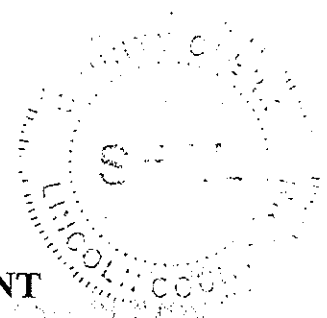


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PLEASE READ THIS  
DISCLOSURE STATEMENT  
BEFORE YOU SIGN  
ANY DOCUMENTS OR  
AGREE TO ANYTHING



**DISCLOSURE STATEMENT**

FOR ALL SUBDIVISIONS CONTAINING SIX OR MORE PARCELS

This Disclosure Statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease the described property. You should be aware of the fact that various state agencies may have issued opinion on both the subdivision proposal and what is said in this disclosure statement about the proposal. These opinions, when required to be issued, whether favorable or unfavorable, are contained in this Disclosure Statement and should also be read carefully.

The Lincoln County Board of Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what he has said in this Disclosure Statement. However, the Lincoln County Board of Commissioners does not vouch for the accuracy of what is said in this Disclosure Statement. Further, this Disclosure Statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

Construction of all infrastructure and other capital improvements are the responsibility of the subdivider/developer. If the subdivider/developer is unable to complete the construction of roads or other improvements, the County of Lincoln cannot be held responsible for completion of those improvements. Further, the County of Lincoln will not assume maintenance on any road until the road has been constructed to county standards, the road is maintained in good condition for at least two (2) years, and is approved and accepted by the County Commission.

Additionally, a buyer should be advised that if the prospective property is located along a paved roadway, that pavement has a limited life expectancy. Future repaving expenses may be borne by the property owner through an assessment district or some other legal mechanism authorized by law.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

**ALL SUBDIVIDERS MUST COMPLETE EACH  
ITEM SET FORTH IN PARENTHESIS BELOW**

A. NAME OF SUBDIVISION AND LOCATION

(name of subdivision)

**Vista Rio Bonito Subdivision, Unit 2  
Lincoln County, New Mexico**

(location of subdivision)

**A Tract of Land Within  
Section 31 and 32, T 9 S, R 14 E, NMPM  
Section 4, 5, 6, 7, 8 and 9, T 10 S, R 14 E, NMPM**

B. NAME AND ADDRESS OF SUBDIVIDER

(name and address)

**William J. Exum, Managing Member  
Vista Rio Bonito, LLC  
A New Mexico Limited Liability Company  
PO Box 45420  
Rio Rancho, NM 87174**

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C. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN NEW MEXICO

(name and address)

**Gary Van Patton  
Ruidoso Properties, Inc.  
PO Box 935  
Alto, NM 88312**

D. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED

PRESENT: (number of parcels)  
**37 Tracts**  
(number of acres in subdivision)

**621.003 Acres**

ANTICIPATED: (number of parcels)  
**Zero**  
(number of acres in subdivision)

**Zero**

E. SIZE OF SMALLEST AND LARGEST PARCEL OFFERED FOR SALE OR LEASE WITHIN THE SUBDIVISION

(size of smallest parcel in acres)

**Tract 12, 13, 14, 15, 20, 27                      10.00 Acres**

(size of largest parcel in acres)

**Tract 22    59.575 Acres**

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F. DISTANCE FROM THE NEAREST TOWN TO THE SUBDIVISION AND THE ROUTE OVER WHICH THIS DISTANCE IS COMPUTED

**12 miles, Santiago Drive, Escondida Drive, State Hwy. No. 220, State Hwy. No. 48 to the Village of Ruidoso corporate limits line.**

G. PROPOSED RANGE OF SELLING OR LEASING PRICES

(\$70,000 lowest amount) (size of parcel sold or leased)

**Tract 12 – 10.000 Acres**

(\$295,000 highest amount) (size of parcel sold or leased)

**Tract 22 – 59.575 Acres**

H. FINANCING TERMS

(interest)

**10.9% interest with 25% down  
Higher rates with lower payment**

(time price differentia)

**None. Cash discounts not used.**

(amount paid as discount)

**None.**

(service charges)

**None.**

(premium on credit life or other insurance, if it is a condition for giving credit)

**No penalty for pre-payment.**

(any other information required by the Truth in Lending Act, if not set forth above)

I. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

(name of person who is recorded as having legal title)  
(address)

**Vista Rio Bonito, LLC**  
**A New Mexico Limited Liability Company**  
**PO Box 45420**  
**Rio Rancho, NM 87174**

**Managing Member: William J. Exum**

**NOTE:** If any of the persons named above is a corporation, please set out here the names and addresses of all officers in the corporation.

