

# WILDWOOD HIGHLANDER

## SUMMER 2011

The *Wildwood Highlander* is a periodic newsletter providing information to property owners in Wildwood Highlands, near Datil, NM. Hard copy is mailed to all owners. Published at least annually in Datil, NM by the Wildwood Highlands Landowners' Association, POB 87, Datil, NM 87821-0087. For further information contact any member of the WHLA Board of Directors (BoD), listed below. Also consult the WHLA website at [www.wildwoodhighlands.org](http://www.wildwoodhighlands.org)

**2011 ANNUAL MEETING:** The 2011 WHLA annual meeting was held on 21 May at the Datil Well Campground pavilion, starting at approximately 10 AM MDT. Attendance was slim; about 19 souls. Full details are in the meeting minutes, posted on the website. Highlights were:

- Total lots represented (including ballots submitted by mail) were 37, whereas the 90 lots whose owners were in good standing required a quorum of 45, so the initial called meeting was closed and a second, requiring a quorum of 23, was called and held.
- Most of the discussions centered on roads, roads maintenance, roads improvements, and snow removal.
- Neither of the two proposed bylaws amendments, both of which would have mandated a two-term limit on Board Directors, passed.
- The three BOD members on the ballot (Tom Cook, Kathy Kanely, and John Schaefer) were re-elected.

**BOARD OF DIRECTORS MEETING 21 MAY:** The new Board met immediately after the general meeting, at the Eagle Cafe. Treasurer Kathy Kanely submitted her resignation, which was accepted. WHLA member Judi Kennel (Lot 30) was offered and accepted the position of treasurer. The balance of the Board retained their previous positions (see list with contact information on last page). Meeting minutes are posted on the website.

**WELCOME NEW RESIDENTS:** We are extremely pleased to welcome Shannon (Griffin) Morrow, wife of Chad Morrow, and their new daughter Willow Rose. The Morrow family resides on Lot 73. And there's more: Chad's dad, Mike Noguera, is now a full-time resident, building on Lot 58. Welcome, Mike!

**A BAD YEAR FOR MOISTURE:** Sadly it's been mighty dry here since August 2010. Here are some specifics from longtime resident Chuck Baker, Lot 3:

### 2011 - A YEAR OF WEATHER EXTREMES

Eight months into 2011 and here at Wildwood Highlands we have seen a number of extreme weather events. The following statistics are based on records compiled from 1999 to the present from a weather station located on Lot 3.

**EXTREME COLD:** January 1, 2011 minus 9 degrees, February 3, 2011 minus 11 degrees. Both of these eclipse the previous record low of 1 degree on January 4, 2000.

**EXTREME WIND:** Typically we can expect a windy Spring, but this year the winds started earlier and ended later than average. The daily highest wind speed reached or exceeded 25mph for at least half of the days in the months of February, March, April, May, and June 2011.

**EXTREME DROUGHT:** Most years it is not uncommon to go 30 – 60 days at some point without precipitation, but this last year we have had a record lack of moisture. From January 1<sup>st</sup> through June 30<sup>th</sup> precipitation was limited to 7" of very dry snow (the yearly average for snowfall is 22.6") and .05" of rain (.02" in May and .03" in June). No measurable rain fell at all in March or April. From September 1, 2010 through June 30, 2011 (a ten month period starting at the end of the 2010 monsoon) the total rainfall was only .59" – anyway you look at it, we had the driest 6 and 10 month periods in over a decade, probably longer.

**EXTREME MONSOON?** Maybe. So far, the 2011 monsoon season has continued the trend of abnormal weather and has helped offset the drought of the first six months of the year. Although it started out slow, with only an inch and a quarter of rain as of July 23<sup>rd</sup>, on the 24<sup>th</sup> of July the skies opened up and dropped 1.7" of rain in a little over an hour, with a total of 2.02" for the day. We then had rain 6 out the next 7 days which brought our July total to 4.26", just edging out the previous record of 4.25" in July 2006. As of 8/11/11, when this is being written, we've had 2.28" of rain in August (including another "frog strangler" that dropped over an inch this afternoon). If this pace keeps up we could see a new record for the month of August (the existing record is 5.10" in 2005).

**WEATHER SIDE EFFECTS:** The combination of wind, cold temperatures, and lack of moisture may have combined to lead to these noticeable effects for Wildwood Highland residents this year – fewer nesting birds and less sightings of summer resident species, increased numbers of rodents looking for water near buildings (especially digging or gnawing for water in underground pipes), and vegetable gardens/plantings decimated by animals seeking moisture from the only green things growing in the landscape.

