

This is a transcription of a document cataloged in the R4 History Collection as R4-1680-2009-0293. Grammar and spelling in the original document are retained. Original page breaks are indicated.

Austin Nevada November 20, 1907.

The Forester
Forest Service
Washington D. C.

Dear Sir:

Management of the Toiyabe, Toquima and Monitor National Forests began on July 2nd, 1907. An earnest effort has been made to gather the data necessary to this report by personally visiting each user of the Forest where it was practicable to do so, and by making as close an examination of range conditions as the time at our command would warrant. In the comparative statements herein made we have used information supplied by persons who have been familiar with the range during past years.

It may be safely stated that there was more rainfall in 1906-7 than for a number of years. During October 1906 soaking rains began falling. In November the ground froze. Heavy snows followed. As a consequence more moisture was retained in the ground than during any of the preceding five years, which are locally conceded to have been exceedingly dry. Farmers assert that the season of 1907 furnished more water for irrigation than they have had for a number of years previous. During July and August, I was frequently in the Forests, in company with old time residents, and they pointed out to me numerous springs and streams that were then flowing but which were usually dry at that time of year.

END OF PAGE 1

The condition of all these Forests is bad so far as forage is concerned. The Toiyabe range has been badly overgrazed as a whole; the Shoshone range is in fairly good condition; the Desatoya range supplies such a small amount of grazing that it is of no particular consequence; the Toquima range has been abused along the foothills, and the Monitor range has been overgrazed in parts.

In former years these ranges were occupied solely by cattlemen. In those days the usual local agreements as to the division of the range were in existence and were recognized. Then came the pioneer sheep man with a small flock, and after him came others, until within the past few years (1905-6-7) the cow man has been practically driven from the range. It is the same old story that has been sent up from every public range where sheep and cattle attempt to work in the same township. The sheep men and their flocks have become more numerous, and finally disregarding any and all rights belonging to other range users, the sheep men have encroached even to the fences of the patented lands in the low foothills.

The plan of grazing has been to winter the sheep in the deserts lying to the south of these Forests. As spring comes on the sheep work north to the country lying about thirty miles north of Austin, where the lambing and shearing takes place. As soon as the lambs can travel they are started south again along the top of the Toiyabe range. The best feeding ground is at the head of

the north fork of the Reese river and Twin canons [*sic*]. Every flock owner has tried to reach that country first. It is a race from the start. The result has been to literally cut the surface of the Toiyabe range into sheep trails, the bottoms of which in places are several

END OF PAGE 2

inches below the roots of the grass and weeds. You will realize more fully what the condition is when I state that in 1906 ninety-six thousand sheep made the trip from the north end to the south end and back to the starting point through the narrow Toiyabe range. They have cut the gravelly soil very badly. After my arrival here in July, I succeeded in stopping 13,400 sheep from entering the Forest, but my information is that 63,000 made the journey. They were owned as follows:

The Lander County Live Stock Co.	22,000
Mrs. George Watt	4,000
John Spencer & Co.	8,000
J. A. Miller	7,000
John Laxqua & Pete Lardapeda	5,000
Borda & Co.	5,000
Pedro Equira	4,000
Isadore Sara	8,000

Those turned back in 1907 were:

Espiel Brothers	3,000
John Echevara	5,000
Esparand	5,400

The Toquima range has always been a cattle grazing ground. There is very little water near the north end of the Forest, that which exists being in the narrow canons. The complaint is made that as the sheep work south in the fall they travel the foothills in the district now comprising the National Forest, and when a watering is found they feed in and around the canon until the feed is exhausted and the water polluted to an extent that cattle will not use it. This fall I notified all sheep owners to keep off the Forest area in traveling south and am arranging to station a Guard at Hot Springs to enforce the order.

The Shoshone range has been used for sheep only by Freeman Co. of Fallon, Churchill county, Nevada. He owns nothing in or near

END OF PAGE 3

this National Forest except a possessory claim of 40 acres which he recently acquired. In answer to the question of my grazing circular he stated that his summer range is in the Alpine and Edwards creek mountains, and as this range will be needed by people living near the Forest, I am putting him in Class C.

