

Capital Press

The West's **Ag** Website


[Home](#)
[Subscribe](#)
[News](#)
[Classified Ads](#)
[News Updates](#)
AccuWeather.com

 Enter U.S. zipcode
or city, state

Get Forecast

[home](#) : [news](#) : **IDAHO NEWS**

Monday, February 26, 2007

2/23/2007 6:00:00 AM

[Email this article](#) • [Print this article](#)
[Comment on this article](#)

search

Advanced Search

3 FREE ISSUES

- Breaking News
- News

This Week's Top Articles
Farm Bureau Coverage
California News
World Ag Expo
East Ore/Wash News
Idaho News
West Ore/Wash. News
More News
Rural Life
Ag Youth
What's Cookin'
Small Acreage
Orchards, Nuts & Vines
Ag Suppliers
Adding Value
Outdoors
Fishing Special Report
Hunting Special Report

- Opinion
- Columns
- Climate Change
- Readers Advisory Panel
- Print Editions
- Photo Gallery
- Special Sections
- Blog
- Podcast
- Water Special Report

- Multimedia
- Game Center
- Special Features

- Events Calendar
- Auction Calendar

- Classifieds
- New Online Ads Today
- Newspaper Ads

Rancher wins: Roads are his

Idaho County commissioners erred, judge rules
Patricia R. McCoy

Capital Press Staff Writer

A disputed road through an Idaho County ranch is private and will become the property of ranchers Clifford and Pam Galli.

Second Judicial District Judge John H. Bradbury ruled recently that Idaho County commissioners erred in validating Race Creek and Kessler Creek roads as public highways.

Rather, they are private roads, and title to them is quieted in favor of the Gallis, the court ruled.

The new ruling follows a June 2006 ruling from the same court reversing the decision of Idaho County that the roads were public highways.

In the latest ruling, dated Jan. 25, the court granted the Gallis' petition for summary judgment, overturning the county commission's decision that the roads were public highway; but denied the ranchers' claim for unlawful taking.

The latest dispute over the roads began back in 2004, when Galli caught a miner on his property exploring for possible minerals in the mountains above the ranch.

At that time, Galli said, he advised the miner the road was private.

"He insisted he had a right to pass through our property. We ended up dealing with his company in Spokane. Initially they were polite and even somewhat apologetic about the miner's attitude. We began negotiating the possible sale of a right-of-way to them, something we've done for others seven times over the years," the rancher said.

Just as it appeared the mining company and the ranch might reach an agreement, the mining company dropped the matter and filed a petition to take access by right of eminent domain. Idaho County commissioners held hearings, but Galli learned of them only from a neighbor. No formal notices were sent to him.

Galli filed a lawsuit, alleging that the commission failed to follow proper procedures, and placed a locked gate over the road.

"At one point the miners zoomed through and up the road while we briefly had the gate unlocked. My wife chased after them to tell them to leave, but didn't catch them. The police warned me that locking the gate while they were up there would amount to false imprisonment, so we left it open until they left. Then we locked them out," the rancher said.

• Place an Ad

• Ag Marketplace
• Farms For Sale

• Links & Information
• About Capital Press
• Archives
• Site Map

Home
Feedback
• SUBSCRIBE
Email Updates
XML

Newsstand
Readers Log in
Here

Subscriber Login:

Zip Code:

Subscriber Number:

Login

Log In Help

Disputes over the roads have gone on for 25 years, said Galli, who runs a cow-calf operation in Riggins and raises replacement heifers in New Meadows.

"This is the third time someone has tried to claim a right-of-public-access through our property and the second time an RS 2477 petition has been filed. We defeated the first two efforts some time ago," he said.

One dispute involved the U.S. Forest Service. In the end the USFS decided it was too expensive to pay the Gallis for their losses.

Instead, the Forest Service scheduled the road for obliteration, he said.

There is no mine on the mountain. The mining company wanted to collect samples to determine the potential for one, he said. There are alternative access routes elsewhere on the Nez Perce National Forest.

Galli has placed his ranch in the Conservation Security Program. Offered by the Natural Resources Conservation Service, the program rewards ranchers for being good stewards.

"You don't get that by being a poor land steward," Galli said. "We recognize we'll be the last ranchers here. Riggins is a tourist area, and a lot of people want to buy land for weekend cabins or retirement homes. Our children are scattered. They can't make a living here."

Galli and his wife grant access to everyone who asks, but, as the landowner s,they are the people responsible for maintaining the resources and battling noxious weeds, he said.

"We have mountain quail on our land and about 150 head of cow elk calve here from March through July. There are steelhead in the creek. We'd like to protect this property," he said. "We have no problem sharing it with those who are respectful of it and our private property, but to just allow someone to bully through on us, no."

Pat McCoy is based in Boise. Her e-mail address is pmccoy@capitalpress.com.

Article Comment Submission Form

Please feel free to submit your comments about this article.

We can not guarantee a personal response to all comments left here. If your intent is to submit a letter for publication in Capital Press send it to opinion@capitalpress.com

Article comments are not posted immediately. Each submission must be approved by the Web site editor, who may edit content for appropriateness.

Note: All information is required. Your telephone number will not appear online.

Name:

Telephone:

E-mail:

Passcode:

This form will not send your comment unless you copy exactly the passcode seen below into the text field. This is an anti-spam device to help reduce the automated email spam coming through this form.



Please use all lowercase letters.

Message:

Submit

Clear Form



FISHER IMPLEMENT CO.
a Fisher-Ernst Group Company

ERNST HARDWARE CO.

LENON IMPLEMENT CO.

JOHN DEERE

Entire contents © Copyright, 2007 by Capital Press Agriculture Weekly, All Rights Reserved
PO Box 2048 Salem, OR 97308 * 1-800-882-6789
Software © 1998-2007 1up! Software, All Rights Reserved