

Lemhi County, Idaho's "The Code of the West"

Or, "How to avoid surprises and be a good neighbor when you are buying, building, and developing in Lemhi County, Idaho."

- *Appreciate our natural beauty and be a good steward of your land.*
- *Show respect for our people, wildlife and traditions.*
- *Practice good citizenship.*
- *Participate in our community to preserve and improve the good things we have and give back some measure of what we all receive from being a part of this rural community.*



Introduction

The Code of the West was first chronicled by the western novelist, Zane Grey. Men and women who settled the western frontier were bound by an unwritten code of conduct. In keeping with that spirit, we offer this information to help people who have chosen to build and/or live in Lemhi County, Idaho.

Welcome to Lemhi County

Life in the country is rich and rewarding, treasured by both Lemhi County residents who have been here for generations, and those who have recently moved here. It is important for you to know that life in the country is different from life in the city. County governments are not able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an educated and informed decision as you consider purchasing or developing land in the unincorporated areas of Lemhi County.

1. Access

The fact that you can drive to your property does not necessarily guarantee that you, your guests or an emergency service vehicle (sheriff, ambulance, fire truck) can get there easily or during all seasons.

A. Response times for emergency services cannot be guaranteed. Under some conditions, you may find that emergency response is extremely slow and expensive. Consider replacing gates with cattle guards. Emergency services cannot enter locked property.



B. There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easement (i.e. deeded, not just verbal) that may be necessary when these types of questions arise.

C. Other parties may have easements across your property.

D. Lemhi County maintains over 400 miles of roads, but many private properties are served by private roads which are not county maintained by grading or snow plowing. Make sure you know what type of maintenance is available and who pays for it. Residents served by private roads have been hit with large bills for repairs. Extreme weather conditions can destroy roads. It is wise to determine whether your road was property engineered and constructed.



E. In extreme weather, even county maintained roads can become impassable for long periods of time.

F. Many large construction vehicles cannot navigate small, narrow, steep and primitive roads. If you plan to build, check out construction access.

G. School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest county road so they can get to school. Contact the Administration Office of the School District to find out the bus routes.

H. Graveled and unpaved roads generate dust. If you mind that, you may not want to be in an area which is accessible only on gravel roads. Unpaved roads are not always smooth and washboards are common. You

may experience an increase in vehicle maintenance costs when you regularly travel on rural county roads. If your road is unpaved, it is highly unlikely that Lemhi County will pave it in the foreseeable future.



Check with the county road and bridge Department when any statement is made by a seller of any property that indicates any unpaved roads will be paved!

I. Newspaper, parcel and overnight package delivery, and U.S. mail delivery may not be available to rural areas. Check with the agencies that provide these services before assuming you can get delivery.

J. It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required for workers or inspectors to reach your site.

2. Services

Water, sewer, electric, telephone, emergency and other services may be unavailable or may not operate at urban standards. Response times or repairs can often take much longer than in towns and cities. Please think about these situations:

A. Many public emergency services are staffed by volunteers. The quality of these services is outstanding. You may consider joining.

B. School systems meet state standards, but funding has been an ongoing issue. Funding for extra-curricular activities is limited. An excellent distance-learning program providing scholastic and technical programs are available at the Salmon Business and Innovation Center.

C. This county depends on volunteers of all kinds. This includes the Salmon Library, Steele Memo-

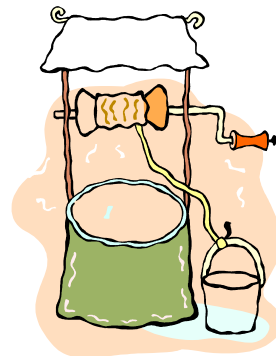
rial Medical Center, Salmon Arts Council, Lemhi Soil & Water Conservation District, 4-H Leaders Council, Lemhi County Fair Board, and Hospice of Salmon Valley—just to name a few. Should you decide to locate here, don't expect neighbors to join a petition asking for improved services. On the other hand, you may be pleasantly surprised at the quality and extent of our volunteer services and associations. You might consider joining one that provides a service or function that you feel strongly about.

D. Please obey all laws. The crime rate in Lemhi County is low. Our judicial system believes that "Jail Time Deters Crime" and penalties for breaking the law may be more severe than you are accustomed to. You will find our law enforcement courteous, capable and helpful.

E. Telephone communications can be a problem or unavailable, especially in the mountain areas. In some areas cellular telephones will not operate. Check with the local telephone service provider to find out what lines and services are available to you.

F. Sewer service is unavailable in most areas of the county. You will be responsible for installation and use of an approved septic system. The type of soil you have available for a leach field will be important in determining the cost and function of your system.

G. Permits for wells are granted by Idaho Department of Water Resources and the cost for drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. It is advised that you research this issue very carefully.



