

Palo Pinto County Agriculture and Natural Resources Newsletter



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AMARILLO – Texas landowners have a new tool when it comes to determining agricultural leasing rates.

Tiffany Dowell Lashmet, Texas A&M AgriLife Extension Service agricultural law specialist in Amarillo, has published the fact sheet "Negotiating a Fair Cash Lease Rate in Texas." The document is available as a free download at:

<https://bit.ly/2v4svp2>.

"One of the most common questions I am asked is how much a person should charge, if they are a landowner, or pay if they are the tenant, for an agricultural lease," Lashmet said. "To help answer this question, I have put together a fact sheet listing several free resources available to Texas landowners that may help."

From who to talk to at the coffee shop to the U.S. Department of Agriculture surveys, Texas Land Value Trend report and Texas A&M University's agricultural economics department budgets, she said this fact sheet will help landowners and tenants find information related to average lease rates across the state.

"The best information usually comes from other landowners, livestock producers, the local AgriLife Extension county agent or range specialist—people with the latest information about conditions in the area who can help evaluate factors such as the amount and quality of forage, fences and water," Lashmet said. "Visiting with these people is a good first step when determining a fair lease rate."

Additional information may be found by way of published survey results from USDA, a yearly report by the Texas Chapter of the American Society of Farm Managers and Rural Appraisers, and interactive budgets from the Texas A&M agricultural economics department.

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"The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating"

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**Palo Pinto County 4-H and Texas
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Palo Pinto County**

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Palo Pinto County Extension Office



Determining Agricultural Leasing Rates

The fact sheet outlines what each group does and how their resources can be utilized to negotiate a fair lease price, she said.

“For instance, the USDA National Ag Statistics Service publishes survey results for cash lease rates each September,” Lashmet said. “Landowners and livestock producers can go to these reports and drill down to find results by state, by region within the state, and even by county.”

By way of example, average lease rates for Dallam County in 2016 were reported per acre/per year as \$97.50 for irrigated cropland, \$55.50 for non-irrigated cropland and \$6.10 for pastureland.

Similar information can be found in the Texas Land Value Trends report, which includes information on land value ranges as well as average lease rate ranges for Texas, she said. These values are reported by breaking the state down into seven regions and then further looking at sub-regions within each.

Additionally, each year the AgriLife Extension district economists prepare budgets for various districts across Texas, based on a variety of crops. Texas Crop and Livestock Budgets for each district are available on the AgriLife Extension website at <http://bit.ly/2H7D4ZM>.

Lashmet said an example of the information included for District 1, which includes the Panhandle, are budgets for forage crops such as hay and silage; field crops such as corn, cotton and both irrigated and dryland wheat; and for livestock, including cow-calf and stockers.

Within the cow-calf budget spreadsheet is a line item for “Pasture Cost,” which is the lease cost, she said. For a cow-calf operator in District 1, the 2018 budget includes a projected cost of \$7 per acre per year.

“Leasing land can be beneficial to both landowners and livestock operators,” Lashmet said. “Parties looking to determine fair lease rates should consider the numbers reported by these various agencies. However, the right lease rate for any piece of property is the one the tenant and landowner can agree upon, regardless of what the statistics say.”

Texas Landowner Duty to Trespassers on Property

Posted on April 16, 2018 by Tiffany Dowell

Spring has sprung and it is bluebonnet season here in the Lone Star State! Texans love our bluebonnets and many folks make yearly pilgrimages to take photographs with the official state flower. This can cause anxiety for some landowners who may be concerned about their potential liability for trespassers on their land.

Under Texas law, the only duty that a landowner owes to a trespasser is not to intentionally injure that person or to act with “gross negligence.” For liability purposes, any person who enters the property without permission is considered a trespasser and is owed the duty mentioned above.

Most people understand the concept of intentional injury. I like to say that if someone comes on your property without permission and falls in a hole, you would not be liable, but if you push them in the hole, you may have a problem!

Trespassers

The concept of “gross negligence” is less familiar, but still requires a high level of proof for a plaintiff to succeed on a claim against a landowner. Texas statute defines “gross negligence” as an act or omission that involved an extreme degree of risk, considering the probability and magnitude of potential harm to others and of which the defendant had actual notice of the risk, but proceeded with conscious indifference to the safety of others. Put another way, a defendant must know of an extremely high risk of serious injury and just not care. One example in Texas law where gross negligence was found is found in *State v. Schumake*. In that case, a young girl was tubing and drowned after she was sucked into a hidden culvert. Her family was able to prove that the State Park where this occurred was aware of the culvert, knew that other persons had nearly drowned there recently, and did not thing to remedy the danger or warn the girl. Another example is where a trucker knew he had badly worn tires and told his employer about this issue, but was instructed to drive from Texas to Illinois anyway. When a blowout caused an accident, the court upheld a finding gross negligence. Again, this is a much higher standard than an ordinary negligence allegation.

So, landowners, take a deep breath and know that so long as you do not act with gross negligence or intentionally harm a trespasser on your land, you will not be held liable.

