

## Chapter 606

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**GRAZING BOARDS AND DISTRICTS**

**606.010 Policy of grazing laws.** It hereby is declared that:

(1) The regulation of grazing as provided by ORS 606.010 to 606.120 is a proper exercise of the police power of the state.

(2) A reasonable classification with reference to licenses for grazing may be made of residents within a grazing district, non-residents within such districts and transients.

(3) It is for the best interests of the state and of all persons concerned that where grazing facilities of any grazing district are limited and insufficient to take care of the sheep, cattle, horses and other livestock of all parties desiring to use the grazing facilities, that the reasonable requirements of the residents and taxpayers of such grazing district shall first be taken care of.

(4) It is against the best interests of all concerned that transients and nonresidents of a district be permitted to bring large numbers of sheep, cattle, horses or other livestock into a grazing district and use up the grazing facilities therein and then move to other grazing places, after having lessened or materially destroyed permanently or temporarily the grazing facilities of such grazing district to the material injury of the citizens and residents of such district who depend upon such grazing facilities for a livelihood and for the development and upbuilding of the local community.

(5) The needs of such local communities shall be taken care of first and if there is insufficient grazing facilities for both the local and outside interests that the local needs shall have first place.

(6) Overgrazing and grazing at improper seasons are destructive and if not regulated and controlled will result in the complete destruction of the grazing lands which now form a valuable asset of the state.

(7) The destruction of grazing lands will be followed by the destruction of the stock raising industry of the state and that such stock industry is one of the important industries carried on in this state.

(8) The purpose of ORS 606.010 to 606.120 is to conserve the range and prevent its destruction by overgrazing and to protect the permanent residents and taxpayers in communities dependent upon the grazing facilities adjacent to such communi-

ties and to encourage settlement upon the public lands in this state and the establishment of permanent residents thereon.

**606.020 The county grazing board.** The county commissioners and the county judge shall constitute the grazing board in the various counties. The county judge shall be ex officio chairman of the board. Three members of the board shall constitute a quorum for the transaction of business. In case of the absence, at any meeting, of the president or secretary, those present shall select one of their number to fill such vacancy for such meeting. Minutes shall be kept of all meetings of the board and formal orders shall be prepared covering or affecting the organization of districts and fixing or changing the boundaries thereof. Such orders shall be filed as a part of the proceedings in respect to such district and recorded in the county court journal.

**606.030 Procedure for establishing a grazing district.** (1) Twenty or more freeholders residing within the territory which is proposed to be included within a grazing district may file a petition with the county clerk of the county in which such territory is located. Such petition shall describe the boundaries of the proposed grazing district.

(2) Within 10 days after such petition is filed with the county clerk, he shall notify, either in person or by mail, the members of the grazing board of the filing of such petition.

(3) Within 20 days after such notice the county judge shall call a meeting of the grazing board. The meeting shall be held in the county courtroom of the county where such proposed district is located. The day and hour of the meeting shall be fixed by the county judge.

(4) The county clerk shall, when such time has been fixed and the meeting called, notify the other members of the grazing board and the petitioners who have petitioned for the formation of such district. Ten days' notice of such meeting is required. The clerk shall publish a notice of the meeting in at least one newspaper of general circulation in the county where the proposed district is located. Such notice shall be published for a period of 10 days, if there is a daily newspaper, otherwise in two publications of a weekly newspaper, prior to the meeting.

(5) Objections may be filed by any interested parties to the formation of such

district. They shall be filed in writing, verified by the objector and shall set forth succinctly the reasons for objecting to the formation of such district. Parties may be represented by counsel at such hearing and the county grazing board may take testimony on behalf of both the petitioners and the objectors.

(6) If, after a full hearing, the county grazing board is of the opinion that the boundaries of the proposed district should be changed, it may change them before submitting the question of the formation of such district to the residents within the district, and may make such other changes, including the amendment of the petition filed, in the proceedings taken up to such time as to make them conform to law. After such changes, if any, have been made, and after the grazing board has determined and fixed the boundaries of the proposed district, the grazing board shall order the county clerk to call an election to be held in the district.

