at the Ruidoso hospital, the flight crew who flew him to Albuquerque and the Heart Hospital of New Mexico staff.

To all of you in Lincoln, to ML and Lauren Winters, to Kathleen Hellman, who kept everyone up to date on Ralph, to Jimmy Bledsoe who kept an eye on the cats and dogs and saw that they had feed, water and attention and who also watered all my plants - which I knew would be dead after such a long time and the weather being so hot. He is painting the trim on our houses.

Thanks goes to our daughter, Lois and granddaughter, Patricia for being with us in



## Weather Report

(Continued from Page 8)

thunderstorms. Highs near 83 in Ruidoso, 87 in Capitan and 86 in Corona. Tonight partly cloudy with 20 percent chance for showers and thunderstorms before midnight. Lows around 56 in Ruidoso, 59 in Capitan and Corona.

Sunday, July 24  
Partly cloudy with 20 percent chance for showers and thunderstorms in the afternoon. Highs near 83 in Ruidoso, 86 in Capitan and 84 in Corona. Tonight partly cloudy with 20 percent chance of showers and thunderstorms. Lows near 53 in Ruidoso, 56 in Capitan and 57 in Corona.

Monday, July 25  
Partly cloudy with 20 percent chance of showers and thunderstorms. Highs around 83 in Ruidoso, 87 in Capitan and 85 in Corona. Tonight partly cloudy with 20 percent chance of showers and thunderstorms. Lows around 53 in Ruidoso, 56 in Capitan and 57 in Corona.

Tuesday, July 26  
Partly cloudy with 20 percent chance of showers and thunderstorms. Highs near 83 in Ruidoso, 87 in Capitan and 85 in Corona. Tonight partly cloudy with 20 percent chance of showers and thunderstorms. Lows around 52 in Ruidoso, 57 in Capitan and 58 in Corona.

Albuquerque, and Raylene Greer for driving us home.

I know I have missed others but our thanks to all of you. I still have my husband with me because of you.

Mr. and Mrs. Peg (Fred) Pfingsten celebrated their 60th wedding anniversary with a party Saturday afternoon. I will try to have more details next week. Congratulations!!

We saw where there was a small grass fire near Hwy. 70 as we were leaving Roswell a couple of weeks ago. When we got to Bonito Valley there was a fire near the Bonito River east of the Burchett's. It was quickly contained by the local fire departments.

We were getting a lot of smoke from the Arizona fires.

It is time for the pageant preparation for the annual Last Escape of Billy the Kid and Old Lincoln Days.

We were saddened to see the passing of Keith Every. Avery was a good friend of Edward Penfield and where I got acquainted with him. I loved to hear the two start telling stories of the past.

Dave and Olga Elam returned recently from a trip back east for a family reunion and birthday celebration for Olga.

Going through Ruidoso Downs and seeing the new RV Park I wonder what happened to the Mystery Spot? It was so weird to go in and you had no control over your actions.

Muriel Davis and friends of Roswell were in Lincoln recently visiting with friends.

I hope everyone had a great July 4th. The Cooper family was well represented at the Smokey Bear Rodeo. Coop had sons, sons-in-law, grandchildren, nieces and nephews participating in the various events. I'm sure they would take the prize for the most members of one family participating in the events.

**FAST ACTION**  
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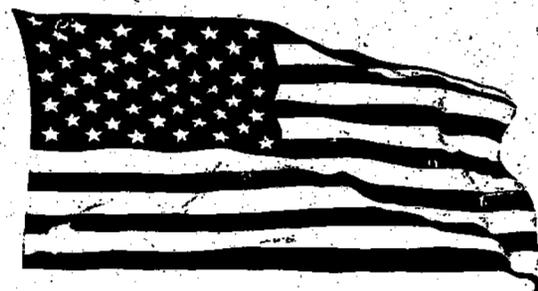
**EMPLOYMENT OPPORTUNITY**  
Full and part-time and relief positions for direct care staff to work with adults who are developmentally disabled available at New Horizons in Carrizozo. Call 648-2379 for an application or drop by at 810 "E" Avenue, Carrizozo, NM 88301.  
4tc/7/7-28

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Age: 16 to 27 / Genders: all  
Capitan Mountains, Peppin Burned Area Trail Restoration and Maintenance Project  
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Sierra Blanca Service Corps  
Stephen Carter  
505-808-1204  
scarter@ecoservants.org  
2tc/7/14-21

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4tc/7/14-8/4

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(\* Add 10 Cents per word for each word over 20.)

