

The Wildwood Highlander is a periodic newsletter providing information to property owners in Wildwood Highlands, near Datil, New Mexico. It is published 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 the WHLA website on the Internet: www.wildwoodhighlands.org.



Photo Credit: Jonille Shepherd

2018 Annual General Meeting

The 2018 WHLA annual general meeting was held on May 19th, 2018 at the Datil Well Campground Pavilion. Thirty-eight (38) members presented ballots. Highlights of the meeting were:

- The 2018 WHLA budget includes \$3,541 for road improvements and \$3,000 for road maintenance.
- The proposal to increase the annual assessment to \$100.00 in 2019 was defeated.
- John Kell and Jamie O'Gorman were elected as Directors of the Association.

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

Board of Directors Meeting

The Board of Directors met immediately following the general meeting on May 19th, 2018, to elect officers:

- | | | | |
|-------------------|----------------|--------------|--|
| • PRESIDENT: | Fred Shepherd | 575-772-5603 | shepherd@gilanet.com |
| • VICE-PRESIDENT: | Jamie O'Gorman | 575 772-5128 | ogorman@gilanet.com |
| • TREASURER: | Tom Cook | 575-772-5350 | tomcook@gilanet.com |
| • SECRETARY: | John Schaefer | 575-772-5776 | jfs@gilanet.com |
| • AT-LARGE: | John Kell | 575-772-5929 | johndawsonkell@gmail.com |

Minutes from the meetings of the Board of Directors are posted on the website. In 2018, meetings were held on March 8th, May 19th, July 24th, October 1st and December 10th. At the December 10th meeting, the Directors set the assessment for 2019 at \$73.00 per lot. Payment is due by 2019-Jan-31.



Photo Credit: Jonille Shepherd

Wildwood Highlands Weather Review - from January to September 2018

By Chuck Baker

A milestone of sorts has been reached by this weather nerd – I've been living in the subdivision long enough that I now have accumulated 20 years of data and can use it to compare past, current, and future temperature, and rainfall amounts to a 20-year average. Admittedly, 20 years is not a long time compared to National Weather Service records that go back more than a century, but it's the best we have right now.

Continuing a trend that started some years ago, WHLA weather remains warmer and drier than average for the first 9 months of the year. Average 2018 monthly low and high temperatures have both been from 1 to 4 degrees above the 20-year January – September averages. While January – September 2018 monthly precipitation amounts have fluctuated above and below average, there is a net deficit of 2.27" year-to-date for 2018 compared to the 20-year monthly averages for recorded rainfall. Snow was scarce this past winter with only recorded amounts of 1" in January and 3" in March (not including some days/nights with slight dustings of snow which only resulted in trace amounts less than the 0.01" minimum measurement of my rain gauge instrument). However, there were a number of days with rain in February which resulted in an above-average 0.80" monthly precipitation total.

Taking a closer look at the summer monsoon season, rainfall has been a little below average for July, August, and September with temperatures just slightly above the 20-year average. Unlike monsoon months when we have some measurable rain amounts nearly every day, the rain that did fall this summer tended to occur more sporadically, with longer periods of up to a week that had no measurable rain. Here are the numbers for July through September 2018 with the 20-year averages in parentheses:

Month	Average Low Temperature	Average High Temperature	Precipitation
July 2018	58.1 (57.2)	84.5 (85.1)	2.45" (2.63")
August 2018	56.2 (55.5)	82.3 (81.9)	2.37" (3.21")
September 2018	52.1 (50.6)	78.1 (77.2)	1.20" (1.97")

The remaining 3 months of 2018 will have to be much colder and wetter to offset the warmer and drier trend that has been the norm for the last few years.

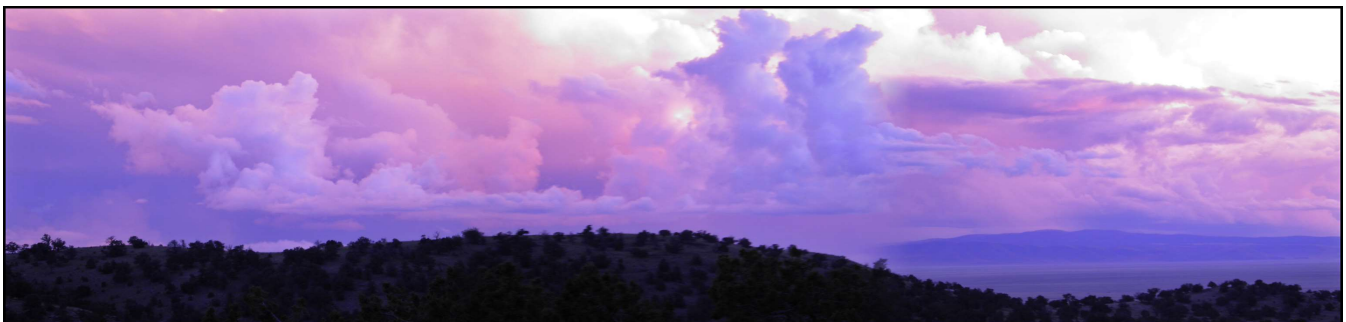


Photo Credit: Jonille Shepherd

The Water Below

The third application from Augustin Plains Ranch LLC to the State of New Mexico for permission to pump 54,000 acre-feet of water (approximately 17 billion gallons) each year from the aquifer beneath the Plains of San Agustin (and to pipe it to unspecified water customers many miles away) has been rejected by Tom Blaine, the New Mexico State Engineer. In his August 1st, 2018 Final Order denying the application, the State Engineer confirmed that “granting this application would deprive the public of its right to appropriate water for beneficial use.”