**Ruidoso Properties, Inc., A New Mexico Corporation, is a 10% stockholder in Vista Rio Bonito, LLC**

**Gary Van Patton, President**  
**PO Box 935**  
**Alto, NM 88312**

J. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

(name of person recorded as having equitable title)

**Vista Rio Bonito, LLC**  
**A New Mexico Limited Liability Company**  
**PO Box 45420**  
**Rio Rancho, NM 87174**

**Managing Member: William J. Exum**

**NOTE:** If any of the persons named above is a corporation, please set out here the names and addresses of all officers in the corporation.

**Gary Van Patton, President**  
**PO Box 935**  
**Alto, NM 88312**

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K. CONDITION OF TITLE

Include here at least the following information where applicable:

(number of mortgages)

Zero

(name of each mortgagee)

**State National Bank**  
**1710 Sudderth Drive**  
**Ruidoso, NM 88345**

(balance owing on each mortgage)

Zero

**Note: A development loan from State National Bank will be required to upgrade roads in this subdivision. This loan will result in a mortgage being filed on this property. Answers to questions in this section are based on the development loan package.**

(summary of the release provision in each mortgage)

**As property is sold as tracts, the Developer pays certain proceeds to the mortgage holder; the mortgage holder in turn releases the mortgage as to each separate lot.**

(number of all real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)

None

(balance owing on each real estate contract)

None

(summary of the release provisions in each real estate contract)

None

(statement of any other encumbrances on the land)

None

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(statement of any other conditions relevant to the state of the title)

When the purchaser of a tract makes his down payment, a release of mortgage will be obtained from the holder of the mortgage on the property. The release of mortgage will be recorded with the Clerk of Lincoln County at the seller's expense. A copy of each recorded release of mortgage will be escrowed along with a copy of the Contract of Sale, as well as a recorded Notice of Contract of Sale. A copy of the Warranty Deed from the Developer to the purchaser, as well as the Special Warranty Deed from the purchaser to the Developer, will also be placed with the escrow papers. This escrow is commenced approximately fifteen (15) days after the Contract of Sale is signed. Thereafter, the escrow agent assures that full title will pass to the purchaser as long as the purchaser complies with the Contract of Sale agreement and when he has made all payments in full. **THEREFORE, THE THREAT OF BANKRUPTCY OR FORECLOSURE BY THE MORTGAGEES WILL NOT AFFECT THE PURCHASER'S EQUITY IN HIS TRACT, OR HIS RIGHT TO RECEIVE FULL TITLE AFTER THE PURCHASER'S CONTRACT HAS BEEN PAID IN FULL.**

(disclose full consequences to real estate contracts and owner's equity if subdivider goes bankrupt or mortgagee forecloses on subdivision)

**L. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD SUBJECT-  
ING THE SUBDIVIDED LAND TO ANY UNUSUAL CONDITIONS AFFECTING ITS USE  
OR OCCUPANCY.**

(Include here all deed and plat restrictions affecting the subdivided land, as well as references to applicable zoning ordinances. Also include all zoning designations for this subdivision.)

**See Restrictive Covenants for this subdivision. Land is not zoned by Lincoln County.**

**M. STATEMENT OF ALL WATER RIGHTS AFFECTED IF SUBDIVISION IS  
ON A DITCH OR STREAM OR RIVER.**

(Include number of water rights affected, a consensus of ditch owners and all easements)

**Not applicable. No water rights are involved.**

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N. ESCROW AGENT

(name and address)

**Total Escrow Services, Inc.**  
**508 Mechem Drive**  
**Ruidoso, NM 88345**

(statement about whether or not the subdivider has any interest or financial ties with the escrow agent)

**Subdivider has no ties with escrow agent.**

O. UTILITIES

(name of entity providing phone service, if available)  
(estimated cost)

**Telephone services are provided by Windstream Communications. An overhead trunk line has been installed to a property corner, or in a roadway or utility easement adjacent to all tracts. The individual property owner is responsible for application to the phone company for installation of phone service on each tract. The phone company may charge the tract owner to construct phone lines to a use site. Depending on where the phone is needed, this could cost in the range of \$500 to \$1,000.**

(name of entity providing electrical service, if available)  
(estimated cost)

**Electricity is furnished by the Otero County Electric Cooperative, Inc. An overhead electric service line has been installed to provide service to a property corner, or in a roadway or utility easement adjacent to all tracts.**

**The individual property owner is responsible for application to the electric company for installation of electric service to each tract. If electric service is more than three hundred feet (300') from an existing electric service, the electric company will charge the tract owner to construct power lines to a use site. Depending on where power is needed, this could cost in the range of \$500 to \$5,000.**

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(name of entity providing gas service, if available)  
(estimated cost)

**Natural gas service is not available. A tract purchaser must use liquefied propane gas. This is available from several companies in the area.**

(name of entity providing water, if available)  
(estimated cost)

**Not applicable. Each tract owner must supply his own water.**

(name of entity providing cable, if available)  
(estimated cost)

**Cable television service is not available in this subdivision.**

**P. INSTALLATION OF DEVELOPER-PROVIDED IMPROVEMENTS**

Include here the date each utility will be available for use by the owner if the subdivider is providing for utilities and a statement indicating that installation of utilities in any county right of way will be subject to the Lincoln County Excavation Ordinance.

