

The ***Wildwood Highlander*** is a periodic newsletter providing information to property owners in Wildwood Highlands, near Datil, New Mexico. Hard copy is mailed to all owners. Published at least annually in Datil, NM by the Wildwood Highlands Landowners' Association (WHLA), Post Office Box 87, Datil NM 87821-0087. For further information, please contact any member of the WHLA Board of Directors, listed below. Alternately, you may visit [www.wildwoodhighlands.org](http://www.wildwoodhighlands.org), the WHLA website on the Internet.

## **2016 Annual General Meeting**

The 2016 WHLA annual general meeting was held on May 21st, 2016 at the Datil Community Center. Forty-six (46) members presented ballots. Highlights of the meeting were:

- The Directors' proposal to increase 2017 assessments to \$100 was defeated (21 in favor, 25 opposed).
- The 2016 WHLA budget includes \$4,000 for road improvements and \$2,800.00 for road maintenance.
- John Kell and Jamie O'Gorman were re-elected as Directors of the Association.

Full details are in the meeting minutes, posted on the website.

## **Board Of Directors Meetings**

The Board of Directors met immediately following the general meeting on May 21st, 2016, to elect officers:

• PRESIDENT:	Wayne Cooksey	701 290-3319	<a href="mailto:liwacook@hotmail.com">liwacook@hotmail.com</a>
• VICE-PRESIDENT:	Jamie O'Gorman	575 772-5128	<a href="mailto:ogorman@gilanet.com">ogorman@gilanet.com</a>
• TREASURER:	Tom Cook	575-772-5350	<a href="mailto:tomcook@gilanet.com">tomcook@gilanet.com</a>
• SECRETARY:	John Schaefer	575-772-5776	<a href="mailto:jfs@gilanet.com">jfs@gilanet.com</a>
• AT-LARGE:	John Kell	575-772-5929	<a href="mailto:john.dawson.kell@gmail.com">john.dawson.kell@gmail.com</a>

Minutes from the meetings of the Board of Directors are posted on the website. In 2016, meetings were held on March 6th, May 21st, July 17th, September 11th, and December 4th.

## **Memo From The President**

*From WHLA President Wayne Cooksey:*

In May of 2017, the terms of three of the five WHLA Directors will expire, and elections will be held to fill these positions. If you are interested in helping your community in this capacity, I urge you to consider running for election as a Director. Since I have decided not to seek re-election myself, I would like to take this opportunity to express my thanks to all of you for the privilege of serving as WHLA President.

## **Status Of Assessments And Liens**

*From WHLA Secretary John Schaefer:*

As of December 2016, there is one and only one unpaid 2016 assessment, and zero unpaid assessments from prior years. There is one lien on one property, the owner of which is making periodic payments to pay off the outstanding debt, consisting of filing and release fees, interest, and accumulated late fees.

