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The parcelization of the open range, a conflict in land use : grazing rights versus residential and recreation land sales in Klickitat County, Washington

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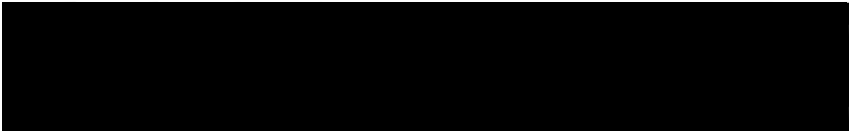
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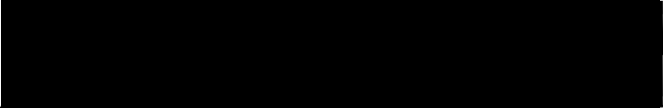
AN ABSTRACT OF THE THESIS OF Dennis A. Olson for the Master of Science in Geography presented February 1980.

Title: The Parcelization of the Open Range, A Conflict in Land Use: Grazing Rights versus Residential and Recreation Land Sales in Klickitat County, Washington.

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:


Willert Rhynsburger, Chairman


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John Dart

A large part of Klickitat County, Washington, is legally and traditionally open rangeland. In recent years, range and forest lands have been sold to, and divided by, real estate investors for development as recreational and residential property. Traditional rangeland grazing areas and "cattle drive routes" are no longer available to ranchers or are jeopardized by new land ownership patterns.

In some areas "herd law districts" have been established to control cattle movement and prevent livestock from roaming

onto neighboring properties. However, cattlemen feel grazing rights and patterns are essential to their livelihood in many rural areas. These grazing rights have been threatened by an increasing number of sales of small parcels of land in open range areas.

Many purchasers of small plots do not realize that their particular land may be in open range land and they may be disturbed at the "trespass" of livestock on their property. Some recreational developments in the county have had major conflicts with nearby ranchers over grazing rights. Property owners complain of cattle destroying gardens, livestock on roadways and animals disturbing residential areas. Cattlemen on the other hand, refer to killing and butchering of animals, cattle being "run" by dogs and snowmobilers, and cattle drive routes being blocked by no trespassing signs. Thus, traditional open livestock grazing areas and "cattle drive routes" are no longer available to ranchers or are jeopardized by new land ownership patterns. Social conflicts and legal questions are becoming increasingly common and more serious.

The threefold question researched herein is: (1) What are the extent and potential economic consequences of land parcelization in Klickitat County?, (2) What are the political and social costs of parcelization?, and (3) What measures today are, or could be, used to ameliorate the land use conflict? These are answered by studying the various aspects of the problem, including the historic land use change, legal

mechanisms which regulate livestock grazing and land parcelization; taxation; the economic effect upon livestock production; crime and social conflict; costs to county services; and environmental impacts. The geography of the change itself is depicted on several maps.

Because of the varied aspects of the question, a number of information sources and collection methods are used. Major sources are the official records of Klickitat County and interviews with land owners, real estate agents, livestock associations, and government officials.

Sample survey techniques are used to obtain information and attitudes from various sources, such as property owners. The paper includes potential solutions to the problem through private and government actions.

THE PARCELIZATION OF THE OPEN RANGE, A CONFLICT
IN LAND USE: GRAZING RIGHTS VERSUS RESIDENTIAL
AND RECREATION LAND SALES IN KLICKITAT COUNTY,
WASHINGTON

by

DENNIS A. OLSON

A thesis submitted in partial fulfillment of the
requirements for the degree of

MASTER OF SCIENCE
in
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Portland State University

1980

TO THE OFFICE OF GRADUATE STUDIES AND RESEARCH:

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CHAPTER I

INTRODUCTION

A large part of Klickitat County, Washington, is legally and traditionally open rangeland. In recent years, range and forest lands have been sold to, and divided by, real estate investors for development as recreational and residential property. In some areas "herd law districts" have been established to reduce free cattle movement and prevent livestock from roaming onto neighboring properties. However, grazing rights and livestock movement patterns are essential to the livelihood of cattlemen in many rural areas. These grazing rights have been threatened by an increasing number of sales of small parcels of land in open range areas. Most of these parcels are twenty-acre divisions or smaller, some as small as two and one half acres.

Unfortunately, many purchasers of small plots do not realize that their particular land may be in open range land and they may be disturbed at the "trespass" of livestock on their property. Some recreational developments in the County have had major conflicts with nearby ranchers over grazing rights. Thus, traditional open livestock grazing areas and "cattle drive routes" are no longer available to ranchers or are jeopardized by new land ownership patterns. Social

conflicts and legal questions are becoming increasingly common and more serious.

Although many aspects of range management, recreation development, and land use patterns have been researched extensively there seems to have been relatively little attention given to the range-recreation conflict. The problem is widely recognized by range users, real estate interests, and public officials, yet little major research work has been undertaken. This thesis is a start toward further investigation of the problem, and may be of some use as a contribution to the body of literature on rural land use.

SURVEY OF RELEVANT LITERATURE

A survey of relevant literature discloses a dearth of information regarding specific work on the parcelization of range land for non-grazing purposes. However, much valuable data are available from general and technical sources on range management, history, geography, law and economics, and in the fields of land use planning, real estate practices, and public administration. A number of geographic works bear significantly on the problem addressed herein in a general way. Campbell's Masters thesis (1969) reviews the basic problem of remote subdivisions, while Holtgrieve's article (1976) addresses the history of land speculation and its effect on land uses. Sheldon Ericksen (1953) provides a more localized geographic and historic look at rural land use changes in an area not too distant from this study area. Jordan (1972, 1977)

provides some interesting background on open range cattle ranching generally as do Meador and Prunty (1976).

And, some basic geographic thought on the concept of the effects of laws upon land-use patterns is found in Hartshorne (1939,1959), Allix (1948) and Broek (1938).

A general history of the settlement of the Pacific Northwest from the 1840's through the early 1900's is available in Boyce (1937), Meinig (1968), Oliphant (1968) and in more popularized versions in Sheller (1944) and Splawn (1944).

Literature from the field of land use planning explores the process and results of land subdividing from both national (Boxley, 1977; Economic Research Service, 1970) and localized or site-specific viewpoints (Hoover, n.d.; Ragatz, 1977; Page, 1977; Wall, 1977).

The economic effects of ranch sales and subdivision are the concern of Oppenheimer (1966, 1972) and Gray (1968) while the overall loss of open space, and the economic consequences, are the topics of Downie (1974), Gum (1977) and Lane (1964).

The perspective of rangeland management, i.e. the protection of the physical environment for livestock grazing, wildlife enhancement and other rural, agricultural uses, can be found in a number of well-known volumes, including classic textbooks by Stoddart and Smith (1975) and A. W. Sampson (1974) and in pertinent articles by Housley (1970), Anderson (1975), Burcham (1975) and Krueger (1975). Krueger's article can be found along with a number of other useful articles in a volume entitled Range Multiple Use Management, published in 1975 by the Cooperative Extension Service.

Lastly, the legal and administrative concerns of and government policy on rural land subdivision are expressed in works by Weber, Youmans and Harrington (1977), Calef (1960), Elias (1963), Foss (1960) and the State of Oregon's Bureau of Governmental Research and Services (1975).

However, as much literature as there is on related general topics, very little has been written upon the specific problem of the historic or current conflict between livestock grazing practices and residential or recreational land use development. The larger problems of settlement patterns, open space deterioration, improper or uneconomical land development and the "quality of life," from both the socio-economic and environmental aspects, have therefore a considerable body of relevant literature. Yet the specific problem stated herein seems to have been subject to very little close academic or popular scrutiny.

STATEMENT OF THE PROBLEM

The problem addressed by this thesis consists of three interlocking questions: (1) What are the extent and potential economic consequences of land conversion (parcelization) in Klickitat County?, (2) what are the political and social costs of parcelization?, and (3) what measures today are, or could be, used to ameliorate the land-use conflict?

The social, political, and historical setting of the research problem is outlined in Chapters II-IV. Chapter V analyzes the land conversion process and portrays the resultant conflict. The research methodology is explained and

statistical survey results set forth in Chapter VI. Chapters VII, VIII, and IX respectively undertake to answer the three questions of the thesis problem.

The above mentioned questions that this paper will attempt to answer will be approached in the following manner :

1. What is the extent of change in land use over 125 years in this traditional rangeland area? This question is answered by analysis of records which show change in land use, including aerial photographs, assessor's records, title company records, and similar documents. This must be the first question researched because it shows how much change has occurred and where.
2. What have been the socio-economic impacts/effects of this change in land use? This question required a variety of research sources and techniques because of its many aspects. It involved cost-benefit study of the economics of the cattle industry versus real estate development; taxation; crime and social conflict; relative costs to public services; and the legal mechanisms which regulate livestock grazing and land parcelization. Here again public records provided the major sources of data. Survey techniques were also used. Sample surveys using personal interview and mail techniques were used within a selected study area, to obtain data on the extent of the problem perceived. Three groups were surveyed -

ranchers, recreation property owners, and real estate agents. Unstructured personal interviews were also used to obtain information from members of these groups and from public officials. Additional information was obtained from meetings with various groups concerned such as the local Cattleman's Association, The Klickitat County Planning Commission, and granges, and from herd law hearings.

3. What are the solutions to the adverse impacts of this change? Or, what mitigating measures can be taken to prevent adverse impacts from the change? These questions have been answered using the facts obtained from the first two. After a clear picture of the problem is available and the opinions of all concerned obtained, then some conclusions and recommendations are suggested.

Legal records and state and local laws and ordinances are used to indicate the development, status, and possible suggested changes in the regulation of range land use. The Revised Code of Washington (RCW), and local "herd law district" and land use ordinances are major references.

Ranch economics information provides an insight into the impact of the cattle industry on the economy of the county and how parcelization has affected the income of the individual livestock producers, and thus its impact on the local economy. This information is from county offices, such as the Auditor and Extension Service, and from the ranch owners themselves.

Real Estate development data show the extent of parcelization and subsequent development change in assessed valuation, and demographic changes. These materials are from title companies, the County Auditor, Assessor, Planning and Treasurer's offices, federal agencies, and from real estate developers and agents, and property owners.

Data on public cost come from such state and local government agencies, as the county planning, engineering, sheriff, and Commissioner's departments and school, fire, and utility district records.

The physical inventory (crops, livestock and crop production, soils, drainage, topography, vegetation, climate) was obtained from local government agencies like the Extension Service and the Soil Conservation Service.

The whole concept of the effects of laws upon land use patterns is one of considerable importance and some neglect. Hartshorne (1959, 52) notes the observation of Allix that only recently has the "fundamental and enduring importance of the cadaster, the individual landholding, as a determinant of far-reaching effect on agricultural practices, settlements, and the whole economy of an area" been recognized. In the case presented here, the "individual landholding," established through federal homestead laws, had dramatic effects upon the pastoral cattle industry.

Finally, the role of economics in shaping land use is noted herein. Hartshorne (1939, 335) quotes Broek that "economic forces are by far the most influential agents in transforming the landscape," and expands the thought by referencing Krebs's

remarks that settlement form and land division may also be determined by cultural events that are "economically not rational."

Land is divided and used...primarily for economic purposes, even though the manner in which these things are done and their resultant character may be influenced by cultural factors other than economic.

This, too, will be seen within this study.

CHAPTER II

HISTORICAL USE OF RANGELAND

IN KLICKITAT COUNTY

THE ENVIRONMENTAL SETTING

The national debate over property and liberty has a habit of recurring cyclically in the nation. We believe the Nation may be in the upswing of the cycle. (Boxley, 7)

Klickitat County is a microcosm of the rural land use changes occurring in much of the western United States. Its unique but varied setting, its historical land use and contemporary land use problems provide an opportunity to study the effects of land use change upon a rather isolated geographic and socio-economic region as that region faces an uncertain future. A brief physical description of the county is necessary in order to understand its historic and contemporary land use.¹

Klickitat County is located in south-central Washington. Goldendale, the county seat, is 190 miles southeast of Seattle and 90 miles east-northeast of Portland, Oregon (see Figure 1). Klickitat County varies in both topography and climate from its eastern to its western border. It is 84 miles east and west and 30 miles north and south at its widest point. The

¹The data for the description was compiled by the Klickitat County Planning Department and the Office of the Superintendent of Schools.

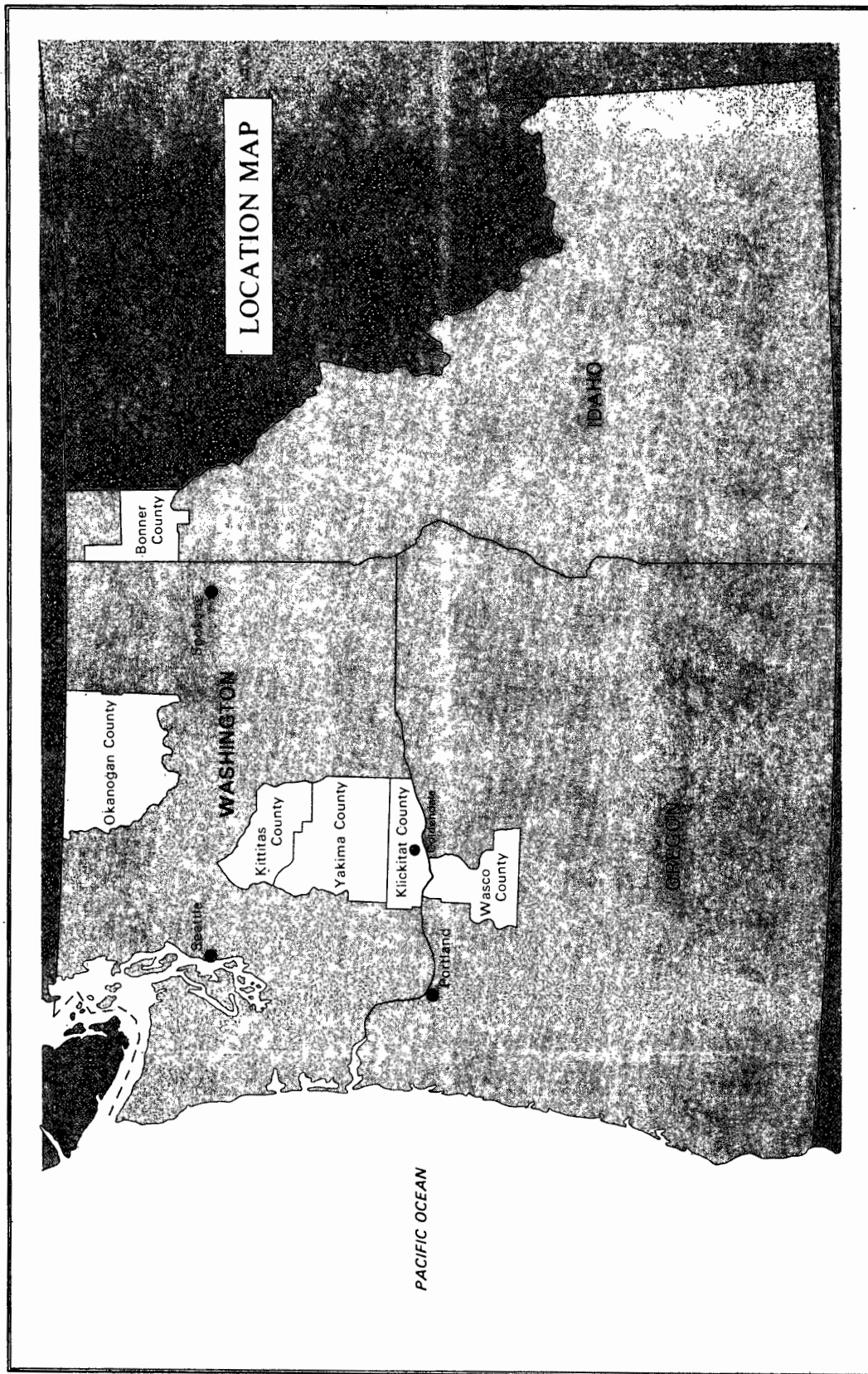


Figure 1. Location map.

Columbia River forms its southern border. The western border is the east slopes of the Cascade Mountains while the Simcoe Mountains are on the north. The general topography is one of mountains, plateaus, and narrow valley lowlands. There are four physical units developed for agriculture--the Horse Heaven Hills plateau, the Klickitat River Valley, the White Salmon River Valley, and bars and benchlands of the Columbia River. The incised valley of the Columbia River is the dominant and most scenic feature of the area. Elevations in Klickitat County vary from the average flood level of the Columbia River at White Salmon of 50 feet above sea level to peaks of 5,800 feet in the Simcoe Mountain ridge. Most of the farm land is on elevated plateaus above 1,000 feet above sea level (Figure 4).

The Horse Heaven Hills plateau makes up the eastern third of the county. It is a gently rolling plain that slopes southward to the Columbia River, and comprises a tableland of basalt covered with a mantle of rich volcanic and loess soil. Terrain is accessible and highly adaptable for mechanized wheat farming on an extensive scale. The plateau is cut by Alder Creek, Glade Creek and Pine Creek. Farm communities Bickleton and Roosevelt are located in this area. The plateau has an elevation of 3,015 feet at Bickleton and 241 feet at Roosevelt on the Columbia River.

Klickitat River Valley lies in the central part of the county and consists of bottom lands and river benchlands. The main branch of the Little Klickitat River has sources in the Simcoe Mountains and Horse Heaven Hills. Lower valley lands

are at elevations of 1,100 feet at Goldendale and 263 feet at Klickitat. Most of the accessible farm land of the valley surrounds Goldendale.

The Klickitat River descends to the Columbia at Lyle through gorges and a narrow valley. Volcanic basalt rock underlies Klickitat valley and precipitous rock outcroppings exposed by stream cutting and wind erosion are common.

White Salmon River Valley is in western Klickitat County. It is a short north-south valley which heads on Mount Adams and descends through basaltic plateaus to the Columbia River. The upper valley contains prairies and basaltic tablelands suited for agriculture. High prairie areas of level and rolling topography surround Guler and Troutlake at an elevation of about 2,000 feet. Another upland prairie area in the upper White Salmon basin is Glenwood, a livestock district, with an average elevation of about 2,100 feet. Some small river bottom areas about 500 to 700 feet above sea level are found near White Salmon.

The Columbia shore in Klickitat County is called the "North Bank." Most of it is precipitous, basalt cliffs and slopes, rising from a river shore elevation of 50-200 feet to a height of 2,000 feet. There are numerous small river bar flood plains and benchlands which were flooded periodically in past years as the Columbia River rose and fell as much as 30 feet with the seasons. There are some benchlands at Dallesport, Bingen, Lyle and White Salmon developed for tree fruit, --berry and vegetable farming. Construction of hydroelectric and

navigation improvement dams, Bonneville, The Dalles and John Day have equalized the river level and also have flooded some of the lower bars permanently.

Klickitat County soil is broadly divided into seven general classes. Only about 30 percent of the county area is classified as good to fair soil, suited for crops and cultivated pastures. About 60 percent is too rough, too high, or too dry and is useful only for forest growth or grazing. About ten percent is too rocky or too dry even for agricultural or forestry use.

Klickitat County climate varies from a humid cloudy western Cascade Mountain belt to a very dry belt in the Horse Heaven Hills in the eastern part of the county. Precipitation varies from over 40 inches in the west end to about eight inches in the eastern part of the county. From Goldendale eastward to Bickleton, and further toward Benton County, conditions become progressively drier. At Roosevelt the estimated rainfall is about 10 inches. As a result, eastern Klickitat County is primarily a dryland or summer fallow farming region. The Klickitat Valley and Goldendale area are in a zone of 15 to 30 inches of annual rainfall.

Precipitation has a marked seasonal pattern. October through March is a winter wet season, with snow common in the colder months. Summers are hot and dry. The growing season varies from 150 days to 175 days in the central and northern areas to about 200 days along the Columbia River toward the west end of the County.

A RANGELAND LEXICON

Some definitions are also in order. This paper uses the definitions provided in American Society of Range Management (1964), A Glossary of Terms Used in Range Management.

A range is all land producing native forage for animal consumption but does not include cultivated land, even cultivated pasture land. Open range is a more-or-less legal term meaning that grazing area not included within established fencing (herd law) districts. It is not a physical description of the range, such as treeless prairie. Indeed most of the remaining rangeland in Klickitat County is wooded or scrub land. Free range is that range open to grazing regardless of ownership and without payment of fees. The term is primarily used in a historic sense to denote land not yet homesteaded or public land not yet restricted. It is not to be confused with open range, which may indeed be under private ownership. A woodland range is a wooded or forested area used for grazing.

A summer range is one that is grazed primarily during the summer growing season. Winter range is grazed during the winter months. Grazing is the consumption of range or pasture forage by animals. Grazing capacity is the maximum stocking rate possible without damage to vegetation. A grazing district is an administrative unit of state or federal range land established by law. A grazing right is a right to graze public or private land vested upon a beneficiary by law or contract.

Grazing trespass is the grazing of livestock on a range area without proper permission. An overgrazed range is one

that has deteriorated due to continued overuse. Overgrazing is the continued overuse of an overgrazed range whereas overstocking is placing a number of animals on a given area that will result in overuse. Thus a range may be overstocked for a short period without lasting damage. However, continued overstocking will lead to overgrazing.

A ranch is an establishment with specific boundaries, together with its lands and improvements, used for the grazing and production of livestock. Some census data used herein uses the term farm for the same concept. Trail herding or a cattle drive is the controlled movement of livestock over specific routes to specific destinations.

Finally, an animal unit is considered to be one mature cow with a calf, or their equivalent (sheep, horses, etc.). An animal unit month is the amount of feed or forage required by an animal unit for one month. Then, acres per animal unit month is the estimated number of acres necessary to provide forage for one animal unit for one month.

STOCK GRAZING

Before them spread beauty surpassing anything Ben [Snipes] had pictured as a cattleman's paradise. Mile upon mile of bunchgrass waved its tallness...Wonderful grass! An entire day's travel through tall bunchgrass. Why, thousands of cattle could feed here and grow fat as butter! (Sheller, 27-29).

Cattlemen have played an important role in the history and economy of Klickitat County since the earliest settlement of the area. Historical sources (Ballou, 221; Splawn, 131; Oliphant, 99) place the first permanent settlements in the

year 1859 with some earlier cattle grazing activities by 1856. Earlier settlement was prevented by Indian hostilities during the early 1850's and it was not until the end of the Indian campaigns in October, 1858 and the subsequent ratification of the reservation treaties in March, 1859 that the settler felt safe to cross into the Klickitat-Yakima areas, nor did the Army let them (Meinig, 201, 205). The County was chartered that same year (Ballou, 177).

With the settlement of the Indian problems came a constant flow of settlers into the area. The authoritative Illustrated History of Klickitat, Yakima and Kittitas Counties (1904, 101) (hereafter referred to as Illustrated History) notes that by 1860 the population of Klickitat County could be "numbered in three places of figures" and that "stockraising had from the first claimed a larger measure of attention than any other business" and that it was the "chief occupation of people."

The 1860 census counted 230 people in Klickitat County. The census also notes 793 dairy cows and heifers, 1,881 other cattle, 131 pigs, twenty mules, 187 horses and colts on farms within the county, but notes only 122 acres of improved farm land. However, the census takers did not venture into the realm of the open range stockmen who were already grazing large numbers of cattle in the area. It was not until much later, perhaps for the 1920 census, that an accurate total livestock count was attempted (Washington State Department of Agriculture, 9).

Ballou (177) says Klickitat County was "the front door to a cattle empire, which existed for two decades." Ben Snipes, the "Northwest Cattle King" operated the "world's greatest bovine highway," 225 miles long and 40 miles wide along the eastern slopes of the Cascades from the Columbia River to Canada (Klickitat County Public Utility District Number 1, 1963, 8) (hereafter referred to as PUD). With his headquarters in The Dalles and homesteads near Goldendale and Toppenish, Snipes grazed his cattle that at times numbered as high as 125,000 head over the vast Central Washington range.

Meinig (99) comments that by the summer of 1877, cattle were reported to be "ranging everywhere over the rolling hills," and that newspapers of the day called the area "overstocked." In 1879 the Alder Creek voting district's 35 voters alone owned 6,000 head of cattle, 16,000 sheep and 500 horses.

The report of the sheep commissioner of 1888 showed 86,000 sheep in the County, plus an additional 63,000 that were brought in from Oregon that year for summer pasture. Reported earnings of the sheepmen in that year were over \$118,000. With the exception of Snipes' empire, the scale of individual operations remained small compared to Texas and Great Plains operations, and the Eastern Washington range is segmented by major rivers, canyons and ridges compared to the vast Texas range.

Using material drawn from the 1880 census, Meinig (287) portrays a typical permanent cattle operation of 1879 in Klickitat County:

The range consisted of about 12,500 square miles of public domain, all of it now heavily overgrazed. The herd numbered about 5,000, including 1,725 calves branded during that year. Five hundred head were marketed, mostly steers which brought an average of twenty dollars apiece. Natural losses ran about 10 per cent. The only land owned was 160 acres upon which a house, two barns, and corrals were located. None of the land was cultivated, nor were any of the meadows cut for hay. Because the rangeland was relatively rough country, the cattle tended to group into numerous small herds each grazing in a restricted locality, and there was no general cooperative roundup....This particular operator employed six men; others often kept fewer regularly and more during the branding and marketing season. Whatever the practice, wages were low, the investment in property and equipment (chiefly horses and saddles) was small, and so long as the market held such cattle raising was profitable.

Several events occurred which brought the decline of the livestock industry from its position of total dominance in Klickitat County (and throughout the Northwest) to its present level.

Economic depressions of the early 1870's were the first impactor on the livestock industry as cattlemen found no market for their expanding herds which, left on the range, quickly overgrazed it so that it deteriorated rapidly.

Beef prices dropped from the 1865 high of seventy dollars a head paid in the Cariboo (BC) gold mines to ten dollars a head in 1872 at The Dalles. (Washington State Department of Agriculture, 15). New markets in Wyoming and Montana lasted only temporarily (Meinig, 287-288).

Several disastrous winters severely crippled and finally marked the end of the open range cattle industry. The snow and cold of the winters of 1861-62 and 1880-81 caused the deaths of literally thousands of cattle, horses and sheep due

to insufficient feed, lack of shelter, and even lack of water (frozen watering holes) (Oliphant, 268; Boyce, 17; Ballou, 192). Ben Snipes, for instance, was left with less than one hundred cattle out of a herd of thousands after the 1861-62 winter (Sheller, 124; PUD, 1963, 9). Meinig reports that losses of 30 to 50 percent, totalling tens of thousands of animals, resulted from the severe winter of 1880-81.

Meinig (288) continues:

The winter of 1880-81...was...economically far more calamitous [than the winter of 1861-62]...The main export surpluses were...wiped out, many a stockman was financially ruined, and the whole industry was severely shaken...This catastrophe marked the virtual end of the open-range cattle industry: ranching continued, but in the face of mounting difficulties.

And again in 1889-90 a hard winter had "calamitous results" on the range cattle industry. "The results of this tragic winter aroused public opinion as to the need for providing better care for stock in winter." Local newspapers advocated that stockmen hang on to their stock, keep haystacks for emergencies, and practice diversified farming (Boyce, 45-46). After such disastrous winters it was obvious to stockmen that access to "protected winter ranges and supplemental winter fodder" was essential. This meant a stabilization of operations and further investment.