(roads) (date)

**Existing**

(water) (date)

**Not applicable. Tract purchaser must develop.**

(phone) (date)

**Windstream  
Communications Existing**

(electricity) (date)

**Otero County Electric  
Cooperative Existing**

(gas) (date)

**LPG gas is only available at purchaser's expense for local delivery.**

(liquid waste disposal)	(date)
<b>Purchaser must provide.</b>	<b>Not applicable.</b>
(solid waste disposal)	(date)
<b>Lincoln County Solid Waste Authority</b>	<b>Existing</b>
(cable television)	(date)
<b>Not available.</b>	<b>Not applicable.</b>

**Q. UTILITY LOCATION**

(If all utilities are to be provided to each parcel in the subdivision, please make that statement here.)

**Utilities are available in the road right of way or on an adjoining tract line. These existing utilities must be extended at purchaser's expense into each tract.**

(If utilities are to be provided, but not for all parcels within the subdivision, please enumerate those parcels which will not be provided with a particular utility.)

**Not applicable - existing**

(State here if each of the utilities to be provided is to be located above or underground.)

**Electric utility is overhead. Telephone utility is overhead.**

**R. WATER USE**

Include here whether or not there will be water for domestic use, commercial use or recreational use and include any limitation, physical or legal, anticipated for each use indicated.

(domestic use) (limit, if any) - **water will not be supplied**

(commercial use) (limit, if any) - **water will not be supplied**

(recreational use) (limit, if any) - **water will not be supplied**

(indicate whether the subdivider or owner will provide water.)

**The owner must supply his own water by means of a water well, water catchments and storage system or water transport system.**

S. AMOUNT OF WATER

If the subdivider is to provide water for any use, he shall provide the following information:

(minimum daily quantity of water to be provided for each parcel and for each proposed use)

N/A

(the date on which water will be made available to each parcel and for each proposed use)

N/A

T. WATER DELIVERY

(describe the means of water delivery within the subdivision)

N/A

U. WATER SYSTEM EXTENSION

(state what the prospective owner will be required to pay for the extension of water to his parcel if he wants water prior to the date scheduled by the subdivider)

N/A

V. LIFE EXPECTANCY OF THE WATER SUPPLY

(include the life expectancy of each source of water supply under full development of the subdivision)

**The life expectancy of the groundwater supply within the Vista Rio Bonito Subdivision if expected to be in excess of forty (40) years as reported by Daniel B. Stephens & Associates, Inc.**

W. WELLS

**NOTE:** Prospective owners must provide their own wells. Any potential buyers are advised that NM state statues provide for three acre feet of water per domestic well per year. The NM State Engineer has issued an executive order reducing this amount to one acre foot of water per year. A determination as to which figure is correct has not yet been made by the courts.

3

(average, maximum and minimum depth to water in the subdivison if water is available only from subterranean sources)

**Average Depth to Water ±600 feet**

**Maximum Depth to Water ±1,500 feet**

**Minimum Depth to Water ±150 feet**

(recommended total depth of well)

**Wells should be completed to a sufficient depth to obtain water from at least two (2) discernable zones of groundwater production (production of several gallons per minute or higher for each zone). Wells should also be completed to a sufficient depth such that there will be 100 feet of water column above the top of the pump under static (non-pumping) conditions. For wells in low elevation/valley locations, it is recommended that water not be obtained from the shallow (less than 50 feet below ground surface) alluvial sediments.**

(estimated yield in gallons per minute of wells completed to recommended total depths)

**Reported yields of existing wells within the Vista Rio Bonito Subdivision range from 15 to 100 gallons per minute (gpm). Reported yields of existing wells adjacent to the Vista Rio Bonito Subdivision range from 2 to 210 gpm (a total of 4 wells out of 57 had a reported yield of 2 gpm – all other wells had higher reported yields). The estimated yield of wells completed as recommended is 5 gpm or higher.**

(recommended pump settings and size)

**Submersible pumps should be set within the well such that there is 100 feet or more of water column above the pump, and the pump should be at least 10 feet above the bottom of the well. Pump size requirements depend on well efficiency, required lift, friction losses and capacity, and therefore the drilling/pump contractor should be consulted regarding the appropriate pump sizes for a given well. The average pump size required is not expected to**

exceed 3 horsepower.