## **Road Update**

*From WHLA Vice-President Jamie O'Gorman:*

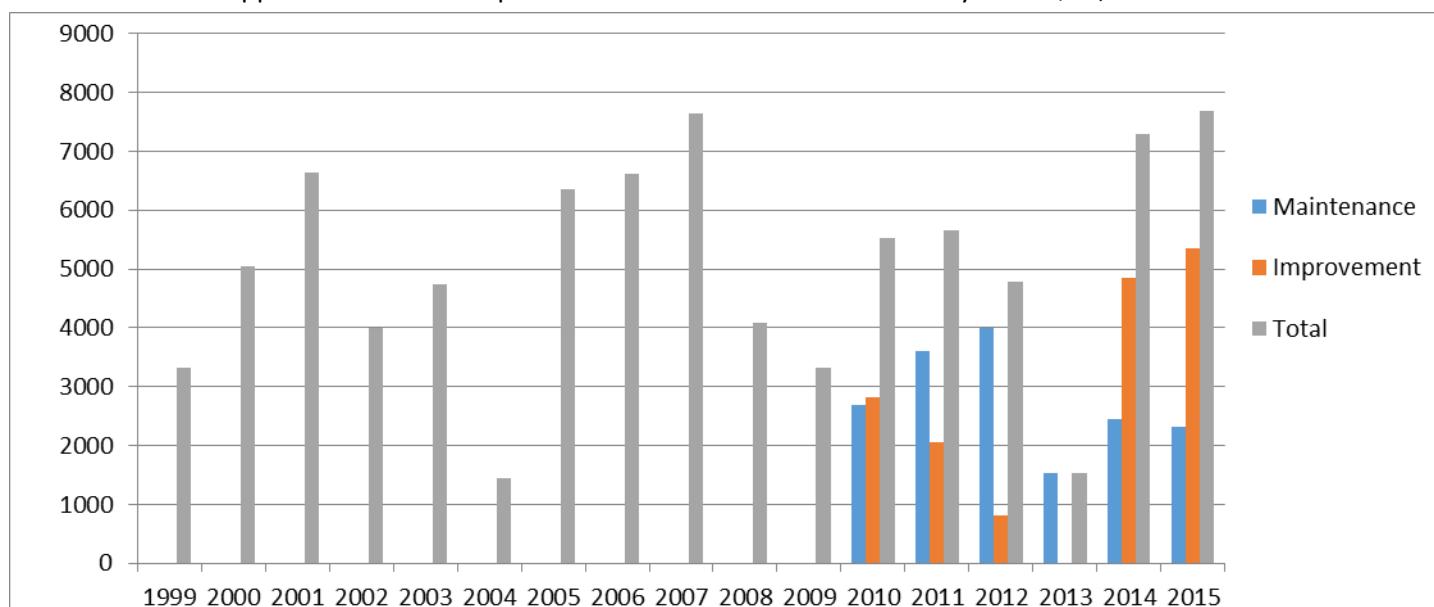
- The roads are in satisfactory condition at this time.
- Work has begun on cleaning out several culverts which were silting up.
- Work to extend the culvert where Agua Fria Trail crosses Rock Springs Creek is slated for spring 2017.

## Roadwork History 1999 - 2015

From WHLA Treasurer Tom Cook:

From 1999, when we incurred our first charge for road work, through to 2009 we did not differentiate between maintenance costs and improvement costs, so the only data we have for those years is for total cost. There is little doubt, however, that the major portion of the cost in those years was for improvement. Starting in 2010, using simple definitions for "maintenance" costs (grading and repair) and "improvement" costs (culvert placement, gravel placement, etc.) we tried to assign charges to these categories as they fit the definitions.

The chart below shows our expenditures for road maintenance and improvement for the years 1999 through 2015. No trend is apparent. The total expenditure for road work over these 16 years is \$85,686.



## Letter To The Editor

From WHLA Past-President John Laudé:

One could say a lot of negative things about what the Board has been doing the last nine years, but what good would it do. I do not believe that we will ever have the input from the membership like we used to have. First off, the Board must be trusted, and be honest with the Members. I would be in favor of \$100.00 yearly membership dues if it were spent to benefit all the members, and spent for its intended purpose: ROADS! Installing more culverts is not the answer. The ones in place now aren't being kept clean. What needs to be done is to dig the bar ditches deeper by building up the roads.

Let's work on building up the confidence from the members that we used to have.

- John Laudé, Datil, NM (September, 2016)

## Editor's Note

From WHLA Member-at-Large John Kell (also editor of the 2016 *Highlander*):

The *Highlander* encourages feedback from its readers. Opinions, observations, reminiscences, concerns, and photographs are all welcome. [The *Highlander* reserves the right to edit submissions for brevity and clarity].

## **2016 Summer Monsoon – Bust Or Boom?**

*From Wildwood Highlands resident Chuck Baker ...*

The 2016 monsoon season in Wildwood Highlands was drier than average. Temperatures in June were right on average; July temps were above average; and August temps were well below average. “Average” in this case refers to a 16-year average of weather data I have recorded between 2000 through 2015.