Hundreds of cattle raisers, who envisaged the new conditions, did hang on to their stock and went into diversified farming with gusto, prepared winter feed, built adequate shelter, and obtained a higher and purer grade of cattle. Thus, a great change had come in methods of handling stock and reducing the size of herds. This date [1890] marked the end of the large 'free range' cattle owner in Washington Territory and brought to the foreground a less lucrative, but a bit more stable system of raising saleable cattle (Boyce, 46).

Further, ranges, especially in Klickitat County, were severely overgrazed by the 1880's and available grazing land was being reduced rapidly by farm settlements (Meinig, 288).

RANCHES AND FARMS

Farming, like livestock grazing, had an early start in Klickitat County. The first grain crop in the county was reported in 1861 (Illustrated History, 97). Newspaper accounts of 1870 note that the "rich lands of 'the swale'" (Swale Creek drainage) were rapidly filling up with farmers from the Willamette Valley (Meinig, 230-231). By the spring of 1880, Oliphant (99) notes, "large stock owners" of the county were so alarmed at the rapid settlement of the area that they gathered up their herds with the intention of "driving them east."

Meinig (294) brings up the interesting point that stockmen had no legal means of resisting or stopping the farm expansion. Homestead acts limited title to a quarter section. Even by taking advantage of the several federal land acts and with "bogus filings" by hired hands and relatives the total acreage obtainable would be small, thus there was no way to acquire sufficient acreage for a successful livestock operation. "The earning capacity of grazing lands was too small to warrant outright purchase in any quantity from either the government or the railroad, and neither offered any type of long term lease."

The intent of the federal land act programs was, of course, to promote settlement and farming. Settlers had

maximum flexibility in obtaining and developing their claim. And the earning capacity of cultivated land was potentially at least great.

Along with the farmers came market roads and market towns. Goldendale was platted in 1872 (Ballou, 392). The establishment of this town in the center of Klickitat range drew bitter opposition from stockmen. It took action by the territorial legislature to put the issue on the ballot at a general election to settle the issue (the proponents of the town obviously won) (Illustrated History, 102).

Also with the farmer came barbed wire fences:

Barbed wire fences were beginning to cut up the ranges and the stock routes, and the controversy between farmer and stockman now flared over "herd law" legislation. Without fences, wandering stock damaged crops; with them they were themselves injured by the dangerous barbs--who was responsible for the damages in either case? Hardly had the argument become heated before it was ended by passage of "herd laws" which placed liabilities for damage upon the owners of trespassing livestock and gave full support to the fence builder. It was a perfect expression of the decisive shift in balance between the farmers and the stockmen in the region. (Meinig, 288)

Boyce (43) notes that the fencing of homesteads usually meant fencing the best watering holes. "Thus greatly inconveniencing the 'open range' stockmen."

The livestock industry was thus effectively pushed by farmers from the valley and prairie grazing lands to the marginal scrub timber and forest lands west and north of the Klickitat and Little Klickitat Rivers. The sheep industry expanded in Klickitat County for some time after the decline of the open range cattle business. As noted earlier, statistics

on the number of sheep in the late 1880's were impressive. Approximately 150,000 head were owned in the county by the end of that decade (Ballou, 417).

Actually, the gain of the sheepmen was the loss of the cattlemen. The sheepmen gradually took control of the remaining open range land, because land too-overgrazed for cattle was still usable by sheep. And once grazed by sheep the vegetation was so closely cropped that cattle could not survive. Also, while the market for cattle was erratic, that for wool was steadier. Also, Meinig is convinced that the sheep industry was better organized and managed (Meinig, 292).

Klickitat County remained an important sheep region throughout the 1890's and early 1900's. The Klickitat uplands provided excellent pasture which did not interfere with expanding farmlands. Although the county retained large flocks for some years, these were augmented in the summer by large bands that were ferried across the Columbia River from the prosperous sheep region of northern Oregon to summer pastures (Meinig, 292; Oliphant, 339; Ballou, 417).

Lyle, Washington became one of the West's leading sheep markets and shipping points during this period with huge sheep sheds where thousands of sheep were marketed and shipped (PUD, 1963, 9).

Ballou (418-420) reports that one cause for the eventual decline of the sheep industry in the county was disease. A scaly infection called "scabies" nearly wrecked the industry during several successive years.

By the 1920's the farm and livestock grazing question had stabilized since most of the tillable soil had been homesteaded and cultivated. The livestock industry, too, settled into the permanent ranch-type operation. The open-range grazing operation was a thing of the past. Most cattlemen headquartered out of a home ranchstead on their winter grazing areas. Most then owned or leased summer grazing land (public or private) in higher and more northern areas such as in the Simcoe Mountains. Cattle hands numbered in the hundreds, rather than in the thousands of the Ben Snipes era. Cattle drives from winter to summer pastures and back were but a mere vestige of the giant trail drives to Canada or Wyoming of the 1860's and 1870's. Yet they remain even today an integral part of the overall ranch operation. It was in fact the relatively close proximity of summer and winter range areas that kept the livestock industry successful in Klickitat County.

This pattern remains today. However, cattlemen today conceive a new threat to their existence. That threat is the rapid increase in the division or parcelization of range lands for recreation and residential use.

LAND SPECULATION

Before looking at this contemporary problem, however, it should be noted that this concern has been raised several times by ranchers during the twentieth century. A notable example occurred during the period 1909-1912. Perusal of the old plat books in the County Auditor's vaults reveals a significant amount of land speculation during this period. Ballou (53-55)

quotes an early homesteader who owned 1,120 acres in the Goodnoe Hills area, that with the start of the construction of the railroad along the north bank of the Columbia River, real estate developers from Portland began to promote areas of Klickitat County as prime orchard sites.

They [the realtors] came right up and bought all the land they could...There were six of us (that) had more than 1,000 acres each...Cook and Company offered a plan of surveying our land into five and ten acre tracts, and they would sell it at \$100 per acre...Some was good wheat land. Some was side-hill pasture and some was just sand, rocks and sunshine...I sold out in 1907.

That particular ranch had been homesteaded in 1865 by Thomas Burgen. He was at one time considered one of the larger cattle owners (Ballou, 231).

Auditor's records verify this occurrence with the platting of "Goodnoe Fruit Farms" (five phases) in 1908. Table I and Figure 2 show developments during this period. And similar land division activity can be noted in the post World War I and II periods, however, not as dramatically, since most divisions were individual parcelizations rather than in plat-
ted subdivisions. Assessor's records show, that for the most part, these ventures were not very successful. Many of the plats listed in Table I for instance, were subsequently vacated or remained in single ownership or at the most in two or three ownerships. Remnants of abandoned orchards and homesites mingle with abandoned homesteads throughout the county.

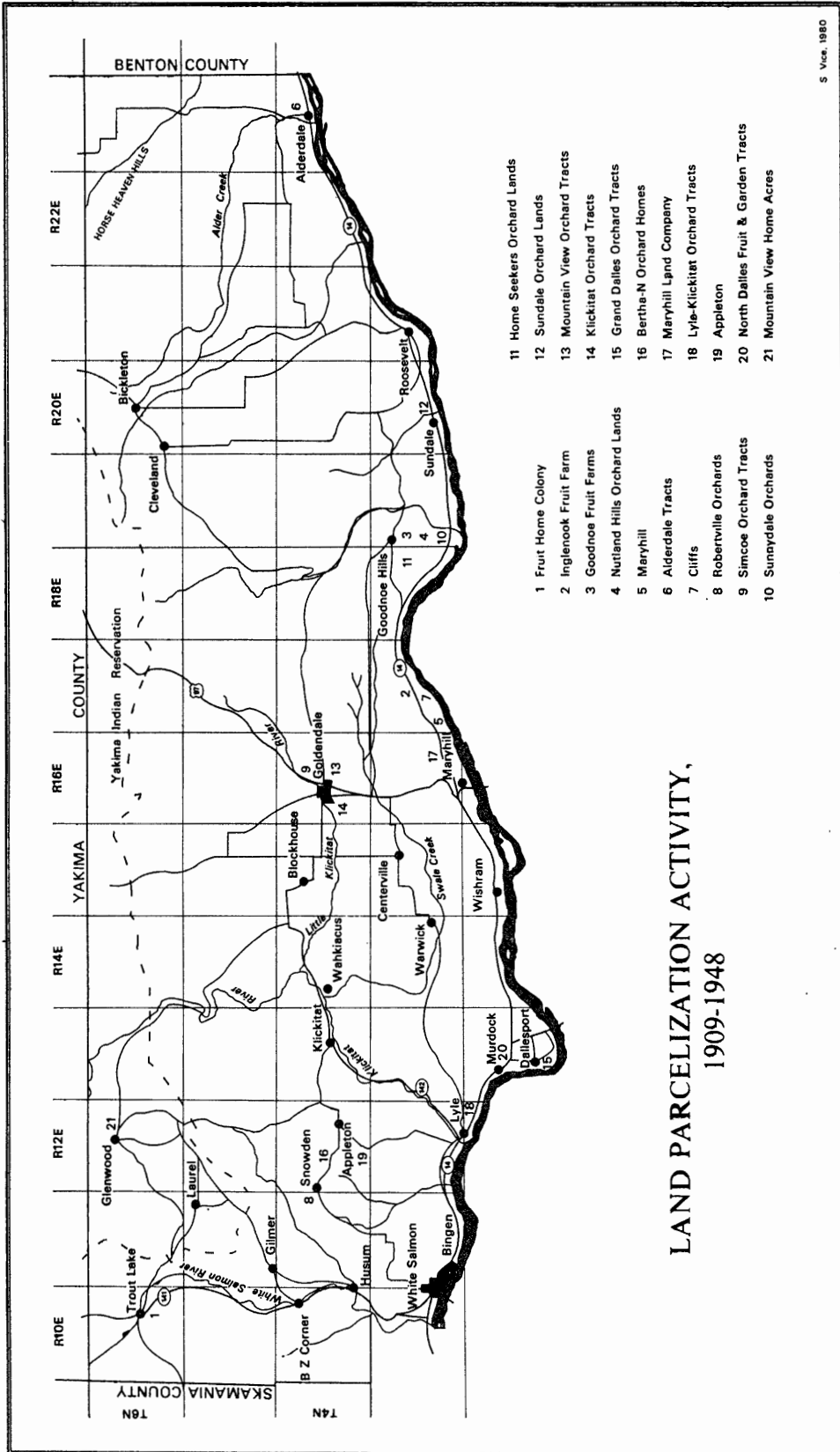


Figure 2. Land parcelization activity, 1909-1948.

TABLE I
LAND PARCELIZATION ACTIVITY
1909 - 1948

(Primarily five and ten acre tracts)

<u>PLAT NAME</u>	<u>DATE</u>	<u>GENERAL LOCATION</u>
Fruit Home Colony	1909	Trout Lake
Inglenook Fruit Farm	1909	Cliffs
Goodnoe Fruit Farm	1909	Goodnoe Hills
Nutland Hills Orchard Lands	1909	Goodnoe Hills
Maryhill	1909	Maryhill
Alderdale Tracts	1909-10	Alderdale
Cliffs	1909-10	Cliffs
Robertville Orchards	1909	Snowden
Simcoe Orchard Tracts	1910	Goldendale
Sunnydale Orchards	1910	Goodnoe Hills
Home Seekers Orchard Lands	1910	Goodnoe Hills
Sundale Orchard Lands	1910	Sundale
Mountain View Orchard Tracts	1910	Goldendale
Klickitat Orchard Tracts	1910	Goldendale
Grand Dalles Orchard Tracts	1911	Dallesport
Bertha-N Orchard Homes	1911	Appleton
Maryhill Land Company	1912	Maryhill
Lyle-Klickitat Orchard Tracts	1912	Lyle
Appleton	1912	Appleton
North Dalles Fruit & Garden Tracts	1930	Dallesport
Mountain View Home Acres	1948	Glenwood

from: Recorded Plats of the Klickitat
County Auditor's Office

CHAPTER III

LEGAL ASPECTS OF RANGE USE

The man who comes to make a home
In this far Western Land
For capital brings honest heart,
And brawny, willing hands,
But little more has he in store...

Should laws be made the rich to aid
Which makes the poor man poorer?
That law is blest above the rest,
Where work men's rights are surer.

Those men who borrow arguments
From stock kings and repeat them,
Should be fenced in; green things are scarce...
Some passing cow might eat them.

Dayton Columbia Chronicle,
May 15, 1880
(as reported in Oliphant, 330)

RESTRICTING THE OPEN RANGE

The face-off between Klickitat County stockmen and farmers was in no way unique. In fact, it was a situation as old as the country itself. Ever since the earliest colonial settlements the situation had existed.¹ The stockmen and settlers of Klickitat County were but "repeating a process which had transformed economic life on American frontiers from earliest times" (Oliphant, 319).

¹For a discussion of the history of livestock grazing in America, see Jordan (1972, 1977).

Throughout the era of advancing settlements local laws or customs had given an "implied license" to stockmen of the frontier to graze livestock upon all unenclosed lands, whether publicly or privately owned. Unenclosed America had been a "public common" on which livestock could graze. But as the process of settlement continued and where cultivation became more important than livestock raising, occupational conflicts arose as noted.

These conflicts, incidentally, were often more intense where timber (to build fences) was scarce and costly (Oliphant, 319). Farmers in the lower Klickitat prairie, for instance, proposed in the early 1870's to form a "joint fence company" to reduce the costs of fencing (Meinig, 300).

Throughout the country where such conflicts arose the farmers demanded that the long standing custom of "public common" be replaced by a principle of law derived from England that:

Every man must restrain his stock within his own grounds, and if he does not do so, and they get upon the unclosed grounds of his neighbors, it is a trespass for which their owner is responsible (Buford v. Houtz, 133 U. S. 326, 1890).

In 1890, the U. S. Supreme Court declared that this principle had not prevailed during the settlement of the U. S. because it would have been "ill-adapted to the nature and condition of the country at that time." (Buford v. Houtz, 326). The Court continued that:

In this country, in the progress of settlement, the principle that a man was bound to keep his cattle confined within his own grounds or else would be liable for their trespass upon the unenclosed grounds of his neighbors was never adopted or recognized as the law

of the country, except as it might refer to animals known to be dangerous.

The Court did, however, note that states could legislatively enact laws for the modification by popular vote of this "custom of nearly a hundred years." Such laws would permit

certain counties or parts of the state, or the whole of the state, by a vote of the people within such sub-division, to determine whether cattle shall longer be permitted to run at large and the owners of the soil compelled to rely upon fences for protection, or whether the cattle owner shall keep them confined, and in that manner protect his neighbor without the necessity on the part of the latter of relying upon fences (Buford v. Houtz, 329).

The establishment of such "herd law" or fence law legislation was a fiercely debated issue in Klickitat County and all of eastern Washington Territory in 1879. The Territorial legislature found that the most politically expedient way to deal with the issue was to refer it to the people on a referendum ballot. Thus, on November 13, 1879 it passed an act "to ascertain the wishes of the people in certain counties [Walla Walla, Columbia, Whitman, Spokane, Stevens, Yakima and Klickitat] in regard to the fence law," and that the question be submitted to the voters in the November 1880 general election. The results were to be given to "each member elected to the legislative assembly as a guide for future legislation in regard to fence laws in their respective counties" (Laws of Washington Territory, 1879, 234-235).¹

The fence law measure was resoundingly defeated in all the counties (Oliphant, 333) but the issue remained.

¹For a detailed discussion of the herd law debate in Washington Territory, see Oliphant (321-336).

Agitation for herd law continued until the territorial legislative assembly approved on November 27, 1883 a law to "Provide for a Herd Law." This law, modeled after those used in several other western states, made the owners of livestock running at large liable for trespass of such animals upon cultivated lands but restricted the application of the law to counties that voted to enact the law. There is, however, no record that the law was ever adopted by any county (Oliphant, 335-336; Laws of Washington, 1883, 55-56). Furthermore, the Supreme Court of Washington declared in 1887 that no law in the Territory required livestock to be fenced (Oliphant 336; Timm and Forck v. Northern Pacific Railway Company, 3 Wash. Territory, Rep. 299, 1887):

Oliphant speculates that the reasons the law was not used were that the petition requirements to put the issue before county voters were a deterrent and that the problem of expensive fencing in untimbered areas was being solved by the use of barbed wire by the farmers.

Accordingly, it may be that the "poor farmer's" perception of the advantages accruing to him by having relatively inexpensive barbed-wire fences enclosing cultivated fields in which after harvest, his own livestock would find rich grazing, persuaded him to believe that justice did not move and have its being in a no fence law (Oliphant, 336).

The barbed wire fence, then, was both boon and bane for the stockman; for it relieved the pressure for herd laws, yet it aided in the further settlement and division of rangeland.

It was in 1911 that the State of Washington enacted an enabling law (amended in 1937) regarding herd laws, or "stock

restricted areas." This law authorized the counties to establish stock restricted areas "of not less than two square miles." The law then says that "All territory not so designated shall be range area, in which it shall be lawful to permit livestock to run at large: (16.24.010, Revised Code of Washington [RCW]).

A review of court decisions show the intent of the law:

Though owners of cattle have a fundamental and historic right to use of highways, this right does not excuse the owner of the cattle from the obligation of due care (Green v. Biles-Coleman Lumber Company (1961) 158 Washington Dec. 305, 362, P. 2nd, 593).

RCW 16.24.010 and .065...make it unlawful to permit livestock to run at large or to permit livestock to stray upon a public highway in a stock restricted area (Mistereck, v. Washington Mineral Products, Inc. (1975) 85 WN. 2d 166, 531 P2d 805).

An owner of cattle is obligated to keep them out of a tract of land included in herd law district, even though there is no fence around the tract and when his cattle stray upon that tract, he is responsible to its owners for reasonable value of its use and occupation (MacKenzie-Richardson, Inc. v. Albert (1954) 45 Wn2d 1, 272 P2d 146).

Under this statute, there can be no liability imposed on an owner of cattle for their trespass on land of another in herd law areas, unless it is established that owner negligently or willfully permitted cattle to run at large (Bly v. McAllister (1961) 158 Wash Dec. 708, 364 P2d 500).

Under this statute, motorist claiming damages from colliding with livestock on a public highway in a stock restricted area need only show the presence of defendant's livestock on the highway in order to raise a permissible inference of negligence which will take his case to jury (Scanlan v. Smith (1965) 66 Wn 2d, 404 P2d 776).

Along with the establishment of stock restricted areas and their resultant legal responsibilities came a need to legally define a fence. Chapter 16.60.010 RCW defines a legal fence in detail. The courts amplified the law:

The purposes of statutes defining lawful fences... were to compel owners of private property to protect their lands by lawful boundary fences against stock ranging on the public domain (Kobayashi v. Stangeway (1911) 64 WN 36, 116 P.461).

Fence law...required the owner of enclosed lands to fence only against stock lawfully at large...and where the owner of stock in his own enclosure did not avail himself of statutory provisions for the maintenance of a division fence, the common law rule applied, and he was liable for trespass by reason of failure to restrain his stock (Kobayashi v. Strangeway (1911) 64 WN36, 116 P.461).

KLICKITAT COUNTY HERD LAWS

Klickitat County has had established stock-restricted areas, commonly referred to as "herd law districts" in various parts of the county since 1912. Stock restricted areas may be established by the Board of County Commissioners after a public hearing (16.24.020 RCW). In Klickitat County, the commissioners will hold a public hearing on a herd law only after a petition is filed containing a "sufficient number" of signatures of residents from the affected area. (The text of Chapter 16.24 RCW is included in the Appendix A.) A number of herd laws have been established in Klickitat County. Table II lists the names, dates and acreages of the herd law districts and Figure 3 shows their location. The remainder of the county retains an open range designation.

With liabilities placed upon the stockman within stock restricted areas, it is understandable that the livestock industry would oppose the establishment of such areas in traditional grazing lands. This conflict in its current setting is discussed later in Chapters IV and V.

TABLE II
 KLICKITAT COUNTY HERD LAW DISTRICTS

DATE	HERD LAW NAME OR REFERENCE AREA	LEGAL DESCRIPTION (GENERALIZED)	NO. OF ACRES (APPROXIMATE)	REASON FOR FORMATION AND/OR VACATION OF HERD LAW DISTRICT
1912	Sam Hill	T2 R16, all of Sec. 5 & 6; T3 R16, all of Sec. 25-28 & 31-36	7680	cultivated land
1915	M. L. Hoisington	T6 R22, all of Sec. 1, 2, 11, 12, 13, 14, 24, 25, & 36 (all); T6 R23, Sec. 6, 7, 18, 19, 30 & 31 all	9600	no reason stated
1915	J. W. King	T5 R22; T5 R23; T4 R22; T4 R23	93 square miles	no reason stated
1915	Dan Lusby	T6 R21; T6 R22	undetermined	no reason stated
1915	Guy Needham	T3 R10 & 11	undetermined	"residential farms" in the area
1915	J. T. Whitmore	T5 R21; T4 R21; T3 R21	undetermined	no reason stated
1916	Z. T. Dodson	T6 R20, all of 1-4 9-16, 21-28 & 33-36	15,360	no reason stated
1916	J. R. Shepard	T3 R19; T3 R20	25,600	no reason stated
1917	George A. Gill	T6 R23; T5 R23	8320	no reason stated

1917	A. E. Hardin	T4 R14; T4 R18; T3 R19	8000	no reason stated
1917	R. A. Jackson	T4 R19, all but Sec. 30, 31, 32, 29, and W1/2 of 33	20,160	no reason stated
1917	W. A. McCredy	T6 R20, Sec. 5-8, 17-20 & 29-32	7,680	no reason stated
1917	Clyde Story	T3 R16; T4 R16	7,680	no reason stated
1917	Oscar Wilson	T3 R14, all of Sec. 9-16 & 21-28	10,240	no reason stated
1917	B. F. Winterstein	T4 R16; T5 R16; T4 R15; T5 R15	undetermined	no reason stated
1917	G. A. Wolf	T3 R18; T3 R19	10,500	no reason stated
1919	G. C. Wedgwood	T4 R17 & 18; T3 R18	5,480	no reason stated
1920	Carl Witikka	T3 R15, all of Sec. 10, 11, 14 & 15	2,560	no reason stated
1922	W. M. Campfield	T3 & 4 R10 & 11	undetermined	no reason stated
1923	P.P. Chamberlain	T5 R20	23,040	no reason stated
1923	Rachel Eversole	T3 R11, Sec. 5, 29, 32-36	undetermined	no reason stated
1923	N. P. Mears	T3 R10 & 11	undetermined	no reason stated

1923	E. E. Morgan	T4 R14, all of Sec. 23-26, 35 & 36; T3 R14, all of Sec. 1 & 2; T3 R15, all of Sec. 5 & 6; T4 R15, all of Sec. 18 & 19 and 29-32	10,240	no reason stated
1929	W. H. Robertson	T4 R13, S1/2 of 24, S1/2 N1/2 of 24, all of Sec 23, S1/2 of Sec. 22	1,360	no reason stated
1946	F. H. Turk	White Salmon River Valley North of Husum	undetermined	protect cultivated and residential land from livestock
1948	Crofton Prairie	T5 R15; T4 R15	undetermined	no reason stated
1959	Parts of Gill, Lusby, King Vacated	T4 R23; T5 R23; T4 R22; T5 R22; T6 R22	undetermined	herd law a detriment to the area
1959	George A. Gill Vacated	T6 R23, Sec. 2-4, 9-15 and 22-24	8,320	herd law served no useful purpose
1959	Sam Hill Vacated	T2 R16, all of Sec. 5 & 6; T3 R16, all of Sec.25-28 & 31-36	7,680	herd law no longer necessary or proper
1961	Harold Honeycutt	T3 R11, all of Sec. 3, 4, 8, 9 & 10; T4 R11, all of Sec. 33 & 34	3,200	residential area (original request larger than established area)
1964	W.H. Robertson Extension	T4 R13, part of Sec. 24, S1/2 of Sec. 13	2,640	residential area

1966	McGregor Triangle Co.	T3 R17, S of State Highway 12	undetermined	commercial purposes (Corps of Engineers)
1967	J. R. Shepard (part of) Vacated	T3 R20, all of Sec. 20 & 21	1,280	owner desired open range
1974	Lyle Herd Law District	T3 R11 & 12	undetermined	residential area and livestock was becoming a traffic hazard
1976	Wishram	T2 R15, Sec. 17 & 18	undetermined	residential area

Source: Klickitat County Commissioners' Journals

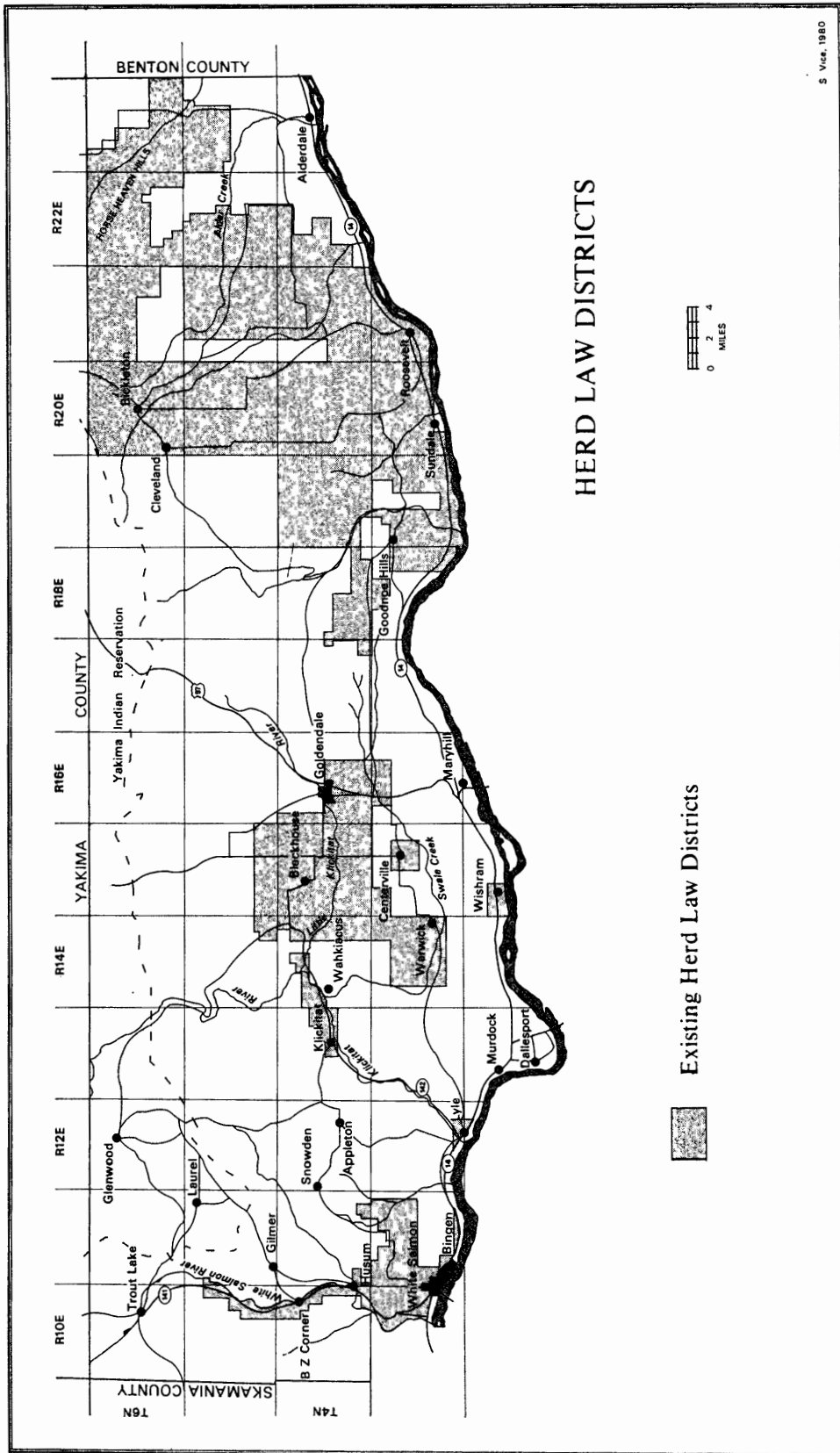


Figure 3. Herd law districts.