(litho logical characteristics of formations through which well is to be completed)

Most wells are expected to be completed in the Mesa Verde Formation, the Mancos Shale or the Dakota sandstone. The Mesa Verde Formation consists of interbedded sandstone, shale and coal. The Mancos shale consists of black shale interbedded within siltstone and limestone lenses. The Dakota sandstone is a coarse-grained sandstone. Each of these formations may be locally interbedded with or intruded by volcanic rocks.

(comments on water quality)

The water quality beneath the Vista Rio Bonito Subdivision is expected to exceed State of New Mexico drinking water standards for total dissolved solids (TDS), sulfate, manganese and possibly iron. It is recommended that tract owners install a domestic water treatment system to reduce the concentrations of the above constituents as necessary. The types of treatment required should be determined in consultation with an appropriate contractor once the domestic supply well has been drilled and a sample of the well water has been analyzed by a certified water quality laboratory. It is also possible, although not expected in most cases, that well water may contain hydrogen sulfide at levels that could require treatment. Note that only water used for indoor purposes (drinking, bathing, laundry, etc.) is expected to require treatment. Estimated cost is \$2,000± each for a reverse osmosis system and water softener.

X. SURFACE WATER

(state the source and yield of the surface water supply)

N/A – there is no surface water supply.

Y. STATE AGENCIES STATEMENTS ON WATER

1. State Engineer's Statement of Water Quantity

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the State Engineer on:

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(whether or not the subdivider can satisfy the proposals contained in this disclosure statement concerning water – except water quality)

**See attached letter from Office of the State Engineer.**

(whether or not the subdivider is conforming to the County's regulations on water - except water quality)

**See attached letter from Office of the State Engineer.**

2. Environment Department's Statement of Water Quality.

(describe any quality which would make the water unsuitable for use in the subdivision, and state each maximum water quality parameter that has been exceeded)

**See attached letter from NMED Office.**

Z. LIQUID WASTE DISPOSAL

(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the commission for use within the subdivision)

**Septic tanks with leach field. A booklet prepared by NMED specifically detailing the system is available at the Developer's sales office or from the NMED Office in Ruidoso.**

**NOTE: No other liquid waste disposal system may be used in a subdivision other than the system approved by the Environment Department.**

AA. ENVIRONMENT DEPARTMENT'S STATEMENT ON LIQUID WASTE DISPOSAL

(Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the New Mexico Environment Department on:

**See attached letter from the NMED.**

(whether or not the subdivider can satisfy the liquid waste disposal proposals made in this disclosure statement)

**See attached letter from the NMED.**

(whether or not the subdivider is conforming to the County's regulations on liquid waste disposal)

**See attached letter from the NMED.**

**BB. SOLID WASTE**

(describe the means of solid waste disposal that is proposed for use within the subdivision)  
Containers will be placed at the Authority's discretion not at property owner's request.

**Dumpsters will be provided near The Ranches of Sonterra Subdivision, Unit 3, entrance. Tract owners must put solid waste in the dumpsters. The dumpsters are provided, maintained and dumped by the Lincoln County Solid Waste Authority. Solid waste is hauled to a sanitary landfill south of Alamogordo, NM. Containers will be placed at the Authority's discretion, not at property owner's request.**

**Tract owners are charged \$12.60 a month plus tax for this service. This fee is subject to change.**

**CC. ENVIRONMENTAL IMPROVEMENT AGENCY'S STATEMENT ON SOLID WASTE DISPOSAL**

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the New Mexico Environment Department on:

**See attached letter from the NMED.**

(whether or not the subdivider can satisfy the solid waste disposal proposals made in this disclosure statement)

**See attached letter from the NMED.**

(whether or not the subdivider is conforming to the County's regulations on solid waste disposal)

**See attached letter from the NMED.**

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DD. TERRAIN MANAGEMENT

(describe the suitability of the soils in the subdivision for residential use and other intended uses whether permanent or seasonal)

The top soils within the subdivision contain a high percentage of organic matter. Prior to construction, the topsoil should be removed from the actual building site. After construction, the topsoil should be distributed around the building site and area disturbed during construction or, at the sole discretion of the Architectural Control Committee, be removed from the construction site at the property owner's expense.

The underlying soils have a characteristic of shrink, swell and frost heave when exposed to excess water and cold or dry weather conditions.

Because of the ground slope, some of the tracts also vary as to the amount of soil available on the tract. It is recommended that home foundations be professionally designed to overcome the characteristics of the soil and tract terrain. For the reason outlined above, driveways should also be constructed so as to drain water off the driveway surface and not be allowed to stand along the driveway edge.