As a weather nerd I follow weather reports and forecasts a little closer than most folks. The monsoonal rain pattern which normally sets up in the southwest US has been missing in action for a good portion of the 2016 rainy season. Most summers, a high-pressure area occurs over the Four Corners area and draws moisture up from the Sea of Cortez and/or the Gulf of Mexico. Depending on how this high pressure oscillates and wobbles across New Mexico, we see one side of the state or the other favored with rainfall. This year, apart from a few weeks in July, that high pressure area has been weak or non-existent. Consequently, we have seen more of our rainfall triggered by low-pressure disturbances originating in the Pacific arriving from the west as they track across the northern part of New Mexico and southern Colorado (which is more like a winter moisture pattern).

This year in the eastern Pacific Ocean there has been an unusual “blob” of warm water stretching off the west coast of the US from California up to Alaska. We normally associate the La Niña and El Niño currents with affecting the moisture patterns in the southwest, but the blob is something new and different. It has caused a disruption to a number of marine animals which have had to migrate elsewhere to find the food sources that have been affected by the rise in water temperature. Some marine mammals have had to abandon raising young because of a lack of food. Others have remained in an area where they are usually only seen briefly, while passing through on migration routes. Whether or not this warm water blob is connected with the unusual moisture pattern we’re seeing this monsoon season remains to be determined.

OK, so much for my opinions. Here’s the facts as I have recorded them for June, July, August, September from 2000 through 2015, and how 2016 compares:

<b>Months</b>	<b>Rainfall</b>	<b>Average Low</b>	<b>Average High</b>
June - Averages 2000 to 2015	0.62"	55.4	85.4
June - 2016	0.57"	56.3	85.8
July - Averages 2000 to 2015	2.57"	57.3	85.2
July - 2016	1.66"	59.6	86.2
August - Averages 2000 to 2015	3.00"	55.7	82.2
August - 2016	2.20"	52.8	78.2
September - Averages 2000 to 2015	2.02"	50.7	77.1

# WILDWOOD HIGHLANDER

2016

For comparison purposes, I have culled the highlights from my records for June, July, August, and September. I sometimes hear folks remark about past/current years stating how this year or that one was the hottest, driest, wettest, coldest, etc., usually based on their memory, but not necessarily on actual weather facts. Here's the real story:

	Year	Rain	Average Low	Average High	Notes
Wettest June	2003	1.95"			
Driest June	2002	0.00"			<i>Six other years with June rain from .01" to .20")</i>
Coldest June	2009		51.7	73.4	
Hottest June	2012		58.2	96.3	

	Year	Rain	Average Low	Average High	Notes
Wettest July	2011	4.26"			
	2013	4.26"			
Driest July	2005	0.40"			
Coldest July	2015		54.8	79.0	
Hottest July	2003		60.7	95.0	

	Year	Rain	Average Low	Average High	Notes
Wettest August	2005	5.10"			<i>Currently the record for month with the most rain</i>
Driest August	2008	0.99"			
Coldest August	2014		54.0	76.7	
Hottest August	2000		53.6	86.3	

	Year	Rain	Average Low	Average High	Notes
Wettest September	2002	4.15"			
Driest September	2000	0.30"			
Coldest September	2009		48.9	73.1	
Hottest September	2000		50.6	84.9	

I have often looked at my past records to try to discern a pattern that might be applicable to current conditions and future projections. Alas, I have never been able to make an accurate forecast of what the next 30, 60, or 90 days might be like. I'm reminded of what I once heard the late Jacques Cousteau say when asked to make a prediction on the future health of the oceans: "I can very accurately describe what conditions I have observed, but I cannot predict the future".

