

A Brief History of the Baker's Peak Subdivision

1970s – Subdivision Platted

The James Robertson family homesteaded 5400 acres on Baker's Peak in 1920 and patented that homestead in 1923. The only access was via the road from Moffat County #2 to what is now the North access at Tract 'A' and Tract 60. They patented that road in 1930. No other access existed. Several years later a trail road from the southwest entrance eventually connected with the homestead access road at what is now Metcalf Junction.

The Robertson family laid out and built all roads (including 52+ culverts) on Baker's Peak as well as fenced the entire 5400 acres. They created several run-off ponds to capture water for cattle as the only sources of water were the spring fed lakes on the West, Jack Rabbit Creek, and First Creek on the east side.

Thunderbird Wilderness Co. purchased the original Robertson ranch from Dick Robertson in the early 1970s. The Baker's Peak subdivision was surveyed and platted into 104 approximately 35-acre tracts. Thunderbird sold all tracts with the last sale being #104.

1980s - Baker's Peak Landowner's Association Formed

Landowners organized a voluntary association, Baker's Peak Landowner's Association (BPLOA), for three purposes: 1. Maintenance of the common roads in the subdivision, 2. Maintenance of perimeter fencing to keep out trespassing cattle, and 3. Assurance that the three entry points are kept open for landowner access to the properties and to provide entry for fire and emergency personnel.

BPLOA is a non-profit corporation organized under the laws of the State of Colorado in 1998. Landowners may choose to become members. The Board is composed of five positions: President, Secretary/Treasurer, Road Chairman, Fence Chairman, Cattle Lease Chairman. Duties and terms of service are defined in the Constitution.

Issues outside the immediate responsibility of a chair person are handled collectively by the board members. Board members are NOT paid and are NOT reimbursed for any expense they incur in the normal execution of their duties.

Annual meetings are scheduled once a year on July 4th weekend or Labor Day weekend.

Association members discuss current issues, review financial reports, and enjoy a potluck picnic

Accesses to the Subdivision Properties

Southwest/West Access

The Southwest/West access to the properties is just below Tract #1. Moffat County 70 provides access to the West of the Robertson property and then crosses Robertson's property until it reaches the cattle guard at Tract #1. This access has been continuously used since 1975 and probably before that by both the Robertson family and Baker's Peak landowners. Continued use by landowners should not be a problem since it has been openly used for over 18 years. This is the best access and is the only legal access.

North Hill Access

The other original access to the Baker's Peak properties is known as the North Hill access. It begins at Moffat County Road 2 and goes south for about 4 miles and enters the Peak at Tract #60. This was the original road used by the Robertson family who homesteaded Baker's Peak in 1920. It was used in the 1960s by an oil exploration company to access their test well on Tract #60. The company made several improvements to the road so that it was passable. No oil was found so the oil company discontinued use. The route is a very rough, rutted road which is not maintained and has about 5 gates on the ranchers' properties to be opened/closed. Two upper gates align with the subdivision properties. The upper gate is now closed permanently (having had a deep trench dug in front of it) and the lower gate is closed but not locked.

The North Hill access was used by several Baker's Peak landowners for many years (well over the 18 years required for adverse possession) until closed by several ranchers: Battle Mountain Co (Bob Grieve), Boyers, Ken Hyatt (who leased property from Grieve for guided hunting), the Pot Hook Ranch, and Hayhurst.

BPLOA filed a lawsuit in 1999 (funded by volunteer donations and loans from many Peak landowners) to regain access. The lawsuit was bounced from federal to district court and the legal funds were depleted; thus, in 2005 the association had to settle for seasonal access only and only to those parties participating in the lawsuit. Seasonal access is granted during the Summer, never during hunting seasons. The settlement was not filed in Moffat District Court as it had been dismissed for "failure to prosecute."

The court required the ranchers to pay \$25,000 to improve the First Creek access since fire code requires two accesses to Baker's Peak properties. The North Hill access can be used for emergency egress if necessary; fire, etc. The current owner of the ranch north of

the subdivision was not aware of the settlement of the lawsuit so that access remains in question. It is not a legal access for title insurance purposes.

With the opening of the East access, the North Hill access becomes less important as most landowners now utilize the Southwest and East accesses with just a few using the North access.

First Creek/East Access

The third access is First Creek which comes in across the Northwest corner of the state land bordering the Eastern subdivision boundary. Entry is via Moffat County Road 38 down state land and then crossing the ford at First Creek onto BLM land. It enters the properties at Tract #93. It is not a legal access for title insurance purposes and is not maintained by any government agency.

