

## Pesticide Disposal Collection Aug. 18



A pesticide disposal collection will be held Monday, Aug. 18, 8 a.m.–Noon at the Farmers Cooperative Company fertilizer plant on North 148th Street, Waverly. All types of pesticides will be accepted except those in pressurized cylinders.

No appointment is needed and there is no charge for turning in less than 1,000 pounds of pesticides. There is a charge of \$1 per pound for each pound of product over 1,000 pounds. If you plan to turn in quantities of 1,000 pounds or more, contact Rich Reiman in advance at 471-2394 to make arrangements.

Pesticides should be brought in their original containers with label intact, if possible. Remember to protect yourself and your surroundings when handling waste pesticides. You may need to wear personal protective equipment or, as a minimum, unlined neoprene gloves.

The Nebraska Department of Agriculture, University of Nebraska Cooperative Extension, Nebraska Fertilizer & Ag Chemical Association, Nebraska Department of Environmental Quality, and the Environmental Trust Fund are sponsoring pesticide collections at nine sites across Nebraska.

It is anticipated there will not be any pesticide collections in 2004 due to budget constraints. This may be the last opportunity to dispose of unwanted pesticides for some time.

For more information, contact the NDA at (402) 471-2394, NU's Pesticide Education office at (402) 472-1632, or visit online at <http://pested.unl.edu/pat>.

## Fertilizing Crop Land with Biosolids

### An Educational Workshop about Lincoln's Biosolids Program



Tuesday, Sept. 30 • 3:30–8:30 p.m.

At this workshop you will learn:

- How wastewater is processed and made safe for application
- How regulations determine application rates and locations
- How GPS and GIS technology is used in Lincoln's Biosolids Program
- How you can reduce your out-of-pocket fertilizer costs
- Biosolids improves soil tilth, especially on poor or eroded soil
- Biosolids increases organic matter and water holding capacity
- Biosolids usually increases crop yields for several years after just one application.

Meet at 3:30 p.m. at the Lancaster Extension Education Center, 444 Cherrycreek Road, and travel to the Theresa Street Wastewater Facility at 4 p.m. for a tour. Educational program is back at the Lancaster Extension Education Center from 6–8:30 p.m.

Please preregister for this workshop before Sept. 26 by calling 441-7180. (BPO)

## Deadline Approaches to Terminate Verbal Farm Leases

Generally, the turnover rate for rental land is very small in Nebraska, averaging about 8 percent. On average, leases on agricultural land run for 15 years. This reflects the high level of communication between landowners and tenants and the high regard most landowners have for the ability of their tenant to produce top yields while being a careful steward of the land. Usually changes that occur are because of producer downsizing or expanding. Only in a few cases does a landlord terminate a lease because of poor management practices.

Under Nebraska law, oral (unwritten) leases are legally presumed to be year-to-year leases. A year-to-year lease has no fixed time period and is automatically renewed for another year until proper notice has been given to the tenant by the landowner (or vice versa) that the lease is terminated.

Written leases are in effect only for the period specified in the lease itself, which may be one year, five years, etc. For written leases, no notice is

required from the landlord to the tenant that the lease will not be renewed unless the lease specifically states that notice of termination is required. Unless it contains a renewal clause, the lease automatically terminates at the end of the lease period. The tenant generally has no right to have a written lease renewed unless the lease contains a renewal clause.

If a tenant "holds over" by not leaving after a written lease has ended, the tenant is legally considered to be a trespasser whom the landlord may remove by going to court. If the landowner does not remove the tenant, however, a year-to-year lease is automatically established by implication. If a holdover tenant begins to work and incurs expenses for the next year's crop, the courts generally have ruled the landowner has agreed by implication to the tenant's holding over.

The most common legal issue associated with verbal farm leases is how a lease may legally be terminated. For year-to-year leases and holdover leases, six

months advance notice must be given to legally terminate the lease. However, the lease date (the date from which the six months is counted) is different.

**Oral year-to-year lease termination.** For year-to-year leases, the Nebraska Supreme Court has ruled the lease year begins on March 1. Notice to a tenant to vacate under an oral year-to-year lease (legally referred to as a "notice to quit") must be given six months in advance of the end of the lease, or no later than August 31.

**Holdover lease termination.** On holdover leases, the lease date is established when the lease began in the original written lease rather than automatically being March 1. If the original written lease began Jan. 1, the notice to quit from the landlord to the holdover tenant would have to be given at least six months in advance of the end of the lease, or no later than June 30.

To make a lease termination process go smoothly, follow these tips:

see *FARM LEASES* on page 11

## Nebraska Fence Viewer Statutes Cover Fence Issues

An old proverb states, "Good fences make good neighbors." While this is generally accepted as a true statement, who must pay the cost of the fence constructed between two neighbors? Nebraska law addresses the subject of fences between neighboring properties. David Aiken, University of Nebraska water and ag law specialist, has written extension publication "Nebraska Fence Viewer Statutes" (NF98-390). The following information is based on this publication.

Nebraska statutes provide

that a person may collect a portion of the cost of a division fence from the neighbor if the statutory fence viewer procedure is followed. Under the fence viewer procedure, if one or both parties desire a division fence, the cost of construction and maintenance of a lawful fence shall be borne by both landowners. The law defines a lawful fence. Six basic fence types, including minimum standards for construction materials and post spacing, are described in detail within the statute.

The law further describes how disputes are to be settled. Either party can request the county clerk to call a panel of fence viewers to settle disputes. The duty of the fence viewers is to distinctly mark and define the proportion of the fence to be made or maintained by each party. The qualifications of the individuals on the fence viewer panel are carefully spelled out in the statute.

Nebraska Fence Viewer Statutes can be picked up at the local extension office or accessed on the Web at: [www.ianr.unl.edu/pubs/farmmg/nf390.htm](http://www.ianr.unl.edu/pubs/farmmg/nf390.htm). (TD)

### WEST NILE VIRUS NEWS

## West Nile Virus is of Concern to Horse Owners During the Summer

Summer weather brings out the mosquitos and with them comes the increased potential for horses to contract West Nile Virus. First documented in the United States in October 1999, West Nile Virus is an arbovirus transmitted by mosquitos. It typically affects birds, horses and humans, but any type of mammal is susceptible. West Nile Virus is generally spread when an infected bird, such as a crow or blue jay, is bitten by a mosquito. When that mosquito bites horses, humans or other mammals, they can come down with the virus. It's not spread by person-to-person contact.

Some of the neurologic signs present in horses that

have contracted West Nile Virus include loss of coordination, stumbling, muscle tremors and even death. There is no reason to destroy a horse infected with the virus. Many horses have recovered from it.

There is no treatment for West Nile Virus, other than standard veterinary practices used on animals infected with any other virus. However, there is a vaccine available that may help prevent the virus but must be given by a veterinarian. The initial vaccine is a two shot series given three to six weeks apart. Both injections must be given to provide protection from West Nile Virus. Maximum protection occurs four weeks after the second shot. Foals may be vaccinated at 12 weeks of

age and require a second dose three weeks later. If foals are vaccinated prior to 12 weeks of age, a three dose series is recommended.

Another way to help prevent West Nile Virus is to control mosquitos. This can be done by eliminating standing water, decreasing exposure and using repellents and insecticides. To help prevent mosquitos from affecting horses, avoid turning on lights in the stable during the evening and overnight. Place incandescent bulbs at the perimeter of the stable to pull mosquitos out of the barn. Remove all birds, including chickens close to the stable.

SOURCE: Kathy Anderson, Ph.D., extension horse specialist, NU/IANR (TD)