**606.040 Notice of election, election and declaration of result.** (1) After the grazing board has ordered an election, as provided by ORS 606.030, the county clerk shall immediately give notice of an election to be held in such district for the purpose of determining whether or not a grazing district shall be formed. The notice shall describe the boundaries of the district, as fixed by the grazing board, and shall be published once each week, for at least four successive weeks prior to such election, in a newspaper of general circulation published within the county. Such election shall be conducted, as nearly as practicable, in accordance with the general laws of the state. The ballots to be used at the election shall contain substantially the following words:

For organizing grazing district. — Yes.

For organizing grazing district. — No.

All legal voters residing within the boundaries of the proposed grazing district shall be entitled to vote at the election. Voting places shall be within the district and, so far as practicable, the same as at general elections. Election officers shall be the same and appointed in the same manner as at general elections and where such election is held at the same time as the general election, the same officers shall officiate. The clerk shall furnish a list of the registered voters residing within the district.

Registration books, for the purpose of the election, shall be considered closed 20 days prior to such election. The vote cast shall be counted and canvassed in the same manner as at a general election and report thereof made to the county clerk.

(2) Immediately after receipt of such report the county clerk shall notify the grazing board of the election result. If a majority of all votes cast are for the creation of a grazing district, the county grazing board shall within 10 days hold a meeting, such meeting to be called and held as provided by ORS 606.020 and 606.030 at which time it shall enter an order declaring the result of the election and declaring the formation of such grazing district. If the vote is unfavorable to the organization of a grazing district then no further proceedings will be taken in such matter.

**606.050 Notice of formation of district and necessity of license to graze in district.**

(1) Within 10 days after the making of an order by the grazing board declaring the organization of a grazing district, the county clerk shall give notice by publication in some newspaper having a general circulation in the county and by posting notices in at least three public places within such grazing district, to the effect that such grazing district has been formed. The notice shall include the boundaries of such district.

(2) After 60 days from the date of the first publication of such notice, no person, owning or having charge of any sheep, cattle, horses or other livestock shall herd or graze them or permit them to be grazed or herded within such grazing district without having first procured a license, as provided by ORS 606.080, from the county grazing board authorizing and permitting the grazing of such livestock.

(3) ORS 606.010 to 606.120 do not prevent the grazing of livestock on premises owned, under lease or controlled by the owner of such livestock, or prevent the free passage of livestock to and from the state or over the public domain.

**606.060 Election, term and filling vacancies of the advisory board.** (1) Within 30 days after the entry of an order by the grazing board declaring the formation of a grazing district, the grazing board shall call a meeting of the freeholders residing within the district to be held at a convenient place within the district. Such meeting shall be called for the purpose of elect-

ing an advisory board of three members for a term of three years, except that the members elected at the first meeting shall serve for one, two and three years, respectively. The term of office shall be determined by the number of votes cast, the one receiving the highest number of votes shall serve for three years, the next highest number two years and the next highest number one year. In case of a tie vote the election shall be determined by lot. After the meeting has been called the county clerk shall have posted in three public places in such district, a written or printed notice calling such meeting. Such notice shall be posted for at least 10 days prior to the meeting.

(2) The meeting shall organize by electing a chairman and secretary. The advisory board shall be elected by ballot. Members of the board shall qualify by taking an oath to support the laws and Constitution of the United States and of the State of Oregon, and faithfully to discharge the duties of their office to the best of their ability. The oath of office may be administered by the chairman of the meeting or by any other person qualified to administer oaths.

(3) Thereafter there shall be held on the second Monday in November of each year, a meeting of the freeholders of such grazing district at which one director shall be elected to serve for three years. Vacancies shall be filled, until the next election, by the members of the board. In case more than one vacancy occurs at any time they shall be filled by the county grazing board. Directors shall be resident freeholders of the district.

**606.070 Annual meeting to determine grazing conditions.** (1) On the second Monday in January of each year the advisory board and the grazing board shall meet for the following purposes:

(a) To determine the proper number of sheep, cattle, horses and livestock, at such time, within such district and the portion thereof which will be expected to graze in the district during the coming year.

(b) To investigate and ascertain, as accurately as possible, the grazing requirements in such districts required by the resident owners therein for the grazing of sheep, cattle, horses and livestock therein.

(c) To determine the number of livestock the grazing district can graze during the coming year without injuring the grasses and the manner in which the lands within

such district can be grazed with the least danger of permanent injury and in order to preserve and build up the lands within such district so as to take care of the greatest number of livestock and fully to protect the grazing lands against destruction and impairment by overgrazing or by grazing at improper seasons of the year.