H. Be sure you know what water rights are available with your property: Is there a well permit? Is there a decree to a spring on or off the property? If water is provided by a well or spring located off your property, do you have an easement allowing you to access and repair it? If you have deeded water rights (for agricultural or domestic use), listed as "acre feet", find out what that really means to you.

I. Having a well permit does not guarantee that there will be water where you first drill for it. Some areas of Lemhi County have wells that are more than 500 feet deep. Consider these drilling and installation costs in your development planning.

J. You may or may not have a right to use the water that runs through your property in a stream or irrigation ditch. Unless you have actually filed on water rights, the water can not be legally taken out of the stream or ditch. Check to make sure you have adequate, legal water rights with your property.

K. Electric service is not available to every area of Lemhi County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas. If you have special power requirements, it is important to know what level of service can be provided to your property.

L. Some of your utility service lines may have to cross properties owned by other people in order for service to be extended to your property. Make sure the proper legal easements are in place to allow lines to be installed to your property. By the same respect, other parties may have easements to cross your property.

M. Power outages can occur in outlying areas more often than in more developed areas. A loss of electric power means you won't be able to get water from your well. You may also lose food in freezers or

refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.

N. Trash removal is limited to two choices; a commercial pickup service which charges a regular fee; or hauling your trash to an approved, locked, dump site or to the Lemhi County Landfill, 11 miles south of the City of Salmon.

3. The Property

There are many issues that can affect your property. It is important to research these items before purchasing land.

A. Not all lots are "legal." Check with the Lemhi County Planning Department to know that a piece of land can be built on.

B. Other property owners may have easements which require you to allow construction of roads, power lines, water lines, sewer lines and other utilities, as well as maintenance of irrigation ditches across your land, which may restrict your own development and building options. There may be easements that haven't been recorded, but are "historic", such as a stock driveway.

C. Many property owners do not own the mineral rights under their property. By federal law, owners of mineral rights have the right to extract the minerals, even if that activity changes surface characteristics. Be aware that adjacent mining uses can expand and cause negative impacts.



D. You may be provided with a plat for your property by your realtor, or other seller, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.

E. Good fences make good neighbors, but fences that separate properties may or may not be on legal boundary lines. A survey of the land is the only way to confirm the location of your property lines.

F. Whether you want to construct a single family home, a guest house, to subdivide, or open a store, your plans may require a land use change permit, as well as a driveway access permit, a building permit, a sign permit, or must meet other requirements. Check with the Lemhi County Planning Office to find out what you need, and when you'll need it.

G. Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.

H. Homeowners associations (HOAs) are required to take care of common elements; roads, water, open space, etc. A dysfunctional HOA or poor covenants can cause problems for you and even involve you in expensive litigation.

I. Dues are almost always a requirement for HOAs. The by-laws will tell you how the organization operates and how the dues are set.

J. The property that is an open meadow today may not be forever. Check the recorded plat of your subdivision to see what uses are platted within it. The view from your property may change.

K. If you have a ditch running across your property there is a good possibility that the owners of the ditch have the right under State of Idaho statutes to come onto your property with heavy equipment to maintain the ditch.

L. Water rights that are sold with the property may not



give you the right to use the water from any ditches crossing your land. The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property that you can use it. Other users may have senior rights to the water that can limit your use or require you to pay for improvements on the ditch.

M. Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family.

N. You are responsible for keeping your dog on your own property. Idaho law allows the shooting of dogs when they are harassing livestock or wildlife. Avoid a real tragedy and do the neighborly thing at the same time: Keep your best friend in his own yard.



4. Mother Nature

Rural residents usually can expect to experience more challenges with the elements. Here are some thoughts for you to consider.

A. Trees are a wonderful environmental amenity, but can also endanger your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Defensible perimeters are very helpful in protecting buildings from forest fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. The Salmon U.S. Forest Service office offers a practical list of recommendations to help you protect your home from fire.

B. Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

C. Expansive soils, such as Bentonite Clay (which is common in the foothills) can buckle concrete foundations and twist steel I-beams. Have a soil test performed.

D. Be cautious about placing any improvements on north-facing slopes or canyons that rarely see direct sunlight in the winter. Snow may accumulate there and not melt until spring.

E. The topography of the land can tell you where the water will go in case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their home.

F. If you build in a flood plain, expect periodic flooding, as ice jams or spring run-off can cause a small creek to become a major river. Many residents use sandbags to protect their homes. The county may provide limited sand bags, equipment or people to protect private property from flooding. A flash flood can occur, especially during the summer months and turn a dry gully into a river.

5. Fish & Wildlife

Nature can provide you with some wonderful neighbors. However, some may be of concern to you and require extra care when you build and live in a rural or remote area.

A. A healthy stream provides habitat for a variety of fish and wildlife species, and has diverse vegetation covering its banks and riparian areas. If a stream is present on your property, please protect it by limiting livestock access to it.