As noted in Table II, the major stated reason for the establishment of herd law districts is for the protection of cultivated and residential areas. Some districts were actually vacated after they were determined to be more valuable as range land than as cultivated land. A comparison of figures 3 and 4 reveals that the existing herd laws "cover" most of the cultivated and residential areas of the county.

However, many of the most recent herd law proposals are not in suburban or cultivated areas. Rather, they cover areas of recent (since 1970) land parcelization activity. Figure 5 shows the areas of major land parcelization activity and the proposed herd laws currently under consideration.

Herd laws remain a controversial subject within Klickitat County. Recent petitions for herd laws submitted to the County Commissioners show a majority of the signers to be new residents and/or purchasers of small tracts of land within the marginal scrub and timberlands long valuable only as range. This recent parcelization of rangeland will be discussed later in this paper. It is important here only that the establishment of stock restricted areas remains a viable legal land use tool or instrument of change.

GRAZING LEASES

With the rapid increase in private ownership of land within Klickitat County in the late 1890's and early 1900's, via homesteading, cattlemen began to realize that it would be impossible to acquire fee title to enough land to adequately supply the needs of large herds of cattle. And with the

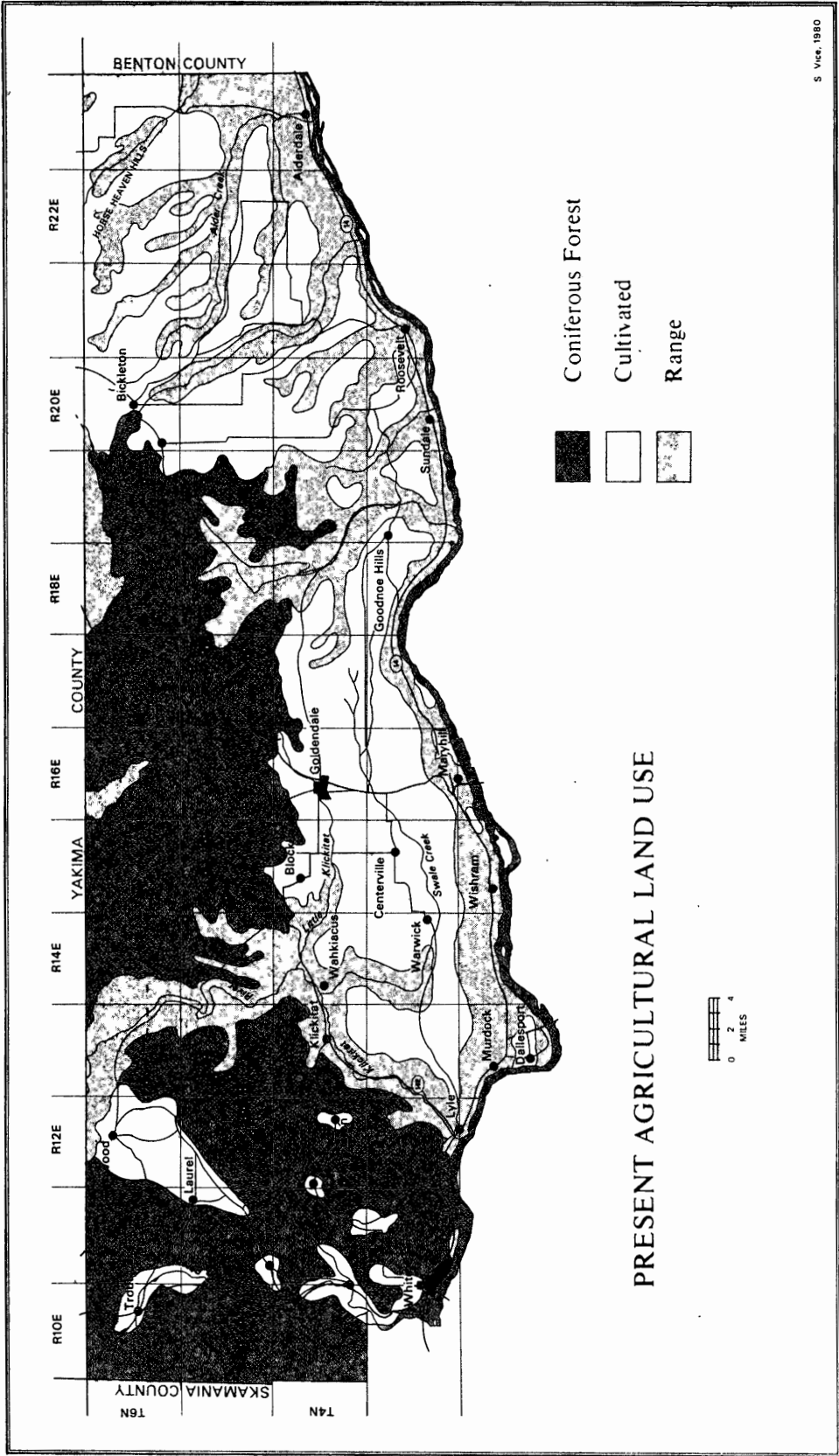


Figure 4. Present agricultural land use.

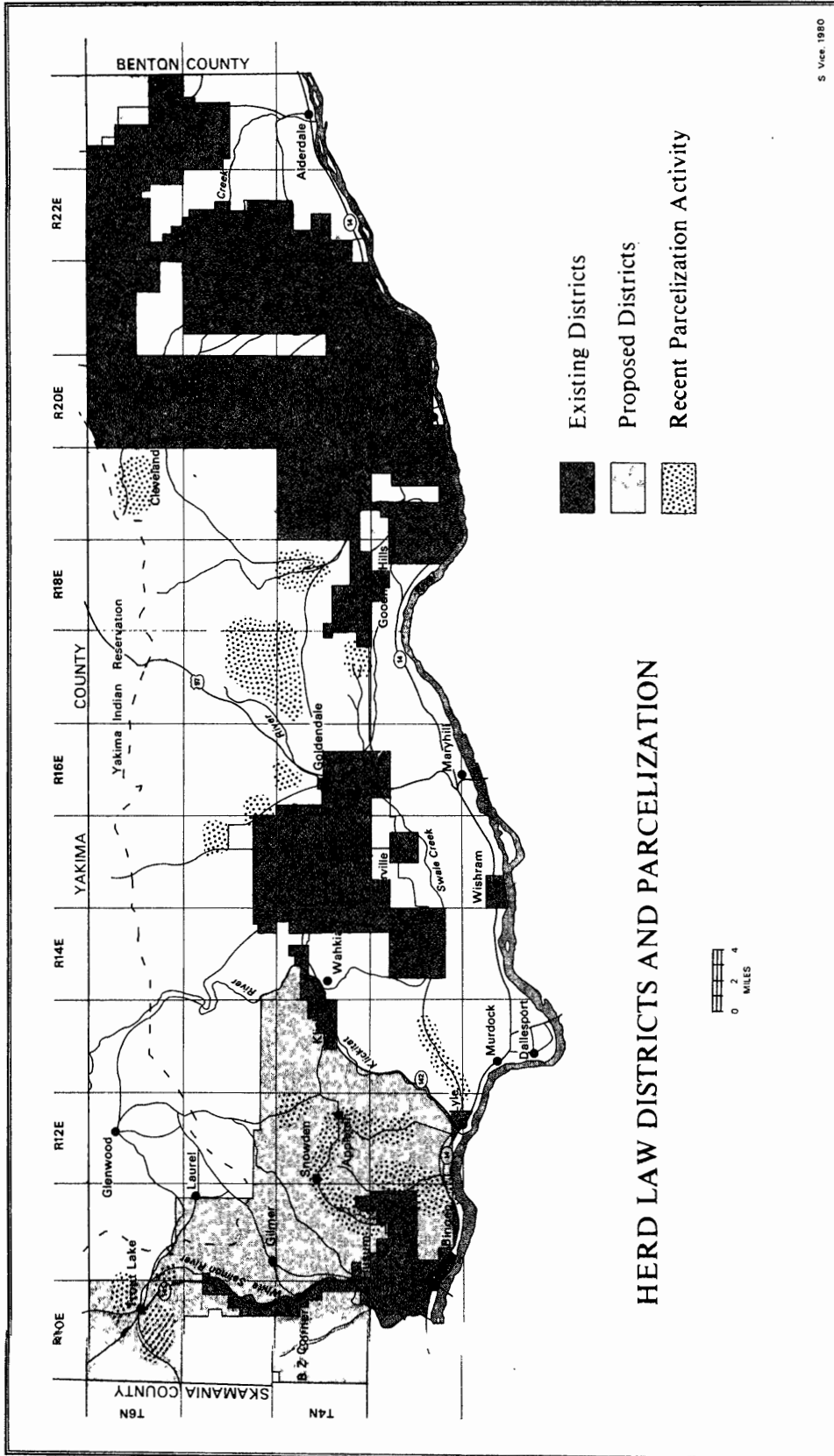


Figure 5. Existing and proposed herd law districts and major recent parcelization activity.

disappearance of "free range" they were forced to graze available state and federal lands, and lease grazing lands from surrounding property owners. The use of grazing leases was well established by 1900. Little information is available regarding early grazing leases, other than the stories of the old-timers, since it was rare indeed that such leases were recorded by the County Auditor, let alone written.

It remains the tradition locally that most grazing leases on private property are oral agreements, made annually between parties. Occasionally "agricultural leases" may be obtained in writing, usually in five year lease periods, that allow any agricultural use (livestock grazing, cultivation, etc.) However, these agreements are rarely recorded either (Boardman interview).

Thus it is nearly impossible to ascertain detailed data on land leased for grazing. However, the survey of ranchers indicates that it is common today for individual ranchers to lease up to several thousand acres of land.

Records of grazing leases upon state and federal land are available, at least since the establishment of state and federal regulation of grazing on public lands.¹ The (Federal) Taylor Grazing Act of 1934 and corresponding state regulations carefully manage grazing to prevent over-grazing and environmental damage (Stoddard, 95).² Grazing leases on state

¹A computer print-out of the State Department of Natural Resources grazing lease data is available (See Appendix C).

²For a detailed account of grazing on the public domain, see Foss (1960) and Calef (1960).

Department of Natural Resources (DNR) lands are carefully regulated as to grazing management techniques as are the legal aspects of such contracts (State of Washington Department of Natural Resources [DNR], n.d., 4-16). It is interesting to note, however, that whereas state lease regulations are quite specific, individual leases tend to be general in nature as to range use. For instance, Section 8, "Operations of Premises" of the standard DNR grazing lease reads "This land shall be managed in husband-like manner according to standards acceptable to the industry" (Appendix B).

LAND USE REGULATIONS

Land use laws, such as zoning and subdivision standards, are the latest regulations of concern to users of rangeland. Zoning laws in Klickitat County were adopted in 1969 and are currently (1979) being revised. Zoning standards for the entire rural portion of the county limit land use to those of single family residential and agricultural types. The minimum lot size allowed is approximately one-half acre (20,000 square feet) (Klickitat County Zoning Ordinance, 7). The current controversy over zoning and its potential effects on rangeland are discussed below.

Short subdivision (or "short plat") and subdivision regulations control the division of land into smaller parcels.¹

¹The Zoning Ordinance regulates minimum lot size (five acre, twenty acre, etc.). The Short Plat and Subdivision Ordinance regulate the number of parcels that may be created. Short Plat lots in Klickitat County average substantially larger (five, ten or twenty acre parcels) than subdivision lots (one, two or five acre parcels).

The short plat ordinance regulates divisions of less than five or more parcels. The latter was adopted in 1970, the former in 1974. Both are based upon state laws which mandate such regulation (Klickitat County Ordinance Number 81970, 1970, pp. 2-3; Klickitat County Ordinance Number 81274, 1974; Revised as Ordinance Number 5158, 1978, pp. 1-2). Like zoning, subdivision regulations are central to the current range use conflict.

CHAPTER IV

CONTEMPORARY LIVESTOCK OPERATIONS IN KLICKITAT COUNTY

"It will make valuable cattle ranges"
Theodore Winthrop, 1853

The livestock industry has remained, throughout thick and thin, an important part of the economy of Klickitat County since pioneer days. Tables III through VIII and Figures 6 through 8 reflect this importance. Note that recorded numbers of livestock in these tables reflect on farm totals. Range cattle, which in the early days vastly outnumbered the farm animals, were rarely counted. What is actually reflected in these tables is the establishment of the farm, and later ranchstead-style of livestock raising as homesteaders and farmers increased their herds.

Note, too, the overall decline in acreage and number of farms/ranches but the increase in average farm size and total numbers of cattle. This indicates consolidation of farms. Also, the total acreage in available grazing land is decreasing. Klickitat, Yakima, Kittitas, (and later Okanogan) counties have been considered the "beef producing center of the state" since the 1920's. Klickitat County's importance in relation to the other counties diminished somewhat during the late 1950's and early 1960's. However, the overall change is slight; from a high of 13.3 percent of the total cattle in

TABLE III
 KLICKITAT COUNTY AGRICULTURAL STATISTICS, 1950-1974

ITEM	1950	1954	1959	1964	1969	1974
No. of farms	907	796	741	656	614	463
Approx. land area in county	1,219,200 ¹					
Proportion in farms	nr	77.1	78.8	77.1	63.8	64.4
land in farms (acres)	904,154	943,068	960,614	939,884	778,948	786,736
ave. size farm (acres)	996.9	1,184.8	1,296.4	1,432.8	1,268.6	1,699
No. of farms reporting cropland used for pasture	371	364	332	268	311	226
Cropland used for pasture (acres)	27,146	21,744	23,757	21,310	31,843	27,819
No. of Farms reporting Woodland pasture	413	377	333	332	161	89
Woodland pasture (acres)	nr	295,003	313,031	267,535	162,652	100,644
No. of farms reporting other pastures	396	397	346	403	nr	nr
Other pasture (acres)	416,761	399,517	394,578	454,505	359,602	nr
Farms by size - 500 to 999 acres	125	116	107	90	66	nr
Farms by size - over 1,000 acres	204	217	199	76	(111) 78	(109) nr
Farms by size - over 2,000 acres	nr	nr	55	35	31	nr
No. of livestock farms (excluding dairy & poultry)	175	150	138	158	nr	nr
No. of cattle and calves	28,083	33,607	32,508	33,310	31,891	35,277
No. of farms with sheep & lambs	78	131	124	57	62	37
No. of sheep and lambs	18,112	14,802	12,827	7,628	3,479	3,014
Average value per farm of land and buildings (\$)	nr	34,038	50,432	73,548	111,380	234,947
Average value per farm per acre (\$)	nr	32.74	4842	51.74	88.00	138.00

1. nr = not reported

Source: U. S. Dept. of Commerce, Bureau of the Census, Census of Agriculture (Washington State) 1950-1974

TABLE IV

KLiCKITAT COUNTY RANGE/PASTURE, 1969-1974*

<u>ITEM</u>	<u>1969</u>	<u>1974</u>
Woodland Pastured		
Number of farms	161	89
Total acres	162,652	100,644
Cropland Used for Pasture/Grazing Only		
Number of farms	311	226
Total acres	31,843	27,819
Pastureland Other than Cropland and Woodland		
Number of farms	221	174
Total acres	338,777	393,258
Total		
Number of farms	693**	489**
Acres	533,272	521,721

*Previous censuses did not make this breakdown

**Cumulative of farms reporting. Farms may report more than one category.

Source: U. S. Department of Commerce, Bureau of the Census,
1974 Census of Agriculture.

TABLE V
 NUMBER OF CATTLE & CALVES ON FARMS IN KLICKITAT COUNTY
 1850-1974

<u>DATE</u>	<u>NUMBER</u>	<u>REMARKS</u>
1860	2,674	
1870	3,359	
1880	14,135	Total on Farms & Range in Yakima, Kittitas and Klickitat counties = 55,098 (Range = 17,787)
1890	11,069	Total on Farms & Range in Yakima, Kittitas and Klickitat counties = 37,682 (% change = 46%)
1900	9,798	
1910	8,551	
1920	15,419	Along with Yakima, Kittitas and Okanogan counties considered the "beef producing center of the state. Note that no attempt was made to accurately count range animals until the 1920 census.
1925	15,076	
1930	16,448	
1935	23,451	
1940	21,747	
1945	25,794	
1950	28,083	
1954	33,607	
1959	32,508	
1964	37,010	
1969	33,057	
1974	35,277	

Source: Washington State Department of Agriculture, 1967, 28-46.

U.S. Department of Commerce, 1974.

TABLE VI

	<u>1945</u>	<u>1950</u>	<u>1954</u>	<u>1959</u>	<u>1964</u>	<u>1969</u>	<u>1974</u>
Klickitat	25,794	28,083	33,607	32,508	37,010	33,057	35,277
Kittitas	32,978	36,830	63,496	63,656	75,667	64,185	56,999
Yakima	82,797	90,788	123,456	131,507	173,421	147,575	140,791
Okanogan	<u>57,041</u>	<u>54,720</u>	<u>70,844</u>	<u>72,474</u>	<u>77,569</u>	<u>62,496</u>	<u>63,550</u>
Totals	198,610	210,421	291,403	300,145	363,669	307,313	296,617

Source: Washington State Department of Agriculture, 1967, Washington Livestock, p. 32

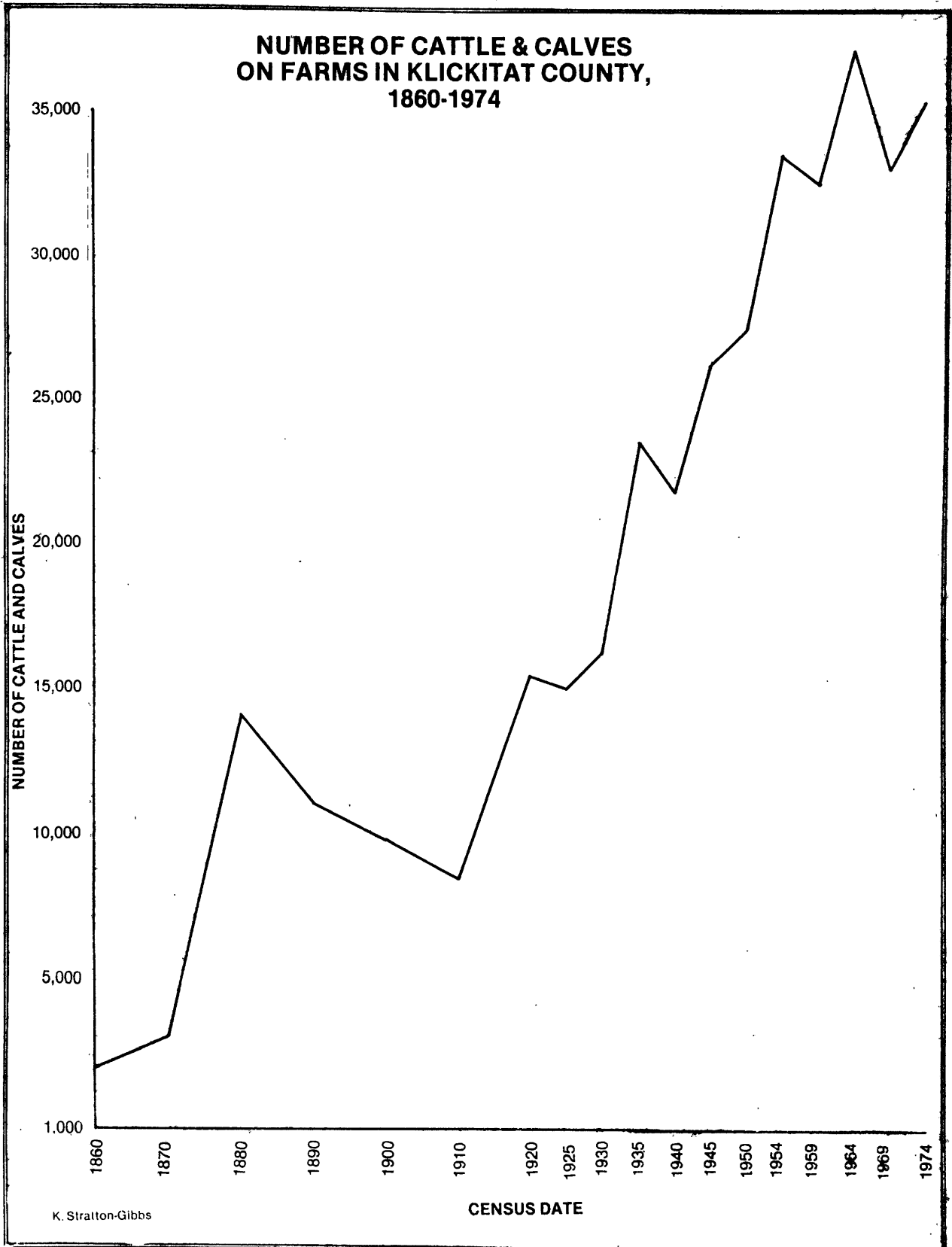


Figure 6. Number of cattle and calves on farms in Klickitat County, 1860-1974.

these counties during 1950 to 11.9 percent in 1974. The low point during these years was 10.1 percent in 1964 (Figure 7, Table VIII).

May (10) summarizes what has happened:

Compared to the pioneer stockmen whose herds numbered thousands and roamed wherever the bunchgrass provided the best of feed, Klickitat County cattlemen of modern times could only be regarded as small operators.

Yet the cattlemen of today do a far better job under more restrictive circumstances than would have been thought possible in the old days. And although the diversified operations of most of them preclude specialization in cattle production to the extent practiced elsewhere, and in this county in former times, a few have qualified as cattlemen in a true sense.

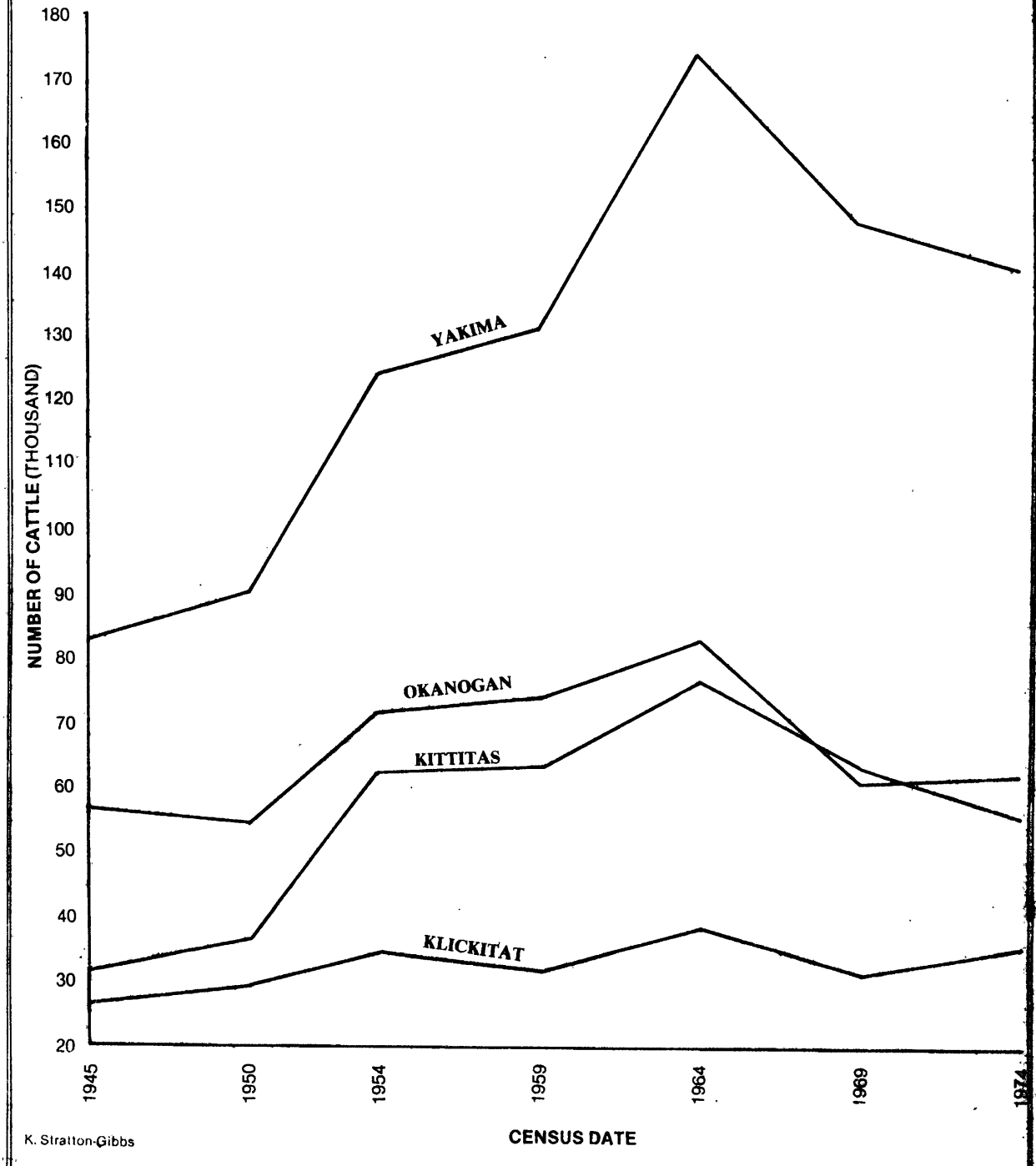
May's article and Klickitat County Public Utility District (1966) provided the range use backdrop of the recent past for the study of the current situation. Roger Pond, Klickitat County Extension Agent, (Washington State Extension Service), provided current information.

In eastern Klickitat County one of the largest livestock operations is owned by Clarence McBride. The McBride cattle ranged over 22,000 acres in 1950 plus additional leased summer pasture in the Simcoe Mountains. By 1966, the McBride herd numbered about 1,000 head and ranged over 25,000 acres. Figures for 1978 remain about the same.

Seventy-five miles west in the Gilmer Valley, the Kreps operation ranged 320 cattle over 7,500 acres of deeded land plus additional leased land. There, winter snows are heavy, and many barns and sheds are used to store hay.