The water table is 50 to 500 feet below the surface of all tracts. The 50-foot depth is in the area of Eagle Creek.

(give the location of all tracts within floodways, flood fringes, and flood plains)

Tracts 1, 6, 7, 8, 9 and 10

(describe the surface drainage for all lots)

Surface drainage is natural runoff. Very little erosion results because of good vegetation cover. A minimum amount of cuts and fills will be used for the subdivision, and the roads will be constructed so as to avoid steep grades & destruction of vegetation, and will follow contour of the land as much as feasible to avoid erosion.

(describe all storm drainage systems including the completion date of any required to be constructed)

The storm drainage system anticipated by the subdivider will be to properly drain and control flooding and erosion along the subdivision roads. This will be done to good engineering standards and will comply with the County regulations.

EE. CONSERVATION DISTRICT'S STATEMENT ON TERRAIN MANAGEMENT

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the Soil and Water Conservation District on:

(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

**See attached letter from The Upper Hondo Soil and Water Conservation District.**  
(whether or not the subdivider is conforming to the County's regulations on terrain management)

**See attached letter from The Upper Hondo Soil and Water Conservation District.**

FF. SUBDIVISION ACCESS

(name of town nearest subdivision)

**Ruidoso, NM.**

(distance from town to subdivision)

**12 miles**

(name of highway or state road over which distance is computed)

**Santiago Drive, Escondida Drive, State Hwy. No. 220 (Sierra Blanca Airport Road), State Hwy. No. 48.**

(if access to subdivision is available by conventional vehicle, please state that fact here. If it is not, please state that fact)

**Access is available by conventional vehicle.**

(if property is ordinarily accessible in all seasons and under all weather conditions please state so. If it is not, please state that fact also)

**The property is ordinarily accessible by conventional vehicles in all seasons under most weather conditions. During snow storms the property may not be accessible until snowplows have cleared snow from the roads.**

(set forth whether or not roads within the subdivision will be private or maintained by the County)

**Roads are private. Maintenance is the responsibility of the owners of tracts in the subdivision. Lincoln County will not maintain roads in this subdivision.**

(describe the width and type of surfacing of all roads)

**20-foot wide gravel driving surfacing with 2-foot wide gravel shoulders on each side of the surfacing.**

(give the date on which all roads will be completed)

**Roads are now complete with gravel surfacing.**

(state whether the roads within the subdivision have been accepted for maintenance by the County)

**N/A – County will not maintain the roads.**

(include a statement that if accepted for maintenance, the county cannot guarantee access three hundred sixty-five (365) days a year. The Road Manager will determine the type, amount and season of maintenance)

**N/A – County will not maintain the roads.**

(state the date on which all roads will be surfaced)

**N/A – Roads are now gravel surfaced.**

GG. THE DEPARTMENT OF TRANSPORTATION'S STATEMENT ON ACCESS

Include here the approved summary of the statement received by the Lincoln County Board of Commissioners from the Department of Transportation on:

(whether or not the subdivider can satisfy the access proposals made in this disclosure statement)

**See attached letter from NMSHD.**

(whether or not the subdivider is conforming to the County's regulations on access)

HH. See attached letter from NMSHD.  
DEVELOPMENT

(Include here all homes, recreation structures, and other community improvements to be provided by the subdivider in the subdivision and not previously mentioned in this disclosure statement. Give the dates on which these items will be completed.)

(improvement)

None

(estimated date of completion)

N/A

II. MAINTENANCE

(state owner's maintenance and construction responsibilities)

**The tract purchasers are responsible for all maintenance of roads in this subdivision. The tract purchaser has no responsibility for public utility maintenance,**

JJ. ADVERSE CONDITIONS

(state any activities or conditions adjacent to or near the subdivision such as feedlots, cement plants, and the like which would subject the subdivided land to any unusual conditions affecting its use or occupancy)

1. **The bottom of every canyon on the property must be considered a possible flood area. This is because all of the area drains to the canyon bottoms. Structures should not be placed in canyon bottoms or across the mouth of a canyon,**
2. **Discharge from culverts and natural drainage channels flow from higher elevation tracts to lower tracts. Each tract owner must be aware of any culvert or drainage channel on the uphill side of the tract and design improvements on the tract to account for the water flow.**
3. **Many areas of Lincoln County are on or near wooded areas which, if not kept healthy and cleared of fuel-loaded litter and dense tree cover, may pose a fire hazard. Fuel breaks of 30 feet around structures are encouraged.**
4. **Tract owners should be aware of the fifty (50) foot overhead Electric Transmission Line Easement in favor of Otero County Electric as shown on sheet 2 of the filed plat.**

