Ranching and Agriculture



OVERVIEW

Ranchers, farmers and lenders have sought legal advice from lawyers at Modrall Sperling since the founding of the firm more than 75 years ago. Firm lawyers practicing in the ranching and agricultural industry have a broad range of experience and skills ranging from acquisition and sale of rural properties, federal and state grazing leases, regulatory compliance, and water rights.

Clients rely on the firm's expertise when they need assistance with the purchase, sale and leasing of property, acquisition and operational financing, and with water rights acquisition and sale, as well as related litigation, when necessary. Our lawyers are familiar with the unique issues that rural lands present to our clients, and we have experience in representing a broad range of land users.

Acquisition and Leasing

Our lawyers routinely handle ranch and farm transactions from negotiations through closing. We assist clients with grazing leases and allotments on state lands and on federal lands under the Taylor Grazing Act. We assist with purchases, sales and leases of ranches, farms, water rights and equipment. Our lawyers advise ranch owners and potential purchasers on split-estate issues and access for mineral exploration and development, including notice rights of owners under federal law.

Borrowers and lenders seeks advice from our lawyers with regard to financing and collateralization of ranch and farm lands; livestock loans; conservation easements and associated tax credits; insurance issues, including hazard and drought insurance; perfection, sale, permitting, leasing and use of water and water rights; special border issues involving immigration and homeland security dealings; and title issues.

Regulatory

Our ranching lawyers assist clients with grazing leases and allotments on state lands and on federal lands under the Taylor Grazing Act. We assist with purchases, sales and leases of ranches, farms, and equipment, addressing state regulatory requirements associated with the transfer of title to land and water rights. Our lawyers advise ranch owners and potential purchasers on split-estate issues and access for mineral exploration and development, including notice rights of owners under federal law.

Water

Our ranching lawyers work closely with our water lawyers to assist clients with the acquisition, leasing or collateralization of water rights. Our familiarity with the state regulatory bodies and New Mexico water law are instrumental in acquiring the water rights that our clients need and encumbering water rights for our lender clients.

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EXPERIENCE

- Represented the owner of multiple ranches in a complex transaction to post the ranches as collateral, including overseeing title, environmental appraisal and mortgage issues.
- Obtained favorable settlement and monitoring plan for ranching community in the Jomada del Muerto desert basin near Truth or Consequences, NM. A high production water well, shared among several neighboring families, farms and ranches, had been leased to Spaceport America during the construction of the facility. When the community noticed a significant reduction in their water supplies, they sought relief through the Office of the State Engineer.
- Successful representation of two ranches in a lawsuit brought by a uranium prospector who sought to avoid his contractual obligations, and obtained a complete dismissal of the claims against the ranches, leaving only counterclaims asserted by the ranches.
- Successful representation of ranch owners in a wide range of land and financing-related instruments, tax and insurance coverage issues.
- Successful representation fending off a mine developer's attempt to gain access to split-estate lands under the notice regulations under the Stock Raising and Homestead Act (SRHA).
- Successful representation of landowners seeking to preserve the rural character of their lands in perpetuity through the voluntary imposition of perpetual conservation easements.
- Successful litigation against two state agencies after the agencies arbitrarily and capriciously denied and landowner available tax credits for granting a conservation easement.
- Representation of a ranch in connection with the negotiation and drafting of a humate agreement.

RELATED ATTORNEYS

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RELATED PRACTICES

Corporate, Business and Finance
- Banking and Lending

Energy, Environment and Natural Resources
- Cultural and Historic Resources
- Energy
- Environment
- Mining

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- Oil and Gas
- Public Lands
- Renewable Energy
- Utilities and Infrastructure
- Water Rights and Water Quality

Litigation

- Commercial

Native American Law

- Economic Development
- Energy and Resources
- Tribal Law and Courts

Real Estate

Taxation

Trusts, Wills and Estates

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