A considerable part of the work of the Kreps ranch was the raising of large quantities of hay, both at

NUMBER OF CATTLE, 1945-1974 KLICKITAT, KITTITAS, YAKIMA & OKANOGAN COUNTIES



K. Stratton-Gibbs

CENSUS DATE

Figure 7. Number of cattle, 1945-1974; Klickitat, Kittitas, Yakima, and Okanogan Counties.

the ranch and on tracts in the Glenwood Valley, for winter feed. Feeding that hay was another considerable task, followed by spring calving, summer foraging in the timberland pastures and round-up in the fall. In earliest times, Kreps drove mature animals to Bingen for shipment. Since the 1940's they have been trucked to market from the ranch (May, 10).

Both remain today as examples of Klickitat County ranch operations.

The 1966 PUD report noted that the Matsen ranch northwest of Bickleton moved its 100 head of Angus to irrigated pastures in Glenwood in the summer. The bulls and calves were wintered at the home place, while the cows were wintered at the Six Prong ranch and the heifers at the Glade ranch. The Glenwood pastures are no longer used (Figure 9).

The Crocker cattle operation is located near Centerville but transports its herd to Glenwood for summer grazing. The Schusters provide spring feeding at the home ranch near Goldendale, and formerly shipped the herd to Ellensburg in May to rented pasture; Glenwood pastures are used now.

The O. P. Kreps ranch included 2,500 acres of deeded land and another 25,000 leased acres. The leased acreage included federal, state and timber company land. Federal grazing permits had been held for fifty years. It is located at Laurel.

The Lone Pine Ranch was another example of summer feeding in the Glenwood Valley and wintering at the home place at Horseshoe Bend. Part of the herd grazed 17,000 acres of St. Regis Paper Company and DNR land on the slopes of Mt. Adams. The rest were summered at Glenwood. However, the rancher's cattle operation was discontinued in the early 1970's.

The 8,000 sheep located in Klickitat County according to the 1964 Census of Agriculture (Figure 8, Tables VI and VII) were only a fraction of the 1930 high of almost 72,000 head. Yet several rather large sheep operations remained at the time of the 1966 report. The 2,000 sheep of the Holwegner ranch grazed over 200,000 acres of Yakima Indian Reservation and National Forest Service Land. In 1966 eight to ten bands of sheep grazed acres where sixty bands roamed years ago. The Klickitat County PUD report (1966, 6) noted that "The Holwegners have one of the last truly-range operations for sheep in the Northwest." Another sheep operation of the middle 1960's was the Seeley ranch which moved its thousand head from Roosevelt to Trout Lake. "At that time the sheep are moved on the 100 mile drive...averaging some ten miles per day." 1968 was the last year for this operation because the reservoir of the new John Day Dam covered a large part of the spring graze.

Other sheep operations included the Jaekel ranch at Wishram which moved its 2000 head to Mt. Adams annually, on a drive that took "two herders, four dogs, and two pack trains with five horses to each train" (PUD, 1966, 7). The Norris ranch near Goldendale also kept a small flock.

Figure 9 portrays these and other major livestock operators' movements during the 1950-60's. As the map indicates, summer grazing areas prevail further north (and at a higher altitude) than winter pastures. Generalized movement then is from south to north and return. The map also shows that some livestock actually leaves the County for a time; to

TABLE VII

SHEEP ON FARMS IN KLICKITAT COUNTY, 1870-1974

<u>DATE</u>	<u>NUMBER</u>	<u>DATE</u>	<u>NUMBER</u>
1870	22	1940	52,532
1880	46,051	1945	13,716
1890	44,080	1950	18,112
1900	136,270	1954	14,907
1910	48,968	1959	12,827
1920	48,904	1964	7,761
1925	46,237	1969	4,201
1930	71,728	1974	3,014
1935	52,532		

Source: Washington State Department of Agriculture, 1967, pp. 142-144;

U. S. Department of Commerce, 1974, Census of Agriculture.

TABLE VIII
SHEEP ON FARMS IN YAKIMA AND KLICKITAT COUNTIES
1880-1900

<u>DATE</u>	<u>NUMBER</u>
1880	74,000
1890	112,000
1900	500,000 (includes Kittitas County)

Source: Washington State Department of Agriculture, 1967,
pp. 142-144;

U. S. Department of Commerce, 1974 Census of
Agriculture.

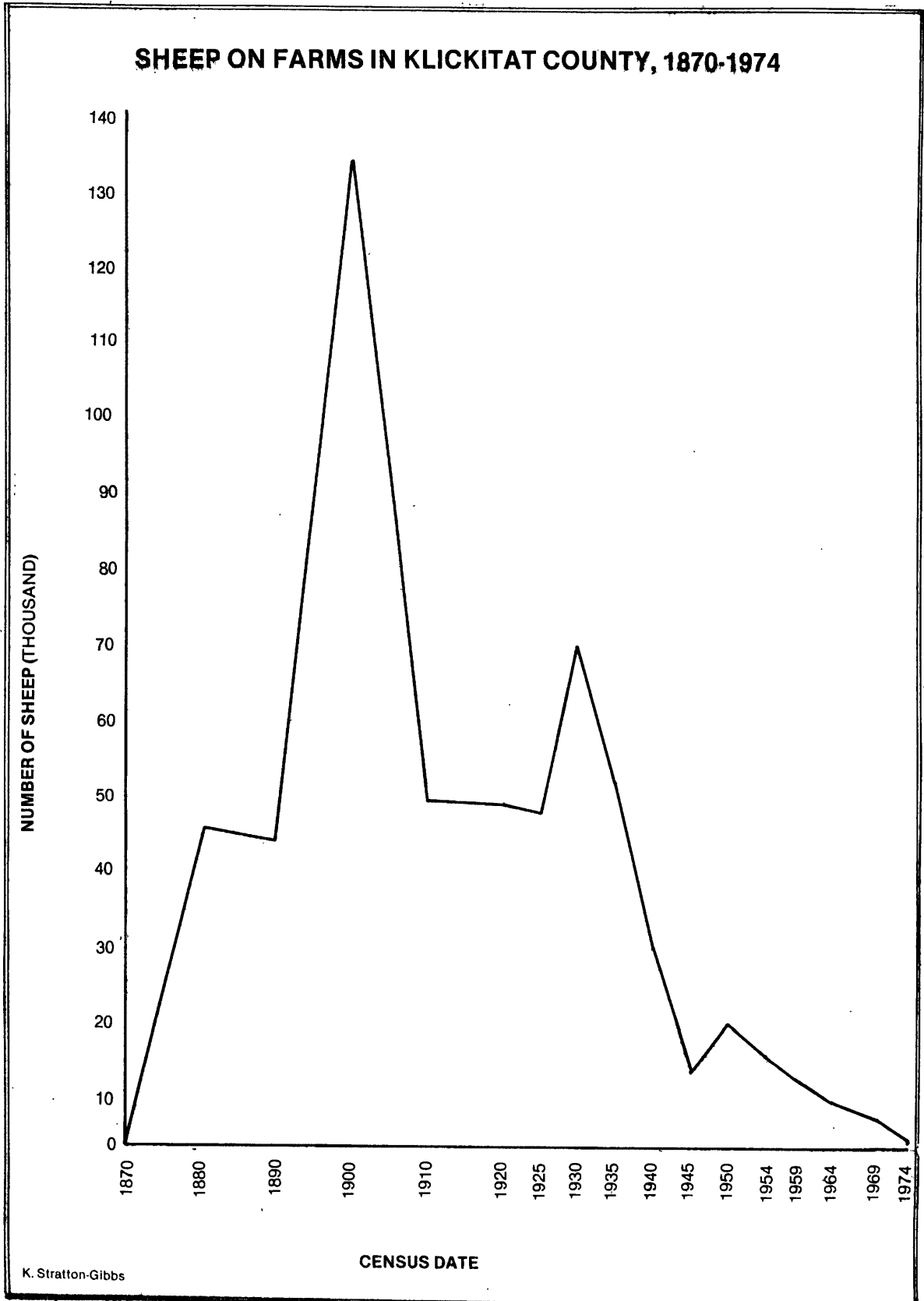


Figure 8. Sheep on farms in Klickitat County, 1870-1974.

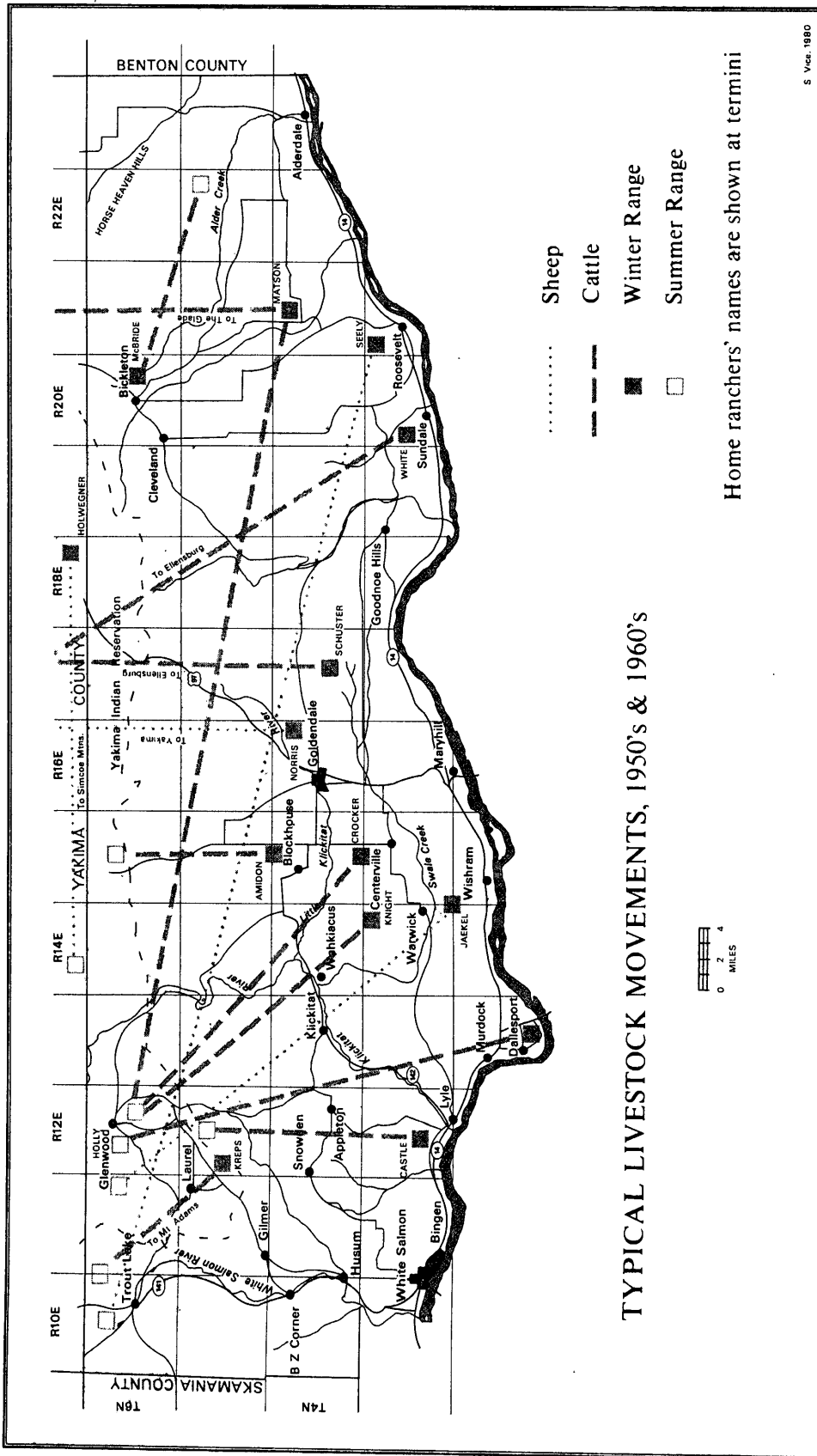


Figure 2. Typical livestock movements, 1950's-1960's.

the Simcoe Mountains, "The Glade," Yakima and even Ellensburg.

In 1979, similar cattle operations survive, but none of the sheep operators mentioned remain. Sheep now in the county are located within diversified farms rather than in major sheep operations. The last major sheep operation, the Imrie ranch, sold out its flock in 1973 noting "synthetics, coyotes, and lack of summer range" as reasons for the demise of the sheep industry in Klickitat County (Goldendale Sentinel, March 24, 1977).

Currently, the relatively small amount of federal (National Forest) land within the county is still being used for grazing (Table IX). Two of the three allotment areas are reserved for cattle, the third for sheep. An interesting concept for the sheep grazing there is the "transitory grazing" technique used whereby bands of sheep move from clear cut to clear cut for forage. At one time up to 15,000 head of sheep alone grazed the national forest area. Now the number is limited to several hundred. (Bull interview; Bush, 1976, 7). The increase in total use depicted in Table IX indicates a revision of the estimated grazing capacity of each allotment area. Estimates are made annually (Bush, 76).

The U. S. Bureau of Sport Fisheries and Wildlife's Conboy National Wildlife Refuge allows leased grazing on portions of its 10,000 acres (Cairns, 1966, 7). Minor amounts of other federal land (Bureau of Land Management, Bonneville Power Administration) may be grazed. However, the Yakima Indian Reservation land within Klickitat County provides over four million acres of open range with a significant amount

TABLE IX

MT. ADAMS GRAZING PROGRAM (NATIONAL FOREST)

<u>ALLOTMENT</u>	1975		1976		
	<u>EWES & LAMBS</u>	<u>COWS & CALVES</u>	<u>ANIMAL/SHEEP MONTHS</u>	<u>COWS & CALVES</u>	<u>ANIMAL/SHEEP MONTHS</u>
Twin Buttes	2,800		9,730	3,000	11,585
Ice Caves		70	93	120	420
Mt. Adams		325	650	415	830
TOTAL USE	2,800	395	10,473	3,000	12,835

Source: Bush (1976)

leased to non-Indian cattle and sheep ranchers. Thus, the concept of "multiple-use" land, most commonly combining timber production and grazing, is well established in the County.¹

On public and privately leased timber areas, grazing has for years been an acceptable technique. However, recent concern by certain timber companies over the effect of browsing upon tree establishment and growth² may lead to further reduction in available range as grazing leases for timber company lands are retracted or not renewed.

Agricultural census statistics and local agricultural agencies make clear that the livestock industry in Klickitat County is still active and economically important. But it is important to note that the majority of livestock operations are now part of diversified ranch-farm units, where livestock and crop production mix and, in fact, complement each other. References above to hay production and use of irrigated pasture land confirm this. The County Extension Agent estimates that there are "less than a dozen 'full time' cattle operations" left in the County. No specifically sheep operation remains. Nevertheless, leased range land remains important to the remaining few cattle operations as well as to the diversified farms.

Ericksen (39) notes there have been three major stages in the development of the livestock industry: (1) early

¹For information on range multiple use management, see Cooperative Extension Service, 1975, and Stoddart, 1975.

²For discussion of this concern, see Stoddart (400-403).

grazing (evident in Klickitat County between 1858 and the early 1900's), (2) ranch production (important from the 1930's to the 1950's), and (3) livestock production in conjunction with cropping, which is the common operation of today.

CHAPTER V

RECENT LAND CONVERSION AND THE CURRENT CONFLICT

There are nearly 2.3 billion acres of land in the United States...We do not even have a precise count of the number of private landowners...Recently, rural recreation or second homes have been growing in importance and have generated additional parcels. These are mostly owner-used, many in rural areas (Boxley, 2).

LAND PARCELIZATION

Since 1970 the County had experienced a relatively rapid increase in land parcelization in the rural parts of the county. While state population estimates show only a slow increase up until 1976, and a more pronounced increase in 1977 (Table X), County Planning Department statistics show a significant amount of parcelization since 1970, and especially since 1974 when the registration of short plats (see p. 42) became mandatory by state law for division of land into two, three, or four parcels (Klickitat County Planning Department, 1).

Table XI indicates that over 1,600 lots, twenty acres in size or smaller have been created since 1970. This figure does not include a significant number of land divisions not detected due to sales by unrecorded contract or other means which are not officially filed. Another County study (Klickitat County Regional Planning Council, 4) states

TABLE X

KLICKITAT COUNTY POPULATION, 1970-1977,
AND PERCENT CHANGE

	<u>TOTAL</u>	<u>UNINCORPORATED</u>
1970	12,138	7,398
1971	12,700	7,369
1972	12,900	7,320
1973	12,900	7,316
1974	12,800	7,161
1975	13,000	7,453
1976	13,200	7,596
1977	13,900	8,159
	<u>TOTAL CHANGE</u>	<u>UNINCORPORATED CHANGE</u>
1970-77	1,762 (14.5%)	761 (10.3%)

Source: Washington State Office of Program Planning and Fiscal Management, April 1, 1977, Official State Population Estimates.

TABLE XI
 KLICKITAT COUNTY LAND PARCELIZATION
 1974-1978*

<u>LOTS</u>	SUBDIVISIONS	<u>AVERAGE SIZE (ACRES)</u>
Lots Filed	622	3.25
Lots Yet to be Filed	664	2.9
Total All Lots	1286	3.1

SHORT PLATS			
Approved	137	Recorded	114
Pending	18	Denied/Withdrawn	17
Approximate Number of Lots Created			438
Approximate Number Recorded			365
Approximate Number Pending			58

*As of February, 1978

Source: Klickitat County Planning Department

that of these parcelizations fifty-seven percent are in forest areas, thirty percent are in agricultural areas and seventy-six percent are in grazing areas. Figure 5 shows the location of these parcelizations, and more specifically shows the relationship between herd law districts, open range, and major areas of parcelization.

It should be noted that there are basically two types of parcelization involved in the issue at hand. A number of subdivisions have been developed after obtaining (in most cases) official and legal county approval via Planning Commission and County Commissioner action. These subdivisions are characteristically located at some distance from basic services and are promoted as recreational developments. This type of development is referred to by Campbell (1969, 7) as the "remote subdivision" and by Weber (9) as the "isolated subdivision," either term describes the physical location relative to established County residential areas.

Timber Valley, Oak Knoll, and Bridlewood Meadows, (see Figure 13) are typical examples of such platted areas in Klickitat County. Lot sizes average between two and three acres, services are minimal, access is by gravel county road. These three subdivisions will be referred to later.

The other major type of parcelization involved in the matter at hand is the "short plat," which is a division of a parcel of land into two, three or four lots, under twenty acres in size. It is a common type of transaction for private property owners and local real estate agents in selling small tracts of land. Short plats have been regulated in the County

only since 1974 (when mandated by the state). Short plat approval is an administrative action by the County Planning Director and requirements and standards are much less stringent than for subdivisions (no land survey is required, for instance). Accurate records of such parcelization are nearly impossible to establish because many sales are consummated as unrecorded contracts, providing no indication of sale until completion of the contract and award of the deed, or a payment of exise tax, or some other action alerts the county to the parcelization.

While subdivisions, even remote ones, by their very nature provide a cluster of development, short plats are scattered hither and yon among larger tracts of land providing an even wider impact upon the rural setting. These impacts will be explored later.

Division of land in parcels over twenty acres in size and subdivision development in existing generally residential areas are not included herein since they do not particularly or directly involve or threaten the livestock industry or the traditional rural environment.

It is interesting that during oil shortage/energy crisis of 1974 (and currently) little change was evident in land partition activity. Although sales of recreational vehicles slowed and leisure activity-oriented travel decreased, recreation land sales remained strong in Klickitat County. In fact, Klickitat County had the highest percent of increase in land sales of all counties in the state. While property sales slowed statewide in 1974 to 9.1 percent, compared to the two previous years, Klickitat County sales were up sixty-four

percent (Washington State Department of Revenue, 1975). Local real estate agents account for this by noting that land values, like energy values, continue to increase, thus attract investors. Also, Klickitat County's location seems to be a factor. The major recreational land sales markets for the area are Yakima, the Tri-Cities (Richland, Pasco, Kennewick), and the Portland-Vancouver metropolitan area. Land sales agents have promoted, evidently successfully, the idea that Klickitat County is only a one-day, one tank-of-gas away, round trip. Indications are, then, that people are investing in recreational property closer to home, rather than the more distant areas, such as North Central Washington and Idaho.

LAND USE CONFLICT

Large areas of the Nation are in transition from predominantly rural, agricultural economics to something else - something not clearly foreseeable and for which the old labels and classifications...are inadequate descriptors of rural landowners and uses ...Uses of land...are varied, ranging from small hobby farms and vacation homes to land held for recreation or investment...The owners undoubtedly represent a broad range of interest with respect to services they demand from land, community ties, rural interests and environmental concerns (Boxley, 4).

With the foregoing survey of the evolutionary land use of the County, the established livestock industry, and the recent influx of people and increased land parcelization of the rural areas, attention can now be focused upon the current socio-economic conflict based upon a radical change in traditional land use.

It perhaps is a continuation and last stand of the historical battle of survival of the cattlemen, or his view.

Just as the homesteaders pushed the cattleman from fertile prairies into the marginal scrub land and the forest, the "new homesteaders," rural recreation home buyers, are pushing the last vestige of the livestock herders into a corner-- a corner of fences.

Several actors are involved in this conflict. First are the ranchers who somewhat resent the intrusion of "city folk" into their traditional territory, especially when newcomers agitate for herd laws, block cattle trails with "no trespassing" signs, create havoc with four-wheel drive vehicles and snowmobiles, and disregard rural traditions. Second are the purchasers of recreation lots, often not familiar with the open range concept and irate over "trespassing cattle" and livestock-blocked roads. Third, realtors and developers varying in their attitudes toward the open range but prone to disregard the problem or side with the newcomers, their customers. Lastly, the public officials who must contend with and try to mitigate the conflict with the least public expenditure and as little regulation as possible.

To supplement a review of the literature on this particular problem, a sample survey technique was used in an attempt to draw out the extent and intensity of the conflict and its ramifications upon the county and those involved. The analysis and interpretation of this data is the subject of the next section of this paper.

Before this analysis, however, it should be mentioned that it is realized that Klickitat County is not unique in

this problem, nor even a particularly outstanding example. The problem is evident in many parts of the West wherever grazing and recreation/residential land uses come in contact. Arizona and New Mexico are notorious for remote subdivision developments. And other localities in the Northwest such as Central Oregon, Bonner County, Idaho, and Okanogan County, Washington have encountered similar problems. Various studies emanating from these districts are referenced herein.

Klickitat County nevertheless provides a good study area because of its manageable size, the current relevancy of the problem there, and the ease of isolating the research site. It is hoped that the following analysis will provide useful documentation for the study of land use change in a traditional "western" setting.

CHAPTER VI

THE SURVEY AND ITS FINDINGS

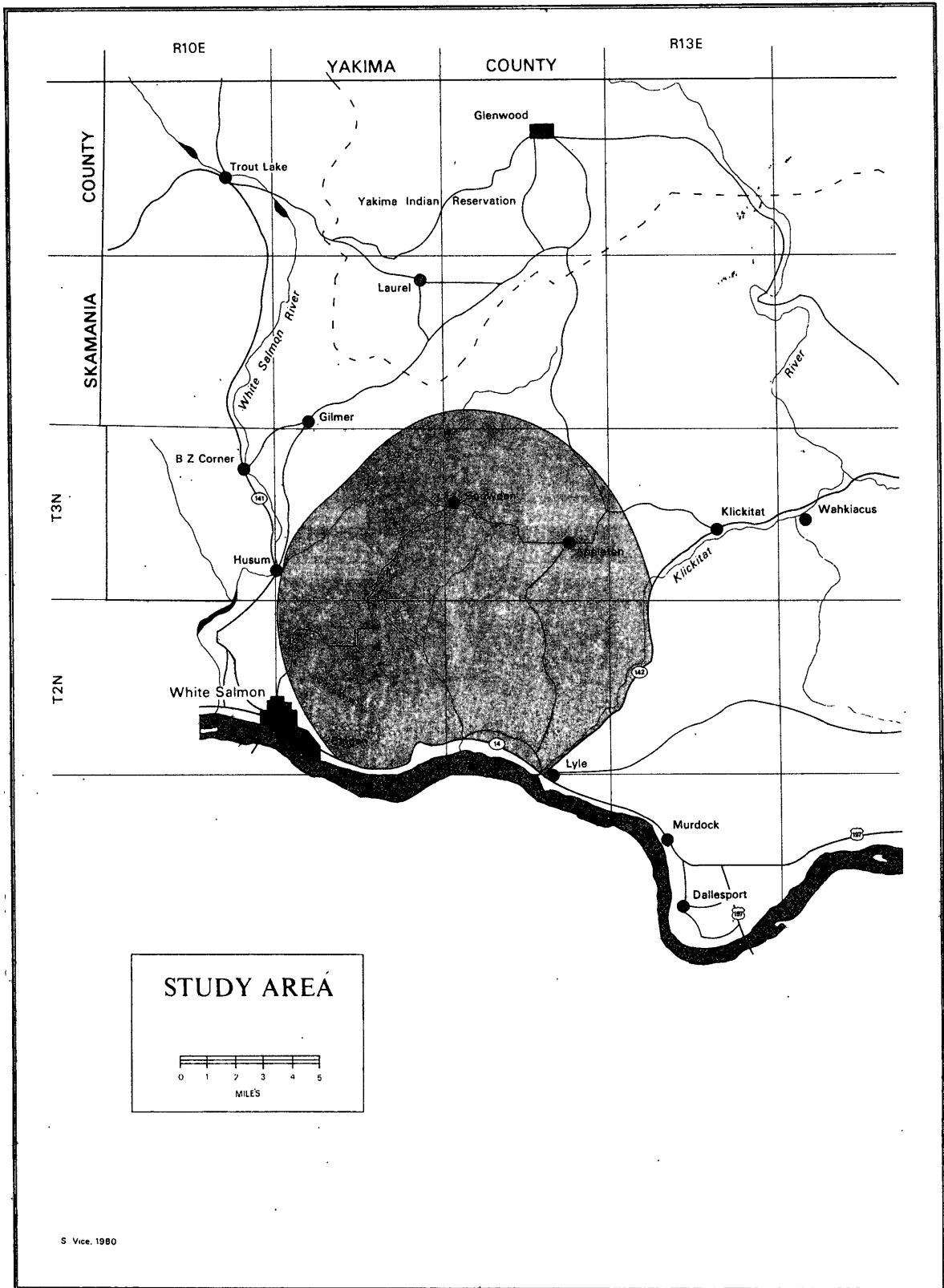
ADMINISTERING THE QUESTIONNAIRES

In order to determine the extent and intensity of the conflict in land use in traditional open range areas of Klickitat County, three questionnaires were developed and administered for ranchers, land purchasers, and real estate agents respectively. The study area within which the population was sampled is located in the western part of the County (Figure 10). It was selected because it is the area of most recent conflict and can be easily delimited.

From County Assessor's records the major private property owners in the area were selected.¹ From this list were removed property owners not involved in livestock grazing. The County Extension Agent helped materially in this determination. Twenty-five such ranchers were sent the questionnaire regarding the range/land use conflict (Appendix E-1).

From Assessor's records and Planning Department files was obtained a list of purchasers of tracts twenty acres in size or less since 1974 in the survey area. One hundred

¹Originally the names of all property owners holding over 200 acres were obtained. However, for purposes of the survey only those having over 1,000 acres were contacted.



S. Vice, 1980

Figure 10. Study area.

thirty-two such purchasers were sent questionnaires regarding range land use conflicts. Both short plat tract purchasers and subdivision lot purchasers (primarily Timber Valley) were surveyed (Appendix E-2).

