

History of Horseshoe Springs Association

(compiled by Gene Harty, edited by Bob Witter)

In the early part of June 1953, the United States Department of Agriculture, Forest Service, Santa Fe National Forest advertised in the Albuquerque Journal that home sites in the Horseshoe Springs area were available. The sites were on some bench lands to the west of the San Antonio stream, about 10 miles north of the village of Jemez Springs on state road 126.

The basic annual charge for the sites was \$25 plus a \$2 fee for the maintenance of access roads. In addition, a charge of \$12 was made over a 15 year period for amortization of access road construction. This charge was to be terminated at the end of 15 years.

Detailed information concerning the lots was available from District Ranger Hill at the Ranger Station in Jemez Springs. Priority of application was determined by the date the application was received. In 1953, there were 53 lots on record for the Horseshoe Springs area. There is no record of who built the first structures on the permitted lots. Three of the original lots reverted back to the USFS because structures were not begun in the allotted time. There is a record of original permittees.

There is little correspondence available from this period. Some of the documents (researched by Gene Harty) addressed the water, that it was potable but limited, and suggestions were made concerning options for drilling wells. Slash removal in order to build was also discussed. Much of the correspondence concerned road maintenance.

Up until 1974, the USFS provided dump sites in the SE corner of Ranchos de la Cueva, Fenton Lake, and above the Fish Hatchery. They may have been closed for environmental reasons.

The Jemez Mountains Electric Cooperative made electricity available in the area in mid 1954.

Horseshoe Springs Summer Home Permittees Association Water Coop

In January 1938 the United States Forest Service applied for and was granted water rights for the Horseshoe Springs by the Office of NM State Engineer for the purpose of recreational and stock watering. In August of 1953, they applied for and were granted a construction permit to build the existing "spring box." The water from the spring had been used by locals and campers for as long as anyone could remember.

In the mid 1950s, some of the landowners around La Cueva must have been pressuring the Forest Service for the right to use the excess water from the Horseshoe Springs on their private land. In June of 1959, the Forest Service wrote a letter to the association president (Oscar Beasley) encouraging permittees to develop a water system that would use the excess water from the spring.

The Horseshoe Springs Summer Home Permittees Water Coop was officially incorporated on July 23, 1959.

On September 3, 1959, the USFS issued a Special Use Permit to Horseshoe Springs Summer Home Permittees Association for the use of excess water from the spring. This included forest lands on which to build the water system. The permit was for 20 years unless the Forest Service determined that there was a greater public need or unless the Association failed to comply with the terms of the lease.

Twenty-one permittees paid \$500 each for the initial hook-up. Five additional permittees paid \$100 to reserve the right to hook-up at a later date. Between October 1959 and September 1960, Ash Lofton's

engineering firm was hired to design the water system and Richards Trenching Service was hired for the system installation. The original system consisted of one tank for the south loop and one tank for the north loop (both galvanized steel). The north tank would only get water when the south loop tank overflowed.

In 1978, an additional tank was purchased for the north loop. It was installed in 1981. In 1998, as the original tanks were approaching 40 years of service, three new 3,000 gallon polyethylene tanks were purchased and installed (one on the south loop and two on the north loop). The 1981 tank was retained on the north loop.

In subsequent years, modifications and improvements have been made to the system. Tom Bell and Bruce Wylie installed flow meters at strategic locations (these aid in locating leaks). John Dickens designed and installed a water treatment system at the main spring location. Also, a cut-off valve for each cabin has been installed in the main water line system. This allows for maintenance at each cabin without having to shut off water for other cabin owners.

Today, we have 50 cabins. Of the 50, only one cabin does not have water service (by choice).

Land Exchange

Historically, there were proposals to the USFS to exchange privately owned land for summer home sites. This was true for the Horseshoe Springs Summer Homes area as well. In 1974, the Association learned of a proposed land exchange. Then Association President, Lyle Leeper, queried the Forest Service Supervisor about the rumor. He learned that such a proposal was made by La Cueva developers -- later found to be Lewis Enterprises. This proposal was later dropped.

The next Association President to take interest in a land exchange was Chuck Beverly. He officially proposed that the Association pursue a land exchange and called for a vote at the annual meeting. After much discussion, it was agreed that Beverly could approach the USFS to gauge their interest. It was learned that behind the scenes, Beverly had some land in the Cuba area that he wanted the association to purchase. This would be the land that was traded to the USFS for Horseshoe Springs. When the USFS showed no interest in Beverly's land, the matter was dropped.

During Wynn Tode's presidency, he asked the board of directors for permission to discuss the land exchange issue with the USFS. His request was turned down.

