

**Horse Herd Districts—Herd Districts—Lessees—Government Lands—Petitions.**

Signatures of lessees of government land to "horse herd district" petitions are required if signatures of owners or possessors of 55% of the land in the district cannot be procured without said lessees' signatures.

Mr. Paul Raftery,  
Secretary, Live Stock Commission,  
Helena, Montana.

April 14, 1932.

My dear Mr. Raftery:

You have requested an opinion as to the following question:

"Can a herd district be created where more than fifty-five per cent. of the land in the district is government land, but where fifty-five per cent. of the deeded land in the district defined wants a herd district? To make myself entirely clear, say we have twelve square miles, seven of which are public domain or government owned land; the owners of fifty-five per cent. of the remaining five square miles desire to create a herd district to embrace the twelve square miles. Can this be done?"

In the first place the district must contain twelve square miles (see chapter 119, laws of 1931), except under certain conditions not necessary to mention. The remainder of your question is answered affirmatively.

A herd district can be created on petition of resident owners or possessors of fifty-five per cent. of the land in such district. One holding a lease on government land would be a possessor as this office has previously held.

It will be necessary, however, to have the petition signed by the owners or possessors of fifty-five per cent. of the land in such district. The government land may not be ignored in computing the necessary fifty-five per cent., and if such land is included in the district its area must not exceed forty-five per cent. of the total area of the district unless the signatures of possessors of such land (or the requisite part thereof) are on the petition.

Very truly yours,

L. A. FOOT,  
Attorney General.