

Ranch owners respond in prairie-dog battle

By Jan Katz Ackerman
Colby Free Press

Six of seven defendants are fighting a lawsuit filed against them by Logan County commissioners trying to enforce a 1901 state law allowing townships to eradicate prairie dogs without a landowner's permission.

Landowners Larry and Elizabeth Haverfield of Russell Springs, Robert G. Barnhardt Jr. of Bucklin and Donald and Lillian Becker of Winona claim state law protects them from the suit.

Dixie Surratt of Panhandle, Texas, filed a separate reply, while Maxine Blank of Willard, Utah, the seventh defendant, has not responded to the suit.

The landowners, to varying degrees, say they want to try less drastic control methods than poisoning all their land, including possible reintroduction of the rare black-footed ferret.

Neighbors say prairie dogs are escaping from the uncontrolled fields and infesting their land.

In August, Commissioners Doug Mackley, Carl Uhrich and Nick Scott wrote all Logan County landowners that starting Oct. 1, anyone facing a formal complaint about uncontrolled prairie dogs would have 15 days to comply with state law requiring landowners to control the squirrels.

The county sent a contractor to start killing the prairie dogs, but the Haverfields and others moved cattle into the area, blocking the poison application.

As of December, commissioners said, 47 residents had complained about one or more of the defendants, claiming the landowners were preventing the county from poisoning the prairie dogs.

County Attorney Andrea Wyrick filed a lawsuit on behalf of the commissioners to enforce compliance and force the landowners to remove cattle from the land where poison

was to be applied.

In January, the commissioners asked Judge Jack Lively, a senior judge appointed to the case by state Supreme Court Chief Justice Kay McFarland, to force the landowners allow the county to kill the prairie dogs.

Logan County Commissioner Uhrich said prairie dogs infest about 18,000 acres of Logan County land. Mike Mitchner of the Kansas Wildlife and Parks Department at Pratt, said about 130,000 acres in the state harbor prairie dogs.

Wichita attorney Randall Rathbun representing, the Haverfields, Barnhardt and the Beckers filed a response to the county lawsuit. It claims state law protects the landowners from what he calls a "nuisance" lawsuit.

Rathbun said state law protects and encourages development and improvement of farmland for production of food and other agricultural products.

The landowners claim prairie dogs are an "at-risk species" and have been named as a candidate for the federal list of endangered and threatened wildlife three times since 2000.

"With the ongoing federal and state concern to preserve this species (prairie dog)," Rathbun's response said, "one has to wonder why this county would drag these ranchers before this court to seek a remedy that in the defendant's experience is unprecedented."

The response said the defendants believe the Kansas Farm Bureau's opposition to the congressionally mandated reintroduction of the endangered black-footed ferret is pushing the eradication.

"Apparently, the Farm Bureau has somehow concluded that this is a threat which must be opposed," Rathbun wrote.

In November, state and federal wildlife officials held meetings in

Logan County to talk about reintroduction of the black-footed ferret, a rare predator, once thought to be extinct, which lives in prairie dog colonies and feeds primarily on prairie dogs.

Court documents show the Haverfields and Barnhardt have an agreement with the U.S. Department of Interior to allow reintroduction of the ferret on their property to help control prairie dogs.

They claim the county trying to force them to eradicate prairie dogs is a "deprivation of a valuable property right."

Surratt, like the Haverfields, Barnhardt and the Beckers, claims townships, not the county, have the right to enforce prairie dog control.

Surratt's attorney, Allan Hurlbutt of Sharon Springs, said in paperwork filed Feb. 21 in Logan County District Court, that state law authorizes only township boards to eradicate prairie dogs.

Donald Hoffman of Hays, a special counsel assisting Wyrick, replied that a previous county commission on July 31, 1981, entered into an agreement with all townships in Logan County to assume responsibility for prairie dogs.