The Monitor range has been injured on the East Side by the sheep owned by the Eureka Live Stock company. The district so affected runs from the north line to the south line of Township 15 N. These hills have been used for both sheep and cattle.

All stock are reported to have been in good condition when they entered the Forest in 1907. They came out of the mountains in splendid shape. The lambs were driven directly to the railroad and shipped for mutton. They would average about 70 pounds each in weight. Range cattle have been supplied to the market at Austin since the early fall, and the beef is fat.

The market prices paid for beef cattle and mutton sheep have been excellent, and higher than last year. Lambs sold for \$3.25 per head and cattle at from \$5 to \$6.75 for extra good steers. This has been a prosperous year all around for Nevada ranchmen, the large number of new mining camps causing a great demand for their produce.

Stock have not been affected to any extent by poisonous plants or predatory animals. Locoweed exists, but I have not yet seen an animal that showed the effects of it. Coyotes are plentiful and in killing lambs they cause a considerable financial loss every year.

The greatest destroyers of range in my three Forests are the numerous bands of wild horses. There are hundreds of bronchos, and

END OF PAGE 4

among them range many branded animals. These horses run in the protected hills in winter and follow the snows as they melt along the mountain sides, so that they get the very best of the feed, eat it close and trample much more of it. They destroy great quantities of range, and the danger exists that they will finally dominate the range because they are increasing so rapidly. They are absolutely worthless as a whole, but the owners of the branded horses object to their being killed. Such owners seem to be unsuccessful, or do not try, to round up their animals; they seem to be indifferent concerning them until one is killed. I am also advised that it is unlawful to kill wild horses in this state, but such a course is the only one that I know of that will effectually get rid of them. I had thought to suggest that the Service give notice by advertisement that all owners of horses must round up their stock and remove it from the Forest by a certain date, secure a permit or be classed as trespassers. Should they take a permit I would require the horses to be corralled and counted. The owner would either have to gather his horses or admit that they were wild and take a chance on somebody killing them. I think that if this were followed the ranchmen would make an earnest effort to gather the valuable animals and would consent that no prosecution should follow the killing of the remainder on the range. There should be some way for the Forest Service to handle this question for the protection of the users of the range. If you can suggest a better method I should be glad. These horses are a pest, a nuisance, inbred, worthless and annually destroy forage that would sustain at least 2,500 cattle.

Range Divisions

The Toiyabe Forest is a long, narrow strip of country; the

END OF PAGE 5

hills rise abruptly from the desert on either side, and back of them stands the main range, with steep rugged slopes, lightly covered with Pinyon pine and Mahogany. The Forage consists of native bunch grass, weeds and white sage. The canyons break through the front range and then, as a usual thing, spread to the north and south into wide-open gulches. This should be an ideal cattle range. The slopes from these gulches to the top of the main range are so steep that cattle will scarcely graze to the top, which is at an altitude of 9,000 to 9,500 feet, and therefore it is considered advisable to district the range so as to admit sheep to the higher country. Some Class A and Class B users are engaged in growing sheep exclusively, so that it seems necessary to divide the range. The maps submitted herewith show the plan suggested for districts during the season of 1908.

I know of nothing to suggest at this time concerning drift fence construction. If we are successful in 1908 in keeping sheep on their designated area, by flagging the lines, it may not be necessary to build fences at all.

It is proposed to request authority to expend a considerable sum of money in cleaning out, deepening, walling, piping and setting troughs at springs. We will also recommend the erection of two or more windmills and the construction of one or more reservoirs. The Washington Office has been asked to furnish plan and specifications for a trough, and as soon as the estimates can be secured we will ask for bids and submit recommendations. The water supply can be materially increased.