KK. ATTORNEY GENERAL'S STATEMENT ON DISCLOSURE STATEMENT

**The Attorney General's Office has advised the Lincoln County Manager that their office is not a part of the subdivision review and has declined comments in proposed subdivision materials.**

LL. RECREATION FACILITIES

(describe all recreational facilities, actual and proposed, in the subdivision)

**See Item HH, above,**

MM. FIRE PROTECTION

(distance from subdivision)

**6 miles to existing fire station**

(route over which distance is computed)

**Santiago Drive, Escondida Drive, State Hwy. No. 220 (Sierra Blanca Airport Road)**

(indicate whether the fire department is staffed by volunteers or a full-time staff)

**Fire Department is staffed by volunteers.**

NN. POLICE PROTECTION

Include here the various police units that would patrol the subdivision:

**None**

(sheriff's department, if applicable)

**On call (Lincoln County)**

(municipal police, if applicable)

N/A

(state police, if applicable)

On call

OO. SCHOOLS

(name of nearest elementary school and route over which distance is computed)

**Head Start, Kindergarten - Nob Hill School, 15 miles Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48, Gavilan Canyon Road, Sutton Drive**

**1st, 2nd grades - Sierra Vista Primary, 12 miles Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48, Gavilan Canyon Road, Hull Road, White Mountain Drive**

**3rd, 4th grades - White Mountain Elementary, 12 miles Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48, Gavilan Canyon Road, Hull Road, White Mountain Drive**

(name of nearest secondary school and distance and route over which distance is computed)

**7th, 8th grades - Ruidoso Middle School, 15 miles Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48, Gavilan Canyon Road, Sutton Drive, Horton Circle**

(name of nearest high school and route over which distance is computed)

**9th, 10th, 11th, 12th Grades - Ruidoso High School 13 miles Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48, Gavilan Canyon Road, Warrior Drive**

PP. HOSPITALS

(name of nearest hospital)

**Lincoln County Medical Center**

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(distance of nearest hospital and route over which distance is computed)

**15 miles via Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48, Gavilan Canyon Road, Sutton Drive, Sudderth Drive**

(number of beds in nearest hospital)

**38**

**Ambulance protection is provided by Lincoln County Medial Center which is a county-owned facility funded through a mill levy imposed on Lincoln County property owners.**

**QQ. SHOPPING FACILITIES**

(distance of nearest shopping facilities and route over which distance is computed)

**12 miles via Santiago Drive, Escondida Drive, State Highway No. 220 (Sierra Blanca Airport Road), State Highway No. 48**

(number of stores in the nearest shopping facility)

**12**

**RR. PUBLIC TRANSPORTATION**

Include here whether the subdivision is served on a regular basis by:

(bus)

**No**

(plane)

**No**

(other means of transportation)

**None**

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SS. COMPLETION DATES

(state here the projected dates upon which any of the items mentioned in LL through RR will be available if they are not yet available)

**N/A – all items available now exist.**

TT. SOIL SURVEY INFORMATION AND INTERPRETATION

**A Soil Conservation Service (SCS) soil survey now exists for the subdivision. A copy is available at the Developer's sales office or from the SCS Office in Capitan, NM.**

UU. INDICATE BY LOT AND BLOCK NUMBER ALL LOTS LOCATED ON A FLOOD PLAIN OR FLOOD FRINGE.

**Tracts 1, 2, 3, 4, 5, 15, 16, 17, 18, 19 and 24**

VV. DRIVEWAY CULVERTS

**Prior to installing a driveway culvert in a county road barrow ditch, the owner shall obtain the subdivision Architectural Control Committee's written permission and instructions for such installation. Culverts for driveways must meet road design standards and be at least 18" in diameter.**

WW. DRIVEWAY EASEMENT

**N/A – roads are private.**

**Driveway construction must have a permit from the Road Foreman and will be built according to County standards subject to Lincoln County Excavation Ordinance #1992-6. Permit cost to be incurred by owner.**

XX. SUBDIVISION OF LOTS/TRACTS

**The Restrictive Covenants of this subdivision do not allow further division of lots/tracts in this subdivision.**

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XX. RECORDING REQUIREMENT

The subdivider shall record the deed, real estate contract, lease or other instrument conveying an interest in subdivided land with the County Clerk within thirty (30) days of the signing of such instrument by the purchaser, lessee or other person acquiring an interest in the land.

ZZ. PERMITS

Building permits, wastewater permits or other use permits are required to be issued by State or County officials before improvements are constructed; and further, you are advised to investigate the availability of such permits before purchase, lease or other conveyance and whether these requirements for construction of additional improvements before you accept the property.

