

WILDWOOD HIGHLANDER

SUMMER 2012

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

2012 ANNUAL MEETING: The 2012 WHLA annual meeting was held on 19 May at the Datil Community Presbyterian Church, starting at approximately 10 AM MDT. Attendance was slim, as it usually is when there are no contentious issues afloat. Full details are in the meeting minutes, posted on the website. Highlights were:

- ⇒ Total lots represented (including ballots submitted by mail) were 28, whereas the 92 lots whose owners were in good standing at the time required a quorum of 46, so the initial called meeting was closed and a second, requiring a quorum of 23, was called.
- ⇒ Most of the discussions centered on roads, roads maintenance, roads improvements, and snow removal.
- ⇒ The proposed bylaws amendment, submitted by a group of landowners owning seven lots, was rejected by a 7 to 21 vote. It proposed returning to a proxy system of voting vice our current absentee ballot system.
- ⇒ The two BOD members on the ballot (John Kell and Fred Shepherd) were re-elected.

BOARD OF DIRECTORS MEETING 20 MAY: The new Board met the day following the general meeting. The Board members retained their previous positions (see list with contact information on last page). Meeting minutes are posted on the website.

ROADS REPORT: BOD vice-president Fred Shepherd reports –

This year (2012) we participated with Wildwood Subdivision on two improvement projects on the jointly maintained roads (Agua Fria Trail and Wildwood Trail). The first project was to extend the culverts at the wash just south of the intersection of Agua Fria Trail and Wildwood Trail. This allowed for widening the road which was severely constricted at that point. The second project was to add a culvert at a low spot on Agua Fria Trail about 200 yards east of the old community well site. Both of these projects were within the bounds of Wildwood Subdivision. Wildwood Highlands Subdivision was asked to pay for half of the cost of the culverts. Wildwood Subdivision paid half the cost of the culverts and all of the installation labor costs.

Wildwood Highlands also extended a culvert on Agua Fria Trail between Apache Tear Trail and Yucca Circle. This was required because of some erosion that had **occurred** and also to widen Agua Fria Trail at that curve. In late May, 2012, we had all of the main roads and half of the side roads graded. In October we will again have the main roads graded and the remaining side roads will also be graded.

A (NOTHER) BAD YEAR FOR MOISTURE: Our good neighbor and resident weatherman, Chuck Baker, reports -

The first six months of 2012 were dry, dry, dry. Only .07" of measurable rain fell between Jan 1 – Jun 30 (that doesn't include 7+ inches of snow that also accumulated during the same period). However, we had an above average amount of snow during Dec 2011, so some of that moisture stayed around in the ground allowing a brief period of some minor greening during spring. After some colder than normal temps (and some dusting of snow) during April, both May and June had record warmth with daily high averages significantly above the normal averages over the previous 12 years.

The combination of heat and lack of moisture led to fire restrictions on National Forests, BLM, and State lands beginning in May. Smoke from the Whitewater-Baldy complex fire in the Gila Wilderness created some days of impaired air quality here in the Datil area, with visibility limited to under a mile on several occasions. Fortunately, Wildwood Highlands remained fire-free during the many days of hot, dry winds in May and June.

The summer monsoon has now arrived, and fire restrictions have been lifted. After a few limited showers during the first several days of July, we had an impressive frogstrangler on July 5th, with 2" of rain falling in one hour, and totaling 2.5" by the time the last shower ended a few hours later. This is the most rainfall I've ever recorded in such a short time span. Since then there have been more brief showers but nothing long-lasting or as intense. As of 7/16, the monthly total is at 2.9" with more expected before the end of July. The long range monsoon forecast, released in June by the National Weather Service, indicated an above average rainfall accumulation from the 2012 monsoon season for our area of NM. Based on what has happened so far in July, their model appears to be proving true.

UPDATE ON SAN AUGUSTIN WATER GRAB: BOD president Tom

Cook reports:

After a long delay, the Office of the State Engineer (OSE) finally held a hearing on the motion made by our attorney to dismiss the application by the Augustin Plains Ranch (APR). He argued that the application must be dismissed because:

- ② It fails to designate specific elements of beneficial use, as required to define a water right under New Mexico's constitution, statutes, and regulations;
- ② APR does not seek to apply water to beneficial use, but only to monopolize a water right for speculative purposes; and
- ② The vague application filed by APR violates the law of prior appropriation.