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MAIL or BRING TO:  
Lincoln County News  
P.O. Drawer 459 / 309 Central Ave.  
Carrizozo, NM 88301  
Ph. or Fax: (505) 648-2333



HAVE A GOOD DAY!!

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

**Monday, July 18**  
8:15 a.m. Property Owners' v. McCowan; CV-2005-09 (Schneider-Cook/Hawthorne); A Preliminary injunction.  
9 a.m. Gonzales v. Ficke; CV-2004-257 (Beauvais/C.Hawthorne); Motion.  
10 a.m. Ash v. Ash; DM-2004-109 (C.Hawthorne/ProSe); Merits.  
11 a.m. Herrera v. Marquez; DM-2003-113 (Brownfield/ProSe); Motion.  
1 p.m. Murrillo v. Coe; CV-2002-184 (C.Hawthorne/ProSe); Merits.  
4 p.m. Grisham v. L C Care Center; CV-2005-146; Receiv-ership.

**Tuesday, July 19**  
Juvenile cases hear in Ruidoso.  
8 a.m.  
Chet Wilkinson; JR-2003-82; Check-in.  
Christina Hernandez; JR- 2005-25; Check-in.  
Jeremy Wilson; JR-2004-03; Judicial inquiry/time waiver.  
Tarrell Commanche; JR-2005-16; Motion/adjudication.  
Tanner Daniel; JR-2005-13; Disposition.  
Paul Contreras; JR-2005-06; Disposition.  
Stephen Waites; JR-2004-17; First appearance/pre-trial hearing.  
9 a.m. DLDT Corp. v. Latigo Ranch; CV-2005-191 (Beauvais/Bell); Motion for set aside.  
10 a.m. Stehla Estate; PB-2005-10 (Rafkin/R.Hawthorne); Claim.  
11 a.m. Cardrew v. Jones; CV-2001-252 (Beauvais/R.Hawthorne); Motion for set aside.  
3 p.m. Drug Court screening.  
4:30 p.m. Drug Court.  
Darrell Brantley domestic mediator hears cases on Tuesday:  
10 a.m. Thelma Zamora v. Samuel Zamora; DV-2005-54  
10:30 a.m. Brigida Herrera v. Ruben Herrera; DV-2005-53; New.

11 a.m.  
Rutalee Waters v. Jack Waters; DV-2005-51; New.  
Lacey Dickerson v. Justin Martinez; DV-2005-52; New.  
11:30 a.m. Tomas Marrufo v. Nicolas Thornton; DV-2005-50; New.

1:15 p.m. Theodore Henderson v. Tammy Robinson; DM-2005-88; Interim.

**Wednesday, July 20**  
8:05 a.m. Teleconference. Bogle v. Carzoli; CV-05-210 (Bogle/R.Hawthorne); Motion.

8:30 a.m. Criminal Day:  
First Appearances:  
Gonzales Gonzales; CR-2005-139  
Amber Lundquist; CR-2004-78  
Cindy Ford; CR-2005-138  
Dena Grundseth; CR-2005-137  
Robert Jessie; CR-2003-141  
Dusty Baker; CR-2005-123  
Amanda Belcher; CR-2005-135  
Paulo Martinez; CR-2004-48  
Jeff Renteria; CR-2004-29  
Courtney Belcher; CR-2003-19

Other:  
Brian Painter; CR-2004-146; Motion to withdraw plea.  
David Saenz; CR-2003-84; MRCR.  
Glenn Ardrey; CR-2005-55; MRCR.  
Yvon Vega; CR-2005-96 (MRCR)  
Dian Gregory; CR-2005-33 (MRCR)  
Dan Rodriguez; CR-2003-33; Pre-trail.

**Letters to**  
(Continued from Page 4)

**EDITOR:** I read with great interest your good story on the controversy surrounding the mining activity of a Texas corporation at the site of the gravel business in White Oaks.

Dave Dotson, owner of the property, has been a good neighbor. How he has run his gravel business in the past is not under scrutiny or objection. I do not believe folds signing the letter requesting information about the recent expansion of operations intend ill will towards him. Certainly there has been dust, noise, and a breakdown of roads from gravel trucks, but the attitude has been, in my opinion, to let the man pursue his livelihood.