The original east access was about 1/2 mile north of the present access but that rancher closed it which necessitated obtaining a lease to cross state land. This lease became effective in 2012 and allowed the creation of a road with an easement of 80' on either side of centerline. The Association posted a restoration bond of \$10,000 and paid for a 10-year lease at \$500 per year. This lease was renewed in 2022; it must again be renewed in 5 years. The Association spent roughly \$10,000 surveying, grading, and applying pit-run rock to the road.

Details of the State land lease are on the Baker's Peak website (Bakers-Peak.org).

Also in 2012, a lease was obtained from BLM to access the road from the state land to the east cattle guard. This lease cost \$316 and is to be renewed on 12/31/2031.

A key clause in the state lease is: "Holder and guests of the holder are the only authorized users. Holder may not avail the use of this Permit, whether temporary or permanent, to any other persons or entities." The BPLOA is the holder of the lease Permit which could be revoked if other than association landowners or their guests use that road. It could also be revoked if weeds and trash are not controlled or if anything is stored permanently on the leased land.

Roads

All roads on the Peak are private and no government funding (federal, state, or county) is

available for maintenance. A very good road map (created by Brett Miller and Mark Krom) is viewable on the website (Bakers-Peak.org) under the “resources” tab. Road and fence maintenance is entirely the landowners’ responsibility. All major roads on the Peak have an easement that is shown on the property deed of each tract. The maintenance easements vary and are between 30' and 40' on either side of the centerline of the road.

Maintenance of the roads when the subdivision was formed was minimal (read zero). Most of the roads were deeply rutted and, when wet, were very difficult if not impossible to travel. The north access was a deeply rutted and rocky trail. Landowners took chances and 4-wheel drive was absolutely necessary.

During the “wet years” (1970s-mid-90s) one could expect to get stuck at least once if not more. Even chained up on all fours a driver could get stuck in one or more bogs. A helpful neighbor with a winch or a log chain was most welcome. Often a driver would need a hi-lift jack to lift up each end of the vehicle and then push the vehicle off the jack to get out of the ruts. It was not a good idea to come to the Peak alone.

To provide funds for road and fence maintenance, landowners proposed a voluntary donation of \$100 per year per landowner (increased from the \$50 that had been in place since the 70s). Those donations were sufficient for minimum maintenance but not for lasting improvements.

BPLOA approved the increase of donation for maintenance in 2017 to \$200 per year per landowner. This allowed for some pit-run rock to be applied to the worst areas and to pay for annual grading of the roads. About 50% of the landowners made the suggested donation. This continued for several years, but progress was slow; only so much could be accomplished each year.

In 2019, the annual suggested dues were raised to \$300 to allow pit-run to be spread on the worst areas. Roads needing improvement were divided into three categories: A. Must do, B. Need to do, and C. Would do if funds permitted. Most of the “must do’s” have been completed, not so much the rest. When dry, the roads are now in reasonably good condition, but they get a lot of traffic during wet hunting seasons when the roads get very rutted. Annual grading of all roads is now done; usually in mid to late June once the snow has melted and the roads are dry enough for grader work.

Most of the worst areas have been improved such that very few people get stuck provided they stay on the road. The roads are still a mess when wet and need further improvement.

Annual grading of all roads costs from \$2,500 to \$6,000 depending on the condition of the roads. Application of pit-run rock runs about \$600 (used to be \$200) per six-yard load and that only covers about 150' of road. Basic annual road and fence maintenance costs around \$8,000 to \$9,000; no allowance for improvements. Office and meeting expenses are another \$500+ per year. Annual revenue from the 33% of landowners paying \$300 dues is around \$10,000; just barely meeting expenses.

1990s - Cattle Grazing Leases

BPLOA entered into a cattle lease in the early 1990s to obtain necessary revenue for road and fence improvements. The original lease was for 250 cow/calf AUM (animal units per month) from late May to early October. Cattle were to be placed on the Peak in May and removed from the Peak before the first rifle hunting season. The revenue from that first lease was \$12,500. That revenue along with landowner donations allowed road improvements to be made at a faster pace.

Revenue from successive cattle leases over the years allowed the roads to be improved to where they are today. They are much better than in the 70s and 80s. Work is needed on the West side on Monk Hill, Aunt Rosie's Lane, and the far West loop. On the East side, work is needed around Tracts #54/55, on the Jack Rabbit Creek area, on the North Hill, and along a hill by #Tracts 69/71. All those spots need to have decent grading and pit-run rock applied. They are pretty dicey when wet. Several landowners fenced their properties to keep cattle away from buildings.

