

Government's Shocking Interference in Rancher's Life

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Nevada farmer Wayne Hage (CURTIS HOWELL KRT/Newscom)

A startling decision on government wrongdoing by a federal court in *U.S. v. Estate of E. Wayne Hage* gives credence to [those](#) ^[2] who say that the federal government is engaging in a "war on the West" that is hurting rural communities. It is a stark reminder of how powerful our federal government is today and how it can ruin the lives and businesses of American citizens.

The 104-page [opinion](#) ^[3] by U.S. District Court Judge Robert C. Jones on May 23 in Nevada tells a sordid and infuriating tale of a two-decades-long conspiracy among federal employees of the Bureau of Land Management (BLM) of the Department of the Interior to deny the grazing rights of a Nevada ranching family, interfere with their water rights, and destroy their cattle business by scaring away their customers.

The case has long, complicated procedural history, but in essence, the federal government in 1991 refused to renew a grazing permit that the Hage ranch had held on federal lands for a very long time. The government also interfered with the Hage family's water rights, which pre-dated the implementation of the grazing permit system in 1934, by restricting their access to various streams and wells. The BLM seized the Hages' cattle and filed a civil trespass action against Hage, at one point even building fences around waterways to keep thirsty cattle from getting water, a scene right out of a 1930s Western movie.

Judge Jones did not mince words: "[T]he Government's actions over the past two decades shocks the conscience of the Court." The judge concluded that the government denied the renewal of the Hages' grazing permit for a "nonsensical" reason that was "arbitrary" and "vindictive." The employees of the BLM "entered into a literal, intentional conspiracy to deprive the Hages not only of their permits but also of their vested water rights." Some of the Hages' "vested stock watering rights" on local streams and wells dated back as far as 1866 and 1874; most of them had been established by late 1800s and early 1900s.

The court did award the government \$165.88 for the grazing of the Hages' cattle on federal land after the permit was denied, quite a recovery for the Interior Department in a 20-year dispute (there is no telling how many millions the government spent pursuing this case). But the court held that the government had abused its discretion "through a series of actions designed to strip the Estate of its grazing permits, and ultimately to strip Defendants of their ability to use their water rights, for reasons unrelated to the appropriate use of the range or ensuring that historical grazing use is respected."

Judge Jones issued an injunction against the federal government interfering with the Hage family's water rights and ordered it to grant a grazing permit in accordance with the "historical usages and preferences" in that area of Nevada. The judge said he was restricting the government's "normal discretion" in "this extreme case because of the conspiracy...and the obvious continuing animus against Hage by" government officials. Two government employees were held in contempt by the judge for sending trespass notices to people who leased or sold cattle to the Hages in order to "pressure other parties not to do business with the Hages, and even to discourage or punish testimony in the" case. The judge referred them to the U.S. Attorney's Office for "potential prosecution for obstruction of justice." That is quite an indictment of the Interior Department and its employees.

Sadly, Wayne Hage, the patriarch of the Hage family, did not live to see his eventual triumph over the Interior Department. His son, as the executor of the estate, carried on the long and expensive fight against the federal behemoth. But the Hage family fight shows just how dangerous the power of the federal government can be in the hands of bureaucrats who don't respect the ranchers, miners, and farmers who settled the frontier and who still live and produce there today.

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[2] those: http://elkodaily.com/news/opinion/commentary-obama-s-budget-is-war-on-the-west/article_e42f0022-a6fd-11e2-b7a4-001a4bcf887a.html

[3] opinion: <http://www.scribd.com/doc/144609491/United-States-v-Estate-of-Hage-No-2-07-cv-01154-RCJ-VCF-Findings-of-Fact-Conclusions-of-Law-and-Injunction-D-Nev-May-24-2013>