B. Hunting has been part of a way of life in Lemhi County for centuries. Neighbors may allow legal hunting activities on their property.



C. Coyotes, wolves, cougars, skunks, badgers, bears, deer, and raccoons can be simply annoying, destructive or dangerous and you need to know how to deal with them.

D. Harsh winters can bring unexpected herds of elk and deer onto private lands. They may damage fences, pastures and other personal property. Checking with Idaho Department of Fish & Game about how to address these potential problems before they occur will help both you and the wildlife.

E. Threatened and endangered species of fish and wildlife may be present in certain areas. Check with Idaho Department of Fish & Game about concerns related to the area in which your property is located.

6. Agriculture

The ranchers here were truly the first environmentalists, and it is their irrigated meadows that create and maintain the beautiful green open spaces of our valleys. The families who settled in Lemhi County brought water to the lands and are part of an ingenious system of water diversion, which has allowed agriculture to become an important part of our environment. Minimizing the undesirable impacts of growth on ranching operations will help keep Lemhi County a beautiful place to be.



A. Idaho has an "open range" law. This means that if your property borders open range and you do not want cattle, sheep or other livestock on your property, it is your responsibility to fence them out, and not the rancher's to keep range livestock off your property. This does not relieve you of the responsibil-

ity to fence your own livestock on your own property. Since such a large portion of land in Lemhi County is public there are several issues that arise from land adjacent to public lands.

B. Agriculture is a major economic contributor to Lemhi County. Idaho has "Right to Farm" legislation that protects farmers and ranchers from nuisance and liability lawsuits. If you choose to live among and next to ranching operations, you may be affected by them; you have the opportunity to help keep the ranching operation viable by learning how you can be a good neighbor to this important part of our community.

C. Ranchers often work around the clock, especially during calving season in the spring and hay harvesting time in the summer. Occasionally, adjoining agricultural operations may disturb your otherwise quiet surroundings. Those times will pass.

D. Ranchers burn their ditches each year to keep them clean of debris, weeds, and other obstructions. This burning may bother you momentarily, but it is not a regular occurrence.

E. Chemicals (fertilizers or herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions.

F. Animals and their manure can cause objectionable odors. What else can we say?

G. Livestock have the right-of-way when they are being moved on public roads. When you encounter a livestock drive, please pull over to the side of the road and allow the cattle to pass. If you are behind them, slowly work your way through. If a rider directs



you to move forward, do so slowly. Be watchful of dogs. Do NOT honk your horn. It will only scatter the cattle and may do damage to your vehicle. The delay will cost you only a few minutes. Enjoy the scene; this is the "real West," and is a critical part of your neighbor's ability to make a living.

H. Animals can be dangerous. Bulls, stallions, mother cows, etc. can attack human beings. Children need to know that it is not safe to enter pens where animals are kept.

I. Lemhi County has adopted a noxious weed control program. If your property has noxious weeds on it, you are required to control them. Lemhi County Extension office can help you with these concerns.

7. In Conclusion

Though Lemhi County receives property taxes from its property owners, the amounts of taxes collected generally do not cover the costs of services provided to rural residents. In general, other revenue sources subsidize the lifestyles of those who live in the rural areas by making up the shortfall.

A. Please take the time and effort to study the history of Lemhi County. This will give you an understanding and appreciation for the pioneers who settled this land and, in many cases, spent a hundred years and four generations of a family completing what might be called our first "land use change." It is our hope that through this understanding, you will approach your construction and development in a thoughtful and sensitive manner, to protect our unique community, our natural resources and our historic way of life.

B. This information in the Lemhi County version of the "Code of the West" is not exhaustive. There likely will be issues that occur to you, or that you encounter, that are not included here. If you have questions, the agencies listed will try to give you the information you need.

This "Code" is provided by Lemhi County Commissioners with the help of similar codes produced by other counties in the northwest. We offer this information and these suggestions in the sincere hope that it can help you enjoy your decision to reside in the country.

It is not intended to dissuade you, only inform you of the facts

8. Short List of Contacts

Lemhi County Assessor	756-2815, ext. 234
Lemhi County Building Dept.	756-2913, ext. 263
District 7 Health Department	756-2123
Lemhi County Solid Waste	756-6441
Lemhi County Extension Office	756-2824
U.S. Forest Service	756-5400
U.S. Bureau of Land Management	756-5400
Idaho Dept. of Fish and Game	756-2271
Idaho Water Resources	756-6644
Idaho Power	800-488-6151
CenturyTel Telephone Co.	800-201-4099
School District	
Salmon	756-4271
Leadore	768-2441
Post Office	
Salmon	756-2410
Carmen	756-2552
Tendoy	756-2263
Lemhi	768-2680
Leadore	768-2285
North Fork	865-2556
Lemhi Soil Conservation Dist.	756-3211

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