2016/2017 - Cattle Grazing Lease Lawsuit Filed

Sixteen landowners, who were opposed to grazing leases contracted by BPLOA, filed a lawsuit in January 2017 in Moffat District Court. After many months of discovery and court ordered mediation, the lawsuit was settled in July 2017. A retired judge, who was paid \$1,500 by both the plaintiffs and the defendants, held the mediation in Glenwood Springs, CO. The settlement agreement imposed several very restrictive conditions that the Association had to comply with in order to pursue a cattle lease. See the lawsuit settlement agreement on the Baker's Peak website: Bakers-Peak.org

One of the restrictions was that a pilot sheep grazing program was to be implemented. A range management consultant was engaged in the fall of 2018 to develop a grazing plan for

sheep. That initial plan is viewable on the Bakers-Peak.org website. It broke up the subdivision area into 4 quadrants and the sheep would be rotated among them by shepherds and/or volunteers. Watering troughs would have to be provided and serviced by volunteers and areas for off-loading and loading sheep would need to be identified and permitted. The estimated revenue from a sheep lease was \$4,500 per year; much less than had been derived from cattle leasing. Since the cost of a \$2,000,000 liability insurance policy (if the Association could get one) was \$9,500, the net loss per year would have been \$5,000. The estimated cost of fencing the properties for cattle grazing was \$55,000. A grazing lease for either sheep or cattle was not financially feasible.

After a year of attempting to conform to the restrictions of the agreement, and failing, a motion was made at the annual meeting in 2019 to have a moratorium on any future grazing leases. That motion was made due to the negative financial impact, the possibility of future lawsuits resulting from livestock trespassing on land where they were not authorized, and the very large volunteer labor requirement to manage the steps of the agreement. That motion passed by a 4 to 1 majority and is in effect today. There will be no cattle leases on the Baker's Peak subdivision unless the landowners in a future meeting vote to reinstate seeking a cattle lease. The very restrictive conditions of the settlement agreement would still apply.

Perimeter Fencing

The original 16 miles of perimeter fencing around the subdivision in 1975 was in poor shape; mostly down. That permitted a very large number of cattle to free graze since Colorado is an open range state. If you don't want cattle, you fence them out. David Bray, a former landowner at the Peak, contacted all the adjacent ranchers to set up agreements with them to maintain fencing. They would maintain 1/2 of the fencing and the association would maintain the other 1/2. Additionally, he made agreements with them to build 1 mile of new fence each year in exchange for grazing their cattle on the Peak. It worked very well; new fencing went up every year until such time as most of the fence around the Peak was sufficient to "turn" cattle.

The fence across the North side of the subdivision does not always follow property boundaries due to the very rough terrain. That fence follows geographic lines where it was easier to install but the fence is very difficult to maintain due to minimal access for equipment.

Fence repair is a constant activity since the winters are tough; snow loads break wire

and posts. Additionally, elk and hunters do damage. If the fence is not maintained, cattle will graze for free on the Peak as was the case in the 70s and 80s.

In the summer of 2021 several cattle trespassed into Metcalf Junction, Allen's meadow (formerly Pead's meadow), and on the West loop due to breaches in fencing. The ranchers were called to remove them (as the law requires). They said they would remove them when time permitted.

In the Summer of 2017, 10 volunteers worked to prop up the North fence since it was in serious disrepair and was also the entry for many trespass cattle. That repair activity sufficed for that year but the fence continued to deteriorate due to heavy snow and the willful encroachment of trespass cattle.

In the Summer of 2021, a volunteer group of 23 people plus the very generous donation of equipment and men by John Van Dyk, the North fence was completely rebuilt from Tract #23 down to the lower North gate. The fence across the north side of the Peak was also rebuilt by cooperation with two adjacent ranchers (Jim Bridges and Pat Grieve) and the Association. The Association paid \$10,000 with the rest provided by those two ranchers. John Van Dyk contributed significantly to that effort. The two ranchers will provide future maintenance along with the Association. It is a lay-down fence so the ranchers will lay it down in the fall and raise it in the spring. Those two fencing efforts should keep most of the problematic trespass cattle from encroaching onto Baker's Peak properties.

Plans for the Summer of 2022 are to continue fence repair with the area east of the upper North gate continuing to the northeast corner of the Baker's Peak subdivision properties. Other areas need repair, as well, pending availability of volunteers and funds.

