



If you fence it, they'll stay out

Fencing out stock in Wyoming



Cole Ehmke

By Cole Ehmke

A common and contentious issue for rural landowners involves disputes over trespassing livestock.

Wyoming is a “fence out” state for cattle, meaning landowners who prefer not to have livestock on their property are responsible for fencing them out. Traditionally, this is due to the large

proportion of open range in the state. While Wyoming is a “fence out” state for cattle and domesticated bison, it is a “fence in” state for sheep, which are typically under the supervision of a herder.

So, if your neighbor’s stock wanders into your unfenced private property, he faces no criminal penalties and is not liable for damages. But if there is a “lawful fence” separating the properties, the landowner can recover actual damages through civil action in a local court or through arbitration.

What is a lawful fence? Lawful fences are outlined in Wyoming statutes. Generally, they are fences constructed well enough to keep out livestock. A three-line barbed wire fence is typical. Other fences are acceptable, such as pole or board fences. A variation is to have a board for the top line of a three-wire fence (so horses, whose hides are thinner than those of cattle, are less likely to be injured) or a fence with wire netting (for animals such as sheep or goats).

What do I do when livestock stray onto my fenced land? The landowner should contact the rancher. If you know the rancher, call him or her about the problem. They’ll likely take care of it quickly and work to prevent a recurrence. If you don’t know who owns the livestock, make a call to your local brand inspector or the Wyoming Livestock Board Brand Unit at (307) 777-7515 with a description of the animals, their brands, and the location of the brand on the animals. They may be able to identify the owner. If you take custody of the animals, the livestock owner may be required to pay for their care.

What do I do when livestock stray onto my unfenced land? If you do not have a properly constructed fence and a neighbor’s bull wanders onto your property and takes out everything in his path, then you have no recourse against the neighbor.

There is tremendous wisdom in the old saying, “Good fences make good neighbors!”



To avoid the situation of a neighbor's stock in your garden, fields, pasture, and so on, fence rural property. Cooperating with a neighboring livestock owner to construct an effective fence to separate the properties – a partition fence – will likely save a lot of trouble. Because both owners will benefit, Wyoming law states that costs for building and maintaining partition fences may be split 50-50.

What if I want a fence and my neighbor doesn't?

Wyoming law allows you to sue for half of the actual costs of constructing (and maintaining) a partition fence.

What if damage was caused, but the offending party refuses to compensate? As in most conflicts, first strive for a mutual agreement. But, if no agreement can be reached, it may be necessary to take the dispute to a higher level. In Wyoming, this could be either the courts or arbitration. One way to reach resolution is through mediation overseen by the Wyoming Agriculture and Natural Resource Mediation Program. The mediation coordinator, Lucy Pauley, can be reached at (307) 777-8788 or, toll-free, (888) 996-9278.

Avoiding fence disputes in the first place is easiest. There is tremendous wisdom in the old saying, “Good fences make good neighbors!”

Meet your adjoining landowners to establish communication. Keep in mind many ranchers have dozens of miles of fence to maintain, while you may have dozens of yards. Keep in mind, they can't know the location of every missing staple; and fence maintenance is a shared responsibility.

It is also a very good idea to gain a general understanding of the Wyoming rules involving fence building and maintenance.

The state law regarding fencing is here: <http://legisweb.state.wy.us/titles/statutes.htm>. Scroll to Title 11,

Chapter 28, under the “Wyoming Statutes, Constitution and non-codified Laws” link.

A history of Wyoming fence law is here:

<http://wlsb.state.wy.us/LE/fencelaw.htm>

Keep those gates closed! It is a misdemeanor to leave the gate on a lawful fence open, no matter if it was by accident. There is a fine of \$100.

Fence Basics

Fencing out livestock is pretty straightforward. The standard barbed wire fence for livestock usually consists of three to six strands with a top wire height of 43 inches above the ground. To fence out cattle and horses, space barbed wire 10 to 12 inches apart. For sheep, woven wire is preferred; however, the standard spacing between barbed wire strands is every 7 inches.

There are considerations to be made for wildlife. The Wyoming Game and Fish Department recommends starting with a smooth bottom wire 16 inches above the ground so antelope and young animals can safely pass under. For elk and deer, consider using a solid wood rail as the top “wire” at 40 inches above ground level. This allows the animals to see the fence – so they won't run through it, and it also allows them to safely jump the fence without getting tangled in barbed wire. For more information about wildlife-friendly fencing, go to <http://gf.state.wy.us/downloads/pdf/habitat/Bulletin%20No.%2053.pdf>

Cole Ehmke is an extension specialist in agricultural entrepreneurship with the University of Wyoming Cooperative Extension Service. He can be reached at (307) 766-3782 or cehmke@uwyo.edu