## **They Keep Coming Back For The Plains Of San Augustin Water**

*From Kay Matthews, Editor-in-Chief of La Jicarita, An Online Magazine of Environmental Politics in New Mexico*

[ <https://lajicarita.wordpress.com> September 13th, 2016 ]

The Plains of San Augustin water grab is back. For the fourth time since 2007, Augustin Plains Ranch LLC has filed an application with the Office of the State Engineer to transfer 54,000 acre feet per year (afy) from 37 wells from the Datil area of west-central New Mexico. Here's the first paragraph of the latest legal notice, published in The New Mexican, Albuquerque Journal, and local newspapers on September 7, 2016:

"NOTICE is hereby given that on July 14, 2014, December 23, 2014 and again on April 28, 2016, Augustin Plains Ranch LLC, c/o Draper & Draper LLC, and Montgomery & Andrews, P.A., 325 Paseo del Peralta, Santa Fe, NM 87501 filed Corrected Application No. RG- 89943 with the STATE ENGINEER for Permit to Appropriate Groundwater in the Rio Grande Underground Water Basin of the State of New Mexico. The applicant proposes to divert and consume 54,000 acre-feet per annum from 37 proposed wells, proposed to be drilled to depth of 2,000 feet, with 20-inch casing, on land owned by the applicant located as follows; [the location of the proposed wells is then listed]."

Augustin Plains Ranch LLC first filed the transfer application in 2007, which was protested by approximately 80 individuals and groups represented by the New Mexico Environmental Law Center. The OSE denied the application on March 30, 2012, basing its decision on state law that requires dismissal of any application that fails to specify any particular purpose or place of use of water or end user. The Ranch appealed the OSE's decision in 2012 in the Catron County Seventh Judicial District Court, but the Court granted the protestants' motion for summary judgment (Memorandum Decision) and on January 3, 2013 denied the Ranch's appeal of the OSE decision to deny the water transfer. The Ranch then appealed this decision to the State Court of Appeals but also filed an amended application to the OSE in 2014 (in fact two applications, in July and December) while the case was still pending. Then the Ranch withdrew its appeal and made a motion to the Catron County Court that it remand the matter back to the OSE. The Court denied that motion on February 8, 2016, and closed the case. The 2014 amended applications were almost identical to the 2007 application and again failed to specify where the water would be transferred.

The latest "Corrected" application was filed on April 28, 2016 and published September 7, 2016. Once again the application fails to specify where or to whom the water will go. This is as specific as it gets:

"Said wells are generally located north and south of U.S. High-way 60, and east of Datil, Catron County, New Mexico, for municipal purposes, including, but not limited to the following municipal entities and their service areas; the Village of Magdalena, the City of Socorro, the City of Belen, the Village of Los Lunas, the Albuquerque Bernalillo County Water Utility Authority and the City of Rio Rancho, and commercial bulk water sales in parts of Catron, Sierra, Socorro, Valencia, Bernalillo, Sandoval and Santa Fe Counties, limited to those portions that lie within the geographic boundaries of the Rio Grande Basin, including various municipal and investor owed utilities, commercial enterprises, and state and federal government agencies, including the U.S. Bureau of Reclamation and the New Mexico Interstate Stream Commission whereby groundwater would be directly discharged to the Rio Grande."

The New Mexico Environmental Law Center continues to represent the protestants, and yesterday, September 12, submitted a motion to the Catron County Seventh Judicial District Court that the Court re-open its 2012 Memorandum Decision (denying the Ranch's appeal of the OSE's rejection of the water transfer) so that the Court can order the OSE to reject the Ranch's amended 2016 application, which includes the same defects that caused the OSE to deny the application in the first place.

The OSE appears to regard all of these applications as one. They all have the same filing number, RG-89943, and the agency has determined that any protests filed in response to the original 2007 application "are considered timely for this corrected application and notice of publication."

Hopefully, a Court ruling on the Law Center's motion will effectively end this saga for the people of Datil. If the case does go to a hearing before the OSE, the three criteria upon which the agency bases its decision whether to grant or deny a transfer—impairment, conservation, and public welfare—will no doubt all be argued in this case that will impact both residents of the area and public policy regarding the movement of water.