END OF PAGE 6

Permit Allotments

In the application of the general plan of approving grazing applications in new Forests such as the Toiyabe, Toquima and Monitor, I presume that considerable discretion is allowable, in order that the Service may correct range abuses and to give the degree of protection to those people who are permanent residents, land owners and of value to the state, that is required in order to build up a prosperous community. I assume that the Service has taken a positive position in favor of the homebuilder as against the transient herder.

If this interpretation of the rules is correct, it appears that Paragraph 2, Page 97, is inconsistent with the instructions as to classifications. In Class A the priority is given to the land and home owner, and I construe the Class B user to be a man who owns land and a home a little further away from the Forest than the Class A man. I understand the Class C man to be one who owns no land or home anywhere near the Forest. But under Paragraph 2, Page 97, if the Class C man has ranged cattle or sheep on the Forest area for the longest time, he is entitled to the range.

The facts concerning this situation are that, if the present Regulations are given a strict interpretation, it will give at least two men the right to range sheep on the Toiyabe National

Forest, because of their having done so for a number of years heretofore, when the truth is that during all those years those men have not acquired a single acre of land or a spot on Nevada soil that they can call home. They pay taxes on nothing but their sheep and pack animals, and have no interest in the country except to consume the forage. On the other hand the forage will be needed to care for the animals belonging to

END OF PAGE 7

persons who are large land owners near the National Forest, who are investing in more lands year by year, who own substantial homes and who are adding to the development of this state.

In the case of Isadore Sara, one of the two mentioned, I find that he first came into the country as a sheepherder for a man named Jensen. That was about 1893. In 1903 he acquired an interest in a band of sheep formerly owned by Dixon & Stebbins. Then he sold out to George Watt. He then moved to Tonopah, returning here in 1905 and again entering the sheep business. He owns no land, does not own the house in which he lives, and has nothing in common with the residents of this vicinity. He is a Basque, but has taken out his first citizenship papers. I have classed him as Class C.

All that has been said of Sara can be said of John Borda, except that he has used the range continuously. He owns nothing aside from sheep and I have put him in Class C in my list of recommendations.

Another important reason for so classing men who own no land is that the complaint comes from all directions, from the cattle and sheep men alike, that it is the Basque sheep owner and herder who commits the greatest damage to private interests and who utterly refuses to recognize the rights of cattle owners to any range. The cattle men and ranchmen do not seriously object to dividing the range with local sheep men who own land, but they seriously object to allowing transient flock owners to acquire range rights, or to a recognition of acquired rights, secured by forcing themselves upon the range during recent years. Local residents welcome Forest administration solely upon the ground that they need protection in range matters. They feel that they will be driven out of the country unless it is given, and as a matter

END OF PAGE 8

of fact there is very little reason for the existence of National Forests here aside from water-shed and grazing protection. I strongly believe that the Basques should give way to the man who owns something.

The approval of the district grazing map herewith submitted will obviate the necessity for special rules, as the districts all contain water and there can be no excuse for bands of sheep straying into cattle territory. I would recommend that all sheep owners be notified that upon over-running their boundaries a second offense will forfeit their permits.

I recommend that no sheep be allowed admittance to these National Forests until they have been dipped under the supervision of the Bureau of Animal Industry and have clearance papers showing them to be free of all contagious diseases.

Live Stock Associations

There are no live stock associations in this district. I am endeavoring to, and will secure a meeting of all stock owners at Austin this winter, and I believe that an association of both cattle and sheep men can be organized, which will recognize our division of the range and will assist administration by doing everything in their power to protect and build up the range. Users of both classes (cattle and sheep owners) are infatuated with the idea that they will be able to secure a certain district and build it up so that it will provide a permanent and reliable grazing ground in future years.

I believe the association will also be effective in settling range disputes that may arrive. We have had none as yet.

END OF PAGE 9

Grazing Maps

I recommend the approval of the Maps submitted herewith, showing the sheep and cattle allotments, districts, driveways, etc. District No. 3 on the Toiyabe is recommended to be closed to sheep because it is badly overgrazed as well as being cut up on the surface.

