

11. THE EATON GRAZING PERMIT

The Eaton C & H Grazing Permit derives its name from the Eaton Ditch and Eaton Reservoir (fka Wooster⁴ Reservoir), and is situated near the headwaters of Sheep Creek. It is about 10,250 acres, which in 1978 consisted of ~4,500 acres owned by the Union Pacific Railroad Company (shaded yellow opposite page) with the balance being National Forest.

Before the beginning of the 20th Century, settlers in the Livermore area more or less turned their livestock loose on US Government land (which was almost everywhere).

As the valley was settled, the remaining available free grazing became concentrated in the mountains, on what is now the Roosevelt National Forest (established in 1897).

There was more demand for grass than there was supply and the predictable result was overgrazing. The US Forest Service as we know it today was organized in 1905 and by 1907 had created a grazing permit system, which included limits on herd size, prescribed grazing seasons, areas of use and grazing fees.

The grazing permits were awarded to ranchers who owned land nearby ('base property') that was sufficient to support the 'permitted livestock' when not grazing on the permits.

In a sense, the grazing permit system was an imperfect way of mitigating the fraud perpetrated upon homesteaders by the US Government when it encouraged homesteading of 160 or 320 acres in the arid west. Grazing on public lands made many homesteads viable that otherwise would have failed.

Once we had closed on our new Rabbit Creek Ranch, I called the National Forest office in Fort Collins to find out how to get the Eaton Permit back, I had no idea what I was in for. I was given the run around but eventually got an appointment.

At the appointed hour, I was shown to the office of a kindly if somewhat patronizing gentleman (I'll call him Chet). Positioned perfectly on the desk between us was a neat rainbow of about twenty colored pencils and a single piece of paper containing an elaborate flow chart prepared with painstaking precision (in glorious color).

Positively dripping *schadenfreude*, Chet assured me that he was entirely sympathetic and would like nothing better than to help me, but his hands were tied, as his flow chart would demonstrate.

The nub of Chet's explanation was that the National Forest required exact procedures for the transfer of a grazing permit and that Speculators A and B, in the throes of their financial kerfuffle, had not followed these procedures exactly, thus irreparably rupturing the chain of title required for a transfer of the grazing permit. Unfortunately, the regulations made it clear (as demonstrated by Chet's flow chart) that there was absolutely no way to repair the chain of title.²

This was my first encounter with a bald faced, card-carrying bureaucrat and my sense of fairness was deeply affronted. I left quietly but with the bit in my teeth.

For the next several weeks, I hounded the Forest Service. They got tired of me at the Fort Collins office and referred me to the District office in Lakewood. There it was eventually suggested that perhaps 'Chet' might take a look at regulatory provisions protecting the interest of a creditor (Speculator A) in the event of foreclosure of 'base property'.

Back at the Fort Collins office, Chet had his flow chart ready and was "not optimistic" about the prospects of this new direction suggested by the guys upstairs.

After some inane back and forth, I asked Chet if he could show me the section of the regulations that applied. He disappeared momentarily and returned