The concerns of residents are addressed to Alicor, the Texas Corporation setting up a mining operation at the gravel site. Their legal notice, published in your paper, informed us that thousands of tons of particles and chemicals would be discharged into the air annually from their mining process. What has been occasional excavation activity with effects that can be swept away with a good broom, will be a 40-hour a week operation spewing tons of particles and chemicals into the air we locals must breathe.

We genuinely question if Alicor, an out-of-state profiteer, will have regard for our small communities. A letter from Alicor stating their intentions was sent to only a few residents, not the community at large, and planted seeds of mistrust. Setting up a "subsidiary" company with a White Oaks name to head up the mining operation didn't fool us White Oakians. We can figure out that profits made at the expense of our health will only pad pockets in Texas.

We are asking that Alicor, and not Dave Dotson, answer our questions concernign serious hazards to our health and environment from their mining operation and the take over of the gravel site in White Oaks.

**SHEILA ARP**  
White Oaks, New Mexico

Rocky Mountain sliced  
**Blueberry Bagels**  
6 count ..... **\$1.19**

pre-baked lemon meringue  
**pie**  
8 in. 26 oz. .... **\$4.79**

white & milk  
**angel food**  
cake, 10 oz. .... **\$2.29**

**London Broil**  
preferred trim boneless  
beef top round roast  
**\$2.39** lb.

**Hills Bros coffee**  
for all makers 39 oz. reg.  
or 34.5 oz. perfect balance!  
**\$5.99**

**bathroom tissue**  
Soft'n Gentle  
4 roll pkg.  
**99c**

**Purex detergent**  
assorted  
100 oz.  
**\$2.99**



Beef'n More  
**dog food**  
20 lb. bag ..... **\$8.99**

Homel  
**bacon bits**  
3 oz. jar ..... **\$1.59**

Shurfine cheese puffs or  
**cheese curls** 2<sup>\$</sup>3  
16 oz. bag ..... for

assorted microwavable  
**Dinty Moore** \$1.19  
7.5 oz. cups

assorted  
**Jumex Nectar** 89c  
33.8 oz. ....

farm fresh  
**sweet potatoes** ..... lb. **69c**  
Countess cinnamon or apple  
**sweet rolls** 2<sup>\$</sup>3  
6 count ..... for

preferred trim boneless beef  
top round steak... lb. **\$2.49**  
tenderized beef  
cube steak..... lb. **\$2.99**  
boneless  
beef for  
stir fry..... lb. **\$2.79**  
preferred trim center cut boneless  
pork chops..... lb. **\$2.49**  
Ball Park reg. or bun length  
beef franks..... 1 lb. **\$2.49**  
Reser's macaroni or potato  
dell salad..... 1 lb. **99c**  
Reser's  
seafood salad..... 12 oz. **\$1.99**

**meat bologna**  
Eckrich red rind, 1 lb.  
**99c**

Shurfine  
**orange juice**  
gallon ..... **\$2.49**

Hefty quart/gallon size- freezer or storage  
**OneZip bags**  
13-22 count ..... for **2\$4**

**t-bone steak** **\$5.99**  
preferred trim  
**drumsticks or thighs** **89c**  
Pilgrims Pride  
jumbo pack  
**chuck tender roast** **\$2.19**  
preferred trim  
boneless beef  
chuck tender steak... \$2.39 lb.

farm fresh  
**yellow corn** ..... 3<sup>\$</sup>1  
1 lb. pkg. peeled  
**baby carrots** ..... **99c**  
large green  
**bell peppers** ..... 3<sup>\$</sup>1  
large red  
**bell peppers** ..... 2<sup>\$</sup>1  
tangy  
**lemons** ..... 5<sup>\$</sup>1  
jumbo  
**Vidalia onions** ..... lb. **99c**  
garden fresh  
**crisp celery** ..... ea. **69c**

**Blue Bunny ice cream**  
assorted  
144 oz. pail  
**\$3.99**  
Bomb Pops  
12 count ..... 3 for **\$5**

Shurfine  
**cottage cheese**  
24 oz.  
**\$1.89**

**Fritos® or Cheetos®**  
ass'd. 10 oz. reg. \$2.49  
or 9 oz. can Fritos® dips  
**2\$4** for

**seedless grapes** **99c**  
red or green  
**fresh cantaloupe** **99c**  
ea.

PRICES EFFECTIVE: July 21 to July 27.  
HOURS: MON. thru SAT. 8:30 am to 7pm  
CLOSED SUNDAYS

**STURGES VENTURE**

4th and Central -- Carrizozo, NM -- Ph. 648-2125



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