(d) To determine the seasons of the year when grazing should not be permitted at all, or should not be permitted by certain classes of livestock.

(e) To prescribe rules and the manner in which grazing should be done.

(2) The findings in respect to such matters shall be reduced to writing and filed with the county clerk.

**606.080 Application for license; considerations governing issuance.** (1) Any person desiring to secure a license for herding or grazing sheep, cattle, horses or other livestock within a grazing district and on premises not owned, leased or controlled by such applicant, shall apply to the county grazing board. The application shall be on a form prescribed by the county grazing board and shall be filed with the county clerk. Upon filing, the applicant shall pay to the county clerk a fee of \$5.

(2) Immediately following the meeting of the grazing board and the advisory board, as provided by ORS 606.060, the grazing board shall take up for consideration the applications for licenses to graze, at such time filed with the county clerk. Landowners within the grazing district who are producing livestock, maintaining a breeding herd and raising hay for winter feeding of the number of livestock for which a license has been applied shall be given the preference in the issuance of licenses.

(3) If the applications for the grazing of livestock are in a number in excess of what the grazing board and advisory board determined should be grazed in the district during such year, the permits shall be reduced proportionately and no other licenses issued. If the number of livestock included in all the applications filed at the time does not equal the number fixed and determined by the grazing board and advisory board as the proper number to be grazed in the district during such year, the grazing board shall give preference to those owning land within the district, but not livestock producers as provided in this section. If the total number of livestock covered by such

applications, together with the licenses issued to landowners who are livestock producers as provided in this section, is in excess of the number fixed by the grazing board and advisory board to be grazed in such district during such year, then the applications shall be reduced proportionately. If the permits granted by the grazing board to landowners of the district, as provided in this section, have been granted and the number of livestock covered by such permits is less than the number fixed by the grazing board and advisory board, then permits shall be granted to applicants in the order in which they have been filed with the county clerk until the number of permits granted equals the number of livestock determined by the boards as the proper number to be grazed in the district during such year. If applications are filed simultaneously for such latter purpose and to grant such applications would exceed the number of cattle to be grazed in such district, the applications so filed simultaneously shall be reduced proportionately as provided in the other classes.

**606.090 Violation of conditions of license.** No licensee, at any time during such calendar year, shall graze, except on his own premises or premises under his control, livestock in excess of the number covered by his permit, except the natural increase thereof born subsequent to the issuance of such permit, or graze them at any other season than fixed in the permit, or in violation of any of the terms or conditions of the permit.

**606.100 Estimated cost of enforcing grazing district laws; additional fees and disposition of funds.** At the meeting held in January, as provided by ORS 606.070, the grazing board and the advisory board shall determine the approximate cost of the enforcement of ORS 606.010 to 606.120 and shall estimate the revenue to be derived from the payment of license fees. If the estimated revenue from the payment of license fees is less than the estimated cost of the enforcement of such sections, the board may, in addition to the payment of the license fee, require before the issuance of any permit, the payment by each applicant, based upon the number of livestock to be grazed, of an additional fee to provide sufficient money for the enforcement of

such sections. Such fee shall not exceed 40 cents per head for cattle, 15 cents per head for sheep or 50 cents per head for horses and mules. All funds paid shall be kept in a separate account and shall be paid out by warrants drawn upon the order of the county grazing board.

**606.110 Appeal from order of grazing board and advisory board.** Any person aggrieved by any order of the county grazing board, or the county grazing board and the advisory board, may appeal from such order to the circuit court of the county in which such district is located. Such appeal shall be taken by filing a notice of appeal with the county clerk and serving a copy upon the district attorney, together with a bond for the payment of all costs and disbursements in the event that such order is affirmed on appeal. Such appeal shall be taken within 30 days from the entry of the order and shall be tried by the circuit court de novo as a suit in equity. Appeals may be taken from any judgment order or decree from the circuit court to the Supreme Court, as in other cases.

**606.120 Dissolution of district.** (1) Upon the petition of not less than 25 percent of those residing within the district, the county grazing board shall, in the same manner as is provided for calling an election for the organization of a grazing district, call an election for the purpose of dissolving such district. Such election shall be called and conducted in the same manner as the election for the organization of such district, the votes canvassed and reported in the same manner. The question to be submitted to the voters at such election shall be as follows:

Yes ——— Shall the ——— grazing district be dissolved?

No ——— Shall the ——— grazing district be dissolved?