But...note that not being liable and not being sued are two separate things. Although a landowner may be able to win a lawsuit filed by an injured trespasser, the legal costs to do so would likely be borne by the landowner. Because of that, I always recommend that every landowner carry a liability insurance policy. How much coverage one needs depends on the level of risk involved with the property. If a person owns a ranch in the middle of nowhere, he or she might need less insurance coverage than a person who owns a place near town and runs a pick-your-own pumpkin farm. Visit with your insurance agent to determine the right level of coverage for your operation.

The dryland wheat crop is hanging on by a thread, of sorts.

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Contact: Dr. Qingwu Xue, 806-354-5803, QXue@ag.tamu.edu

Root development on wheat plants is making a difference in this drought year in the High Plains. Thread-like roots developed last fall from the wheat seed have reached deep into the soil profile to tap moisture stored after abundant summer and fall rains, according to a Texas A&M AgriLife Research crop stress physiologist in Amarillo.

The root function of wheat plants is very important under dryland conditions, said Dr. Qingwu Xue. Those fall-developed roots are keeping plants alive as they await seasonal rainfall, even under extended drought conditions.

“This season has provided us a very good opportunity to evaluate the drought tolerance among wheat cultivars and dryland wheat management,” Xue said. “If you look at the dryland wheat around Bushland, you will see the plants are still alive, in spite of the fact we have not had any significant rainfall for about six months.” He said while some plants are showing water stress, many are still looking strong above ground.

https://www.youtube.com/watch?v=v_rR4doi yok&feature=youtu.be

Dryland Wheat Crop Hanging On

“But if you pull the plant up, you will not find many crown roots,” Xue said. “So you might ask, ‘How are these plants surviving with no visible roots?’ Seminal roots that developed from the seeds last fall, that’s pretty much what has kept the dryland wheat plants alive.” He said the seminal roots can go down 3 to 4 feet deep to tap the soil water reservoir. Dr. Qingwu Xue, Texas A&M AgriLife Research crop stress physiologist, shows the difference in root development and plant growth between wheat cultivars.

“Last summer and fall we received above-average rainfall,” Xue said. “That water is still available down deep and allowing the plants to survive, even under extended long, dry conditions.”

Within the dryland wheat plots and fields, he said a difference can be seen in the root development among cultivars, and that is important in monitoring for drought resistance.

A little rain a few weeks ago provided enough of a boost for some cultivars to show growth of the crown roots once again, and that is also being reflected in the aboveground growth.

“These plants will have a better survival chance and will probably have a better yield under dryland conditions than those on which the crown roots have almost disappeared,” he said.

Xue said one of the AgriLife Research dryland wheat fields received less than an inch of irrigation a week ago and has demonstrated rapid development of crown roots, as well as aboveground growth.

“This just demonstrates the importance of the roots for wheat production under water-limited conditions. They help it survive until the seasonal rains come,” he said. “In the coming weeks, if we get a little bit of rain, it will help the dryland wheat to remain productive.”

Xue said he also noted a planting-date difference on wheat performance under this year’s drought conditions. Fields planted in September used up the stored soil water faster and thus are shorter and not as strong as those planted in November, which are still thriving on stored moisture in the deep profile.

“The difference in this year and previous years,” he said, “is while we have had a very long period of dry conditions on the top soil, we still have plenty of water in the deeper soil profile and this is helping the plants survive.

“If you have a very good soil-water profile to start with, you have a better chance of developing the root system critical to surviving an extended period with no seasonal rains,” Xue said.

Palo Pinto County Land & Cattle Conference

Friday, May 18, 2018

**Palo Pinto County
Extension Office**

221 S. 5th Ave, Palo Pinto

Registration - 8:00 a.m.

Program - 8:30 a.m.- 3:00 p.m.

2 Hours TDA Pesticide Credit

Program Fee & Meal

Sponsored by

Palo Pinto County Farm Bureau

**Please RSVP by May 15th to
940-659-1228**

Conference Presented by

Program Topics

Cattle Vaccinations

Dr. Veronica Flores
*Texas West Animal Health
DVM*

Estate Planning

Dr. Jason Johnson
*Texas A&M AgriLife Extension
Extension Economist*

**Water Conservation increasing soil
moisture, no till, leaving cover**

Myron Merz
*USDA, NRCS
District Conservationist*

Land Owner Liability

Mr. Reed Coates
*Texas Farm Bureau
Underwriter*

Predator Control

Dr. John Tomecek
*Texas A&M AgriLife Extension
Wildlife Specialist*

Fly Control

Dr. Sonja Swiger
*Texas A&M AgriLife Extension
Assistant Professor & Extension Entomologist*



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The members of Texas A&M AgriLife will provide equal opportunities in programs and activities, education, and employment to all persons regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity and will strive to achieve full and equal employment opportunity throughout Texas A&M AgriLife.

The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating

Persons with disabilities who plan to attend a meeting and who may need auxiliary aids or services are required to contact Texas A&M AgriLife Extension Service - Palo Pinto County at 940-659-1228 ten working days prior to the meeting so appropriate arrangements can be made.