The third questionnaire was sent to the ten most active real estate agents and developers in the area.¹ Nine were local real estate agents and one was from Tacoma, Washington (Appendix E-3).²

All surveys were mailed, pre-addressed and pre-stamped in a fashion that only required folding and mailing.

Sixteen of the twenty-five rancher surveys were returned for a sixty-four percent return. Seventy-five of the one hundred thirty-two purchaser surveys were returned for 56.8 percent. Seven of the ten real estate agent questionnaires, or seventy percent were returned. Warwick and Lininger (129) note that completion return rates for mail questionnaires of forty to fifty percent is considered good. The authors also intimate that higher returns for mail questionnaires would indicate that the subject of the survey was of high interest to the respondents.

¹Note that the term "Realtors" was used on the original questionnaire. The questionnaire should have said "Real Estate Agents" since the term "realtor" is a registered trademark of the National Association of Realtors and the National Association of Real Estate Boards and it is not known if all those who received the questionnaire were members of these organizations.

²Interestingly, however, of the nine local real estate agents, five had established offices within the last five years, an indication in itself of the growth in real estate transactions within the county.

Every real estate agent and rancher respondent, and most of the purchaser respondents, took advantage of the "essay-style" questions in order to clarify or expand answers. This too would indicate high interest in the topic. Thus the mail survey can be considered successful and the information it supplied as reliable.

In addition to the mail questionnaires, a number of personal interviews were conducted with members of the three groups and with various public officials in order to obtain additional and more detailed responses to the problem.

SURVEY RESULTS

The rancher questionnaire responses provide a good indication of the current state of ranching in Klickitat County as well as an indication of the ranchers' major concerns. The complete results are given as Appendix F-1, a summation appears here.

Owned acreage among the sixteen respondents averaged 1,740 acres, with an additional 2,883 leased acres. The ownership averaged forty years and the number of cattle, 152. Most respondents did not have separate summer and winter range areas. Only two ranchers move their cattle solely by "cattle drive" methods; most use trucks or a combination of trucks and driving. These indicate how far livestock ranching in the county has come from early-day ranching techniques. The decline of separate summer-winter grazing and numbers of animals indicates the widespread use of stored feed and diversified farming techniques as discussed earlier.

It should be noted that many of the large ranches in the eastern part of the county were not included in the survey area. Such ranches typically are highly diversified and incur less interference from land parcelization problems.

All except one rancher had experienced problems with new people moving into the area. The major problems listed were irresponsibility (not closing gates, not building fences or taking care of their cattle), vandalism (chasing cattle, tearing down signs, indiscriminate shooting, cutting fences) and trespassing. Non-familiarity with range laws and traditions and herd law petitioning were major complaints. "Fencing problems" received the highest number of complaints.

All felt the new residents were affecting them economically. Breaking land into small parcels, thereby taking it out of grazing land, was the major complaint. Several felt the newcomers caused greater cow and calf losses for various reasons, including rustling.

All cattlemen also felt "herd laws" (stock restricted areas) placed an economic burden upon them. The cost of fencing, liabilities, the promotion of the land parcelization were the major reasons.

Other problems with new property owners that were mentioned frequently included access road problems, "junky development," and dog control.

When asked how such problems could be prevented, ranchers gave a variety of answers with a number suggesting that increased responsibility be placed upon the agent or developer. County road department, sheriff, and planning depart-

ment responsibilities were emphasized. Several "physical" solutions were suggested, such as placing cattle guards on county roads and fencing all subdivisions. More moderate approaches included educating buyers concerning pertinent laws and "meeting neighbors half-way." One rancher suggested all herd law districts be vacated.

The purchaser surveys tell a lot about rural residential ownership (Appendix F-2). All seventy-five of the responding purchasers still owned all or part of the land they bought during the period of land sales used by the survey. The average lot size was 10.2 acres. 1970, 1973, and 1977 seemed to be big land sales years. All but one purchaser saw his property before purchasing it. Seventy-five percent of the sales involved land division, eighteen percent did not, six percent of the purchasers did not know. Forty-seven percent purchased from a land development company, thirty-three percent from the land owner and twenty percent from local real estate agents.

Very few improvements to the land were existing at the time of purchase. Only three sales involved a house or mobile home. Electricity was available to only twenty-one percent of the lots, telephone to only ten percent and a community water system to just two lots. Seventy-three percent have access onto private roads or easements only, and only fourteen percent consider their road to be of good construction and maintainance.

Seventy-one percent of the lots are in an open-range area. Eighteen percent of the purchasers didn't know if

their lots were in open range or not. Sixty-one percent said the seller did not mention open range subjects when they bought their land. Twenty-three percent did discuss it. Seventeen percent of the purchasers didn't remember.

The land parcelization information given by the mail survey conforms to County records. The average size of lot reflects the difference between the smaller subdivision lots, usually about two acres, and the larger short plat division of five, ten or twenty acres (Footnote, page 42). The thirty-three percent of purchases made directly from land owners reflects the willingness of some ranchers to "sell out." However, some sales from land owners may have been of the same parcels previously divided, especially in platted areas.

The lack of utilities and adequate roads is a common trait of rural recreation and residential sites and will be discussed further.

Seventy-eight percent of the lots were purchased for recreation and second home reasons. Another twenty-two percent were bought as retirement home sites. Thirty-nine percent were investments. Only one was purchased as a potential farm operation. Sixty-two percent of the sites are used "occasionally" or on week-ends and vacations. Twenty-five percent are already permanently occupied.

Sixty-nine percent of the purchasers are from outside of Klickitat County. The average number of people that visit a site or live on it is 4.1. The average family size of the county is 3.4.

Most are satisfied with their lots. Those who are not cited high utility connection costs, water well costs, and high taxes.

Grazing livestock was a concern to sixty-four percent of the respondents. Major problems included breachy animals (tearing down fences), damage to lawns and gardens, and insects and excrement. Danger to children and animals on the roadway were also mentioned.

The real estate agents volunteered the least information of the groups surveyed (Appendix F-3). Most said they were familiar with open range traditions and laws. About half had heard clients mention rangeland problems. Livestock trespass was the major complaint they had heard. The major method property owners use to resolve the problem was fencing, the respondents said. None listed herd law petition as a property owner action.

Almost all said they inform their clients about range traditions and only one thought range/resident problems were important enough to require mitigative measures.

Two real estate agents liked herd laws, four did not. None like the idea of mandatory fencing of subdivisions and short plats. Most thought notification of range status in the title report was a good idea and all liked the idea of preparing a booklet that described range traditions that could be given to clients.

PERSONAL INTERVIEWS

In-person interviews provided a depth of information not attainable from mail questionnaires. Examples from each category of involved individuals will show the true concerns of those involved in the issue.

Rancher John Castle complained that his eighteen mile cattle drive route has been blocked by the sale of a forty-acre parcel to a party that has posted no trespassing signs. Mr. Castle said his cattle can't read and went right on across the forty acre parcel on their habitual trail. He had to skirt the area on horseback and catch up with his herd on the other side. He noted, too, that the elimination of grazing due to the establishment of herd law districts increased the risk of range fire because of grass growth and the increased population. He described the shift in liability caused by the herd law as a "\$130 cow versus a \$5,000 car."

Other common concerns of the ranchers interviewed included dogs and motor cyclists chasing cattle, the cost of fencing, suspected cattle rustling, and trail bike damage to the terrain.

New property owners, such as John Keller, complained of the hazard of cattle in roadways and breachy animals that break down fences and trample gardens and yards.

Real estate agent Fred Heany supplied valuable information as to ranch economics and land sales. Heany is also president of two grazing associations which will be discussed later.

County Extension Agent Roger Pond provided interesting insights into the livestock business. Pond noted that there are less than a dozen "full time" cattle operations left in the county; all other ranches and farms are diversified. He also commented that few ranchers have actually gone out of business. They have just sold off their herds to other ranchers and have diversified operations. He feels that much of the herd law problem has been caused by improper management of stock. And he philosophically notes that many newcomers are actually opposed to herd laws because they wish to prevent further development, to "close the door behind them." Several mail questionnaire answers reflect this attitude. Finally Pond suggested that many ranchers are more concerned with the preservation of "a way of life" than with the economics of the situation. This attitude was verified at a March, 1978 "anti-herd law meeting" attended by a large number of ranchers. One cattlemen's wife declared, "I object to them [the herd law petitioners] taking away our way of life!"

County Sheriff Rich Williams commented that herd laws are effective. He feels people do not hesitate to complain about herd law violations, but rarely will they report problems on open range land to his agency. "Most are grumbles," he says. He also feels more ranchers have extensive fencing projects anyway because they find that the cost of the loss of cattle killed on roadways in range areas is as much if not more than the cost of the fencing.

Forest Ranger Jim Bull provided background information regarding livestock grazing in the Gifford Pinchot National

Forest. Up to 15,000 head of sheep once grazed the area. Now the several hundred left are limited to the "Ice Caves Allotment" and the "King Mountain/Mt. Adams Allotment" (See Table IX).

Goldendale attorney Roger Boardman explained that most grazing leases are annual and oral agreements and provided other legal information about grazing leases. Newspaper owner Pete May suggested that a booklet be prepared on open range laws and traditions that could be provided to clients by real estate agents. State Department of Natural Resources area manager Bernard Murphy provided information on grazing problems on state lands and also on commercial timber land.

Thus valuable insight into the local aspects of the issue were obtained through interviews of key people involved. Appendix G includes a list of the persons interviewed.

CHAPTER VII

THE ECONOMICS OF PARCELIZATION

IMPACTS OF RECREATION/RESIDENTIAL LAND PARCELIZATION UPON RANGELAND

...Resolved: that it is a fundamental responsibility of our society to encourage land use and ownership, exclusively for the pursuit of agriculture to maintain a maximum food supply for our people...

Resolution 21 Adopted
General Session, Washington
Cattlemen's Association
December, 1977

THE LIVESTOCK ECONOMY AND LAND USE

Unfortunately very little data have been published on the economic importance of the livestock industry at the county level. As noted in early tables agricultural censuses provided statistics on acreages grazed, farm size, and herd size, but to establish the percent of the County economy attributed to the livestock industry is rather difficult, especially that attributed specifically or wholly to cattle operations as distinguished from the diversified farms, which include livestock production. However, there are some interesting figures to review.

Thomas G. Zinn, Oregon State University Extension Agent (Zinn, 1977) has estimated that the loss in gross sales to the cattle industry in Wasco County, Oregon (directly

across the Columbia River from Klickitat County), from selling one breeding cow to be approximately \$300 to \$400 per year.¹ If the cattlemen within the study area alone were "forced" to sell out due to the costs involved in herd law fences, liability and increased taxes, the loss in gross sales to the County of the approximately 2,000 range animals would amount to probably a half million dollars. The same OSU research indicates the multiplier effect to be 2.7 times the original dollar sales.

This loss of agricultural income will have an impact on the total economy of the...County. Farmers and ranchers would have used this income for making investments, hiring labor, buying imports such as fertilizer and feed, purchasing machinery, and equipment and incurring family and household expenses. The businessman from whom farmers buy also make purchases and generate other business activity. The total impact of these economic activities is called the multiplier effect.

Based on input-output studies...this multiplier effect...is about 2.7 times the original dollar sales. (Zinn, 1977)

Thus, the half million dollar livestock sales could mean a total loss to the county of nearly three million dollars.

Another attempt to determine economic losses to the County because of a livestock industry decline is a 1974 report by the Okanogan Planning Commission (Olson, 9). It figures a loss of about two million dollars in beef commodity over a ten year period, just from the current loss of grazing land to recreation use.

¹These figures were developed in connection with research into the result of livestock sales due to recent drought conditions but the principle could be applied if sales were due to ranchers going out of business for other reasons.

Economist Darwin Nielson (150-151) noting that "substantial amounts" of rangeland have been sold for recreation purposes "at a higher rate than other types of farm real estate," concludes that at current market values for rangeland and costs of livestock production,

it is doubtful that ranchers could pay for the land out of earnings...The high price of land coupled with ...grazing problems...doesn't make the ranching picture too bright. One would expect that if these problems continue to plague the industry that some ranchers will have to look to alternative uses of their lands, such as recreation...coal and oil leases to mention a few. [emphasis supplied]

This "can't beat 'em join 'em" attitude is very evident in Klickitat County. The number of ranches sold for residential and recreational use is increasing according to County records. Loss of ranch operations and livestock production, whatever the reason, is a significant threat to the county economy. Of course, as sales agents are quick to point out, residential and recreational development can have a positive effect upon the local economy, such as an increased tax base and increased sales of goods and services.

RECREATIONAL/RESIDENTIAL LAND USE

...the ideal situation would be to purchase land for \$100 per acre, put in improvements costing \$1 per acre, incur sales expenses costing \$2 per acre; sell one-acre lots for \$1,000 per acre and immediately discount the finance paper with no administrative expense at 100 cents on the dollar. (Oppenheimer, 1972, 351)

Land development and speculation have played an important part in the history of our nation and are by no means a recent economic phenomenon.¹ The current interest in rural

¹For a review of this concept, see Holtgrieve (1976).

land ownership has been attributed to the search for escape from urban pressures, financial gain, alternative life-style trends, additional free time and money, etc. Oppenheimer (1966, 106) believes that "The popularity of TV westerns... has created an aura of romanticism about the ownership of... tracts of western land." Krueger (155) remarks that

the endless array of interesting scenery across the range...cattle, sheep, cowboys, rustic cabins, corrals ...contribute to enjoyment and serve as a reminder of the cultural heritage of the west

all of which are attractions of the range. Whatever the reason, rural growth in Klickitat County is obvious and is reflected in the previous tables and charts.

In rural areas it is difficult to distinguish between recreational and residential land uses at times. Subdivisions originally intended as unimproved campsites often eventually become permanent residential lots. In fact, recreational opportunities themselves are a major reason for the popularity of rural residential living. The importance of this aspect of rangeland is difficult to measure in an economic sense. Krueger (154) states that the products of rangelands (grazing, timber, water, minerals) often have "ill-defined market values...The first and probably most extensive product of ill-defined value is that of recreation."

The multiple use concept of range management has become increasingly involved in recreation potential. Krueger (loc. cit.) again remarks that "range management programs to enhance rangelands for particular recreational uses are realistic and attainable." Maesner (1) remarks that

recreation is a recognized land use in conservation planning and that "it will receive the same consideration [by Soil Conservation Service Personnel] as cropland, hayland, pastureland, rangeland or wildlife land." Thus the importance of recreation uses in range areas has become a major topic of conservation and agricultural agencies. U. S. Forest Service official R. M. Housley, Jr. points directly to the problem here addressed.

Recreation users find that livestock and ranching operations add measurably to their outdoor experience ...Because some grazing operations...are economically marginal, or because human impact from recreationists will grow in some areas, people-use may well supplant livestock use. (Housley, 380)

While the economic value of recreation opportunities may be hard to define at times, residential development associated with it can be measured in terms of land sales, assessed valuation and development costs.

The temptation for ranchers faced with economic uncertainty is often overwhelming. Figure 11 shows the areas of major ranch sales activity in Klickitat County. Appendix H is a copy of a "feeler" from a real estate company sent to most ranchers in the county. Such offers are tempting to many ranchers. One respondent to the rancher survey noted, "I am now in the process of subdividing my ranch and will move to another area in order that I may stay in ranching."

Oppenheimer (1966, 96-97) describes the conversion of a large working ranch in Arizona. Developers purchased an old ranch of 30,000 acres upon which it took sixty acres to support one cow. There was sufficient water for 500 head.

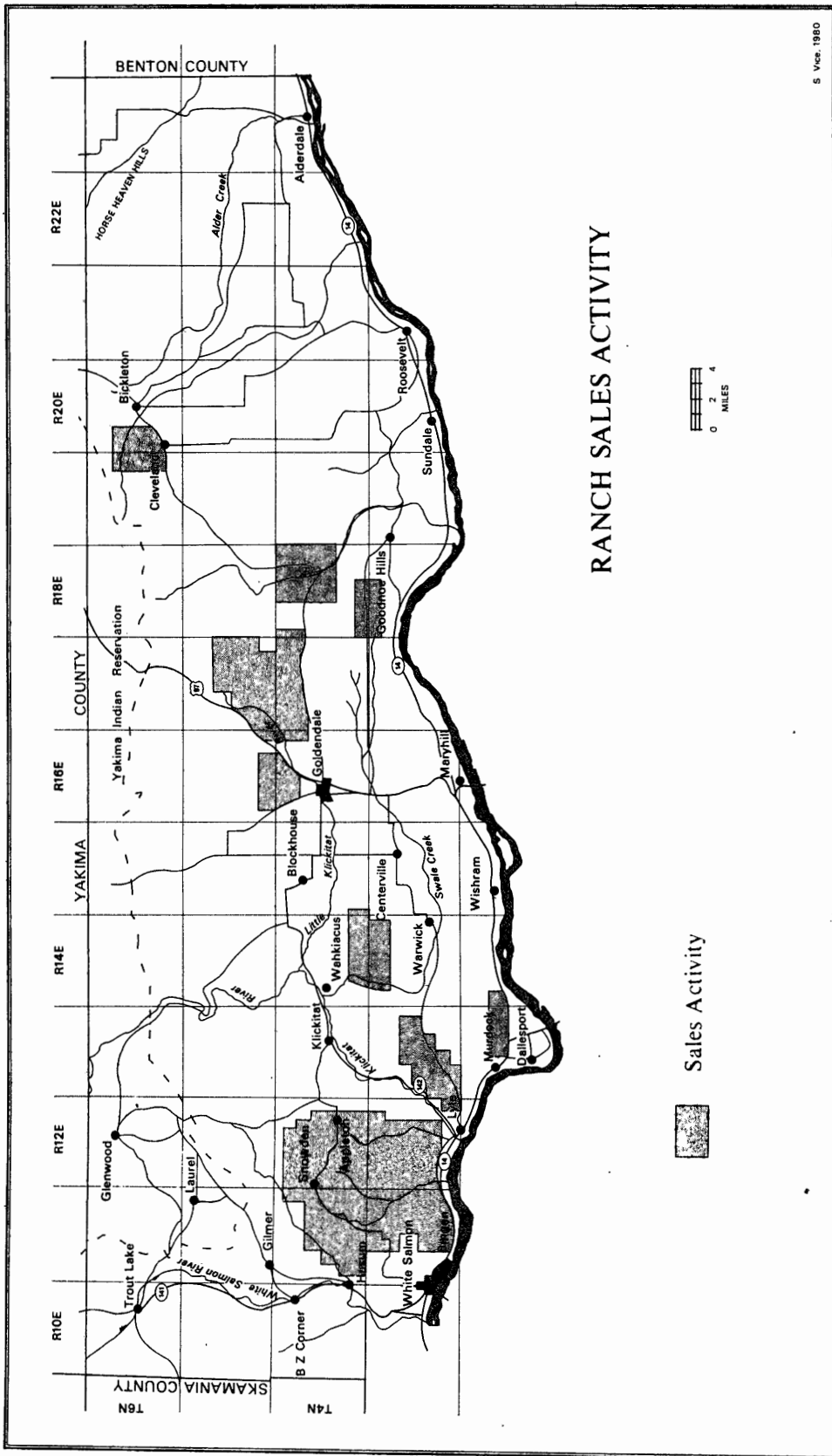


Figure 11. Ranch sales activity.

He notes that twenty modern houses consume as much water as 500 cows, without allowing for lawn or garden use. The 30,000 acres were divided into 3,000 "ranch sites" of ten acres each and were sold at \$1,000 each with fifty dollars down and five dollars a month. One-third of the cash received went for advertising.

At first these types of deals were looked on with great amusement by the local people in many of the western states. However, they suddenly realized that an increasing number of the old integrated ranches that formed a major part of their states' productive income were being broken up. Enough of the new buyers would retain ownership, even if sixty percent defaulted on their notes, ever to permit these ranches to be legally put back together again as economic units. Oppenheimer (1966, 95)

Although development operations have not reached that scale in Klickitat County, the process and result are similar. Grazing land valued by the County Assessor at thirty to sixty dollars an acre is being sold in twenty-, ten- and five acre parcels for recreation-residential use at \$350 to \$700 per acre (Heany interview). This particular area grazes one cow per forty acres on the average. At an investment of \$1,200 per cow the ranchers average a thirty dollar per acre investment per cow. Currently the Federal Land Bank (the most common finance source for ranchers) will loan only half that amount, or fifteen dollars per acre. Such figures substantiate the reason ranchers sell out.

Most remote subdivisions, such as Bridlewood Meadows, Timber Valley and Oak Knoll (mentioned earlier, page 65) are developed with little improvements, "to maintain their rustic characteristic" and also to keep down development costs.

These three subdivisions have private gravel roads, no utilities, and no real fire protection. To bring the roads up to county standards would cost nearly \$250,000 a mile (County Engineer estimate). The property owners (not the developer) had to form a local improvement district and petition the Public Utility District to bring electricity to the area, at great expense. Yet these remote subdivisions are extremely popular, especially with out-of-state purchasers. One subdivision near Bickleton has a large number of Massachusetts and California owners. Most individuals there bought sight unseen. In the survey area, however, only one purchased the property without seeing it first. Eighty-six percent were satisfied with their lots.

The land originally assessed at thirty-five dollars an acre is now valued in the thousands of dollars per acre. Table XII shows the assessed values in three remote subdivisions.

Short plats (two to four lot divisions) have not had as dramatic an increase in land valuation, primarily because of their large acreage (five to twenty acres) and scattered nature. Here too though, assessed valuations commonly increase to ten times the level of the agricultural valuations.

TABLE XII

ASSESSED VALUATION OF THREE REMOTE SUBDIVISIONS

	<u>TOTAL IMPROVED</u>	<u>AVERAGE</u>	<u>TOTAL UNIMPROVED</u>	<u>AVERAGE</u>
Bridlewood Meadows	\$84,140	\$14,023	\$340,255	\$5,401
Timber Valley I	71,235	11,873	158,065	3,436
Timber Valley II	215,450	9,793	190,735	3,974
Timber Valley III	25,580	6,395	154,370	3,508
Oak Knoll	NO IMPROVEMENTS		66,000	2,000

Source: Klickitat County Assessor's Office

CHAPTER VIII

SOCIAL, POLITICAL AND ENVIRONMENTAL COSTS OF PARCELIZATION

The sale of recreational homesites has had an alarming impact on rangeland use in the Western United States...Not only do their unplanned developments remove rangeland from production, but they indirectly affect range use through increased pollution, taxes, and other social interactions. (Stoddart, 427)

Recently a number of studies have been made of the socio-economic, political and environmental impacts of recreation subdivisions, as well as their costs to the public. Most deal with the topic generally or regionally but some specifically mention rangeland recreation homesites. A perusal of the material therein will assist in the study of the Klickitat County experience.

A most encompassing study has been made by Richard Ragatz (1977, 1-2). Table XIII shows Ragatz's selected impactors as well as his method of evaluating developers and land developments. Herbert Hoover's Colorado study (n.d., 15) indicates that ninety-nine percent of the recreational subdivisions in northern Colorado are on grazing land. He notes:

Recreation subdivisions are taking lands in less intensive agricultural use; nevertheless, these lands are critical to the area. Although the rangeland is vast, and the products realized from its forage are vital to the area's agricultural economy, additional significance lies in the watershed protection it provides, its growing contribution to enjoyment of outdoor recreation and its provision of wildlife habitat

TABLE XIII

RECREATIONAL SUBDIVISIONS AND THEIR EFFECTS ON
AGRICULTURAL LANDS (RAGATZ)

I. Selected Impacts of Recreational Subdivisions

A. Economic Impacts

1. expansion of local tax base
2. stimulant to building and construction industries
3. expansion of "service" economy
4. no children for school system if seasonal occupancy
5. decrease of primary industry (farming, forestry, etc.)
6. long-range public costs for servicing
7. effects of seasonal fluctuation in economy
8. implications for primary home voting patterns
9. duplication of resources, services, etc.
10. other externalities (reputation, tourists, conventions, etc.)

B. Social/Political Impacts

1. the recreation experience
2. increased quality of local decision making process
3. income discrimination
4. social conflicts
5. disruption of local values
6. appropriate base for political power
7. who uses the infra-structure facilities
8. checkerboard ownership pattern

C. Environmental Impacts

1. transfer to permanent homes
2. aesthetic
3. water, sewer, waste, etc.
4. ecological sensitivity
5. wildlife and conservation
6. trade-offs with economic impacts
7. the environmental spill-over

II. Some 25 Items for Evaluating Developers/Developments

1. parent corporation and implied fiscal stability
2. experience of personnel in land development, packaging, acquisition, etc.
3. experience in areas of shelter and recreation

4. previous tract record
5. opportunity for economics of scale
6. proximity to primary and secondary markets
7. extent of preparatory work (market analysis, feasibility study, land use plan, engineering studies for sewer, water and roads, marketing strategy, etc.)
8. balance of in-house staff and reputable consultants
9. communications with public officials and approach to public regulatory system
10. quality and believability of filing with U. S. HUD office of Interstate Land Sales Registration and State of Oregon
11. believability of environmental impact statement
12. understanding of local scene (regs, geography, etc.)
13. awareness of changing market conditions
14. bonding or other security for insuring provision of promises
15. short-range and long-range provisions for built-out and actual useage
16. responsibility desired for county to assume
17. responsibility desired for property owners to assume
18. on-site project manager
19. provisions for long term maintenance and operation
20. creation of deed restrictions
21. user fees and public use
22. quality and type of marketing program
23. type of compensation to salesmen
24. understanding of the competition
25. type of contracts offered consumers, financing, etc.

Source: Richard L. Ragatz, Paper presented at the Oregon State University Extension Service Spring Semi-Annual Training Session, Bend, Oregon, March 4, 1977.

and natural beauty. Thus, any activity such as recreation subdivisions that damages the existing land use is cause for concern (Hoover, 15).

Dick Brown, Crook County (Oregon) Planning Director lists a number of negative effects which tend to outweigh positive tax and economic benefits to the county from recreational subdivisions (Brown, 38). His list includes "nearly fraudulent sale programs" by non-local realtors, tax foreclosures averaging five to ten lots per year and subdivision residents' requests for road improvements, school bus service, and police protection without any on-site improvement which might boost the county tax base and help pay for services. Brown calls these "taxpayer time bombs." Other major concerns he expresses deal with impacts upon agricultural lands. These include trespass upon ranch lands by new residents (mischevious and criminal), higher liability rates in insurance and losses to criminal trespass for ranchers, and nuisance complaints by lot owners (livestock trespass, agricultural spraying, odors, etc.) and additional safety and pollution controls placed upon ranch operations due to increased population.

Jefferson County (Oregon) Planning Commissioner Greg Macy adds that

Conflicts between the farmer and subdivision resident emerge generated by noise, odors, dust, spraying, and slow traffic. Lacking political power and sufficient voting numbers to mitigate residential complaints, farmers are forced to either abandon their operation or adopt costly, uneconomical measures to reduce conflict. (Macy, 40).