(2) If the vote is in favor of dissolving the district, the affairs of the district shall be wound up immediately and within 60 days after the declaration of such vote the district shall become completely dissolved. Any funds on hand at such time shall become a part of the general fund of the county in which such district is located.

**606.130 to 606.200** [Reserved for expansion]

**DRIVING ANIMALS FROM RANGE;  
TAYLOR GRAZING ACT**

**606.210 Driving domestic animals from range.** (1) No person, who is not the owner of such animal, shall take or drive, cause to be taken or driven, or assist in driving or taking away any horse, gelding, mare, foal, mule, ass, jenny, bull, cow, heifer, steer, calf, sheep, hog or any other domestic animal from the range or place where it is lawfully grazing, pasturing or ranging, or in the habit of ranging, or where it has been herded or placed by the owner thereof, for a distance of more than 10 miles from such place.

(2) Persons violating this section shall be liable to the owner of such animal for all damages sustained by reason of such driving or taking away of such domestic animal.

(3) All fines collected for violations of this section shall be paid over to the county treasurer of the county in which the offense was committed, and used for the support of common schools within such county.

**606.220 Distribution of funds received under the Taylor Grazing Act.** All funds received from the United States Government as a distributive share of the amounts collected by the United States Government under the provisions of the Act of Congress of June 28, 1934, public document No. 482, known as the Taylor Grazing Act, and any Act amendatory thereof shall, upon receipt, be distributed to the several counties in which such public lands are located. The Secretary of State shall ascertain from the proper United States officers, having the records of receipts from grazing permits and leased public lands, the amount of receipts from such sources in this state for each year for which money is received by the state. A separate account shall be kept of the sum received from each grazing district and lease of public lands, which sum shall be segregated by the Secretary of State and paid to the county in which the grazing district or leased public land is located. However, where the grazing district or leased public land is located in more than one county, each shall receive such proportional amount of the sum as the area of such grazing district or leased public land included within the boundary of such county shall bear to the total area of such grazing district or lease.

**606.230 Expenditure of Taylor Grazing Act funds.** (1) All sums disbursed to the counties under ORS 606.220 shall be expended by the county court for the benefit of the county in which the grazing district or leased public land is situated. It shall be expended by such court, upon the approval of its advisory board, in the improvement of the grazing district contributing such fund.

(2) Except as provided in subsection (4) of this section, money from grazing fees of grazing districts shall be expended within such district as the board of district advisers may direct and shall be expended only for range improvements, such as fences, reservoirs, wells, water development, maintenance and other range improvements approved by the district advisory board.

(3) Pending approval by the district advisory board of the expenditure of such money, all or any part of it may be invested in United States Government securities. In such case the securities shall be held by the county treasurer in lieu of such money so invested and subject to liquidation and expenditure when recommended by the district advisory board.

(4) In counties receiving funds from grazing districts containing Indian lands ceded to the United States for disposition under public land laws, funds therefrom shall be expended by the county court for the benefit of public schools and public roads of such county.

(5) In counties in which there are leased lands but no grazing district, such funds may be expended by the county courts for the benefit of the areas in which such leased public lands are situated.

**606.240 Compromise of taxes on lands conveyed to United States.** The county court of each county may compromise all taxes, interest and penalties upon any land conveyed to the United States by gift, grant or devise by any person, under the terms of section 8 of the Act of Congress approved June 28, 1934, public document No. 482, known as the Taylor Grazing Act. However, this section does not apply to exchanges of real property made under the provisions of such Act.

**606.250 to 606.300** [Reserved for expansion]

**FOREIGN SHEEP**

**606.310 Definitions.** The term "foreign sheep," as used in ORS 606.310 to 606.360,

includes all sheep brought into this state for the purpose of being ranged, pastured or herded upon the public ranges or lands belonging to this state, by any person residing or having his principal place of business in any other state.

**606.320 Bringing in foreign sheep for feeding during winter.** Nothing contained in ORS 606.310 to 606.360 prevents any sheep, except diseased sheep, from being brought into this state between October 20 of any year and March 20 of the following year for the purpose of being fed in this state between such dates.

**606.330 Regulation of pasturing by non-residents.** The right of pasturing, ranging or grazing sheep, whose owner resides outside of the state, upon the public ranges of the state, or upon state lands, is within the police power of the state to regulate.

