

***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](http://www.wildwoodhighlands.org).

## **2022 Annual General Meeting**

The 2022 WHLA annual general meeting was held on May 21st, 2022, at the Datil Well Group Campground. Twenty-eight (28) members presented ballots. Highlights of the meeting were:

- The 2022 WHLA budget includes \$3,600 for road maintenance, \$1,800 for road improvements, and \$1,000 for emergency road funding (snow removal and flood repair).
- John Kell and Tracy Gandy were elected for two-year terms as Directors of the Association.

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

Landowners are encouraged to put their names forward to serve as WHLA directors. A sample nomination form is available on the website.

## **Board of Directors**

In 2022, meetings of the Board of Directors were held on April 20th, May 21st, November 12th, and December 24th. At the meeting on May 21st, 2022, the following officers were elected for the next year:

- President: Rob Sanders
- Vice-President: Tracy Gandy
- Treasurer: Kathy Kanely
- Secretary: Kimberly Eliopoulos
- At-Large: John Kell

At the meeting on November 12th, 2022, the following members were appointed as Directors and Officers to fill the vacancies created by the resignations of Kimberly Eliopoulos and Kathy Kanely:

- Treasurer: Aileen Law
- Secretary: Antoine Ribaut

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



Photo Credit: Chuck Baker

## 2023 Assessment Amount

At the December 24th, 2022, meeting of the Board of Directors, the annual assessment for 2023 was set at \$86.00 per lot, as per Section 4.11.3 of the WHLA Bylaws. Payment is due by January 31st, 2023.

## 2022 Financials

Major items from the WHLA's 2022 Year End Financial Statement are shown in the table below. The complete report is available on the website.

Income	Budget	Actual
Lot Assessments	\$7,505.00	\$7,489.00
Late Fees, Settlements, and Liens	\$120.00	\$413.00
Other Income	\$225.00	\$313.00
<b>Total Income</b>	<b>\$7,850.00</b>	<b>\$8,215.00</b>
Expenses	Budget	Actual
Road maintenance	\$3,600.00	\$3,080.00
Road Improvement	\$1,800.00	\$0.00
Emergency Road funding (snow removal, flood repair)	\$1,000.00	\$0.00
Insurance	\$795.00	\$795.00
Administration and Miscellaneous Expenses	\$770.00	\$938.00
<b>Total Expenses</b>	<b>\$7,965.00</b>	<b>\$4,813.00</b>
Margin	Budget	Actual
	<b>-\$115.00</b>	<b>\$3,402.00</b>

## Editor's Note

The *Highlander* encourages feedback from its readers. Opinions, observations, concerns, reminiscences, and photographs are all welcome, although the *Highlander* does reserve the right to edit submissions for brevity and clarity. Please feel free to email me: [johndawsonkell@gmail.com](mailto:johndawsonkell@gmail.com)

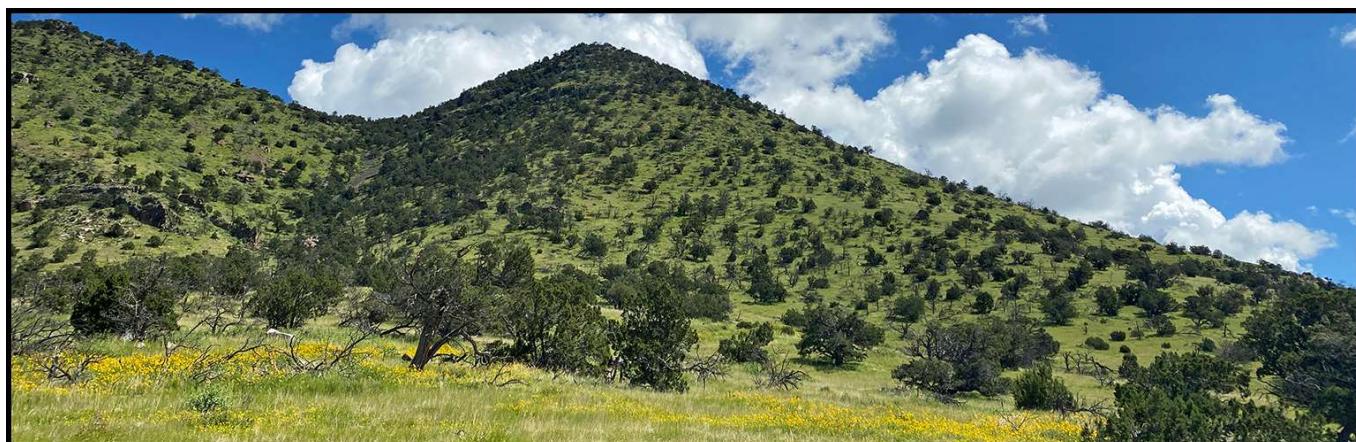


Photo Credit: Antoine Ribaut

**Wildwood Highlands Weather Report (January to December 2022) by Chuck Baker**

Here's the data collected at my location (Lot 3) in 2022 with the 20-year averages from 1999-2018 in parentheses:

Average monthly high temperature:	64.4	(66.4)
Average monthly low temperature:	39.4	(40.0)
Total precipitation (includes melted snow):	16.90"	(12.53")
Total snow:	4.25"	(19.3")

Overall, 2022 was a cooler year temperature-wise and saw a much wetter rainy season, but a much drier snowy season. However, the figures listed above don't really tell the whole story, which is not surprising because yearly averages remain relatively stable over long periods of time. Looking more closely at individual months shows that 2022 was a record year in several ways.

Rainfall totals in June (3.02") and October (3.73") set new records for those months and contributed to a record rainfall total over what was an unusually extended monsoon season running from mid-June to the end of October (14.92"). That contrasts strongly with what was a record dry period from January to June 15th when only 0.23" of precipitation was recorded, most of that coming from some light snow dustings in Jan/Feb/Mar. We also received some more light snow in December but for all of 2022 a new record was set for minimum amount of snow of only 4.25". If we had more snow in 2022 the total precipitation including melted snow would have set a new record; as it is, we only have a new record for yearly rainfall thanks to a rainy weekend in early December that saw 1.70" of rain.

Well-below-average temperatures in October and November and lack of typical summer days in the 90s due to a wetter monsoon contributed to the departure from the 20-year averages for 2022's average monthly high temperatures. The wetter monsoon season also caused severe flooding in late June in the Datil area, including the nearby Homestead Subdivision, but fortunately those localized heavy downpours missed Wildwood Highlands. Although we had a much wetter year than normal, drought conditions still persist in much of New Mexico and will require several years of above average winter snowfall to provide moisture for the spring snowmelt to soak into the ground as monsoon rains generally run off the land too quickly to alleviate dry conditions.



Photo Credit: Rob Sanders

**Water Matters**

Four and one-half years ago, in August of 2018, the New Mexico State Engineer rejected the third application that an Italian-owned company, Augustin Plains Ranch LLC, had submitted to the State of New Mexico for permission to drill 37 water wells on the San Agustin Plains in western Socorro County. If the application were approved, fifty-four thousand acre-feet of water (approximately 17 billion gallons) would be pumped each year from the aquifer beneath the Plains, and then piped to unspecified water customers many miles away.

Later that year, in the Seventh Judicial District Court in Catron County, Augustin Plains Ranch filed an appeal against the State Engineer's decision. Several parties filed briefs in opposition to the appeal.

In June 2019, the appeal was heard before Seventh Judicial District Judge Matthew Reynolds (since deceased) at the Catron County Courthouse in Reserve. Judge Reynolds handed down his decision in July 2019, denying the appeal from Augustin Plains Ranch. In a final order on August 23, 2019, Judge Reynolds stated:

- “The motions for summary judgment filed by the Community Protestants and Catron County Board of Commissionaires are granted;”
- “All other motions for summary judgment are denied as moot; and”
- “The Augustin Plains Ranch’s application to appropriate ground water from the San Agustin Basin is dismissed with prejudice.”

A “with prejudice” dismissal serves as a final judgment by the court, effectively barring Augustin Plains Ranch from bringing a subsequent action on the same claim.

Undaunted, in September 2019, Augustin Plains Ranch submitted an appeal to the New Mexico Court of Appeals for relief from Judge Reynolds final order. Three judges from this court (Kristina Bogardus, Miles Hanisee, and Katherine Wray) were empanelled to hear the appeal.

In its appeal, Augustin Plains Ranch argued that:

1. It was entitled per the water code to an evidentiary hearing,
2. The District Court improperly applied collateral estoppel [a prohibition against re-litigation of an already decided issue],
3. Its application was facially valid and administratively complete, and
4. The District Court erred in dismissing the application with prejudice.

In August 2022, the panel from the New Mexico Court of Appeals issued its rulings, summarized below:

1. Augustin Plains Ranch is not entitled to an evidentiary hearing,
2. The District Court erred in applying collateral estoppel,
3. The facial adequacy and merits of the 2014 Application are the province of the District Court, which is directed to review anew the State Engineer’s decision on these issues, and
4. The District Court exceeded its jurisdiction in dismissing the 2014 Application with prejudice.

The panel concluded: “We reverse the District Court’s determination that collateral estoppel bars review of the 2014 Application, and we remand to the District Court for a determination of Applicant’s appeal on the merits.”

And so, on December 29, 2022, the case (A-1-CA-38615) was once again placed in the District Court queue, with the water in question becoming more valuable with each passing day ...