



Written by [Joe Wolverton, II, J.D.](#) on June 4, 2014

New Mexico Ranchers Rally; Feds Still Deny Cattle Access to Water

Protesters gathered in southern New Mexico last weekend, hoping to attract national attention to the federal government's refusal to allow cattle critical access to water.

County commissioners told the crowd that the rights of citizens are "being trampled" by the U.S. Forest Service and other federal departments that claim authority over "public land." In response to the Obama administration's abuse of power, county leaders have pled with Congress to intervene on their behalf.



"We've got the U.S. Fish & Wildlife Service, the BLM [Bureau of Land Management], the Forest Service coming in here dictating terms to us and we're tired of it; we're pushing back," said rancher John Bell, as reported by news channel KVIA.

In a letter sent to their congressional delegation, the county commissioners wrote that the federal government has habitually exercised tyrannical control over western lands, depriving the people of their otherwise unalienable rights. They invited the lawmakers to last Saturday's rally in Alamogordo, as well.

"Otero County has taken a strong stance to try to protect our citizens and their rights," the letters read. "To date, the U.S. Forest Service and the Department of Justice have been unwilling to even reasonably compromise to de-escalate the situation and to work cooperatively."

"This appears to be an uncompromising example of government bullying," the commissioners added. The ABC News affiliate spoke with Representative Steve Pearce (R-N.M.) regarding the ranchers' complaints.

"The courts have said the water belongs to the rancher," said Representative Pearce, ABC-7 reports. "It's a drought. Rancher needs to get his water to the cattle. He's gotta walk across 23-acres of forest service land. They've fenced him off to where he can't do it. And that's an abridgment not only of the constitution but also of the court findings."

Although invited, Governor Susana Martinez did not attend the protest, but through a spokesman she indicated that she is "concerned" when federal interference affects the state's economy.

"The governor values the rights of Otero County residents and ranchers to speak out against recent actions taken by the federal government to fence certain lands," spokesman Enrique Knell told the Associated Press. "The governor understands county residents' vested interest in protecting the lands that sustain their livestock, families and property."

Knell added that Governor Martinez intends to assist both sides in the dispute in coming to a reasonable solution, one that does not "negatively affect the state's rural economy."



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The rally is the latest effort in the ongoing struggle by landowners and ranchers to save cattle from dying of thirst as a result of the protracted drought that has plagued New Mexico for over a year.

A meeting a couple weeks ago between county officials and ranchers failed to result in an agreement, leaving federal officers in charge of state land — and thirsty cattle locked out of watering holes.

As [The New American reported](#), the federal Forest Service fenced off a 23-acre section of land, preventing a rancher's cattle from getting to a watering hole located on the tract.

Earlier last month, the county commission voted unanimously (with one commissioner absent) to empower the sheriff to open a gate, making a way for the cattle, some 200 in number, to get to the water. "We are reacting to the infringement of the U.S. Forest Service on the water rights of our land-allotment owners," Otero County Commissioner Tommie Herrell told Reuters. "People have been grazing there since 1956," he added.

The Associated Press (AP) reports that Scott Verhines, New Mexico's state engineer, is hopeful for renewed negotiations.

"I encourage the Forest Service to engage the ranchers affected by the fences in the Agua Chiquita area to develop a similar solution that provides access to drinking water needed for livestock in this time of drought, just as the Forest Service has done in two recent disputes elsewhere in Lincoln National Forest," Verhines said, as quoted by the AP.

As it did in the case of Cliven Bundy, the federal forest gestapo insists that the presence of the cattle threatens the "delicate ecosystem" along the Agua Chiquita that is home to the meadow jumping mouse.

Given the fact that this area of the state has been suffering under extreme drought conditions for over a year, ranchers in Otero County are particularly angry at the government's ham-fisted attempt to exercise control over the site of the spring, effectively killing their cattle.

"The winds are blowing; we're in a drought. Sacramento Mountains are dry. So whatever water source these animals can find, they have to be able to get to it," county commissioner Susan Flores told KVIA news in May.

"The Forest Service has no right to appropriate water under New Mexico law," Blair Dunn, an attorney for Otero County, told New Mexico Watchdog.

As is indicative of the whole of the Obama administration and its disdain for the rule of law and state sovereignty, the Forest Service claims the fences were erected in the 1990s and the Agua Chiquita creek runs through land owned by the federal government.

"We've provided reasonable access to the water, even if there is a water right on these sites," Forest Supervisor Travis Moseley told KVIA.

As for the mice that are supposedly being driven out by the thirsty herd, their presence isn't exactly well known among locals.

"I've never seen one of these mice, and the Forest Service claims they caught one last year," Commissioner Tommie Herrell told Reuters.

Forest Service spokesman Mark Chavez told Reuters that the New Mexico meadow jumping mouse was expected to be listed as an endangered species in June. That would endow that 23-acre tract with the all-important "critical habitat" designation.



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Please read these [earlier articles](#) regarding the principal of constitutional law known as the equal footing doctrine and the constitutional proscription on the federal government's ownership of land located within the sovereign boundaries of a state.

Unsurprisingly, the organized green mafia has sent letters in support of the federal government's war on the west. The *Las Cruces Sun-News* reports:

Environmentalists have sent letters of support to forest officials, saying the agency has a duty to safeguard water supplies on public lands. On Wednesday, WildEarth Guardians accused Otero County of "thuggery" for threatening to remove the fences.

Depending on the outcome of their request, county commissioners have cleared the way for the sheriff to take steps to remove or open the gates at Agua Chiquita.

Despite being given the go-ahead by the county commission, as of publication time, Sheriff Benny House has not opened the gate in the Forest Service's fence.

The *Albuquerque Journal* reports on the Forest Service's latest response to the appeal for reason and restraint:

The Forest Service said it has a responsibility to protect the area and it would not be able to open the gates to Agua Chiquita without extensive environmental review. The agency also said the impending listing of a rare mouse as an endangered species would be another consideration, one that's also likely to affect watering holes in other forests in New Mexico and Arizona.

In other words, "Attention, ranchers in Arizona and other areas of New Mexico: The Obama administration cares more about protecting the supposed habitat of a mouse than about adhering to the rule of law, conforming to constitutional principles of federalism, or the thousands of head of cattle that will die so that federal totalitarianism may be extended."

Indeed, the events in Otero County are just the latest attempt by the Obama administration to send, as Thomas Jefferson complained of in the Declaration of Independence, "swarms of Officers to harass our people, and eat out their substance."

Unless Congress is able to force the forest service back inside its constitutional cage, the county commissioners are prepared to take the case to court.

Photo of Otero County Cattleman's Association President Gary Stone near a fence Weed, New Mexico, blocking a small creek where the ranchers' cattle drink water: AP Images

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