For more information regarding the protest of the Augustin Plains Ranch LLC proposed transfer you can contact Carol Pittman at [pittray@gilanet.com](mailto:pittray@gilanet.com), or 575-772-5866.

## **Q&A: Augustin Plains Ranch**

*First published in El Defensor Chieftain, Socorro, NM on October 13th, 2016 (re-printed with permission)*

*Questions by Scott Turner, Editor and Publisher of El Defensor Chieftain.*

*Answers by Michel Jichlinski, Project Manager with Augustin Plains Ranch LLC.*

**Question 1:** Now that the application has been publicized, have any of the hearings been set?

**Answer 1:** The schedule of the hearing hasn't been established yet. The hearing is designed to answer four fundamental questions about the application. As stated on the Office of the State Engineer's website: "When evaluating an application for a new appropriation or to change the place and/or purpose of use of an existing water right, the State Engineer must:

- Determine that water is available,
- The appropriation will not impair existing rights,
- The intended use meets state water conservation efforts, and that
- The intended use is not detrimental to the public welfare.

The law also requires the applicant to publish the application in a newspaper and give anyone with a legitimate objection the opportunity to protest the application."

Our application has been published and those who wish to protest are now in the process of doing that. To make it easier on the opponents, the notice of application stipulates that "In the event that a party filed a timely written protest or objection to the original Application to Appropriate RG-89943, filed with the State Engineer on October 12, 2007 and May 5, 2008, it is not necessary to file an additional written protest. Those protests or objections are considered timely for this corrected application and notice of publication."

**Question 2:** Is there enough water under the San Augustin Plains to do what the project proposes? And how do you respond to concerns that this project could cause the basin to dry up?

**Answer 2:** The first question to be determined in the hearing is the question you are asking. The last major study of the hydrology of the plains is the US Geological Survey's Water Resources Investigations Report 94-4125 published over 20 years ago, in 1994. This report characterizes the size of the San Augustin Aquifer to be very large, at close to 54 million acre feet of freshwater. This estimate was incorporated in the 2003 State Water Plan published by the Interstate Stream Commission.

We have conducted a preliminary analysis, including the drilling of test wells, which confirmed the findings of the above study. We will be producing a complete, definitive study, including additional field testing during the hearing. Concerning the basin "drying up," it is a very dry area to begin with. The aquifer is several hundred feet deep. Plant and wildlife in the plains are supported by rainfall, not by the aquifer.

**Question 3:** How much water are you proposing to be pumped per year (and the per day equivalent) for users in the Rio Grande Valley?

**Answer 3:** Our application is for 54,000 acre-feet per year (1/1000 of the estimated water in storage). This is equivalent to 48 million gallons per day.

**Question 4:** How are you planning on doing this? How would the water be transported to potential users?

**Answer 4:** We propose to build a well-field and convey the water to the Middle Rio Grande Valley through a 140-mile pipeline.

**Question 5:** Have you been in contact with potential users (municipalities or companies), who are they and what has been their response?

**Answer 5:** We have contacted and initiated conversations with several municipalities and companies located along the proposed pipeline right of way. The response has generally been that future sources of water supply are of great concern, and that they would be interested in the project's water if economically and environmentally sound. Some municipalities however are currently opposing the project. We are confident that many of them will review their position, once the project is better understood.

**Question 6:** This is related to the second question. There has been a concern that the project could cause wells on nearby ranches and farms to dry up, that the ranchers and farmers would have to dig new wells to find water. What is your response to that?

**Answer 6:** The study I referred to in response to your second question identified several aquifers in the area. Many ranches and farms draw water from aquifers other than the San Augustin Aquifer and will not be affected. The plains themselves are sparsely populated and there aren't many operating wells. Nevertheless, should someone's wells be affected by the project, the law is very clear. If an alternative solution to provide the water that the rancher or farmer is entitled to can be found, the project must pay for the costs involved. If there is no feasible solution, it is called impairment and the project cannot proceed.

