



# Dr. Angus McIntosh explains grazing rights, defines Public Lands

*The U.S. Supreme Court has long upheld grazing allotments as real property with valid rights, yet ranchers are often unaware of their property rights.*

LA JUNTA, COLORADO , UNITED STATES, March 8, 2016 /EINPresswire.com/ -- The [Colorado Independent CattleGrowers](#) Association and the Southeast Colorado Private Property Rights Council presented a private property rights workshop with Dr. Angus McIntosh, property rights expert, and Beverly Rave, former Colorado State Land Board Director on February 27, 2016 in La Junta, Colorado.

Rave presented information on upcoming Colorado State Land Board lease rate changes, Board vacancies, lease renewal language and the proposed Walk-In legislation which seeks to allow public hunters access to all State land leases. Although the bill has not made it into committee, it is sponsored by Rep. Wilson and could be slipped into general legislation.

Keynote speaker, Dr. Angus McIntosh, formerly worked for the United States Forest Service and the NRCS. He has conducted over 60 seminars and workshops on valuation of property rights in Western states on federal land/split-estate ranches.

Dr. McIntosh is admitted as an Expert Witness in the Federal Courts and has given expert testimony and reports in the Federal District Courts of Arizona, Colorado, Nevada and the United States Court of Federal Claims. He has given testimony before the State Legislatures of Arizona, New Mexico, Montana and Nevada on Water Rights, Range Management and Federal Regulatory Impacts on Property Rights.

Dr. McIntosh refuted the misconception that grazing allotments on United States Forest Service and Bureau of Land Management lands are public lands on which ranchers have no rights. In Northern Pacific Railroad Company v. Wismer, the Supreme Court decisively states that “public lands are lands open to sale or other disposition under the general laws, lands to which no claims or rights of others have attached.” In Bardon v. Northern Pacific Ry. Co., the Court declared, “It is well settled that all land to which any claims or rights of others have attached does not fall within the designation of public land.”

Before the USFS or BLM existed, practically all rangeland in the West was being used as ranches. Private water rights and rights of way established prior to their creation were determined no longer public land under the jurisdiction of the United States (Kansas v. Colorado, 1907; Curtin v. Benson, 1911; Colorado v. Toll, 1925). The court determined in Nobel v. Union River Logging R.R. Co. that once a right of way over public land was established it could not be revoked by the United States.

When Congress enacted the Stock-Raising Homestead Act in 1916, range-rights were recognized by every state and territory in the West. Additionally, the US Supreme Court has recognized range-rights as property and a legitimate subject of litigation on numerous occasions (i.e. Griffith v. Godey, Wilson v. Everett, Curtin v. Benson). What is now known as National Grasslands, were settled under the Bankhead-Jones Farm Tenant Act of July 22, 1937. The Act allowed the Secretary of Agriculture to

“grant rights of way” with the great percentage of land being disposed of as grazing allotments.

As recently as 1978, in *United States v. New Mexico*, the Court clearly confirmed that “Congress intended for national forests to be reserved for only two purposes -- ‘to conserve the water flows and to furnish a continuous supply of timber for the people’ . . . National forests were not to be reserved for aesthetic, environmental, recreational, or wildlife-preservation purposes.” In the same case the Court states that “since congress clearly foresaw stockwatering on national forests, reserved [government] rights must be recognized for this purpose.”

Grazing “permits” are not property rights. However, once water rights, rights of way, forage rights and improvements were developed or appropriated, they became property rights. As real property, grazing allotments cannot be taken without just compensation and due process. 16 U.S. Code 1604 - National Forest System land and resource management plans subjects itself to these established rights as evidenced in subparagraph (i): “Any revision in present or future permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.”

Over 100 ranchers from Colorado, New Mexico and Kansas attended the workshop. Visit [www.coloica.com](http://www.coloica.com) for information about the Colorado Independent CattleGrowers Association or find them on Facebook.

Elisabeth Erickson-Noe  
Colorado Independent CattleGrowers Association  
email us here  
719-383-9706

---

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases.

© 1995-2016 IPD Group, Inc. All Right Reserved.