I believe that the various Forests will reasonably support, without injury to the range, the amount of stock named in the following estimates, and at the same time the forage will not be consumed to the extent of preventing a vigorous reproduction. I therefore recommend that the number of stock to be grazed in 1908 be limited to:

Toiyabe, cattle, 8,000
Toiyabe, sheep, 28,500
Toiyabe, (Shoshone range) cattle, 1,500
Toiyabe, (Shoshone range) sheep, 5,000

Toquima, cattle, 5,000
Toquima, no sheep

Monitor, cattle, 2,000
Monitor, sheep 10,000

In the above recommendations there is no provision made for grazing sheep in the Toquima National Forest, but I find that for years it has been the practice of sheep owners to enter the Toquima range to secure water from the gulches while making their fall trip south to the desert, and that they have gone in to the same places for the same purpose when returning north in the spring. Under such a system of handling their flocks I can see that in some years they would be almost compelled to enter that range for water, because of the light snows on the deserts, but the condition can be remedied by the sheep owners digging wells along the Smokey valley, where

END OF PAGE 10

water is obtainable at slight depth. I have therefore stationed a Guard on the Toquima to keep sheep out, and have notified all sheep owners of your instructions regarding this range. It seems to me to be most advisable to create the impression among those who acquire range rights on the Forest that they must bear a part of the burden of expense and responsibility which the Toquima situation in regard to sheep suggests.

I recommend that in reducing the number of sheep to be grazed on the Toiyabe National Forest, the permits be granted as follows:

	<u>1907</u>	<u>1908</u>	<u>Class</u>
The Lander County Live Stock Co., Austin	22,000	16,000	B
Mrs. George Watt, Austin	4,000	3,000	B
John Spencer & Co., Austin, sold 2,000 Since close of season 1907	8,000	5,000	A
J. A. Miller, Austin	<u>7,000</u>	<u>4,500</u>	B
Total	41,000	28,500	

I further recommend that the following owners of transient stock be declared in Class C and be excluded from the National Forests in 1908, specific reasons being given in each case:

John W. Freeman Co., Fallon Nevada, sheep, owns nothing in or near any of these National Forests and resides over 100 miles from these ranges.

John P. Williams, Fallon Nevada, and members of his family associated with him in said business, owns nothing in or near any of these National Forests and resides about 100 miles distant.

John Laxqua and Pete Lardapeda, Basques, 5,000 sheep on Toiyabe in 1907, own no land and are not American citizens.

John Borda, Basques, 5,000 sheep, owns no land. Used Forest a

END OF PAGE 11

number of years.

Pedro Equira, Basque, owns 4,200 sheep, owns no land, swore under oath that he was not an American citizen. Was allowed in to Forest in 1907 on account of weak lambs.

Isadore Sara, Basque, owns no land in or near National Forest, sold sheep in 1907. Will purchase more sheep and attempt to range them on Toiyabe in 1908, owns no land or home. Has grazed there a number of years.

On the Shoshone range (part of the Toiyabe Forest) I have reserved District No. 1 (one) for other applications from Class A and Class B users, the filing of which is anticipated. A number of old settlers have intimated that they desire to put in small bands of sheep on the Forests next year. This district will graze from five thousand to seven thousand five hundred sheep.

I neglected to state on page eleven that the total number of 28,500 sheep recommended for the Toiyabe in 1908 is inclusive of lambs. This will mean that about 14,000 or 15,000 sheep will pay for the grazing privilege.

Map of the Monitor Forest

This range accommodates both sheep and cattle. The portion bearing blue stripes across the yellow coloring is intended as the Potts range for both cattle and sheep owned by them.

In district 7 the best right to the sheep range belongs to Mrs. Morrison who resides near the Forest on Allison creek. District 7 has been used by the Eureka Live Stock Company for sheep, and as the

END OF PAGE 12

district will carry about 5,000 sheep, I recommend that all of the lady's band of 2,500 be admitted and one band of the same number belonging to the Company. This company has been spreading out its range in recent years and will no doubt make strong representations concerning their rights. Congressman Bartlett is their attorney.

