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Rural county, feds locked in water-rights dispute

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Otero cattle rancher association president Gary Stone talks to Lincoln National Forest District Ranger James Duran in Weed, New Mexico, Thursday, May 15, 2014. The Otero County Cattleman's Association is pitted against the National Forest Service over a fence intended to protect wildlife that the agency installed around a small creek where the ranchers' cattle drink water. (AP Photo/Juan Carlos Llorca)

WEED, N.M. (AP) — The latest dispute over federal control of land and water in the West has erupted along the banks of the Agua Chiquita, a small spring-fed stream in the mountains of southern New Mexico where the federal government has installed metal fences and locked gates to keep cattle out.

The move has enraged one rural county, where the sheriff has been ordered by the county commission to cut the locks. The U.S. attorney for the district of New Mexico hoped a meeting Friday would ease tensions enough to avoid an escalation like the armed standoff last month over grazing rights in Nevada.

The discussion resulted only in more frustration and disappointment.

Otero County Commissioner Ronny Rardin said after the meeting that the dispute was far from over.

"Ultimately, it is incumbent upon the commission, the sheriff and the citizens of Otero County to stand up for our constitutional rights," he said.

In a statement, U.S. Attorney's Office in New Mexico said no resolution was reached during the meeting and that the office will continue to monitor the situation "to ensure that public safety is preserved" in Otero County.

"To that end, the U.S. Attorney's Office will make every effort to facilitate a dialogue between county officials and the Forest Service," the office said.

Decades in the making, the dispute in Otero County centers on whether the Forest Service has the authority to keep ranchers from accessing Agua Chiquita, which means Little Water in Spanish. In wet years, the spring can run for miles through thick conifer forest. This summer, much of the stream bed is dry.

The Forest Service says the enclosures are meant to protect what's left of the wetland habitat. Forest Supervisor Travis Moseley said the metal fences and gates simply replaced strands of barbed wire that had been wrecked over the years by herds of elk.

The Otero County Commission passed a resolution earlier this week declaring that the Forest Service doesn't have a right to control the water. Ranchers say they believe the move is an effort by the federal government to push them from the land.

"If we let them take over our water rights, that's the first step. Then we would have nothing left here," said Gary Stone, head of the Otero County Cattleman's Association.

U.S. Rep. Steve Pearce, R-N.M., said what's happening in Otero County is another example of overreach by the federal government.

"These disputes could be easily avoided if federal bureaucrats would stick to their constitutional oath and respect property rights," he said.

With no resolution in sight, Sheriff Benny House said Friday he plans to continue investigating whether forest employees are breaking state law by fencing off the water. The commission is also seeking a congressional hearing on the matter.

Rancher Ed Eldridge is next in line to see a fence erected around the water on his allotment.

"I don't think any foreign power could take us over, but we might lose our country from within our borders if we lose our constitutional rights," Eldridge said.

Still, Eldridge, Stone and other residents said they aren't looking for an armed standoff with the federal government. They just want their water and property rights recognized and respected, they said.

Attorney Blair Dunn, who is representing the county, said he's worried that transparency and a media spotlight could be the only things that prevent the dispute from reaching a dangerous boiling point.

"Generally, cooler heads prevail when we're able to sit everybody down and figure out something that works," Dunn said.

Moseley of the Forest Service said he's not surprised by the conflict, given the pressure the agency is under to manage the land for different uses.

"I can't speak to a broader spectrum of federal regulations and how they affect private businesses and lives, but I don't believe there is a conspiracy per se," he said when asked about ranchers' claims of being pushed from the land.

County Commissioner Tommie Herrell disagreed. Describing the agency's actions as tyranny, he said the Forest Service is unwilling to temporarily open the gates while the parties search for long-term solutions.

Montoya Bryan reported from Albuquerque, New Mexico.

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