**A 5-YEAR PLAN FOR OUR ROADS:** Vice-President Fred Shepherd (Lot 11) has been busy thinking about Highlands roads and the challenges we face in their upkeep and improvement, and has turned out a comprehensive multiple page document about that subject. It's too much material for the Newsletter, but well worth your time to read. Fred explains the methodology used in selecting what gets done when (as well as what doesn't get done!) because of our relatively small budget. Please look for it in the "Documents" section of the website.

**UPDATE ON SAN AUGUSTIN WATER STEAL:** Following a 31 July meeting of some members of the San Augustin Water Coalition, Datil resident and Coalition Board member Carol Pittman issued the following report.

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Hi All,

Below is a summary of what is happening with the application to mine water in the Augustin Plains basin. It is a short summary as not much is happening. This is a slow process, but it is really important that you stay engaged, because when something does happen it may require a lot of us to act quickly. (Carol) -

Bruce Frederick, attorney for about 90 clients fighting the Augustin Plains Ranch LLC (APR LLC) application to mine water in north Catron County, spoke to some of those clients July 31<sup>st</sup> to bring them up to date on the progress of the application. With his permission we are sharing that information with other protestants and the public.

As Bruce explained, the law of the state is based on the concept of prior appropriation: "first in time first in use." The appropriation must be followed by beneficial use: use it or lose it. "Take as much as you need," explained Bruce, and leave the rest. Today the Office of the State Engineer decides how much you can use.

Bruce went on to explain that the APR LLC application has turned the concept on its head: "There's this much water and we want it all," is the way he explained their application. "The application does not explain what beneficial use the applicant intends," explained Bruce, "they merely want to tie up the water until there is a market and they can make money." Under the law, that is illegal. Public utilities can tie up water rights for 40 years, he pointed out, but APR LLC is not a public utility and cannot tie up water for any extended length of time.

Further, the applicant must prove that it has the wherewithal to do the project, and because it will be so expensive to pump and then pipe water all the way to Santa Fe from where it is now in the ground, as the applicant claims to be able do, Bruce feels that it won't happen. Only government entities, that is, all of us together, can afford such projects and APR LLC is not a government body.

Presently several Motions to Dismiss the application have been filed in the State Engineer's Office. A hearing on those motions was scheduled for May but was canceled due to the retirement of the hearing officer. There is a new hearing officer now and Bruce suggests that there may be a hearing in the fall. The applicant has filed a Motion to Stay the Motions to Dismiss, based on a similar case that is now before the court.

Bruce suggested that the community seriously consider developing its own water. Such projects as a community swimming pool would qualify. He also said that the County can do something.

A question from the audience sparked some discussion. John Hanrahan asked where the energy for all the pumping and piping would come from, and how that much energy would affect the Very Large Array. No one has an answer for that yet.

Bruce pointed out that impairment is a difficult defense as we don't have the right to a static water table. In the case of the Ogallala aquifer, which is being mined (more water is being taken out than is recharging the aquifer), the courts have allowed new water rights out 40 years, as long as the rate of decline does not exceed a certain amount. If the level of the water table drops, local people will have to drill deeper to obtain water, and that rule applies here as well.

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## **A POSSIBLE DOMESTIC WATER SOURCE SOLUTION?**

At the 2010 Annual Meeting it was suggested that a community domestic water source (using water transported to a central site) might be feasible. Board member John Kell is studying the issue, has made progress, and hopes to report soon. At least one facility similar to what we envision is in operation near Taos.

**NOTES REGARDING THE WHLA WEB SITE:** We have been working on upgrading our website, with two goals in mind: making it more comprehensive (it will now have all known past newsletters, for example) and making it easier to use. Hopefully by the time you read this the new site will be activated. If not, it will be soon.

**POLICY ON MEMBER COMMUNICATIONS:** (Repeat) Our policy is that all “significant” (such as this newsletter) communications will be by surface mail. Electronic mail will still be used for “less important” and time-sensitive matters. Please keep the secretary [currently jfs(at)gilanet.com] apprised of your physical, snail, and email addresses.

**CALENDAR for 2011-2012:** Here is the calender for the rest of the business year -

Board of Directors Meeting – September 11

Board of Directors Meeting – December 11

Board of Directors Meeting – March 18

Board of Directors – 20 May

General Meeting – 19 May

**MEMBERS NOT IN GOOD STANDING:** Currently we have 7 members not in good standing, as follows:

Liens in effect due to non-payment of past dues, late fees and interest: Lots 64 and 71

Lien in effect due to non-payment of late fees and interest: Lot 72

Non-payment of 2011 assessment and late fees: Lots 12, 44 & 45, 53, and 97.

## **BoD MEMBERS & CONTACT INFORMATION:**

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