

## Idaho is an “open range” state.

Idaho is by law an “open range” state. In open range, livestock may roam freely. Idaho law defines open range as “lands outside of cities, villages and herd districts, upon which cattle by custom, license, lease or permit, are grazed or permitted to roam.” (Idaho Code § 25-2118)



As in most western states, this practice began long before statehood when cattlemen would graze the wide-open rangelands with their herds. As settlers began to arrive, those who grew crops were expected to build a fence around any fields in which they did not want free-roaming livestock or wildlife to enter.

As Idaho became a state, this practice was adopted into law. There have been a significant

number of Idaho court decisions that have upheld Idaho’s open range law over the years.

## Who is responsible?

If you own property in open range, you are responsible to “fence out” livestock if you want to keep animals off of your property.

In open range, domestic animals including cows, horses and sheep, have as much right to be on the road as a car or wildlife and may be grazing on or near a road or highway.

Owners of domestic animals are not liable for damages to a vehicle when it collides with an animal in open range.



In fact, the vehicle owner may be legally responsible for paying for the dead or injured animal they hit in open range if they were negligent and caused the collision; for example: excessive speed, impaired or inattentive driving.

Ranchers or highway districts may place fences along roads to protect livestock and minimize the chances of vehicles colliding with animals in open range.

**The presence of fencing however does not change the open range status.** (See *Moreland v Adams*, 152 P.3d 558 (2007), Idaho Supreme Court, 26 Jan 2007)

Not all areas of open range are posted with signs. All areas outside of city limits or herd districts in Idaho are open range whether they are posted with signs or not. Signs may be placed in areas where there have been numerous animal/vehicle collisions, or where the geography causes livestock to be near the road frequently. Drivers should be alert for both wildlife and livestock on the road anytime they are outside of city limits.

## What is a herd district?

Herd districts are areas outside of cities and villages that have been legally designated as no longer open range.





The county commissioners may create a herd district by following the process outlined in Idaho Code Title 25, Chapter 24, after a majority of landowners who own a majority of the land within the proposed area petition the Commissioners.



Once the herd district is formed, the county may then levy a property tax on all property owners within the herd district to pay for necessary fencing and cattle guards to keep livestock outside of the herd district.

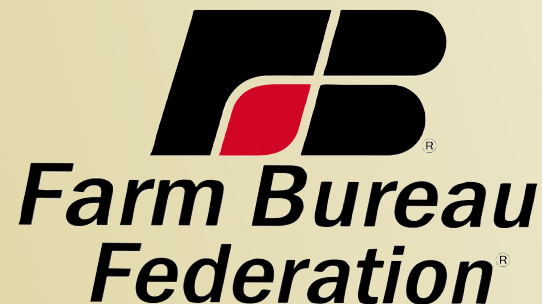
Within a city, or a herd district, an animal owner has a duty under the law to “fence in” animals and keep them off of a highway. (Idaho Code § 25-2402)

Owners who fail to keep their animals within a fence inside of city limits, or in a herd district, may be liable for any damages they cause. (Idaho Code § 25-2408)

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*This brochure is meant to be an educational tool and should not be perceived as legal advice. If you feel that you need more information regarding any open range question, please contact your local county commission.*



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2014