Two other studies should be mentioned here. Distance from services (schools, stores, etc.) and availability of utilities were of particular interest to Charles Campbell in

his thesis, The Remote Subdivision in Arizona: Characteristics and Distribution (Campbell, 1969). Weber, Youmans and Harrington (1978) reporting on the impact of recreational and rural residential subdivisions in Klamath County, Oregon provide excellent data on the effect of rural subdivision upon local taxes. Table XIV reflects the fiscal impacts of an isolated recreation subdivision of 112 lots in that county. Note that the impacts are in negative terms. The justification of these figures is well documented in the report. The major reason this particular subdivision "cost" the county more than it produced in revenues was because the residents generated enough pressure to persuade the county to make major improvements to an access road and to put it on the county maintenance schedule.

In an Okanogan County Planning Department report, Olson lists the following concerns with a particular area of rural land parcelization activity: poor fence maintenance, water rights disputes, financial insolvency, and questionable land title, expenses to law enforcement ("the Sheriff's office reported its enforcement at an excess of \$4,800 during 1971... received \$252 as its share of taxes"), health department costs, a school district expense of \$2,136 to service a remote area for a handful of children, and state fire control costs. The report states that "this subdivision will not, in the lifetime of many taxpayers, pay for itself; but they will be paying for it" (Olson, 8). A review now of the Klickitat County experience will show similar concerns and impacts.

TABLE XIV

SUMMARY OF THE FISCAL IMPACTS OF AN ISOLATED
RECREATIONAL SUBDIVISION (112 LOTS)
IN KLAMATH COUNTY, OREGON

	<u>TOTAL</u>	<u>PER PLATTED LOT</u>
County		
Added Revenues	\$ 1,069	\$ 9.54
Added Expenditures	<u>2,131</u>	<u>19.03</u>
Net Fiscal Impact	(\$ 1,062)	(\$ 9.49)
School District		
Added Revenues	\$ 6,635	\$59.24
Added Expenditures	<u>10,731</u>	<u>95.81</u>
Net Fiscal Impact	(\$ 4,096)	(\$36.57)

Figures in parenthesis indicate negative fiscal impacts -- that added expenditures exceed added revenues. Figures are annual averages, based on the period 1966-1972.

From: Weber, Youmans, and Harrington (34)

The concerns expressed in the above mentioned reports reflect almost word for word the experience of Klickitat County. For instance, the 1975 Klickitat County Regional Planning Council report includes the following list describing land parcelization in Klickitat County:

- *57% of the lands are in forest areas

- *30% of the lands are agricultural areas

- *76% of the lands are grazing areas

- *over 300 parcelizations (mostly 20 acres) have occurred on these lands

- *over 30% of the purchasers are non-county residents¹

- *it is estimated that 15% of the purchasers buy the property sight unseen²

- *the County Commissioners have received numerous requests for road improvements in areas not served by existing or developed county roads.

- *many violations of the short plat and subdivision ordinances or their intent have occurred by failing to record contracts and creating lots barely in excess of the 20 acres lot provision (Klickitat County Regional Planning Council, 4).

The high incidence of land division within range areas is similar to the Colorado experience. And the road maintenance question has been a major concern to the Klickitat County

¹The 1977 mail survey prepared for this study indicates that 69% of the purchasers were from out-of-County.

²The mail questionnaire indicates only one individual who bought sight unseen.... However, the County report included several developments out of the survey area that have a high percentage of out-of-state owners.

Road Engineer and Board of Commissioners, such as the proposed road improvements urged in the rapidly parcelizing Burdoin Mountain area (Figures 10 and 13). Dozens of small tracts (short plats) have been recorded in that area since 1970. The residents and the developer petitioned the County to improve three and a half miles of abandoned county roads and construct another 2.3 miles. The County finally agreed to do the work in 1978 after five years of pressure. The residents and developer are paying a portion of the costs. Yet the original proposal caught the Board without prior knowledge that the development was occurring in that area. No funds had been allocated for road improvements in that area in the County's six-year road plan.

The sample survey also indicated a similar problem to that noted in Crook County. The lack of taxable improvements on the recreational lots means that public costs cannot be offset. Trespass and liability problems were duly noted in the survey. The erosion of the political and/or voting power of the ranchers by the more numerous new residents was expressed in several personal interviews with ranchers.

Unscrupulous land sales and questionable development practices have occurred in Klickitat County as in other areas where recreation developments are promoted. A Washington State Legislative report prepared for a proposed amendment to the state land development act includes, under a section entitled "Complaints Received on Developments," the following:

King's Ranch, Klickitat County: Failure to disclose underlying contract and insolvency, failure to build promised clubhouse, golf course and other amenities (Washington State Legislature, 3).

King Ranch, a 17,000 acre development northeast of Goldendale (Figure 12) has a history of land sales problems. It is interesting to note that even after years of promotion as a recreation development, the developers challenged the County Assessor's reclassification of the land from agricultural and timber to recreation use!

A comparison of the Ragatz list of selected impacts of recreational subdivision (Table XIII) with the Klickitat County situation should summarize the extent of the problem:

Economic Impacts

expansion of local tax base - lack of improvement to the land outweigh tax benefits

school system - costs for additional bus trips for few students

decrease of primary industry - discourage ranching

public costs - road maintenance, police and fire protection, regulatory agency costs

implications for primary home voting patterns - new residents outnumber ranchers at the polls

reputation - loss of amenities which originally created the demand for homesites

Social/Political Impacts

the recreation experience - loss of amenities which originally created the demand for homesites

social conflicts - complaints of trespass, nuisance, vandalism, rustling, etc.¹

base political power - new residents create new voting patterns

¹An attempt was made to research County Sheriff Department records in order to establish amount of serious range-recreation conflict. However, recent changes in the federal privacy laws prohibited use. Eleven cattle trespass complaints were processed in 1977.

checkerboard ownership patterns - interrupt traditional grazing patterns and ranch activities

Environmental Impacts¹

terrain damage by motorcycles is a major complaint

over grazing caused by the "unauthorized" livestock of new residents

open range protects watershed

increased fire danger when range not grazed

¹See also Campbell (1972) regarding environmental effects of rural subdivisions.

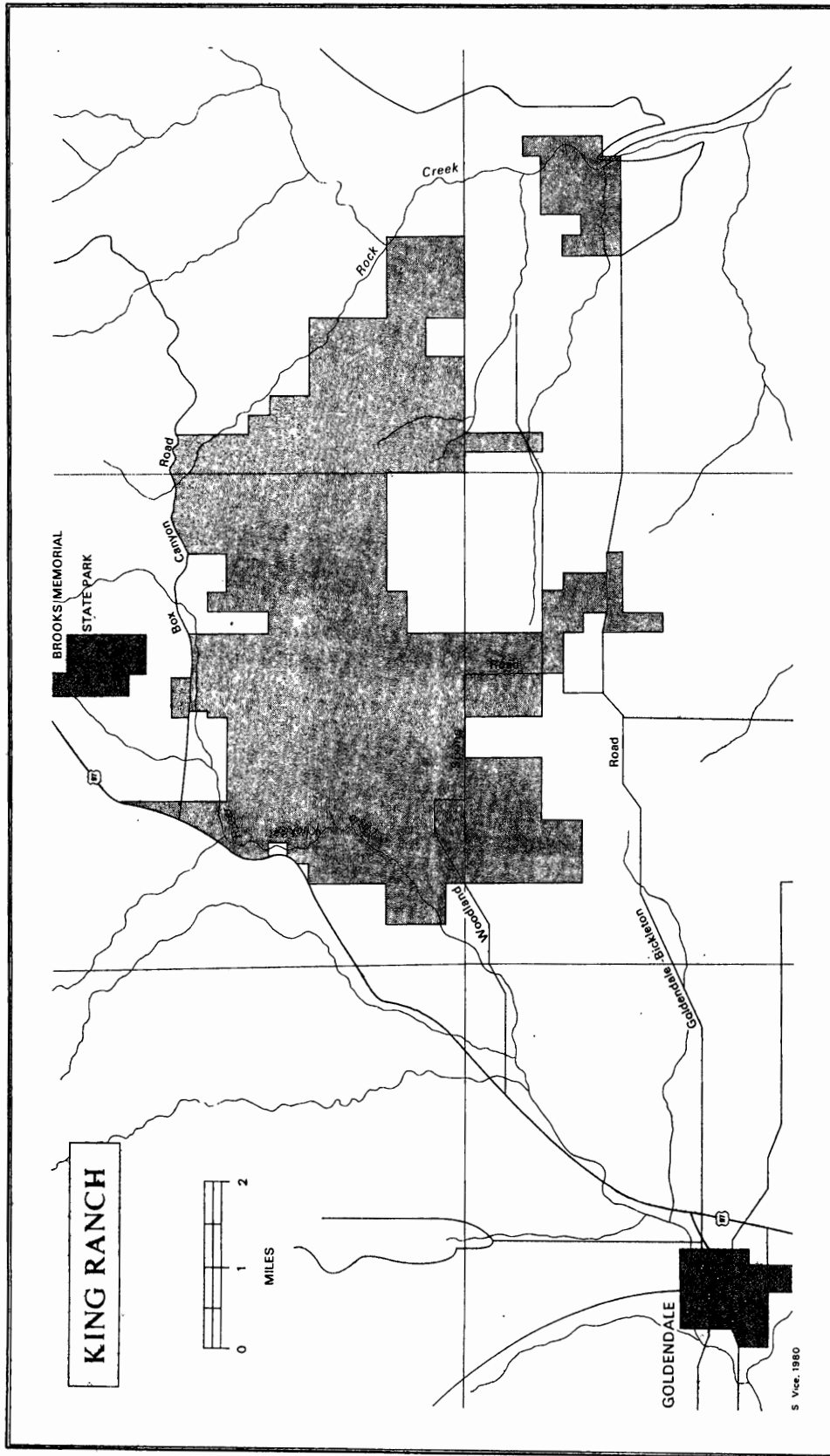


Figure 12. King ranch.

CHAPTER IX

TRENDS AND COMPROMISES

The current trend in rural land use in Klickitat County remains one of increasing parcelization and subdivision activity, even with stricter, recently adopted and proposed land use ordinances. Attempts by the County to preserve and protect rangeland through the comprehensive planning process continue. The comprehensive land use plan (Klickitat County, 37) has an agricultural policy that "Rangeland should be protected against encroachment by residential development". A similar policy is found in the housing goals section, which states that "Residential recreational developments should be regulated so as not to interfere with grazing rights or create environmental problems" (Klickitat County, 52).

Yet land parcelization continues. Herd law district formation also continues. A major herd law petition before the County at this time would close the range on 230,000 acres of western Klickitat County, which includes the present survey area (Goldendale Sentinel, 1978).

Several measures have been alluded to herein as means of mitigating this land use conflict. More stringent land use ordinances are not likely to deter much land partitioning but might ease the conflict. Some ordinances have already

been revised to reflect this need. For instance, the County subdivision ordinance now requires fences:

9.04 DEVELOPMENT OF IMPROVEMENTS -- RANGELAND PROTECTION

If a subdivision is within or partly within an area not designated as a Stock Restricted Area the developer shall adequately fence the perimeter of the subdivision, and shall install cattle guards at each road entrance to the subdivision, to prevent range livestock from entering the platted area...

[fence construction standards included here]

Standards for cattleguards shall be the current standards acceptable to the County Engineer.

It shall be the responsibility of the developer and/or homeowners association to maintain fencing and cattleguards. (Klickitat County Subdivision Ordinance, 20)

New forms of real estate transactions and property use show promise. The Columbia Rim Owners Association (involving an area of mostly unimproved twenty acre parcels) has within its by-laws stipulations that property owners must leave all property, (except house and yard) in a natural unfenced condition (Appendix I). The unused properties are then leased to a local rancher for grazing. The funds collected from the grazing lease are used for improvements to the area, such as road repair. Fences are required around yards. Such covenants might alleviate some of the conflict with the rancher as well as insure homesites in the "western atmosphere" so desired.

The concept of a range law and tradition booklet to be given to clients was a popular solution of many realtors. At least, purchasers would be aware of the situation before buying property.

If recently proposed herd law districts are established (Figures 5 and 13) livestock grazing will be effectively

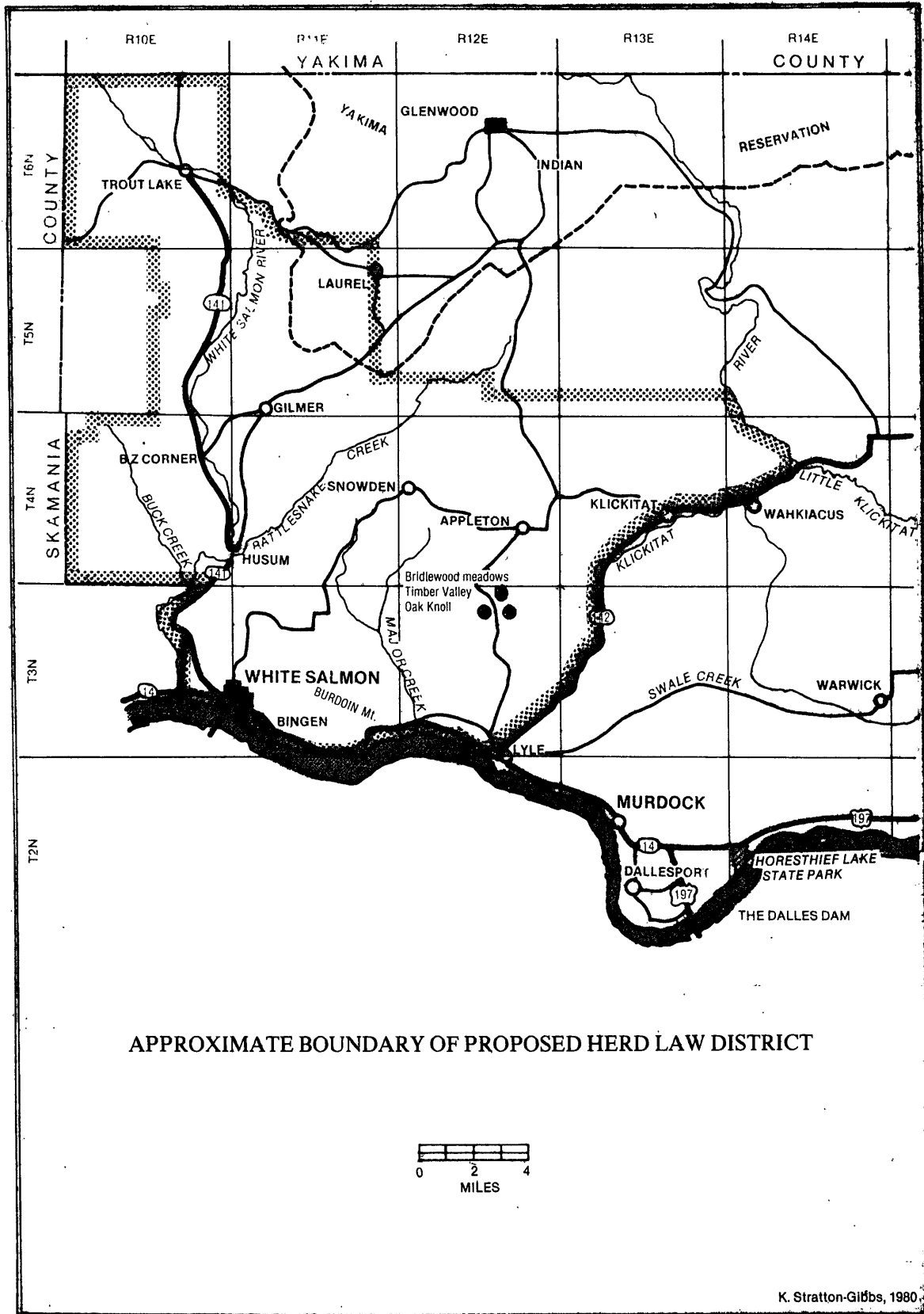


Figure 13. Proposed herd law district .

eliminated from the County. This could result in a decline in livestock production, or perhaps existing animal numbers might remain fairly constant as ranchers are forced to diversify and fence and as other ranchers absorb stock within their operations. In any case, recreation and residential land use would increase greatly as former grazing lands became available for that use. Testimony submitted at a herd law meeting indicated that this land use change occurred in Bonner County, Idaho ten years ago. Recreation activity there has now completely replaced the once viable cattle industry.

It should be noted that the major lessors of grazing lands in western Klickitat County, the State Department of Natural Resources and the timber companies (SDS Lumber Company and St. Regis Paper Company) have recently gone on record as favoring herd law establishment. This is a reversal of long standing policies of support of grazing on timber lands as part of the multiple use concept of forest management. Foresters now affirm that grazing livestock harm seedling trees and thus damage production (White Salmon Enterprise, 1978). Also, comment by timber company officials indicates an interest in selling or leasing unprofitable timberlands for recreation parcels. This important change in attitude by the large lessors has added immense political and economic weight to the new residents' demand for herd law establishment. The clout represented here may be equal to or greater than that of the powerful county Livestock Growers Association and its parent organization, the Washington Cattle-men's Association.

In light of the obvious political situation of this range use question, perhaps Housley's counsel should be heeded:

We must recognize there are places where range activity will have to move over for recreation, and others where recreation will have to make way for grazing use. There will be fewer irreconcilable conflicts if lawmakers and policymakers resist the thrust toward separate management of each resource and total allocation of land to individual uses. This thrust is surfacing in recreation, but not there alone. Management in a vacuum may be the easy way, but it serves the public poorly (Housley, 380).

SUMMARY

Klickitat County in a sense has been a microcosm of the history of the West. The first use of the area by white man was for free range cattle grazing. Vast herds moved through and pastured in the tall grasses of the Klickitat Valley. But the inevitable conflict with settlers came in but a few years as homesteads and market towns grew. Cultivation, fences, and sheep pushed cattlemen out of the fertile plains and into the scrub pine forests. Weather and variable markets dealt the final blow to the free range cattle industry.

Yet the cattle industry flourished in permanent ranch operations with leased grazing lands. And most such ranches eventually diversified to include hay cropping and other farm ventures. Thus, Ericksen's three stages in the development of livestock production are evident in the history of Klickitat County (Ericksen, 39).

...Only recently has the cattleman again been threatened by the spread of settlement. The new settler, the "recreation

homesteader," has placed increased demands upon grazing land use and created socio-economic conflicts within the area.

Laws and legal tools have protected, even favored, the livestock grazing industry from the early "implied license" to graze on all unenclosed lands (Oliphant, 319) to the unwillingness of the state legislature to enact herd law enabling legislation, and the reluctance of County Commissioners to close grazing lands in range areas. Even current local plans and ordinances are designed to protect and support agricultural range use.

Yet the constant influx of people and their desire for rural recreation and residential housing presses hard upon those few ranchers who rely upon the open range for their economic livelihood. The fear of the loss of "a way of life" may be stronger motivation to those involved, and a stronger reason for societal concern, than any potential economic loss; especially if, as would seem evident, livestock production can continue to survive under the diversified farm methods.

As is usually the case, this land use question is also an economic, political, ~~environmental~~ and social question and the eventual outcome, the resultant land use change, will but reflect the interplay and resolution of those concerns.

Only recently...have we recognized the fundamental and enduring importance of...the individual landhold as a determinant of far reaching effect on agricultural practices, settlements, and the whole economy of an area (Hartshorne, 1959, 52).

Klickitat County ranchers would certainly agree with that.

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APPENDICES

APPENDIX A

CHAPTER 16.24, REVISED CODE OF WASHINGTON (RCW)
STOCK RESTRICTED AREAS

16.24.010 Restricted areas authorized. The board of county commissioners of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large: *Provided*, That no territory so designated shall be less than two square miles in area: *And provided further*, That RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit livestock to run at large.

16.24.020 Hearing—Notice. Within sixty days after the taking effect of RCW 16.24.010 through 16.24.065, the county commissioners of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within the county. It shall be the duty of the board of county commissioners at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in RCW 16.24.010 through 16.24.065.

16.24.030 Order establishing area—Publication. Within thirty days after the conclusion of any such hearing the county commissioners shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks.

16.24.040 Penalty. Any person, or any agent, employee or representative of a corporation, violating any of the provisions of such order after the same shall have been published or posted as provided in RCW 16.24.030, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two dollars, nor more than ten dollars, for each offense, and it shall be the duty of the prosecuting attorney of such county, on complaint of any resident or freeholder of said territory, to forthwith enforce the provisions of this section.

16.24.050 Change of boundaries. When the county commissioners of any county deem it advisable to change the boundary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in RCW 16.24.020. If the county commissioners decide to change the boundary or boundaries of any stock restricted area or areas, they shall within thirty days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks.

16.24.060 Road signs in range areas. At the point where a public road enters a range area, and at such other points thereon within such area as the county commissioners shall designate, there shall be erected a road sign bearing the words: "RANGE AREA. WATCH OUT FOR LIVESTOCK."

16.24.065 Stock at large in areas—Unlawful. No person owning or in control of any livestock shall wilfully or negligently allow such livestock to run at large in any stock restricted area, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway lying within a stock restricted area when not in the charge of some person.

16.24.070 Stock at large on highway right-of-way—Unlawful—Impounding. It shall be unlawful for any person to cause or permit any livestock to graze or stray upon any portion of the right-of-way of any public highway of this state, within any stock restricted area. It shall be unlawful for any person to herd or move any livestock over, along or across the right-of-way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon.

In the event that any livestock is allowed to stray or graze upon the right-of-way of any public highway, or portion thereof, within any stock restricted area, unattended, the same may be impounded for safekeeping and, if the owner be not known, complaint may be instituted against such stock in a court of competent jurisdiction. Notice shall be published in one issue of a paper of general circulation published as close as possible to the location where the livestock were found, describing as nearly as possible the stock, where found, and that the same are to be sold. In the event that the owner appears and convinces the court of his right thereto, the stock may be delivered upon payment by him of all costs of court, advertising and caring for the stock. In the event no person claiming the right thereto shall appear by the close of business on the tenth day following and exclusive of the date of publication of notice, the stock may be sold at public or private sale, all costs of court, advertising and caring therefor paid from the proceeds thereof and the balance certified by the judge of the court ordering such sale, to the treasurer of the county in which located, to be credited to the county school fund.

16.24.090 Swine not permitted at large. The owner of swine shall not allow them to run at large at any time or within any territory, and any violation of this section shall render such owner liable to the penalties provided for in RCW 16.24.010: *Provided*, That swine may be driven upon the highways while in charge of sufficient attendants.

APPENDIX B

WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
SAMPLE GRAZING LEASE

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
Bert L. Cole
Commissioner of Public Lands
Olympia, Washington 98504

S. E. OFFICE

FEB 5 1976

Lease No. AM
EN OFFICE

BY THIS LEASE, by and between the STATE OF WASHINGTON, acting by and through the Department of Natural Resources, hereinafter called the State, and hereinafter called Lessee, the State leases to the Lessee the following described land, in Grant County, Washington, on the terms and conditions stated herein, to wit:

NE1/4, Section 2, Township 2 North, Range 2 East, W.M., containing 40 acres, more or less, according to the government survey thereof.



SECTION 1 OCCUPANCY

1.01 Term. This lease shall commence on the 1st day of January, 1976, and continue to the 1st day of April, 1980.

1.02 Renewal. The Lessee shall have the right, to the extent provided by law, to apply for a re-lease of the premises.

SECTION 2 USE OF PREMISES

2.01 Permitted Use: The Lessee shall have use of the premises for:

- (1) 40 acres grazing
- (2) acres for the raising of agricultural crops
- (3) acres
- (4) acres
- (5) acres for the raising of crops and all crops produced shall

be shared and distributed on the basis of the following percentages. State %, and Lessee %.

SECTION 3 RENTAL

3.01 Amount. The Lessee shall pay to the State at Olympia, Washington 98504, in advance, the required rental of \$50.00 for the period of January 1, 1976, to April 1, 1980, and \$50.00 every five years for the remaining term of this lease.

SECTION 4 RESERVATIONS

4.01 Compliance. The State shall have access to the premises at all reasonable times for the purpose of securing compliance with the terms and conditions of this lease.

4.02 Access. The State reserves the right to access to and across the leasehold premises for all purposes and further reserves the right to grant easements and other land uses on the premises to others when the easements or other land uses applied for will not unduly interfere with the use to which the Lessee is putting the premises, or interfere unduly with the approved plan of development for the premises. No easement or other land uses shall be granted to third parties until damages to the leaseholder have been paid to the Lessee or a waiver signed by the Lessee. If the agreement cannot be reached between the Lessee and the applicant for easement or other land uses wherein the applicant does not have the power of condemnation, the State shall ascertain the just compensation payable to the Lessee by the applicant.

4.03 Public Hunting. All State lands leased for grazing or agricultural purposes shall be open and available to the public for purposes of hunting and fishing unless closed to public entry because of:

- (1) Fire hazard;
- (2) It being necessary to close the area to avoid undue interference with the carrying forward of a departmental or agency program;
- (3) The Lessee having been given specific written approval by the Department of Natural Resources to lawfully post the area to prohibit hunting and fishing thereon in order to protect: (a) crops, (b) other land cover, (c) improvements on the land, (d) livestock, (e) the Lessee, (f) the general public.

4.04 Management. The State reserves the right to enter upon the leased premises to manage and sell the forest or mineral resources; Lessee shall be entitled to payment for damages to crops or authorized improvements; and any reduction in the productive capacity of the land may be cause for a rental adjustment; such damages and adjustment shall be determined by the State and the amount of the adjustment shall be final.

4.05 Restrictions on Use. In connection with use of the premises the Lessee shall:

- (1) Conform to applicable laws and regulations of any public authority affecting the premises and the use thereof and correct at the Lessee's own expense any failure of compliance created through the Lessee's fault or by reason of the Lessee's use;
- (2) Remove no valuable material or cut no trees without prior written consent of the State;
- (3) Take all reasonable precautions to protect the leased area from fire and to make every reasonable effort to report and suppress such fires as may affect the leased area.
- (4) Have any electric fence used on the premises approved by and have a seal of the Underwriters Laboratories. No electric fence containing the weed chopper feature will be permitted;
- (5) Not allow debris or refuse to accumulate on the leased premises, caused either by himself, or any person authorized on the premises by the Lessee. Failure to comply with this provision may permit the State to remove the debris and refuse and collect the cost of such removal from the Lessee and/or cancel this lease;
- (6) Notify the State and local authorities immediately if refuse or debris accumulates on the leased premises as the result of actions of trespassers or persons permitted on the premises by the provision of Section 4.03. Failure to comply with this section shall cause the debris accumulation to be the responsibility of the Lessee as set forth in Sub-Section (5).
- (7) In the exercise of the rights granted by this instrument, the Lessee agrees to abide by the Lessor's Resource Management Operating Specifications in effect at the time of execution of this lease. Subsequent changes in specifications necessary to reasonably protect soil and water will be mutually agreed upon. Costs for subsequent changes will be borne by the Lessee.

If the two parties fail to agree as to the changes in specifications necessary, a three member committee will be formed. Said committee to be made up of one member appointed by the Lessee, one member appointed by the Lessor and one member to be appointed by the two aforementioned. The decision of the committee will be final and binding on all parties.