Grazing Season on All Forests

I recommend that the grazing season for summer on all these Forests, Toiyabe, Toquima and Monitor, commence for cattle on May 1st and close October 30th.

That the sheep grazing season commence July 1st and close October 15th.

Prices

I recommend that a charge of 35 cents per head be made for cattle, horses and burros over six months of age for the summer season, and that for the year long period for such stock the charge be 50 cents per head.

I recommend that for all sheep over six months of age a charge of 8 cents per head be made.

Considerable objection is liable to be made concerning the above prices. It has been claimed that such charges will consume all of the profits earned by the cattleman, and will prove no burden whatever to the sheep man. I am not impressed with the arguments. The prices are not inconsistent with the general run of charges in this country. The ranchmen price their grain, hay and provisions to the limit, labor commands the highest scale of prices, and when we come to the erection of permanent improvements for the

END OF PAGE 13

betterment of the ranges, we will be compelled to pay exorbitant prices for material and labor. I further think that it will be better to begin grazing administration by charging good prices than to commence at a low price and be compelled to raise it at a later date.

List of Users

While you may not care for the following information, I concluded to insert it for what it is worth. It is a list of those users who have replied to the questions contained in circular letter No. 4. No doubt a few small users have been overlooked in our canvass, and it is anticipated that some more persons will come forward with requests for grazing permits. The figures give as nearly as it could be ascertained, the total number of stock to be ranged by each individual in 1908. It does not include the estimates for those sheep owners whom I have heretofore in this report requested to be placed in Class C.

TOIYABE	Cattle	Horses	Sheep	Class
O'Toole, B.	100			A
Heath, Mrs. O. J.	300	20		A
Bowler, P. M.	40			A
Warren P.	10			A
Bowler, J. F.	250			A
Deringer, George	125			A
Schmaling, John	75	17		A
Bell, T. J.	300			A
Sly, L. H.	3,500			A
Keogh, George	150			A
Gooding, George	125	25		A
Walsh, J. F.	200			A
Walsh, William	450			A
Lander County Live Stock Co.			16,000	B
Miller, J. A.			5,000	A
Walsh, Patrick	2,000			A

END OF PAGE 14

Scott, Robert		10		A
Daniels (Jesse) & Sons	300	20		A
Rogers, William	300			A
Millett, A. B.	500			A
Baumann, Hartman	250			A
McLeod, J. D.	80			A
Gendron, Mrs. Alice	100			A
Steiner, L.	300	40		A
Drew, Thomas	60			A
Mayette, J.	20	15		A
McComb, J. A.	30	10		A
Stevens, Mrs. L.	14			A
Bell, Joseph	45			A
Vidus, E.	30			A
Myer, H. C.	50	10		A

Spencer & Co.		15	5,000	A
Schmidlein, George	80	20	2,500	A
Seyler, E. E.	125			A
Woods, James	400			A

TOQUIMA	Cattle	Horses	Sheep	Class
Wilson, I. J.	300			A
Gendron, Frank	200			A
Urich, J.	40			A
Dixon & Stebbins	60	18		A
Souffe, Joe	200	15		A
Marsh, W. A.	225	30		A
Goldback, H. D.	30	15		A
Oddie, T. L.	475	20		A
McCann, John	300	10		A

MONITOR	Cattle	Horses	Sheep	Class
Morrison, Mrs. J.			2,500	A
Wilson, I. J.	400			A
Potts & Sons	150		5,000	A
Adel, John	75	4		A
Wattles, A. S.	75	50		
Eureka Live Stock Co.			2,500	B

It will be observed that most of the cattle owners desire to range the Toiyabe Forest. This is accounted for by the fact that in most instances their home places are situated nearer to that range than to any other. In granting the permits in 1908 I suggest the advisability of allowing the Supervisor authority to place the stock on the range best adapted to carrying them, with due regard to over- *[rest of document is missing]*

Probably written by 1st Forest Supervisor, Mark Woodruff