Michel Jichlinski, Augustin Plains Ranch Project Director, was less than gracious in response, calling the state’s decision a “win for ignorance” that would only benefit a “small group of dedicated opponents”. In a written statement, he noted that: “Much is made of the issue of speculation. But anybody who cares to study the recently published New Mexico Water plan, presumably the most important document guiding the future of water resources in the State, will note that no entity, except for Augustin Plains Ranch, has any intention to put this resource to use. How can we ‘tie up’ a resource that nobody cares about? ... The short-sightedness is driven by political expediency. While it will get some politicians more comfortably re-elected, it is a continuation of decades of mismanagement which put the State way behind the rest of the country in terms of poverty, growth and job opportunities.”

And so, on August 24th, 2018, in the Seventh Judicial District Court in Catron County, Augustin Plains Ranch filed an appeal against the State Engineer’s decision, on the grounds that there had been no full evidentiary hearing prior to that judgment. In the appeal, Augustin Plains Ranch asked:

“that the Hearing Examiner grant this Expedited Request for a post-decision hearing. If this request is denied, Augustin Plains Ranch asks for clarification or confirmation that the Report constitutes a denial of a post-decision hearing, or otherwise precludes a post-decision hearing. In any event, Augustin Plains Ranch requests that the Hearing Examiner issue his decision on this Expedited Request by Friday, August 30th, 2018, to afford sufficient time for Augustin Plains Ranch to comply with statutory time limits to perfect its appeal to district court, should the State Engineer deny this Expedited Request.”

Briefs in opposition to the Expedited Request for a post-decision evidentiary hearing were filed by the Hands Living Trust, the Catron County Board of County Commissioners, the Navajo Nation, Wild Earth Guardians, the San Augustin Water Coalition, and the Pecos Valley Artesian Conservancy District. They argued that, over the course of the application hearing, Augustin Plains Ranch had ample opportunity to provide evidence sufficient to overcome the summary judgment, but failed to do so, and thus are not now entitled to a post-decision evidentiary hearing.

On August 30th, 2018, the Water Rights Division of the Office of the State Engineer responded to the Augustin Plains Ranch Expedited Request, noting the following:

- the legal issue raised in the Expedited Request had been fully briefed during the administrative process and argued at the application hearing, and that
- the August 1st, 2018 Final Order adopted by the State Engineer states that “a hearing before the State Engineer on summary judgement satisfies the requirement for a hearing before the State Engineer before an appeal may be taken to the district court”.

And concluding that:

- No expedited hearing is needed before an appeal can proceed.
- The Expedited Request should therefore be denied.

[continued on next page ...]

On September 22nd, 2018, the Santa Fe New Mexican reported that Augustin Plains Ranch LLC expected to file their official appeal in the state District Court in Socorro later in the month.

So, it appears that there will be more battles to be fought.

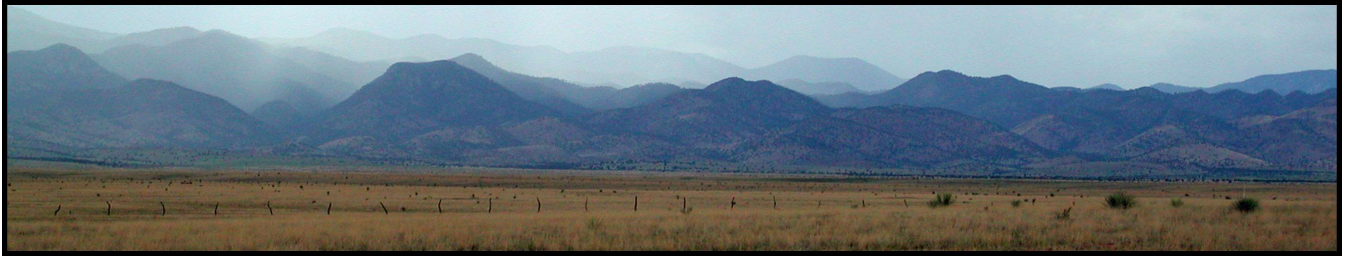


Photo Credit: John Kell

New Directors Needed

Since it appears that one or more members of the Board of Directors will not be seeking re-election next May, each and every land owner is hereby asked to consider putting his or her name forward to serve as a WHLA director (see nomination form below). Section 4.4 of the WHLA Bylaws states:

- A member in good standing may be nominated for the position of Director by the submission of nomination papers to the Secretary of the Association, not less than 40 days before the date of the annual meeting.
- The nomination papers shall be signed and dated by the nominee, and signed and dated by members in good standing having 2 or more of the votes entitled to be cast at the annual meeting.

WHLA Board of Directors – 2019 Nomination Form

We, the undersigned, being members in good standing of the Wildwood Highlands Landowners' Association of Catron County, New Mexico, hereby nominate and support the candidacy of

	Name	Signature	Lot No.	Date
Nominee				

whom we know or presume to have the same qualifications, for the position of Director.

	Name	Signature	Lot No.	Date
Nominator				
Nominator				

Note: Nominations must be submitted or postmarked no later than April 8th, 2019.

Editor's Note: 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]. Feel free to email me at: [johndawsonkell@gmail.com](mailto: johndawsonkell@gmail.com)



Photo Credit: John Kell