SECTION 5 REQUIREMENTS

5.01 Assignment and Sublease. This lease or any portion thereof may not be assigned, mortgaged, sublet or otherwise transferred without the prior written consent of the State. With such consent the State reserves the right to change the terms and conditions of this lease as it may affect the assignee. Further, if the Lessee shall be a corporation or partnership and if at any time during the term of this lease any part or all of the corporate shares or partnership interests of the Lessee shall be transferred by sale, assignment, bequest, inheritance, operation of law, or other disposition so as to result in a change in the present control of the lease by the person or persons now owning a majority of the corporate shares or change in the holding of the partnership interests, the transfer shall be deemed as requiring an assignment.

5.02 Duty. The Lessee, at his sole cost and expense, shall at all times keep or cause all improvements (regardless of ownership) to be kept in as good condition and repair as originally constructed or as hereafter put, except for reasonable current wear and tear. In all cases, the premises and improvements shall be maintained at a standard acceptable to the industry. The State may require the Lessee to carry insurance of types and in amounts sufficient to protect improvements on the leased premises. Any such requirement imposed will be given to the Lessee in writing.

5.03 Condition of Premises and Liability. The premises have been inspected by the Lessee and are accepted in their present condition. Lessee will protect, save and hold harmless the State, its authorized agents and employees, from all claims; costs, damages or expenses of any nature whatsoever arising out of or in connection with, the use of the leased premises. Further the Lessee will be responsible for the payment of any fines or penalties charged against the premises as a result of his action in not complying with laws or regulations affecting the premises.

5.04 Assessments. The Lessee shall pay all the annual payments on all assessments that may be legally charged on public lands or the lease whether or not such assessments have been levied against the leasehold or the State by the assessing agency.

5.05 Insolvency of Lessee. If the Lessee becomes insolvent, bankrupt, the receiver appointed, or his interest is transferred by operation of law, the State may cancel this lease at its option. Insolvency as used herein will mean the inability of the Lessee to meet obligations as they come due.

SECTION 6 MISCELLANEOUS

6.01 No Partnership. The State is not a partner nor a joint venturer with the Lessee in connection with the business carried on under this lease and shall have no obligation with respect to the Lessee's debts or other liabilities.

6.02 Non-Waiver. Waiver by either party of strict performance or any provisions of this lease shall not be a waiver of nor prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

6.03 Attorney Fees. If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to costs such sum as the court may adjudge reasonable as attorney fees.

6.04 Succession. Subject to the limitations as stated in paragraph 5.01 on transfer of the Lessee's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

6.05 Notices. Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail addressed as follows: To the State: Department of Natural Resources, Public Lands Building, Olympia, Washington 98504. To the Lessee: At the address given by the Lessee in the signature block or as shown on later official documents of record with this lease.

6.06 Liens.

(1) No person shall have the right to file or place any lien of any kind or character upon the land or improvements within the leasehold premises without the prior written consent of the State.

(2) In the event liens or other charges are placed on the leasehold premises, including land or improvements, arising out of the Lessee's actions directly or indirectly the Lessee shall immediately cause such liens or charges to be discharged. The State may forthwith cancel this lease if Lessee fails to discharge such liens or charges after ten days' notice to do so by the State. The Lessee shall pay and indemnify the State for all costs, damages or charges of whatsoever nature, including attorneys' fees, necessary to discharge such liens or charges, whether such costs, damages or charges are incurred prior or subsequent to any cancellation of this lease.

6.07 Default. If the Lessee shall violate or default any of the covenants and agreements contained herein, including the obligation to pay rent, then the State may cancel this lease provided that the Lessee has been notified of the violation or default fifteen days prior to such cancellation and such violation or default has not been corrected within such time. Upon such cancellation the State shall have the right to re-enter said premises, but notwithstanding such cancellation the State shall be entitled to recover the next year's rent, together with all costs arising out of the re-entry, and if occurring a reletting of the premises. In the event the State elects to cancel this lease, all improvements and crops located thereon shall become the property of the State of Washington.

6.08 State's Right to Cure Defaults.

(1) If the Lessee fails to perform any requirement or obligations under this lease, the State shall have the option to correct the obligation of the lease after fifteen days' written notice to the Lessee. All of the State's expenditures to correct the default shall be reimbursed by the Lessee on demand with interest at the rate of 1 percent per month accrued from the date of expenditure by the State.

(2) In the event any violation or breach of the provisions of this lease is causing damage to the leasehold premises or the Lessee is utilizing the leasehold premises in a manner not permitted by the provisions of this lease, or in any case damages are occurring to the leasehold premises, the State may immediately enter upon the leasehold premises and take such action as necessary to cease such damages or use. In the event the damage or use is occurring by reason of a violation or breach of the provisions of this lease, the Lessee shall be liable for all costs incurred by the State by reasons of such violations. The State, at its option, may send notice to the Lessee of such violations and the Lessee shall immediately cease such use or violation and correct and remedy such violations.

6.09 Leasehold Taxes. If during the term of this lease the laws relating to the imposition of leasehold taxes levied on leaseholds on publicly owned land are changed; or where the county in which the leasehold is located imposes a leasehold tax on this leasehold where it has not imposed such taxes before; or where the general basis of determining the tax changes due to compliance by the various counties with existing law relating to the taxing of such leasehold, and the appraisal by the department of the fair market value of the lease is based upon the fact no such tax is imposed, or on a general basis different than that required by existing law; the rental required herein shall be adjusted by the State to the extent such changes affect the fair rental value. Nothing herein shall, however, require a change in the rent solely because of a change in the rate or amount of taxation in such fair rental value.

6.10 Weed Control. The Lessee shall:

(1) Control weeds on tilled lands by cultivation, clipping, spraying, or burning as recommended by the local county agent or weed district and to a standard acceptable in the locality.

(2) Control noxious weeds on the leased premises as directed by the local County Weed Control Board or shall be responsible for reimbursing said Board for their control measures.

6.11 Agricultural Lands. The Lessee shall conform with all United States Government cereal grain regulations now in effect or that may be hereafter put into effect to allow the State to obtain any Federal payments related to cereal grain production. If the Lessee does not have a wheat history for the premises, wheat will not be grown. The Lessee further agrees to maintain his normal conserving acres. The Lessee further agrees not to exceed his feed grain base or his barley base unless a variance is granted by the State. If these terms are violated, the State reserves the right to cancel the lease, to collect damages, and/or to take such action as necessary to bring the crops on State lands within the allowances of the above-mentioned restrictions.

6.12 Higher and Better Use. This lease is subject to cancellation upon sixty days' written notice in the event the area covered thereby is included in a plan of development to a higher and better use. Provided; however, the Lessee will be allowed to use the premises for the remainder of the current grazing season or to harvest the growing crop.

SECTION 8 OPERATION OF PREMISES

8.01 This land shall be managed in a husbandlike manner according to standards acceptable to the industry.

SECTION 9 IMPROVEMENTS

9.01 Unauthorized Improvements. All improvements made on or to the premises without the written consent of the State shall immediately become the property of the State.

9.02 Authorized Improvements. The improvements of the Lessee, as defined by RCW 79.01.036, on or to the leased premises, together with the value beyond which such improvements may not hereafter be appraised, as provided by RCW 79.01.092, are noted below. No further improvements are hereafter allowed without the express consent of the State given in writing.

None.

The Lessee expressly agrees to all covenants herein and binds himself for the payment of the rental hereinbefore specified.

Executed this 28th day of January, 1976.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

By [Signature]
BERT L. COLE
Commissioner of Public Lands

Signed this _____ day of _____, 19____

By [Signature]

Title *Lessee

App. No. [Stamp]
Pg

Address

*If Lessee is a corporation, complete Certificate of Acknowledgement on reverse side.
LM-29-5
12/28/71

APPENDIX C

STATE (DEPARTMENT OF NATURAL RESOURCES) LAND
LEASES IN KCLICKITAT COUNTY

SAMPLE PAGE FROM COUNTY ASSESSOR'S RECORDS

ATE LAND LEASES IN FORCE IN KLICKITAT COUNTY, JANUARY, 1978.

NO.	NO. OF ACRES	NAME, ADDRESS, AND DESCRIPTION TYPE OF LEASE	DATE OF LEASE	EXPIRATION DATE	RENTAL
97		ROBERT E. EDGERG 1125 WILSON DRIVE SIMI VALLEY, CALIF. 93065 ALL S36, T6, R19E	05-01-69	09-01-78	
	6700	SHARECROP 23.14%			179 06
	97300	GRAZING ACU RENT, GRASS PAYMENT			179 06T
	64000	IMPROVEMENTS OWNED BY LESSEE			
21		MERCER RANCHES, INC STAR ROUTE, BOX 08 PROSSER, WA, 99350 ALL S36, T06N, R23E	09-01-73	09-01-83	
	22000	GRAZING			68 75
	42000	SHARECROP 23.14%			68 75T
	64000	IMPROVEMENTS OWNED BY LESSEE			
42		THOMAS L. ENYEART P.O. BOX 696 OCEAN SHORES, WA 98569 E2SW4, S9, T3, R1E	07-01-69	07-01-77	
	2500	AGRICULTURE			150 00
	5500	GRAZING			13 75
	8000	IMPROVEMENTS OWNED BY LESSEE			163 75T
43		N. B. MATSEN AND GEORGE MATSEN 626 SKYLINE DR. SUNNYSIDE, WA, 98944 NE4SW4, N2SE4, S16, T6, R21E	09-01-69	09-01-79	
	6238	GRAZING			9 36
	5762	AGRICULTURE			345 72
	12000	IMPROVEMENTS OWNED BY LESSEE			355 08T
54		MAX READ BICKLETON, WA 99322 ALL S16, T4, R21E	09-01-69	09-01-79	
	62600	GRAZING			156 50
	1400	AGRICULTURE			42 00
	64000	IMPROVEMENTS OWNED BY LESSEE			198 50T
45		KEITH KAYSER ROUTE 1, BOX 246 CENTREVILLE, WA 98613 NW4, S36, T3N, R15E	10-01-73	10-01-83	
	12300	GRAZING			76 88
	3700	SHARECROP 26.84%			76 88T
	16000	IMPROVEMENTS OWNED BY LESSEE			
58		L. DON NAUGHT STAR ROUTE BICKLETON, WA 99322 E2NE4, E2SW4, SE4, S16, T5, R20E	09-01-69	09-01-79	
	27589	GRAZING			82 70
	4411	AGRICULTURAL			132 30
	32000	IMPROVEMENTS OWNED BY LESSEE			215 00T
95		ROBERT G. IHRIE, DOROTHY IHRIE, WILFRED G. IHRIE AND MARGARET IHRIE BOX 08 ROOSEVELT, WA 99356 S2, S36, T4, R18E	10-01-68	09-01-78	
	21200	SHARECROP 26.84%			86 40
	10800	GRAZING			86 40T
	32000	IMPROVEMENTS OWNED BY LESSEE			

APPENDIX D

ASSESSOR'S RECORDS OF LAND CLASSIFIED AS RANGELAND
(SAMPLE PAGE)

owner	SECTION	TOWNSHIP	RANGE	Description	# of acs
MATSON, MILES	7	5	22	SW ⁴ /SE ⁴ W ² E ² /NE ⁴ /NW ⁴ /W ²	522
LEDBET, J. L.				SE ⁴	20
MATSON, MILES	8	5	22	N ²	320
				SW ⁴	160
MATSON, MILES	9	5	22	ALL	640
McBRIDE RANCHES	10	5	22	ALL LESS LOT 1	390
MATSON, MILES				LOT 1	250
McBRIDE RANCHES	11	5	22	ALL	640
McBRIDE RANCHES	12	5	22	ALL	640
McBRIDE RANCHES	13	5	22	ALL	639
McBRIDE RANCHES	14	5	22	NE ⁴ /SE ⁴ /NW ⁴	440
HUBBARD, DON	15	5	22	NE ⁴	15
McBRIDE RANCHES				NE ⁴	20
MATSON, MILES				NE ⁴ /NW ⁴ /SE ⁴ /SW ⁴	440
MATSON, N. B.				NE ⁴ /NW ⁴	30
MATSON, MILES				NE ⁴	20
MATSON, A. M.				SW ⁴	10
				NW ⁴	15
				SE ⁴	60
GERHARD, MRS. J.				NW ⁴	20
WOLF, JAMES				SE ⁴	10
MATSON, JAMES	17	5	22	N ²	320
FERGUSON, RONALD				S ²	320
FERGUSON, RON	18	5	22	S ²	322.49
FERGUSON, RONALD	19	5	22	E ² /SW ⁴ /NW ⁴	422.44
B.N. Ry. Co				NW ⁴	40
FERGUSON, RONALD	20	5	22	ALL	485
FERGUSON, RON	21	5	22	ALL	640
MATSON, A. M.	22	5	22	ALL	469
McBRIDE RANCHES	23	5	22	E ²	320
				NW ⁴	40
MATSON, A. M.				SW ⁴ /NW ⁴	255
McBRIDE RANCHES	24	5	22	ALL	640
McBRIDE RANCHES	25	5	22	ALL	640
McBRIDE RANCHES	26	5	22	E ²	320
MATSON, HERBERT				NW ⁴	116
GILBERT, A. W.				SW ⁴	99
MATSON, A. M.				NW ⁴	70

APPENDIX E-1

RANCHER QUESTIONNAIRE - ACTUAL FORMAT AS MAILED

Klickitat County Range Parcelization Survey - Ranchers

In recent years rangeland in Klickitat County has been increasingly divided into smaller and smaller ownerships. A large number of five, ten, and twenty acre parcels have been purchased for recreation and homesite purposes. The County is trying to determine the effect this may have on the livestock industry. Increasing numbers of complaints about livestock trespass, vehicle/animal accidents, rustling, and herd law petitions are examples. Your assistance by completing this survey is appreciated. Your answers will be kept confidential. You do not have to sign the survey. The Cattleman's Association and the Board of County Commissioners are aware of this survey. This survey is self-addressed and stamped. Just fold and mail. Thank you!

1. How many acres (approximately) do you own? _____ acres
2. How many acres do you lease for grazing? _____ acres
3. How long have you or your family been on your ranch? _____ years
4. What is the average number of cattle / sheep you have? _____
5. Do you have separate summer and winter range areas?
 yes no
6. If yes, would you describe them generally (such as Glenwood Valley, Township/Range, Simcoes, etc) and give rough owned/leased acreage?
 - a. Summer Location _____
 Acres _____
 - b. Winter location _____
 Acres _____
7. What method do you use to move your livestock?
 truck
 "cattledrive"
 combination
8. Have you experienced any problems with new people moving into range areas?
 yes
 no, If no skip to question 11.
9. What type of problems do you attribute to the new residents? (may check more than one)
 - petitions for "herd laws"
 - unfamiliar with range law and traditions
 - fencing problems
 - they claim livestock is trespassing on their property
 - running cattle without proper grazing leases
 - suspected rustling or butchering cattle
 - other (specify) _____

 the new property owners have not caused any problems.

10. Do you think that these new residents are affecting you as a cattleman, economically?

()yes ()no

If yes, How? _____

11. Do "herd laws" (stock restricted areas) place an economic burden upon cattleman?

()yes ()no

If yes, How? _____

12. Are there any particular instances of problems with new property owners that you would like to mention?

13. How can these problems be prevented?

Although the results of this survey will be confidential, you may wish to attach your name, address, phone number, and comments if you have specific problems concerning your property with which we may be able to assist you. Just fold this survey so that the address and stamp are to the outside, tape or staple it closed, and mail.

Thank you for your assistance.

Klickitat County Planning Dept.
P. O. Box 268
Goldendale, WA 98620

APPENDIX E-2

PURCHASER QUESTIONNAIRE - ACTUAL FORMAT AS MAILED

KLICKITAT COUNTY RANGE PARCELIZATION SURVEY - PURCHASERS

Your name has been selected from County records as having purchased a parcel(s) of land 20 acres in size or smaller in Klickitat County sometime during 1974-1978. Your cooperation is solicited in completing the following questionnaire. The material herein is confidential and will not be released in a form permitting identity of individual respondents. This survey is self-addressed and stamped. Just fold and mail. Thank you!

1. Which one of the following describes the current status of the property you purchased: Check one
- still own all of the land
- still own some, have sold some
- sold all of the land
- other (repossessed, turned back to the developer, etc.)

Please answer the following questions if you still own property.

2. How many acres do you own? _____ acres
3. What year did you purchase your land? 19____
4. If you bought more than one parcel, how many? _____ parcels
5. Did you see your property before before you purchased it? yes no
6. Was a land division involved with your purchase; that is, was your parcel sold out of a larger piece of property? yes no don't know
7. How did you buy your property?
- directly from the land owner
- through a local realtor
- from a land development company
8. What facilities were existing on the land when you bought it?
- septic tank well house or mobile home
- other (specify) _____
9. What services were readily available for 'hookup' at your property?
- electricity community water system telephone
- other (specify) _____
10. What sort of access do you have to your property?
- directly onto a county road or state highway
- private road (serving a number of lots)
- private easement (serving only a few lots)
11. How would you describe your access road?
- good construction and maintenance
- fair construction and maintenance
- poor construction and maintenance
- primitive road or trail
12. Is your property located in an open range area?
- yes no don't know
13. Did the person you purchased the property from mention open range, grazing leases, "herd laws" or related subjects to you before you purchased the property?
- yes no don't remember
14. Have you had concerns or problems with grazing livestock on your property or access roads? If so, please describe: _____
- _____
- _____
- _____

15. What was your main reason for purchasing this property? (You may wish to check more than one)

- permanent home camping, hunting, etc.
 retirement home investment recreation/second home
 other (specify) _____

16. Which would best describe your present use of your property?

- permanently occupied only occasionally
 weekends and vacation rarely or never visit

17. If you do not now permanently occupy your property, which would best describe your future plans for it, say in five years?

- permanently occupy use occasionally
 use weekends and vacations never visit/sell or hold for investment

18. Are you satisfied with your property?

- yes no

If no, why? (may check more than one)

- too small too expensive developer has not provided the facilities or services indicated when property was purchased utilities too expensive site not suitable for septic tank impractical to drill well excessive slope/steep lot lot has not increased in value for investment purposes other (explain) _____

19. Do you now live in, or have you ever lived in, Klickitat County?

- yes no

20. How many persons (your immediate family) live on your Klickitat County property or visit the property occasionally? number

THANK YOU FOR YOUR HELP! Although the results of this survey will be confidential, you may wish to attach your name, address, phone number, and comments if you have specific problems concerning your property with which we may be able to assist you. JUST FOLD SO THAT THE ADDRESS AND STAMP ARE TO THE OUTSIDE, TAPE OR STAPLE IT CLOSED, AND MAIL.

KLICKITAT COUNTY PLANNING DEPARTMENT

P. O. BOX 268

GOLDENDALE, WA 98620

APPENDIX E-3

REALTOR QUESTIONNAIRE - ACTUAL FORMAT AS MAILED

Klickitat County Range Parcelization Survey - Realtors

The County has received numerous complaints regarding open range livestock grazing from recent purchasers of rural lots. Your experience with this type of problem would be much appreciated. Your answers will be kept confidential. The answers will be used in tabular form only. This survey is self-addressed and stamped. Just fold and mail. Thank you!

1. Are you familiar with open range traditions and laws?
yes no
2. Have any of your clients mentioned any open range livestock grazing problems on their property?
yes no, if no, skip to question 6
3. Approximately how many such complaints have you heard? _____ number
4. What was the main problem(s)?
livestock "trespassing" on their property
fencing
livestock on roadways
Other (specify) _____

5. Would you give an example(s) _____

6. What seems to be the main method property owners use to try to resolve the problem?
confront the rancher
fence his property
petition for a herd law
just complain - no action.
Other (specify) _____

7. Do you inform your clients about open range traditions?
yes
no
8. Which would describe your attitude about range resident problems?
not serious enough to worry about
a concern that can be handled by proper information to the purchaser
something should be done to alleviate the problem
9. What do you, as a realtor, think of "the" following potentials for resolving open range disputes?
like dislike. establishment of herd laws
like dislike. mandatory fencing of subdivisions and short plats
like dislike. notification of range status in the title report
like dislike. prepare a booklet concerning range traditions to be given to purchasers by realtors.

10. Do you have any other suggestions on how to prevent conflict between ranchers and new residents? _____

Comments

Thank you for your assistance. Just fold this survey so that the address and stamp are to the outside, tape or staple it closed, and mail.

Klickitat County Planning Dept.
P. O. Box 268
Goldendale, WA 98620

APPENDIX F-1

RANCHER SURVEY TABULATION

TABULATION

KLICKITAT COUNTY RANGE PARCELIZATION SURVEY
RANCHERS

1. How many acres (approximately) do you own 1740 acres (average) (Answers ranged from 379 to 6250 acres)
2. How many acres do you lease for grazing? 2883 acres (average) (Answers ranged from 0 to 12,362 acres)
3. How long have you or your family been on your ranch? 40 years (average) (Answers ranged from 2 to 90+ years)
4. What is the average number of cattle / sheep you have? 152 (average) (Answers ranged from 50 to 400 cattle/sheep)
5. Do you have separate summer and winter range areas?
(7) yes (9) no
6. If yes, would you describe them generally (such as Glenwood Valley, Township/Range, Simcoes, etc.) and give rough owned/leased acreage?
 - a. Summer location: Plateau S. of Glenwood; Major Creek; T5 R11; T3 & 4 R11 & 12; Mt. Adams Area
Acres: 11; 162; 400; 13,000; 3230; 2200
 - b. Winter location: High Prairie; T3 R11 & 12; Lyle Area
Acres: 3020; 2000; 3860; 2000
7. What method do you use to move your livestock?
(5) truck
(2) "cattledrive"
(8) combination

8. Have you experienced any problem with new people moving into range areas?

(13) yes

(1) no

9. What type of problems do you attribute to the new residents? (may check more than one)

(10) petitions for "herd laws"

(10) unfamiliar with range law and traditions

(12) fencing problems

(11) they claim livestock is trespassing on their property.

(2) running cattle without proper grazing leases

(7) suspected rustling or butchering cattle

(8) other (number in parenthesis indicates number of similar responses)

people won't accept responsibility for fences/closing gates (4); chase cattle (2); tear down signs (1); don't take care of livestock (1); trespassing (1); cut fences (2); let air out of tires (1); shoot holes in gas/oil tanks (1); destroy livestock feed (1); move coyotes toward livestock (1); don't build fences (1).

(0) the new property owners have not caused any problems.

10. Do you think that these new residents are affecting you as cattlemen economically?

(12) yes (0) no

If yes, How? (number in parentheses indicates number of similar responses):

breaking land into small parcels thereby taking it out of grazing land (5); raising production costs (1); cow and calf losses (2); harassment of cattlemen (1); no respect for animals, fences, or soil (2); scatter cattle on range (1); rustling (2); caused to subdivide/sell out(1).

11. Do "herd laws" (stock restricted areas) place an economic burden upon cattleman?

(15) yes (0) no

If yes, How? (number in parentheses indicates number of similar responses):

cost of fencing (8); trouble with trespassing (1); removes land from grazing (3); liability shifted to cattleman (5); open range is a must for farmers/ranchers to exist (1).

12. Are there any particular instances of problems with new property owners that you would like to mention? (number in parentheses indicates number of similar responses):

dogs causing calving problems (1); not suitable for septic tank installation (1); no access roads (3); poor quality access roads (1); new owners cause traffic problem (1); new owners cause "junk heap" (1); trespassing (1); started range fire (1); vandalism & theft (1); chasing cattle (1); no fences (2); buyers unaware of ranching problems (1).

13. How can these problems be prevented? (number in parentheses indicates number of similar responses): "get rid of" realtors (1); "limit" or bond realtors (1); make realtors responsible for access roads/septic tank approval (1); have road department sherriff's office check on developments (1); fence all subdivisions (1); cattle guards on county roads (1); meet neighbor half way (1); educate buyers concerning pertinent laws (1); close (vacate) herd law districts (1).

APPENDIX F-2

PURCHASER SURVEY TABULATION

TABULATION

KLiCKITAT COUNTY RANGE PARCELIZATION SURVEY
PURCHASERS

1. Which one of the following describes the current status of the property you purchased:
- (68) still own all the land (94%)
 (4) still own some, have sold some (6%)
 (0) sold all of the land (0%)
 (0) other (repossessed, turned back to the developer, etc.) (0%)

Please answer the following questions if you still own property.

