

6. LIVERMORE LAND PLANNING

Our Federal and State governments were not always paralyzed and inept. Here are some far-reaching land policy decisions that determined how the Livermore area would be settled – and why it looks the way it does today.

Public Lands Survey System. The Revolutionary War obligations weighed heavily on the Continental Congress. A plan to pay down the debt by selling lands between the Appalachian Mountains and the Mississippi River required surveying.

The Land Ordinance of 1785, authorized the survey into Townships (six miles square), divided into thirty-six Sections (one square mile – 640 acres) and further subdivided into Quarter Sections of 160 acres and smaller pieces of 80 and 40 acres.

Each township is referenced from an east-west Baseline and a north-south Prime Meridian (see opposite page). This scheme was later extended throughout most of the west. Phantom Canyon Ranch occupied land in four townships.¹

Because surveying square pieces of land on the surface of a globe together with accumulated errors from rough terrain, difficult conditions and temperamental equipment soon catches up with you.² These adjustments were made in sections on the northern and western boundaries of each township, resulting in eleven sections in each township not necessarily square and with more or less than 640 acres (see opposite page).

School Land. In Colorado, sections 16 and 36³ in each township were granted to the State of Colorado. These are administered by the Colorado State Land Board for support of schools. Phantom Canyon Ranch leased two sections of ‘school land’.

Homesteading. The Pre-emption Act of 1841⁴ followed by the Homestead Act of 1862 and subsequent amendments, opened up the region west of the Mississippi to settlement. There were few eligibility qualifications, some simple requirements and ram-

pant fraud and abuse. For example, a Livermore local legend (as opposed to historical fact): *Sometime around World War I, Evan Roberts’ father, George, and uncle, Ernest, were charged with some flavor of homestead fraud, convicted and sentenced to serve one year in Leavenworth. The judge allowed them to serve alternate years, so that one of them could stay home and take care of the ranch.*⁵

Union Pacific Railroad. A ‘Pacific’ railroad had been envisioned as early as 1845 but a decision as to its route had been held ransom to the slavery debate. With the onset of the Civil War, the non-slave interests were free to advance their preferred central route.

The Pacific Railroad Acts of 1862 and 1864, among other subsidies, granted twenty sections of land including mineral rights for each mile of transcontinental railroad to be constructed between Omaha and Sacramento. The land grant was apportioned as alternate odd-numbered sections extending for twenty miles on either side of the railroad right of way. A good chunk of the Livermore area lay within twenty miles of the railroad right-of-way between Cheyenne and Laramie, Wyoming (see map on opposite page).

Mineral Rights. The federal government sometimes retained mineral rights on homestead lands. The Union Pacific Railroad usually retained mineral rights on the land grant property it sold. Mineral rights can affect conservation easements, which have become common in the Livermore area.

Water Rights. Beginning in 1866, federal and later state legislation provided that real property rights were subject to rights-of-way for constructing and maintaining water facilities for mining, irrigation and domestic use.

National Forest. Partly in response to overgrazing, legislation between 1891 and 1905 established and organized the US National Forests. For grazing purposes, the Roosevelt National Forest was divided into ‘grazing permits’ and apportioned among some of the area landowners. By 1906 a complete system

including permit boundaries, stocking rates and grazing dates was in place. Phantom Canyon Ranch had use of five permits.⁶

Senate Bill 35. In 1972, legislation known as Senate Bill 35 was passed by the Colorado legislature. It established 35 acres as the minimum acreage that could be sold without going through a full subdivision process. Over the next few years, the unintended consequences of Senate Bill 35 tore through the Front Range Foothills ranching communities like wildfire. More to follow...

¹ T10N, R74W; T10N, R75W; T11N, R74W; and T11N, R75W. These four townships comprise a twelve-mile square block of land lying 10 townships (60 miles) north of the Baseline (the Kansas-Nebraska boundary extended west to the Utah line) surveyed in 1859 in anticipation of mapping a transcontinental railroad route, and 74 townships (444 miles) west of the 6th Prime Meridian.

² At least every nine miles. Corrections were made using astronomical observations and spherical geometry.

³ The Oregon Bill of 1848 increased the school land provisions to include both sections 16 and 36 (see diagram on opposite page).

⁴ Established squatters rights. Pre-emption claims were widely used in Kansas and Nebraska prior to the Homestead Act of 1862, less frequently afterward. Some early claims in Livermore were intended to be ‘pre-emptive’, like the Sawin’s claim, described in a previous chapter. Prior pre-emption claims were carved out of the Union Pacific land grant where they occurred.

⁵ This is one of those ‘legend trumps history’ tales. In service of local color, I convey the gist as I heard it repeated many times with minor variations. I have not fact checked this. To clearly differentiate this local lore, it is displayed in highlighted italics.

⁶ USFS Grazing Permits: Bennet Creek, Eaton Reservoir, George Creek, Swan and Sheep Creek.