In 1991/1992, Gene and Rose Mary Harty were involved in the National Forest Homeowners Association and encouraged other Horseshoe Springs cabin owners to join and support the group. They learned of the possibilities for land exchange that were taking place with other permittee sites. The Harty's, Bob Witter and other cabin owners began discussing the possibility of pursuing a land exchange. In the summer of 1993, these individuals decided to approach the Association Board, and during the week of July 4th, 1993, at an Association Board meeting, the proposal was made to the board to investigate the feasibility of a land exchange. A Land Exchange Feasibility Study ("LEFS") Committee was authorized by the Board, with Bob Witter acting as chair, with Gene Harty and Louise (Jenson) Broadbent on the committee and Ralph Stone, Association president acting ex-officio.

During this time, The Harty's and Witter attended the annual National Forest Homeowners convention in Anaheim, CA. At this convention, they were able to meet with Kenneth Myers, Director of Recreation, USFS, Washington, DC. Mr. Myers gave some much-needed guidance and encouragement to move ahead with the proposal. During the summer of 1993, the Harty's visited the Santa Fe office of the USFS to determine their possible interest in an exchange. The USFS Realty Specialist encouraged continuation of the project and set

up a meeting with the Jemez Ranger District staff. This resulted in the Committee meeting with John Peterson and his staff, who at that time was the Jemez District Ranger. Mr. Peterson was also encouraging and suggested some USFS resources within the USFS for the Committee to contact..

During the Labor Day 1993 picnic/business meeting, the Land Exchange proposal was brought to the members of the Association. A process was described to merely investigate the feasibility, but costs would be involved, primarily in obtaining a summary appraisal on the Horseshoe Springs property. Some cabin owners were very much against the proposed exchange and lobbied others to oppose the proposal. Thanks to Ralph Stone's diplomatic ability, a major division of cabin owners was prevented.

A qualified land appraiser was commissioned by the Committee and the Association to conduct a summary appraisal on the Horseshoe Springs property. In addition, the Committee began researching the federal rules and regulations for such an exchange, in an attempt to estimate the cost of the proposed land exchange. Once these costs were determined, the Committee published a cost estimate and report for the land exchange. The report was presented to the members of the Association during the 1995 mid-winter meeting in Albuquerque. Although there were many road blocks, cost adjustments and objections from Association members, a large majority of the Association agreed to proceed in the spring of 1995. Once again, the diplomatic talent of President Ralph Stone was key to getting this majority vote.

Following supermajority approval to move forward with the Land Exchange, the LEFS Committee was replaced by the Land Exchange Committee ("LEC"), charged with moving forward with the proposed land exchange. Subcommittees to develop Covenants, Conditions and Restrictions ("CC&R's"), lot size, and other issues were also commissioned to begin work. Witter was chosen as the chair of the LEC, with help of members Gene Harty, Louise (Jenson) Broadbent and Dan Bunten. As before, guidance was provided by ex-officio member President Ralph Stone.

One of the most important items to the USFS were the Covenants, Conditions and Restrictions. If the CC&Rs prescribed little or no change in land use, the USFS would not have to do a full Environmental Assessment prior to exchange. The CC&Rs committee worked long and hard putting the proposal together, needing approval from the entire 50-cabin membership. There were many hard feelings about this process before the final package was complete.

Many hours were spent reviewing 36 CFR Part 254, the USFS requirements for land exchange. As suggested by Mr. Myers at the convention in Anaheim, a Realty Specialist in the Santa Fe office of the USFS was contacted to determine parameters for the land they would like to acquire in exchange for the Horseshoe Springs land. The Realty Specialist had a desired piece of land and a purchase was attempted. Regrettably, the piece of land that was owned by a family that, after a year, could not agree on the sale. Another year was spent researching options. Finally, a portion of privately owned land located in Church Canyon just northeast of the Jemez Ranger Station was agreed upon.

During the time that land was sought, property boundaries were surveyed. In addition, a survey for threatened flora and fauna was performed. As there were three Native American field houses on HSA property, it was necessary to have these sites mitigated at a cost of over \$60,000.

In early 1996, a land exchange facilitating company was contacted. Agate Land and Water, located in San Francisco, was chosen to take over the day to day negotiations with the USFS, which Bob Witter had been handling. They agreed to handle the entire package except for the water rights to the spring.

.Once the exchange package was completed and assembled, it was sent to the USFS regional Office in Albuquerque. The Realty Specialist in the USFS office rejected the summary appraisal price, claiming our appraisal was set too low. A second appraisal was required, done by another appraiser selected by the USFS. The second appraisal came in at a much higher cost. With this new development, the LEC had to revise the estimated costs set forth in the LEFS report and the LEC and President Stone had to go back to the cabin owners for approval of the additional cost. After considerable discussion, all 50 cabin owners agreed to the revised costs. The additional land cost required new negotiations with land owners of the private land that the USFS was interested in acquiring, but since a land exchange has to be done on a dollar-for-dollar valuation, additional acreage had to be acquired. Fortunately this worked out.