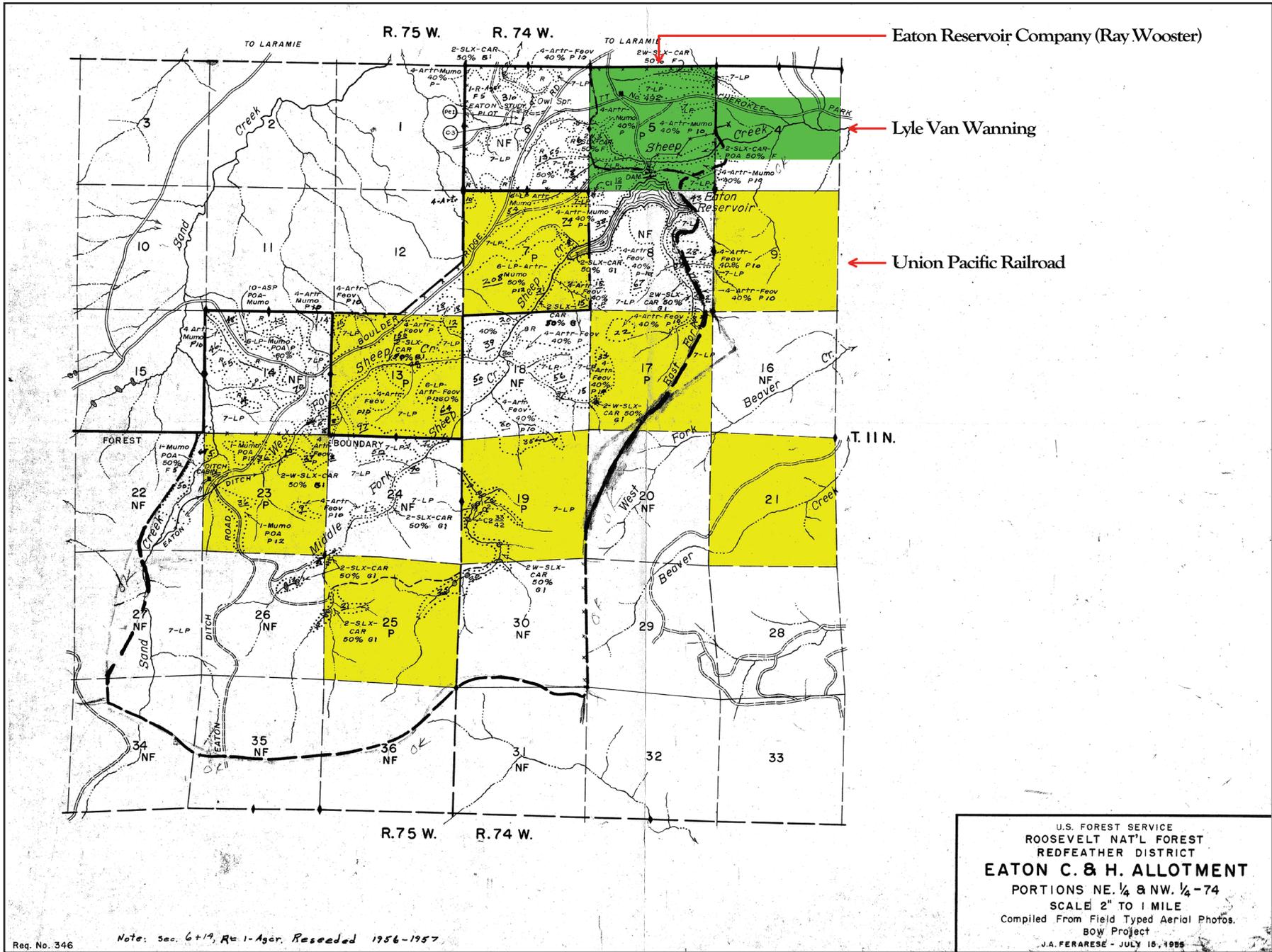
triumphantly with a Xerox copy. It did, indeed, say (to paraphrase) "no way, no how could the permit be transferred under the prevailing circumstances." However, Chet in his bureaucratic thoroughness had copied the back side of the page as well. It said (paraphrasing again) "so, if the Forest Service wants to allow the transfer anyway, here's how to do it."

When I pointed out this quantum duality to Chet, the wind left his sails. The transfer from Speculator A to Speculator B then back to Speculator A and then to Jeanne and me was approved shortly afterward. Now we had the summer pasture we needed.

Thanks to Kellie Stover at the Arapahoe-Roosevelt National Forest for her kind assistance.

¹ Ray Wooster (ref. *The Meadow* by James Galvin), caretaker of Eaton Reservoir. Ray's grandfather had a homestead where the reservoir is located.

² Among those who don't know better, grazing on public lands has always been viewed, at best, as a boondoggle or, at worst, destructive of the environment, or both. As uninformed anti-grazing sentiment became increasingly popular, grazing permits were under fire from several quarters, including from within the Forest Service itself. In the 1970s, quietly retiring grazing permits as the opportunity arose became the unpublished policy of the Arapahoe-Roosevelt Forest. Speculators' acquisition of ranches with grazing permits frequently afforded the opportunity to retire permits with little blowback.



Req. No. 346

Note: Sec. 6+19, R= 1-Agr. Reseeded 1956-1957

U.S. FOREST SERVICE
 ROOSEVELT NAT'L FOREST
 REDFEATHER DISTRICT
EATON C. & H. ALLOTMENT
 PORTIONS NE 1/4 & NW 1/4-74
 SCALE 2" TO 1 MILE
 Compiled From Field Typed Aerial Photos.
 BOY Project
 J.A. FERARESE - JULY 16, 1985