\*\*\*\*\*

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**BY SIGNING THIS RECEIPT YOU ACKNOWLEDGE THAT YOU HAVE  
RECEIVED A COPY OF THIS DISCLOSURE STATEMENT.**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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STATE OF NEW MEXICO

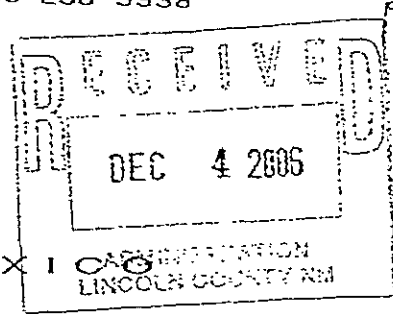
OFFICE OF THE STATE ENGINEER

Santa Fe

John R. D'Antonio, Jr., P.E.  
State Engineer

BATAAN MEMORIAL BUILDING, ROOM 102  
SANTA FE, NM 87504-5102  
(505) 827-6120  
Fax: (505) 827-6682

November 29, 2006



*for  
Court  
file*

Mr. Thomas F. Stewart  
County Manager, Lincoln County  
P.O. Box 711  
Carrizozo, NM 88301-0711

**CERTIFIED MAIL**  
**RETURN RECEIPT**  
**REQUESTED**

**Re: Vista Rio Bonito Subdivision**

Dear Mr. Stewart:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Lincoln County Subdivision Ordinance, the New Mexico Subdivision Act and the OSE Rules and Regulations Governing the Appropriation and Use of Ground Water In New Mexico.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a positive opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

John W. Longworth, P.E.

Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: OSE Water Rights Division, Roswell Office

JK:jk

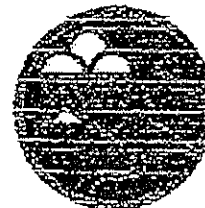
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**BILL RICHARDSON**  
Governor

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Environmental Health Division*  
*Ruidoso Field Office*  
1216 Mechem Dr.  
Ruidoso, New Mexico 88345  
Telephone (505) 258-3272  
Fax (505) 258-4691



**RON CURRY**  
Secretary

**DERRITH WATCHMAN-MOORE**  
Deputy Secretary

**ANA MARIE ÖRTIZ**  
Director

November 17, 2006

Curt Temple  
Lincoln County Planning director  
105 Kansas City Rd.  
Ruidoso, NM 88345

**Subject: The Vista Rio Bonito Unit 2 Subdivision plan review**

Dear Mr. Temple:

The Ruidoso Field Office of the New Mexico Environment Department (NMED) has received and reviewed a copy of the Development Plan for the Avalon Forest Subdivision. The Development Plan has three areas that are within the regulatory authority of the NMED. The following is the Department's response to each of the areas:

1. *Solid Waste.* Solid Waste will be managed under the authority of Lincoln County Solid Waste Authority.
2. *Liquid Waste.* The lots are larger than 10 acres(s) in size, therefore based on lot size alone conventional septic systems can be used as long as slope, set backs, clearances and adequate soil requirements are met. Any variance from the Liquid Waste Treatment and Disposal Regulations (LWTR) will be reviewed, by NMED, on an individual basis to determine compliance and design of the system.
3. *Drinking Water.* Being reviewed by the NMED Drinking Water Bureau. No response at this time.

Sincerely,

Jack King  
NMED/Ruidoso Field Office

Cc: file

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**UPPER HONDO SOIL & WATER CONSERVATION DISTRICT**

P. O. Box 900, 516 Smokey Bear Blvd., Capitan, NM 88316

PH: (505) 354-2220

FAX: (505) 354-2515

Email: [uhsacd@valornet.com](mailto:uhsacd@valornet.com)

Supervisors:

Mary Shanks, Chairman  
J. James Sanchez, Vice-Chairman  
Jerry Burchett, Secretary/Treasurer  
Jim Cooper, Member

Robert Rumsfeld, Member  
Preston Stone, Member  
Stan Thomas, Member  
Glenda Booher, Program Director

October 25, 2006

Thomas F. Stewart, County Manager  
County of Lincoln  
P.O. Box 711  
Carrizozo, New Mexico

RE: ~~Vista Rio Bonito Subdivision~~

Dear Mr. Stewart,

The Upper Hondo SWCD Board members and NRCS employees met with Mr. Tim Collins, Oct. 24, 2006 for an on site review of the Vista Rio Bonito Subdivision. The board has some concerns about the items listed below.

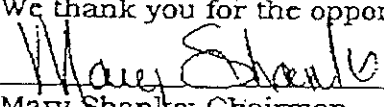
1. Do the added lots place this subdivision in a different class and if so do they meet all requirements and all regulations for new classification?
2. What effect do new classifications have on existing lots?
3. Disclosure statement should reflect new OSE administrative decision limiting domestic wells to a 1 acre-foot permit.