At the beginning of discussion for land exchange, water rights were part of the package. The Jemez District agreed that they would be willing to sell or trade water rights with us as they had no need for the water. It was assumed that HSA would get the water rights to the spring. The USFS even insisted that we include the spring on what is now HSA land. This plan proceed until the exchange package left the Jemez District Office and went to the Forest Supervisors office in Santa Fe. This office began to hedge on full release of rights to the spring. Negotiations over the rights they would keep and the amount of water HSA could have went on for months. These negotiations went on until the exchange package reached the USFS Regional Office in Albuquerque which stated that the Forest Service would not give up any water rights. The Association decided to work on water rights after the land exchange was finalized.

As the process was moving, various tasks were completed, including a completion of the CC&R's. A separate meeting of the Association was held in Albuquerque in the spring of 1998 and became probably one of the most contentious meetings during the entire land exchange process. The meeting lasted several hours, ably chaired by President Ralph Stone. However, the final outcome was a set of CC&R's, adopted by a 75% majority of all cabin owners.

Then, just as the land exchange process was close to conclusion, actions by USFS personnel and other land exchange consultants in another forest caused the Department of Agriculture to issue a "hold" on all pending land exchanges. This was a dilemma for our association, since the second land appraisal (which the association had to pay for) was due to shortly expire. If the current appraisal expired, the association would be required to obtain a third appraisal, which would again raise costs and force new negotiations for the exchange acreage. However, with the help of the Regional Forest Supervisor in Albuquerque, Agate Land and Water was allowed to hand carry the Exchange packet to Washington. After weeks of waiting, it was approved in late spring/early summer of 1998.

The summer of 1998 was a flurry of activity. A surveyor was hired to survey not only the boundaries of the Horseshoe Springs property, but each of the 50 lots. Negotiations were held with Sandoval County on the dedication of roads, which had to be included in the final survey plat. The CC&R committee wrapped up their work and worked with an attorney to get them in a legal format to become part of the title to each lot. Cabin owners were assessed their final lot costs, and money from each cabin owner was rolling in to fund the exchange. The push was on with the Albuquerque regional USFS office to get them to the closing. A title company was engaged to handle the land exchange real estate closing. The final obstacle was getting the personnel in the Albuquerque USFS office to get their work done so the closing could occur.

Finally, the closing of the Land Exchange occurred on the Friday in September 1998 before Labor Day and before the 1998 business meeting/picnic of the association. The hope was to hold up the deed at the picnic! However, due to delays on the part of the USFS, the closing did not occur until the afternoon of Friday. Once

the closing occurred and funding was transferred, our title closing agent rushed to the courthouse in Bernalillo to file the paperwork and deeds. But, to our dismay, the county clerk's office closed 10 minutes before our agent got there . . . but word was passed that the documents would be recorded the following Tuesday after the holiday, which they were. Following this, the association deeded to each cabin owner their own warranty deed for their lot. The new Horseshoe Springs Association then became official and in business in early Fall 1998.

After a 5 year, 20 month process, the Horseshoe Springs land exchange was done!

HSA History Timeline

1938 - USFS granted water rights in Horseshoe Springs area

1953 (June) - USDA/USFS advertises home in Albuquerque Journal that sites available in Horseshoe Springs area

1953 (August) - USFS granted construction permit to build "spring box" for the Horseshoe Spring

1959 (June) - USFS to association president encouraging development of a water system to use excess water from the spring

1959 (July) - Horseshoe Springs Summer Home Permittees Water Coop was officially incorporated

1959 (Sept) - USFS issued a Special Use Permit to the water coop for use of the excess water from the spring

1959/1960 - water system was designed and installed; 2 water tanks installed

1974 - Association President, Lyle Leeper, learns of proposed USFS land exchange program

1978 - an additional water tank was installed

1991/92 - Gene & Rose Mary Harty learn of land exchange programs on other lease sites. Bob Witter, organizes a feasibility study for such an exchange for Horseshoe Springs Association. Witter, with the help of Association President, Ralph Stone, obtain permission from membership to proceed.

1993 - Bob Witter and Gene Harty attend the annual National Forest Homeowners convention in Anaheim, CA. They met with Kenneth Myers, Director of Recreation, USFS, Washington, DC. After the convention, a Land Exchange Feasibility Study Committee was formed by HSA.

1993 (summer) - Gene and Rose Mary Harty visited the Santa Fe office of the USFS to determine their interest in an exchange by USFS.

1995 - Association agrees to proceed after being presented with cost appraisal of the lands and for the surveys required to meet the federal requirement for land exchange

1996 - a land exchange facilitating company was contacted. Agate Land and Water, located in San Francisco, was chosen to take over the day to day negotiations with the USFS.

1998 - three new polyethylene tanks were installed

1998 (October) - the Horseshoe Springs Association, Inc. became official