**Question 7:** There has also been a concern that this project could make the ground unstable on ranches and nearby facilities such as the VLA. Do you believe that will be the case?

**Answer 7:** While subsidence in groundwater extraction projects has occurred, our initial analysis is that it is not likely to be significant in the Augustin Plains. There are many groundwater well-fields throughout the state, including the Albuquerque metro area, and they have generally not caused the ground in those cities and areas to be "unstable." This issue will be included in the scientific studies that will be part of the hearing.

**Question 8:** Because the basin is a closed basin, and the area only receives about 14 inches of rain per year, how do you propose to replenish the basin to replace the water the project would take out?

**Answer 8:** The closed basin is about 2,000 square miles in extent or 1.3 million acres. At 14 inches of rainfall per year, total rainfall over the basin is approximately 1.5 million acre feet per year, 30 times more than what we have applied for. Our preliminary studies indicate that recharge of the aquifer can be enhanced through the construction of dedicated structures. This is part of our application and will be investigated in detail during the hearing.

**Question 9:** In the initial press release, it stated that this project could potentially benefit the economies of Catron and Socorro counties. How do you feel this is possible?

**Answer 9:** The local community will benefit in several ways. First, there will be a direct benefit through additional tax revenues. Secondly, more water will be available for local communities than presently. The area will also benefit through job creation from the construction of the project infrastructure and the development of new industries and technologies in the project area. Specifically, we can imagine a high-tech cluster developing from the world class expertise already present at New Mexico Tech in Socorro. Knowledge areas could include enhanced aquifer recharge discussed above, aquifer management, the use of solar and hydropower energy to power well fields, energy storage and more. Finally, and perhaps most importantly, we believe that the local community should receive a direct contribution from the project either through a share in equity, royalties or some other mechanism. We have attempted to reach out to the local community through the San Augustin Water Coalition to discuss our proposal, but to date our efforts at promoting a dialogue have been rebuffed.

**Question 10:** The release also mentions the project potentially helping endangered species along the Rio Grande such as the silvery minnow. How is this the case?

**Answer 10:** By providing an alternative source of water to the Middle Rio Grande, the project will allow current takings from the river to decrease, leaving more water for "in-stream" environmental purposes. Additionally, our design incorporates turn offs from the main pipe line to use project water to augment water in specific wildlife refugia in the river during periods of extreme drought, which are sure to occur again.

Refugia are designated areas in the river which must never dry out to ensure the survival of endangered species.

**Question 11:** To clear up the confusion, how many applications has Augustin Plains Ranch LLC filed, and what was the outcome?

**Answer 11:** Two applications were filed. The initial application was filed in October 2007, followed by an amendment. This application was eventually dismissed without prejudice to the filing of a new application. That case is closed. The new application was filed in July 2014, and subsequently amended and corrected as per requests of the Office of the State Engineer.

**Question 12:** It has been claimed by opponents that no members of the Modena family have been to New Mexico. Have the owners been to New Mexico, and have they been to the ranch?

**Answer 12:** This claim is false. But more importantly it is irrelevant and has no place in an administrative and legal proceeding. The project sponsors are acting in full compliance with the laws of the State of New Mexico. The water resource of the Augustin plains belongs to the people of New Mexico. The opponents, through such a smear campaign, are attempting to deprive the citizens of the State of what is rightfully theirs.

**Question 13:** Is there anything else you would like to add, anything you would like the public to know about the project that might ease some concerns that have not been addressed by the above questions?

**Answer 13:** I would like to thank you for providing us with a forum to present our project concepts. We want the hearing to be a transparent, science-based process. I urge your readers to keep an open mind, stay well informed and participate in the hearing and future developments of the project. I believe that this project is a great opportunity for the area to develop a new and valuable resource and improve its economic and environmental conditions as well as those of the State.