We want to point out the shortage of water in our region, especially during the drought we have been experiencing the last several years. Our underground water supply is a limited resource and we have concerns about projects that will impact this valuable resource, thus affecting the existing wells of our citizens.

Water levels in wells belonging to our cooperators and the rest of the citizens in the drainage area are of a major concern to the district.

Therefore we do not recommend subdivision for approval.

We thank you for the opportunity to review this proposed subdivision.

  
Mary Shanks, Chairman

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Vista Rio

October 31, 2006

Thomas F. Stewart  
County Manager  
County of Lincoln  
Planning Department  
105 Kansas City Road  
Ruidoso, NM 88345

Re: Vista Rio Bonito Subdivision, Unit 2

Dear Mr. Stewart:

I am writing in response to your request for review of the preliminary plat and development plan for the proposed Vista Rio Bonito Subdivision, Unit 2 located in a portion of Section 32, Township 9 South, Range 14 East and portions of sections 4, 5, 6, 7, 8, and 9, Township 10 South, Range 14 East.

According to the documentation provided, the original plat of this subdivision was filed in 1997 and all roads have been constructed, the only change is the subdivision of large tracts into smaller tracts of land. Keeping that in mind, we reviewed our archaeological records database for information on previous cultural resource surveys and archaeological sites within the boundaries of the subdivision. Our records show that four archaeological sites are known to exist within the boundaries of the subdivision. The entire subdivision has not been surveyed by a professional archaeologist, thus the presence of the four archaeological sites indicates that there is a high potential for additional, but unknown, archaeological sites to exist. Three of the four sites in our database are habitation sites, which often contain unmarked human burials.

We recommend that the developer make prospective buyers aware of the potential for archaeological sites to exist on the property and that unmarked human burials might be discovered during home construction. Section 18-6-11.2 of the New Mexico Cultural Properties Act prohibits the disturbance of unmarked human burials on all lands in New Mexico, including private land. If human burials are discovered during ground disturbance, all burial disturbing activity must cease, and local law enforcement, the NM State Medical Examiner, and the Historic Preservation Division must be notified. If archaeological artifacts (pottery sherds, flaked stone, bone, etc.) are found, the homeowner may want to consult with a professional archaeologist to determine the significance of the site and possible preservation options.

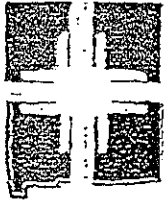
If you have any questions, please do not hesitate to contact me. I can be reached by telephone at 827-4064 or by email at [michelle.ensey@state.nm.us](mailto:michelle.ensey@state.nm.us).

Sincerely,

Michelle M. Ensey  
Archaeologist

Log: 79150

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New Mexico DEPARTMENT OF  
**TRANSPORTATION**  
MOBILITY FOR EVERYONE

Vista Rio

R/W Bureau

October 25, 2006

Mr. Thomas Stewart  
Lincoln County Manager  
105 Kansas City Rd.  
Ruidoso, NM 88345

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RE: Vista Rio Bonito Subdivision

Dear Mr. Stewart,

The appropriate engineers of the New Mexico Department of Transportation have reviewed the material submitted on the above referenced development and comments or concerns to be addressed are as follows:

**Traffic Technical Support:** The developer needs to coordinate with Richard Weed, the District 2 Traffic Engineer to determine if any additional work may be required. This section agrees with the analysis that has been completed and has no further comments.

**Drainage Development:** After reviewing the subdivision package only a "Terrain Management Plan" was found and no Drainage Report. It appears that the Department Right of Way could be impacted. The requirement for water retained on each lot should be in the Covenants and each home owner should submit a grading plan with calculations before building. Also new roads could have an impact on the peak flows. Culverts need to be sized for the two access road intersections with NM 220. The Developer must not increase historical peak flows or impact our ROW in any negative way.

Drainage is included in Terrain Mgt  
Required Fee 3.12 of current

If you have any questions or need further information please contact me at 660-2034 or by e-mail at jeremy.lujan@state.nm.us.

The subdivision is north of the Rio Bonito  
Subdivision drains south & SE to the Rio Bonito  
The Hwy entrance is 1/2 mile south of the Rio  
Bonito and above it. Drainage  
is east and NE from the  
hwy entrance to the Rio Bonito  
Does not impact ROW. JTL

Sincerely,

*Jeremy Lujan*

Jeremy Lujan  
Property Management Agent  
Right of Way Bureau

XC: File #1601

Bill Richardson  
Governor  
  
Rhonda G. Faught P.E.  
Cabinet Secretary

Commission

Johnny Cope  
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David Schutz  
Vice Chairman  
District 5

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District 3

Jim Franken  
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District 4

Jon Hummer  
Commissioner  
District 1