**606.340 Pasturing by nonresidents without license prohibited.** No person residing outside of the state, shall range, pasture or herd any foreign sheep upon the public ranges or lands belonging to the state without having first procured a license therefor from the proper officer of the county where such sheep shall be herded, ranged or pastured.

**606.350 Licensing the pasturing of foreign sheep; disposition of moneys collected.** (1) Any person residing outside the state, desiring to range, pasture or herd any foreign sheep upon the public ranges or lands belonging to this state, shall apply in writing to the stock inspector of the county where such sheep are intended to be ranged, pastured or herded, giving the following information:

(a) The number, owner, marks and brands of the sheep for which the range or pasturage is desired.

(b) Where such sheep can be seen and examined.

(c) Whether such sheep are healthy or diseased, and if unhealthy, what particular disease, whether cutaneous or contagious. He shall, at the time of making application, tender to such stock inspector 20 cents per head. When this is done the stock inspector shall immediately examine the sheep, and if he is satisfied that the sheep are healthy, he shall give the applicant a license to range, pasture and herd such sheep. The license shall describe them by owner, number, marks and brands. The applicant shall pay

20 cents per head for such license. No license issued under this section shall be of any force or effect except in the county where granted, or for a longer period than one year.

(2) While the sheep are in the state they shall at all times be subject to the supervision of the stock inspector of the county where they are ranging, who shall, if they become diseased after coming into this state, treat them the same as sheep owned by residents of the state, and by law authorized to be treated.

(3) All fines and licenses collected under ORS 606.310 to 606.360 shall be turned into the Common School Fund of the county where collected and become a part of such fund.

**606.360 Diseased foreign sheep to be excluded.** (1) No stock inspector shall issue a license to any person for pasturing, ranging or herding any diseased or unhealthy sheep upon the ranges of this state. If any diseased or unhealthy sheep are brought into the state, for any purpose whatever, the stock inspector of the county where such sheep are found shall immediately cause them to be removed from this state, and to the state from which such sheep were driven or shipped.

(2) The owner of such diseased sheep, in addition to the fine provided by subsection (4) of ORS 606.990, is liable for costs and expenses of removing such sheep beyond the limits of this state, as follows:

(a) For every day, or part of day employed by the stock inspector, \$5;

(b) For each assistant necessarily employed by the inspector, \$2.50 per day, or fraction thereof; and

(c) For board and lodging for the inspector and his assistants the additional sum of \$1.50 per day each.

(3) All the sums for which he is liable shall be a preferred lien upon all such sheep, and such lien shall be enforced before such sheep pass beyond the jurisdiction of this state.

**606.370 to 606.400** [Reserved for expansion]

## GRAZING RIGHTS IN JACKSON COUNTY

**606.410 Sheep and goats on cattle range in Jackson County.** Every person owning or having charge of sheep or goats who herds,



grazes or pastures them, or permits them to be herded, grazed or pastured, on any cattle range in Jackson County, usually occupied by any cattle grower, either as a spring, summer or winter range for his cattle, shall be liable to such cattle grower for a penalty of not more than \$100 for each day, or portion thereof, of such herding or grazing. Such penalty may be recovered by the person entitled thereto in an action at law.

**606.420 Determination of priority rights.**

Priority of possessory right, between cattle owners and owners of sheep or goats or both, to range in Jackson County, shall be determined by the priority in the usual and customary use of such range, either as cattle range or sheep or goat range.

**606.430 to 606.980** [Reserved for expansion]

**PENALTIES**

**606.990 Penalties.** (1) Herding or grazing livestock in violation of any of the pro-

visions of ORS 606.010 to 606.120 is punishable, upon conviction, by a fine of not less than \$10 nor exceeding \$500 and in default of payment of such fine, by imprisonment in the county jail one day for each \$2 of such fine. The owner and the person directly in charge of livestock herded or grazed in violation of such sections are each subject to such fine. Each day such herding or grazing is done or permitted constitutes a separate offense.

(2) Violation of ORS 606.210 is punishable, upon conviction, by a fine of not less than \$50 nor exceeding \$400.

(3) Violation of ORS 606.340 is punishable, upon conviction, by a fine of not less than \$100 nor exceeding \$500 or by imprisonment in the county jail for not less than 30 days nor exceeding six months, or both.

(4) The owner of sheep brought into the state in violation of ORS 606.360, is punishable, upon conviction, by a fine of not less than \$500 nor exceeding \$5,000.

