



Written by [William F. Jasper](#) on June 25, 2008

## Hage Family Vindicated by Court Victory

Nevada ranchers Wayne and Jean Hage did not live to see final victory in their epic property rights battle with the federal government, but their children, other ranchers, and property owners nationwide have benefited from their steadfast adherence to principle and perseverance in the face of overwhelming odds.

On June 6, Loren A. Smith, senior judge for the United States Court of Federal Claims, issued his final opinion in *Hage v. United States*, awarding the estates of Wayne and Jean Hage \$4.2 million in compensation for physical and regulatory takings, plus 17 years of interest and attorney's fees.

According the ABA Journal of the American Bar Association, the interest and attorney fees will amount to another \$4.4 million.

Unfortunately, neither Wayne nor Jean Hage were able to be in court to savor the victory. Mrs. Hage passed away in 1996 and Mr. Hage died in 2006. Both are buried on the family's Pine Creek Ranch in Monitor Valley, Nevada.



"This decision is important to every American because it reaffirms our basic right to own property, whether you live in a major U.S. city or rural America," commented Margaret Byfield, the Hages' third daughter and executive director of Stewards of the Range, an organization that has supported the case since the beginning.

Ladd Bedford, one of the attorneys for the Hage family, who was involved in the case from its inception, noted the important precedent: "There is now a deterrent to the federal agencies. The federal government has significant exposure by way of having to pay just compensation when they deny ranchers access to their water and range improvements."

"This is an important legal victory," according to Mike Van Zandt, the other attorney who has been involved in the case since the early 1990s. "The agencies have used their regulatory power to drive ranchers out of business with no regard for their property rights, and now the court has set limits on the agency's actions."

In court proceedings on June 30, 1993, the United States stipulated that Wayne Hage *does* own the range and water rights that he claimed under Nevada law and that though the United States wanted to show that federal law superseded Hage's rights, no federal law of property could supersede the Nevada state law.

*The New American*, which has been reporting on the landmark Hage case almost from the beginning,



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has featured interviews with Wayne Hage, including one shortly before his death, and an article by him explaining the important issues at stake for all property owners in *Hage v. the United States*. In addition to being a rancher, Wayne Hage was a tireless patriot and public advocate, as well as a scholar whose pioneering legal and historical research has dramatically impacted American jurisprudence. In his path-breaking book, *Storm Over Rangelands: Private Rights in Federal Lands*, and in his many essays and speeches, Wayne Hage delineated the long-forgotten history and legal principles involved in water and property rights in the arid lands of the western United States, which differed greatly from those in the east. He also erased much of the confusion about the basis of private property rights in the “split estate” lands, those federal lands in which private property owners have ancient, genuine legal claim to property rights that federal agencies may not violate.

“My parents wanted resolution,” commented Byfield. “They were told by the agencies that they had no property rights on the federal lands. They pursued this case so that this 60-year conflict between ranchers and agencies could be settled, and future generations of ranchers would have the security of their property rights. They succeeded.”

A brief video interview with Wayne Hage on his ranch, the last one before he passed away, can be viewed by clicking [here](#) and [here](#).

*Photo: Wayne Hage during interview*



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