

Open Range



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 fields where they did not want free-roaming livestock or wildlife to enter. As Idaho became a state, this practice was adopted into law. Over the years, many Idaho court decisions have upheld Idaho’s open range law. If you own property in open range, you are responsible for “fencing out” livestock if you want to keep animals off your property.

Who is responsible?

In open range, domestic animals, including cows, horses, and sheep, have as much right to be on the road as cars or wildlife and may graze on or near a road or highway. Ranchers or highway districts may place fences along roads to protect livestock and minimize the chances of vehicles colliding with animals in open range. However, owners of domestic animals are not liable for the damages to a car that collides with an animal in an open range. 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 or impaired or inattentive driving.



The presence of fencing 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 with numerous animal/ vehicle collisions or where the geography frequently causes livestock to be near the road. Drivers should be alert for wildlife and livestock on the road anytime outside city limits.



What is a herd district?

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

Once the herd district is formed, the county may 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 a highway. (Idaho Code § 25-2402) Owners who fail to keep their animals fenced within city limits or in a herd district may be liable for any damages they cause. (Idaho Code § 25-2408)

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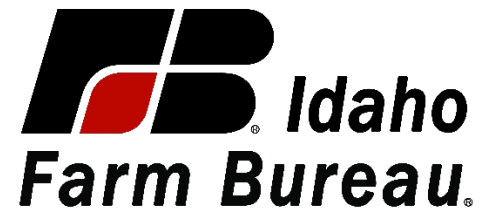
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This article is an educational tool and should not be considered legal advice.

Please contact your local county commission for more information about open-range questions.



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