In their motion for an injunction, Wyrick and Hoffman are asking the judge to force the landowners to move cattle from land infested by prairie dogs.

The county alleged the landowners put the cattle to pasture to delay the county's use of the chemical Rozol.

Surratt claims she did not intentionally pasture cattle on her land to delay chemical use and claims to have spent "almost \$1,000 on materials to exterminate (prairie dogs) as recently as the spring of 2006."

Blank has not filed a reply with the court. A hearing in the case has been scheduled for 8 a.m. Mountain Time on Wednesday, April 4, in Oakley.



First graders Brooke Keim (left) and Molly Hernandez tried to figure out if they could cover any more squares in a game of "book bingo" at the Family Reading Night at West Elementary School last Monday. The school site council sponsored a hot dog feed before, served by the Goodland Rotary Club.

Photo by Pat Schiefen/The Goodland Star-News

Hot dogs fill stomachs; reading feeds minds

By Pat Schiefen
The Goodland Star-News

Parents and students from West Elementary School ate hot dogs served by the Goodland Rotary Club on Tuesday night, then split into groups for some reading fun.

The West Elementary School Site Council put on the hot dog feed to buy books for the district's reading rotation program. The event raised \$500, which will be matched by Wal-Mart.

This was the first year the school had invited parents and their kids to come and read.

Amity Ihrig, librarian at West, recruited guests to help her read to kids and their parents, including Marcy Melia, children's librarian at Goodland Public Library; Curtis Duncan, broadcaster at KLOE radio; and Ron Schilling, the Cow Guy. Duncan was preparing to read "Green Eggs and Ham" by Dr. Seuss.

Teachers Shelley Kirk, Emily Braxmeyer and Donna Whitmore put together a "Read into the Sun-

set" session. Kirk, in Western dress, read a Cinderella story, "Cowboy Prince," about a cowboy who wanted to go to a dance. His "airy cow mother" turned one of his cows into a white stallion to ride to the ball.

Pat Thompson's and Janice Pearson's session was "Proud to be an American Reader." They had a small coloring book about American symbols and a sheet talking about the meaning of each of the folds in folding an American flag.

"Color My World" in the session by Pat Pickett, Janet Davis and Cassandra Van Allen focused on how colors combine to make other colors. The teachers passed out paddles with the primary colors, red, green and blue. Two paddles of differing colors could be held to the light to give another color.

Devlin Mull and Linda Lucas led a group in Book Bingo. Kids matched words about reading and books on a card. The prize for the winning readers was a book of their own.

matters of record

District Traffic

The following fines were paid in the Sherman County District Court:

Jan. 19 — Michael W. Franklin, \$191 for first conviction for driving while suspended.

Larry R. Graham, \$118 for overweight load.

Robert C. Griffin, \$144 for speeding.

William T. Heathman, \$132 for speeding.

Ran Shifrin, \$166 for motor carrier safety rules and regulations.

William G. Stallion, \$126 for improper driving on laned road.

John B. Yavenu, \$132 for speeding.

Jan. 20 — Chapman R. Cronquist, \$246 for failure to yield to emergency vehicle.

Jan. 21 — Wollis W. Jones, \$241 for overweight load.

Fred A. Ridley, \$126 for improper driving on laned road.

Zachary E. Sanders, \$126 for basic rule governing speed of vehicles and \$10 for no seat belt.

Mark W. Steenson, \$166 for reckless driving, \$66 for speeding and \$66 for basic rule governing speed of vehicles.

Jan. 22 — Emery L. Brown, \$96 for basic rule governing speed of vehicles.

Jan. 23 — Vu T. Phan, \$366 for

first conviction of driving while suspended and \$60 unlawful act with vehicle.

Jan. 24 — Mark M. Fellers, \$126 for speeding.

Daran M. Hodges, \$132 for improper parking.

Joseph D. Lowe, \$156 for speeding.

Robert L. Raun, \$144 for speeding.

corrections

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