The hearing was held in Courtroom 1 of the Socorro County Courthouse on February 7, 2012. The room was packed with over 100 protestors, including a representative of our board. In the order to deny the application the hearing officer cited 23 reasons why he recommended that the application be denied on its face. The State Engineer did just that in an order dated March 30, 2012.

But, we are not home free. On the 23rd of May the APR filed a notice of appeal of the State Engineer's order with the Seventh Judicial District Court in Socorro. Our attorney has responded to

the appeal by APR and has asked for a summary judgment that would deny the appeal (see www.wildwoodhighlands.org for a copy of his filing). The court has scheduled a hearing on the appeal for September 19th at 11 AM in the Catron County courthouse in Reserve. If the court upholds the OSE order then APR will probably file a new application. If the court vacates the order we will be faced with a long, drawn-out hearing on the existing application. We'll keep you posted on the outcome.

Our attorney, who is employed by the New Mexico Environmental Law Center (NMELC), represents about 80 clients in this matter. NMELC does not charge for his services but they do charge for their expenses. The expenses are being paid by the San Augustin Water Coalition (SAWC), a Datil-based, New Mexico non-profit corporation that has also been designated by the IRS as a 501(c)3 corporation. Donations to SAWC can be mailed to PO Box 613, Datil NM 87821.

WILDFIRE RISK MITIGATION PROGRAM: More thanks to Tom Cook for the following - Wildwood Highlands has agreed to become a part of the *Firewise* program that is administered by the county in order to reduce the risk of wildfire ignition and consequent damage to property. As part of this program we will:

- ② Meet with State Forestry and Fire Department officials to provide a community assessment
- ② Form a *Firewise* committee that will accept the assessment, create an action plan, and monitor activity
- ② Set dates for community chipper-days, and
- ② Set a date for an educational *Firewise* day.

Although completion of the program can lead to national recognition and certification as a *Firewise* community, that is not our main objective. Rather, we hope that all landowners that have improvements on their property will work to modify their "home ignition zone". The home ignition zone is site-specific but here are some general guidelines:

- ② Eliminate fire fuels within 30 feet of any structure on the property. This includes clearing dead wood or timber that could ignite or provide fuel for fire.
- ② Maintain trees and bushes in a fire safe manner. Trim tree limbs to a level of 6 to 10 feet above ground to prevent them acting as "ladder fuel" for fire.
- ② Ensure that tree canopies do not overhang any structure.
- ② Keep roof gutters and downspouts free of leaves and other fire fuels.
- ② Build and maintain a non-flammable barrier of 3 feet or more from any structure to prevent ignition of the structure. Use rocks, stone, or other non-flammable material as much as possible.
- ② Keep grass and weeds mowed at least 20 feet around any structure.
- ② Make sure that your driveway has sufficient width and height room for a fire truck and that the truck can turn around.
- ② Maintain wood piles at least 10 feet from the house.

As part of the program each property owner can get an assessment of their property from the *Firewise* coordinator for Catron County. While there is no guarantee, it is possible that fire insurance rates might be reduced as a result of our participation in this program.

NOTES REGARDING THE WHLA WEB SITE: The WHLA website has been updated. It now contains all known (and available) meeting minutes, pertinent maps, and

important documents such as our subdivision Covenants and Restrictions and the WHLA Bylaws. Give it a look; it's at www.wildwoodhighlands.org .

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 2012-2013: Here is the calender for the rest of the business year -

Board of Directors Meeting – September 9

Board of Directors Meeting – December 9

Board of Directors Meeting – March 3

Board of Directors – May 19

General Meeting – May 18

MEMBERS NOT IN GOOD STANDING: Currently we have 5 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; landowner periodically reducing balance of late fees and interest: Lot 72

Non-payment of 2012 assessment and late fees: Lots 61 and 73.

BoD MEMBERS & CONTACT INFORMATION:

PRESIDENT:	Tom Cook	575-772-5350	tomcook(at)gilanet.com
VICE-PRESIDENT:	Fred Shepherd	575-772-5603	shepherd(at)gilanet.com
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SECRETARY:	John Schaefer	575-772-5776	jfs(at)gilanet.com
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