2. How many acres do you own?

Average (mean) = 10.24 acres

Median = 5.5 acres

Range of answers = 2 to 80 acres

Range Breakdown:

2 to 2.9 acres = 6 respondents
 3 to 3.9 acres = 12 respondents
 4 to 4.9 acres = 9 respondents
 5 to 5.9 acres = 15 respondents
 6 to 9.9 acres = 11 respondents
 10 to 10.9 acres = 7 respondents
 11 to 19.9 acres = 4 respondents
 20 acre parcels = 6 respondents
 25 to 80 acres = 6 respondents

Total acreage of respondents = 778.53 acres

3. What year did you purchase your land?

1969 = 3 1971 = 6 1973 = 10 1975 = 8 1977 = 11
 1970 = 15 1972 = 4 1974 = 8 1976 = 6 1978 = 3
 (to February)

4. If you bought more than one parcel, how many?
 Average = 2.6 parcels
 Range of answers = 1 to 9 parcels
5. Did you see your property before you purchased it?
 (71) yes (99%)
 (1) no (1%)
6. Was a land division involved with your purchase; that is, was your parcel sold out of a larger piece of property?
 (54) yes (75%) (13) no (18%)
 (4) don't know (6%)
7. How did you buy your property?
 (26) directly from the land owner (33%)
 (16) through a local realtor (20%)
 (37) from a land development company (47%)
8. What facilities were existing on the land when you bought it?
 (5) septic tank (7%) (4) well (6%)
 (3) house or mobile home (4%)
 (8) other (specify) Roads (4); Outhouse (1);
 Spring (1); Barn (1); Community Clubhouse (1)
9. What services were readily available for 'hookup' at your property?
 (15) electricity (21%) (2) community water system (3%)
 (7) telephone (10%)
 (0) other
10. What sort of access do you have to your property?
 (21) directly onto a county road or state highway (28%)
 (44) private road (serving a number of lots) (68%)
 (4) private easement (serving only a few lots) (5%)
11. How would you describe your access road?
 (10) good construction and maintenance (14%)
 (38) fair construction and maintenance (53%)
 (17) poor construction and maintenance (24%)
 (7) primitive road or trail (10%)

12. Is your property located in an open range area?
 (51) yes (71%) (8) no (11%) (13) don't know
 (18%)
13. Did the person you purchased the property from mention open range, grazing leases, "herd laws" or related subject to you before you purchased the property?
 (16) yes (23%) (43) no (61%) (12) don't
 remember (17%)
14. Have you had concerns or problems with grazing livestock on your property or access roads? If so, please describe: Damage to Spring (1); Damage to vegetation (3); Cause insect problems (4); General nuisance (6); tear down fences (12); Damage to garden, fruit trees, etc. (16); grazing without permission (3); Danger to children (2); "unsanitary hazard"/excrement (7); Noise problem (1); Dangerous on Roadway (1). (Number in parenthesis indicates number of similar responses).
15. What was your main reason for purchasing this property? (You may wish to check more than one)
 (17) permanent home (24%) (29) camping, hunting,
 (16) retirement home (22%) etc. (40%)
 (28) investment (38%) (39) recreation/second
 (2) other (3%) (Specify) home (39%)
 Peace & Quiet (1); Home for potential Farm
 Operation (1).
16. Which would best describe your present use of your property?
 (17) permanently occupied (25%)
 (32) only occasionally (46%)
 (15) weekends and vacation (22%)
 (5) rarely or never visit (7%)
17. If you do not permanently occupy your property, which would best describe your future plans for it, say in five years?
 (16) permanently occupy (25%)
 (21) use occasionally (33%)
 (18) use weekends and vacations (29%)
 (8) never visit/sell or hold for investment (13%)

18. Are you satisfied with your property?
 (60) yes (86%) (10) no (14%)
- If no, why? (may check more than one)
- (2) too small (3%) (2) too expensive (3%)
 (2) developer has not provided the facilities or
 service indicated when property was purchased (3%)
 (4) utilities too expensive (6%)
 (0) site not suitable for septic tank (0%)
 (2) impractical to drill well (3%)
 (1) excessive slope/steep lot (1%)
 (3) lot has not increased in value for investment
 purposes (4%)
 (5) other (explain) (7%) Taxes too high (3)
(4%) well too costly (1) (1%) Summers too hot/dry
(1) (1%)
19. Do you now live in, or have you ever lived in, Klickitat
 County?
 (22) yes (31%) (48) no (69%)
20. How many persons (your immediate family) live on your
 Klickitat County property or visit the property occa-
 sionally? (4.1) (average) Range of answers = 0 to
 10 persons

APPENDIX F-3

REALTOR SURVEY TABULATION

TABULATION

KLICKITAT COUNTY RANGE PARCELIZATION SURVEY
REALTORS

1. Are you familiar with open range traditions and laws?
(6) yes (1) no
2. Have any of your clients mentioned any open range live-stock grazing problems on their property?
(3) yes (4) no
3. Approximately how many such complaints have you heard?
1=1; 2=1; several=1
4. What was the main problem(s)?
(2) livestock "trespassing" on their property
(1) fencing
(1) livestock on roadways
(1) other: livestock in garden
5. Would you give an example(s): Cattle ate buyers garden
(1); Luna Creek area (1).
6. What seems to be the main method property owners use to try to resolve the problem?
(0) confront the rancher
(3) fence his property
(0) petition for a herd law
(1) just complain - no action
(1) other: Home owners association
7. Do you inform your clients about open range traditions?
(5) yes
(1) no

8. Which would describe your attitude about range resident problems?
- (4) not serious enough to worry about
 - (5) a concern that can be handled by proper information to the purchaser
 - (1) something should be done to alleviate the problem
9. What do you, as a realtor, think of "the following potentials for resolving open range disputes?"
- (2) like (4) dislike-establishment of herd laws
 - (0) like (5) dislike-mandatory fencing of subdivisions and short plats
 - (5) like (1) dislike-notification of range status in the title report
 - (6) like (0) dislike-prepare a booklet concerning range traditions to be given to purchasers by realtors
10. Do you have any other suggestions on how to prevent conflict between ranchers and new residents? end all open range area (1); live with open range area (2); respect rights of ranchers (1); inform buyers of range status before they buy (2)

APPENDIX G

PERSONAL INTERVIEWS

PERSONAL INTERVIEWS

Ranchers

Bud Amidon

Jim Beeks, Chairman, County Livestock Association

John Castle

Dennis Clark, Planning Commission member

Jack Davenport

Wayne Eshelman, Chairman, County Planning Commission

Fred Holly, Former County Commissioner

Frank Margraff

Phillip Tuthill

Purchasers

Frank Benson

Nancy Douglas

John Keller

Martin Fromer

Public Officials and Agency Personnel

Buzz Clausen, County Commissioner (also a rancher)

Gary Kitchen, County Commissioner

Bodge Kreps, County Commissioner (also a rancher)

Rich Williams, County Sheriff

Gene Hanson, County Prosecutor

Roger Pond, Extension Agent

Bernard Murphy, Washington State Department of Natural
Resources

Jim Bull, U. S. Forest Service

Dick Adlard, Extension Agent

Lorraine Abbott, County Planning Department

REAL ESTATE AGENTS

Fred Heany

Joe Rogers

Fred Bailey

George Smith

Martha Niblack

Others

Pete May, Former newspaper publisher and Klickitat County
Historical Society Member

Leonard Rolph, St. Regis Paper Company

Bob Chambers, SDS Lumber Company

Carl Moore, Well Driller

Roger Boardman, Attorney

APPENDIX H

HOMESTEAD LAND CORPORATION, FLYER MAILED
TO RANCHERS



"The land of golden opportunity"

Residential & Commercial Construction
Homes—Farms—Acreage—Commercial Property—Investments

6108 - Highway 99 Suite 103 — Vancouver, Washington 98665 — (206) 696-9981

DEAR LANDOWNER:

THE RECORDS OF CLATSOP COUNTY, WASHINGTON SHOWS YOU AS
OWNING PROPERTY IN SECTION 24 TOWNSHIP 6 RANGE 10
WILLAMETTE MERIDIAN.

HOMESTEAD LAND CORPORATION IS PRESENTLY CONSIDERING PURCHASING
PROPERTY IN THIS AREA. IF YOU ARE INTERESTED IN SELLING, PLEASE INDICATE
YOUR INTEREST BY CHECKING THE APPROPRIATE BOXES AS LISTED ON THE RESPONSE
SHEET ENCLOSED HEREIN.

READ EACH OF THE RESPONSE ALTERNATIVES CAREFULLY BEFORE CHECKING THE
ONE THAT APPLIES TO YOUR SITUATION.

WHATEVER, YOUR DESIRE, YOUR IMMEDIATE RESPONSE WILL BE APPRECIATED.
PLEASE USE THE ENCLOSED ENVELOPE TO RETURN THE RESPONSE SHEET AS SOON
AS POSSIBLE. THANK YOU.

VERY TRULY YOURS,

Charles U. Smith

HOMESTEAD LAND CORP.

RESPONSE SHEET

(Please Check Appropriate Boxes)

ALTERNATIVE NO. 1 YES, I'M INTERESTED IN SELLING MY PROPERTY. THE PRICE I WILL SELL FOR IS \$ _____, CASH CONTRACT
COMMENTS: _____

ALTERNATIVE NO. 2 YES, I'M INTERESTED IN SELLING, HOWEVER, I PREFER THAT HOMESTEAD LAND CORPORATION MAKE ME AN OFFER. I UNDERSTAND THAT I AM NOT COMMITTED TO ACCEPT SAID OFFER AND THAT SAID OFFER WILL BE MADE SUBJECT TO MY ACCEPTANCE WITHIN TEN (10) DAYS. CASH CONTRACT.
COMMENTS: _____

ALTERNATIVE NO. 3 I WOULD CONSIDER AN OPTION FROM HOMESTEAD LAND CORPORATION TO PURCHASE MY PROPERTY.
 YES NO
COMMENTS: _____

ALTERNATIVE NO. 4 NO, I'M NOT INTERESTED IN SELLING AT THIS TIME.
COMMENTS: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS:

DO YOU OWN YOUR PROPERTY FREE AND CLEAR? _____

THE APPROXIMATE ACREAGE OF PROPERTY? _____

CAN YOU OFFER ANY INFORMATION OR COMMENT ABOUT YOUR PROPERTY THAT MAY BE OF HELP? PLEASE INCLUDE THE LEGAL DESCRIPTION, OR ATTACH COPY, OF YOUR PROPERTY IF AVAILABLE. _____

PLEASE ALLOW 30 DAYS FOR COMPLETION OF PROPERTY EVALUATION.

SIGNATURE OF PROPERTY OWNER

WIFE

Address Street

City State Zip

Telephone Area Code — Number

APPENDIX I

COLUMBIA RIM OWNERS ASSOCIATION
BY-LAWS

BY-LAWS
OF
COLUMBIA RIM OWNERS ASSOCIATION

ARTICLE I

Membership

Section 1. Eligibility.

The Association shall have one class of members. Membership of the Association shall be limited to purchasers or owners of the real property which is legally described as per Exhibit A attached. The purchaser of a parcel within the legal description (Exhibit A), shall be deemed an owner for membership purposes, and the term "owner" shall include a contract purchaser or assignee and holder of record of the vendee's interest under any such contract. Membership shall be inseparately appurtenant to ownership in the properties defined herein, and upon transfer of ownership by deed, court decree or otherwise, or upon the making of a contract of sale, membership shall be automatically transferred with the land to the new owner or purchaser. No membership shall be transferred in any other way.

Section 4. Voting.

Each owner shall have one membership. Each member shall be entitled to one vote for each 20 acres of land owned. However, should any tract of 20 acres or more be subdivided, the purchaser of the smaller tract shall have one membership and be entitled to one vote. A husband and wife holding land as community property or two or more other persons holding jointly or as tenants in common shall be entitled collectively to one membership and thereby to one vote. The personal representative of a deceased member shall have all that member's rights, privileges and duties.

ARTICLE VI

Obligations of Membership

Section 1. Building and Use Restrictions

- (1.) No residence shall be constructed on any acreage or portion thereof, which contains less than 1000 square feet of living area, exclusive of garages, porches and outbuildings. The value of said residence shall not be less than \$20,000, including attached garages and porches. Mobile homes shall be an exception as noted in paragraph 7 below. Further, vacation cabins (occupancy less than three (3) months per year) shall be acceptable providing 800 square feet is the minimum living area.
- (2.) No building shall be constructed on any acreage or any portion thereof which shall be nearer than fifteen (15) feet from any property line of said acreage.
- (3.) No shack, garage or other outbuilding constructed or placed upon any portion of said lots shall at any time be used as a temporary or permanent residence -- except that a garage, small trailer house, or a permanent outbuilding may be used as a temporary residence while a permanent residence is being constructed -- but such temporary residence shall be limited to a period not to exceed one year.
- (4.) All residences, dwellings erected shall be placed on a solid continuous concrete or masonry foundation.
- (5.) All buildings which may be placed or constructed on any acreage or portion thereof must be painted, stained, or process painted within six months from the date, that said buildings are completed. Stone, brick, and masonry buildings or masonry portions of buildings are excepted. Log cabins or cedar homes are excepted.
- (6.) All dwellings shall have an individual sewage disposal system installed and constructed in compliance with the requirements of the State Sanitary Authority of Health Authority having jurisdiction.
- (7.) No mobile home smaller than 14 X 55 feet to be used as a permanent residence, will be allowed on any acreage or portion thereof. All mobile homes shall be models with contemporary siding and in good condition. All mobile homes and outbuildings used in connection with such mobile homes shall be constructed and shall be kept painted to remain esthetically compatible with homes in the area. All mobile homes placed upon the property shall have a concrete or brick exterior foundation or skirting designed by mobile home manufacturer and at least one or more built up porch with covered awning totaling not less than 75 square feet in area. Further, no field fabricated snow roofs over trailer homes shall be permitted without approval of the design by the home owners association governing the herein described property. All mobile homes utilized as a permanent residence shall be placed on a concrete or asphalt foundation with a minimum of two foundation bases 18 inches wide by the length of the trailer for single wides and four strip bases of similar widths for double wides. An attached or detached covered carport or garage with a minimum of 200 ft.² of concrete or asphalt base shall be constructed and completed within 24 months of the installation of a mobile home.

- (7.) Cont. Further, within the same 24 months, the owner of the mobile home shall plant and maintain at least 34 evergreen trees or shrubs and complete a minimum of \$250. in nursery type landscaping which may include "wood" rail or screen type fences.
- (8.) No acreage shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Any normal accumulation of garbage or waste shall be kept in sanitary containers at all times.
- (9.) These restrictions shall be deemed to be for the protection and for the benefit of each of the owners or occupants of any portion of the above described acreage, and it is intended hereby that any such person or the owners association shall have the right to prosecute such proceedings at law or inequity as may be appropriate to enforce the restrictions herein set forth.
- (10.) These restrictions shall run with the land and shall be binding on the owner or tenant of any or all of said land and all persons claiming by, through or under them until January 1, 1988, at which time said covenants shall be automatically extended for successive periods of ten years. However, the covenants and restrictions may be modified or amended at any time by majority vote as described within the Columbia Rim Owners Association by-laws, Article XI, Section 1.

Section 2. Nuisances.

All garbage, unlicensed automobiles, or other debris shall be removed or buried within ninety (90) days at owner's expense or property owners' association may remove and assess the owner for removal expense. All trash, garbage, and other refuse shall be kept in covered containers pending proper disposal.

Section 3. Roads and Water Works.

Easement roads reserved for the owners associations' benefit, the associations' community wells and water works will be maintained, governed, and improved by this Association. The initial membership charge of \$300 and annual dues of \$80 shall be used for these purposes. The water system shall be operated on a non-profit basis. The Association shall have the right to vary the dues as necessary to meet the maintenance and operating costs of said water system. Further, should any member or members advance funds beyond the normal dues or assessments to improve, maintain, or further develop the community water supply, the funds shall apply against future membership assessments for roads, wells and water works development and dues not to exceed five (5) years for operating and maintenance cost for water, roads, or utilities.

Section 4. Easements.

All members agree to abide by all easements of record effecting roads and utilities.

Section 5. Clearing and Burning.

Clearing of trees and brush and burning of debris shall be performed in accordance with Washington state law.

APPENDIX J-1

LETTER TO COUNTY OFFICIALS AND
MAILING LIST

Courthouse Annex
228 W. Main
P.O. Box 268
Goldendale, WA 98620
509-773-5703



216 N. Tohomish St.
P.O. Box 392
White Salmon, WA 98672
509-493-2580

KLICKITAT COUNTY PLANNING DEPARTMENT

Jan. 12, 1977

To Concerned Officials:

There is increasing pressure in Klickitat County to develop recreation and residential sites on rangeland. Traditional livestock grazing areas and "cattle-drive routes" are threatened by summer homes, "camp clubs", snowmobiles, fences and "herd law districts". New residents are often unaware of the open range status of their property; hence conflicts arise when livestock "trespasses" on their land. These and other concerns create economic, environmental and social problems for both ranchers and new residents.

Does your county have a similar problem?

If so, we'd like to hear about it. If you have developed, or are aware of, any reports, ordinances, or other information regarding rangeland land use conflicts please let us know. We intend to prepare a major report on the subject and would be happy to share with you our findings.

Thank you for your time and assistance.

Sincerely,

Dennis A. Olson
Planning Director

DAO:cf

Letter of January 12, 1977 sent to:

Boards of Commissioners, Extension Agents and Planning
Directors of:

Washington:	Adams County	Lincoln County
	Benton County	Okanogan County
	Chelan County	Pend Oreille County
	Douglas County	Skamania County
	Ferry County	Spokane County
	Franklin County	Stevens County
	Grant County	Yakima County
	Kittitas County	

Oregon: Wasco County
 Jefferson County
 Crook County
 Deschutes County

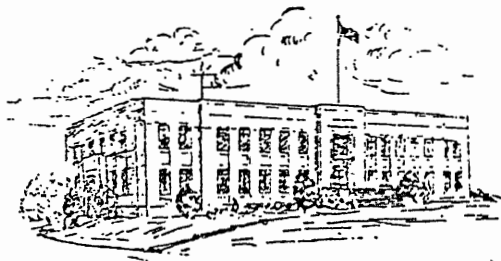
Cooperative Extension Service Staff, WSU and OSU:

Ronald C. Faas
Lester N. Liebel
Ben F. Roche, Jr.

APPENDIX J-2

LETTER TO PARTICIPANTS IN A RANGE MULTIPLE USE
MANAGEMENT PROGRAM
AND MAILING LIST

Courthouse Annex
228 W. Main
P.O. Box 268
Goldendale, WA 98620
509-773-5703



216 N. Tohomish St.
P.O. Box 392
White Salmon, WA 98672
509-493-2580

Klickitat County Planning Department

Jan. 17, 1977

Dear

Because of your participation in the recent Cooperative Extension Service Range Multiple Use Management Program, I am soliciting your assistance.

As noted in the attached letter, Klickitat County is experiencing increasing use of traditional rangeland for residential and recreational development. The resultant land parcelization and complicated legal, environmental and socio-economic impacts are of great concern to ranchers and rangeland managers. "Herd laws", fences, cattle rustling and other problems for the rancher are caused by increased population and settlement in grazing areas.

If you are aware of any studies of this specific problem, please let me know. And, I'd love to hear any personal comments regarding the subject.

Thank you so very much for your assistance.

Dennis A. Olson
Planning Director

DAO:cf

encl.

Letter of January 17, 1977 sent to:

Glen D. Fulcher, Chief, Division of Standards and Technology,
Bureau of Land Management, Denver

Grant L. Harris, Chairman, Department of Forestry, Washington
State University

Ms. Laney Hicks, Sierra Club, Dubois, Wyoming

Wally Hoffman, Washington State Department of Natural
Resources, Olympia

Ted Klein, Washington State Department of Natural Resources,
Ellensburg

William C. Krueger, Extension Rangeland Resource Specialist,
Oregon State University

Darwin B. Nielson, Economics Department, Utah State University

Carl M. Rice, Bureau of Land Management, Sacramento

Ben Roche, Jr., Extension Range Management Specialist,
Washington State University

Robert L. Ross, Range Conservationist, Soil Conservation
Service, Bozeman, Montana

APPENDIX J-3

RESPONDENTS TO INVESTIGATOR'S INQUIRIES

LETTERS TO D. OLSON (AND COUNTY PLANNING DEPARTMENT STAFF)
IN RESPONSE TO INQUIRIES FOR REFERENCE MATERIALS AND
EXPRESSIONS OF INTEREST IN THE SUBJECT:

- Bedell, Thomas E., Extension Rangeland Specialist, Oregon
State University, February 14, 1977. (Copy in Appendix)
- Fulcher, Glen D., Chief, Division of Standards and Technology,
U. S. Department of the Interior, Bureau of Land Manage-
ment, Denver, April 14, 1977. (Copy in Appendix)
- Klein, Ted H., Area Manager, Southeast Area, Washington State
Department of Natural Resources, Ellensburg, January 24,
1977. (Copy in Appendix)
- Michieli, Ronald A., Associate Director, American National
Cattlemen's Association, Washington, D. C., February 23,
1977. (Copy in Appendix)
- Moyer, D. David, U. S. D. A., Economic Research Service,
University of Wisconsin - Madison, December 5, 1977.
- Olson, Arthur, Okanagon County Planning Director, July 16,
1973.
- Pease, James R., Land Resource Management Specialist, Exten-
sion Service, Oregon State University, March 9, 1977.
- Rasmussen, Janna, Administrative Assistant, Society for Range
Management, Denver, March 4, 1977.
- Ross, Bob, Range Conservationist, U. S. Soil Conservation
Service, Bozeman, Montana, January 21, 1977.
- Taylor, John, Adams County (Washington) Planning Director,
February 17, 1977.
- Toner, William, Senior Research Associate, American Society
of Planning Officials, Planning Advisory Service,
Chicago, December 4, 1975.

APPENDIX J-4

EXTRACTS FROM LETTERS TO COUNTY BOARD OF COMMISSIONERS

EXAMPLE LETTERS (ADDRESSED TO BOARD OF COMMISSIONERS) NOTING CONCERN OVER LIVESTOCK TRESPASS, RANGE PARCELIZATION, ETC.:

- Mrs. D. R. Blackburn, Portland (Timber Valley lot owner), November 7, 1974, "We can't have a garden because some of the cattle roaming around the property comes through the fences, the little kids are afraid to go out and run around because of bulls, the cattle eat all the small fir trees and grass around the property...(our) rights as property owners (are) being infringed on."
- Nancy E. Douglas, Hood River (Appleton area property owner), December 31, 1976, request for information on how to petition to establish a herd law district.
- Frank Margraff, rancher, May 11, 1976, "There should be some steps taken to make (motorcyclists) aware of their responsibility in an open range area. Cattle don't have a chance where they are."
- George D. May, Appleton (Timber Valley), October 15, 1974, "My fence is good but I am forever chasing cattle off my place. There is breachy cattle and there is no way to keep them from coming through (the fences)."
- W. F. Paddock, Hood River resident, November 14, 1974, "...returning from Appleton...I found four cows in the roadway...why is this roadway an open range? This is extremely dangerous travel and can cause a severe accident."
- Norma M. Rideout, and sixteen ranchers, Petition dated December 26, 1967, "We...hereby request that there be no changes made in the existing (herd law) boundaries."

APPENDIX J-5

LETTER OF THOMAS BEDELL

EXTENSION SERVICE



Corvallis, Oregon 97331

February 14, 1977

Dennis A. Olson
 Planning Director
 Klickitat County
 P. O. Box 268
 Goldendale, Washington 98620




Dear Mr. Olson:

This is in reply to a January 17, 1977, letter that you sent to William C. Krueger regarding land use problems. I am afraid that this kind of situation is all too common in the West. Strangely enough, it even occurs in areas where one would think there would be no great population pressure. As you are aware, Oregon is "attacking" the problem through county comprehensive planning coordinated through the Oregon Land Conservation and Development Commission. Each county is charged with developing its own plan subject to statewide goals and guidelines. This is not my special area of interest, so I am not nearly as familiar with it as I should be. Neither I nor our Extension Land Resource Management Specialist know of any studies as you ask in your letter. There will, however, be a two day seminar on this subject in Bend, Oregon, March 3 and 4. I have asked that a brochure be sent to you as you may be interested in attending.

My personal feelings are that man seems to be his own worst enemy a great deal of the time. Agriculture and people, unfortunately, are not too compatible. Noise, dust, smell, smoke, etc. are a necessary part of agriculture. This is alien to most people and they don't like it. Add loose dogs, kids, horses to the melee and automatic problems exist. In my opinion, people on small acreages (2-40 acres) often make poor use of their land resource base. There are exceptions, of course. Probably many people want to make reasonable use, but economics and logistics don't allow them to. Appropriate land planning is a logical solution. We can only hope that it won't come too late. Most developments cause irreversible changes or at least changes which may take a long time to rectify.

Sincerely,


 Thomas E. Bedell
 Extension Rangeland
 Resources Specialist

TB:bc



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, and Marine Advisory Programs
 Oregon State University, United States Department of Agriculture, and Oregon Counties cooperating

APPENDIX J-6

LETTER OF GLEN D. FULCHER



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
DENVER SERVICE CENTER
DENVER FEDERAL CENTER, BUILDING 50
DENVER, COLORADO 80225

Dennis

IN REPLY REFER TO

1120 (D-300)

April 14, 1977

Dennis A. Olson
Planning Director
Klickitat County Planning Department
216 N. Tohomish Street
White Salmon, Washington 98670

Dear Mr. Olson:

In response to your letter of inquiry about "Herd Laws" on open range lands and their effects on recreational residential development, we cannot be too helpful.

My staff members who have been heavily involved in district management problems state that Colorado and other western states have hundreds of subdivisions in range livestock areas and we have received many complaints from residents about range livestock trespassing on their property. BLM personnel were usually contacted because the complainants had exhausted all local contacts to remedy the situation. Local ordinances were usually non-existent.

Our usual reply was that the resident had to fence out range livestock where Federal lands adjoined. In Colorado we referred to the attached Colorado Fence Law which covers open range regardless of ownership. The wording in the fence laws in most of the Western States is similar.

Rustling is becoming an increasingly difficult problem, and with more people taking up residence in the rangeland areas, the situation will continue to become worse. There is no easy solution. Ranchers will have to increase their range riding and maintain closer livestock supervision. This should also help in providing better livestock husbandry and closer attention to range management problems.

Good luck in resolving some of these problems in Washington.

Sincerely yours,


Glen D. Fulcher, Chief
Division of Standards and Technology



APPENDIX J-7

LETTER OF TED KLEIN



STATE OF WASHINGTON

Department of
Natural Resources

COMMISSIONER
BERT COLEDON LEE FRASER
SUPERVISOR

Route 3, Box 1
Ellensburg, Washington 98926

January 24, 1977

Dennis A. Olson, Planning Director
Klickitat County Planning Department
P.O. Box 268
Goldendale, Washington 98620

Dear Dennis:

I received your letter concerning the cattle rancher-developer problem in your county and about all I can do is express my concern also.

I believe that Klickitat County is somewhat unique in that it has been traditionally open range country but it now appeals to the urban-summer home people from the nearby large population centers.

The groups that I have worked with, primarily on Coordinated Resource Planning, have not addressed themselves to this problem. I am not aware of studies on this problem, however, Harry Wegeleben of the Soil Conservation Service in Yakima might have some information on this subject.

Fences are expensive to build and expensive to maintain for the cattleman, however, it may be that this is the only solution to the problem. I believe that the cattlemen in most of the counties are now running their cattle under fence except in the high remote areas.

If I interpret the laws regarding fencing correctly, the only way that an adjoining land owner can be required to fence his share is if he is running stock and in an open range area if the fence forms an enclosure of his land. Perhaps in the county planning procedure there may be a legal way to force a developer to fence his land.

As populations increase and land management becomes more intense, the pressure on the open range concept will without a doubt increase.

Sincerely yours,

BERT L. COLE
Commissioner of Public Lands

Ted H. Klein
Area Manager
Southeast Area

TDH:ckh



APPENDIX J-8

LETTER OF RONALD A. MICHIELI

American National Cattlemen's Association

A Non Profit Corporation



WASHINGTON OFFICE

425 13th Street, N.W.
Suite 1020
Washington, D.C. 20004
(202) 347-0228

February 23, 1977



Mr. Dennis A. Olson
Planning Director
Klickitat County Planning Department
Courthouse Annex
228 West Main
P. O. Box 268
Goldendale, Washington 98620

Dear Mr. Olson:

Your letter of recent date to Mr. George Spencer regarding trespass on open ranges has been referred to me for response.

Be assured the issue you have raised is significant, particularly when it is viewed in the context of a larger problem confronting today's rancher, the loss of valuable forage lands. This loss is attributable in most part to the morass of Federal regulations and public laws which preclude or diminish access to such lands. You will find that most of the regulations and laws are of an environmental nature, designed to "protect" the land from supposedly "overzealous" users.

In reviewing your request, I assume that you are addressing yourself to "public lands" rather than private lands. In the event that this is the case, I would appreciate receiving a copy or an outline of your research project. My purpose in requesting this is simply to define and narrow the scope of the issue. This would be most helpful to our Committees that address themselves to such problems, and would provide us a point of focus to perhaps be of help.

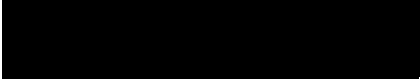
OFFICERS: President: Wray Finney, Ft. Cobb, Oklahoma; First Vice President: Richard A. McDougal, Lovelock, Nevada; Regional Vice Presidents: Victor M. duPont, Virginia; Fred Moore, Mississippi; Jack R. Dahl, North Dakota; Earl Brookover, Kansas; Larry Frazier, Washington; John D. Weber, California; Executive Committeemen: John Greig, Iowa; Hilmar G. Moore, Texas; Glenn Deen, Texas; Robert N. Rebholtz, Idaho; Bill Amstein, Kansas; P. H. White, Jr., Tennessee; W. H. Webster, Colorado; Immediate Past President: Gordon Van Vleck, California; Ex-Officio: Merlyn Carlson, Membership and Finance Committee, Nebraska

-2-

Just as soon as that information is made available, I will be in a much better position to assess your request and provide you with an honest response as to whether or not we really can help.

Thanks for thinking of us and I do look forward to hearing from you.

Sincerely,



Ronald A. Michielli
Associate Director

RAM/okp

cc: George Spencer
Kyle Miller