Places and Names

County Road 70 N or Monk Hill - the road from the southwest gate through the junction at Hageman's Hideaway. The origin of the "Monk Hill" name is unknown.

Hageman's Hideaway - now owned by the Garner Trust. It is not a part of the original subdivision.

Robertson Road -named for the homestead family. It runs from Hageman Junction to Tract #33 and goes along the South side of Tracts #38-27 to Metcalf Junction (Tract C). It is the worst road on the Peak. A high clearance 4wd unit is advised.

The West Loop Road and the West Lakes - on the western part of the subdivision.

Jack Rabbit Road - named for the creek it crosses.

Radio Ridge - in early years CB radios could access truckers on paved roads for emergencies; now it is an area to access cell phone coverage.

Aunt Rosie's Lane runs from the junction of Monk Hill to Radio Ridge. A log cabin, which was Aunt Rosie's home, is on Tract #51. Rosie was a member of the original Robertson family and ran sheep during the summer.

Aunt Rosie's Hill runs from Tract #49 to Tract #51.

The original Robertson Homestead is on Jack Rabbit Road just above tract 'A'.

Maple Springs is a very good spring on Tract B. It almost went dry in 2021 which would have been very unusual. The spring is owned by the Tract owner.

Maple Springs Road runs from Radio Ridge to Metcalf Junction.

Little Adobe Hill - adjacent to Tract #55.

Farmer's Pond - along Tracts #42 and #54.

Wilke's Hill - named for the former owner of Tracts #69 & #71. Very difficult when

wet. **Windy Point** - just above Tract #58. A very good view of Wyoming but also very windy.

Baker's Peak Road – the road to the top of the Peak starting at Tract #30 and going up to Tract #103. It is very deeply rutted and has a locked gate at the bottom of Tract #73. No access beyond that.

The Hell Hole - located just north of Tracts #35, #37, and #38. It is also known as Baker's Peak Reserve. Very mountainous terrain. Inaccessible by vehicles.

Website

The Baker's Peak website is **Bakers-Peak.org**. It is open to all landowners and friends. No sign-up userword or password is required.

The website provides minutes of annual meetings, minutes of board meetings, financial reports, maps, the constitution, resources, and documents of general interest. It also provides access to Facebook to allow members to communicate. For privacy reasons, the listing of landowners with contact information is not on the website. Contact the secretary/treasurer for an updated listing.

Scary Events and Emergency Medical System Responses

Several years ago, an elderly gentleman was riding an ATV with his friends (too fast) and missed the main road. He ran into a cable that marked a private entrance. He suffered severe injuries which resulted in BOTH Moffat County and Baggs, WY emergency services responding. The response by both entities was good but it still took quite a bit of time. Craig is about 42 miles away and Baggs is 26 miles away; travel time is dependent on road conditions and visibility.

Another incident happened when a landowner rolled his ATV and suffered injuries severe enough that other landowners had to take him to Craig Hospital. EMS was not called for that incident.

There have been other incidents but these two are noted to emphasize that emergency help is available but not right away. In 2008/2009 Moffat County assigned road names and gave address numbers to most properties with driveways. Thus, an address by number and street name may be requested by emergency and service providers. **Call the sheriff's department in Craig or 911 for emergency help.**

The Wet and Dry Years

The 70s, 80s, and early 90s were the "wet" years. If it rained on a Sunday before the roads were upgraded, it would be mad dash by landowners present to get off the Peak. If it began to rain at any social gathering, people quickly got in their vehicles (this was before everyone had an ATV) to get back to their own property. The roads quickly turned to mud which were not fun to drive.

Since then, the Peak has experienced continuing drought conditions with the last seven years being the worst. 2021 was the worst with most of the run-off ponds drying out completely as well as First Creek and Jack Rabbit Creek. Rather than muddy roads we now have very dry, dusty roads.

Some seepage from springs existed on the North side at Allen's meadow and Metcalf

Junction. Trespass cattle were able to get water by stomping on those seepages which caused water to pool in their footprints, and the grass was better than the grass on the northern rancher's property.

Author's Notes and Observations

To gather information for this document, I dug through notes and documents which I had accumulated in my 40 years of being on the Peak and being a board member for 26 or those years. I tried to weed out details so no one's eyes glazed over; I just tried to capture the major events and related timelines. I have two observations: 1. The only winners of a lawsuit are the lawyers, and 2. The more things seem to change, the more they remain the same.

If anyone sees errors, wishes to change anything, or add anything new, please let the author know.

February 2022

Roger Davis, Tract #49, Past BPLOA Board Member