



K-State Research and Extension and the College of Agriculture

Think Ahead, Prepare Bins Before Wheat Harvest

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Producers who plan on storing their own wheat need to prepare grain bins and equipment in advance. Although they take a little extra work, such precautions pay dividends later by assuring good grain quality.

Start by checking the bin site. Clean up and dispose of spilled grain at least four weeks prior to harvest. Spilled grain often harbors insects and rodents. In such situations, eliminate them by using fumigants, baits or traps. Tall weeds and grass also harbor insects and rodents and should be kept mowed. If necessary, re-grade the site so water can readily drain away from the bin foundation. Good drainage and well-graveled travel lanes help prevent delays when grain needs to be unloaded from a wet site.

The next step is to check the bin's electrical wiring and controls. Aeration is an important part of the cooling process as it helps reduce mold and insect activity. Wiring for fans and other electrical components should be inspected for corrosion and cracked, frayed or broken insulation. Any exposed wiring should be run through waterproof, dust tight conduit and all connections secured. It isn't unusual for mice to nest in control boxes and cause electrical damage. If rodent damage is apparent, clean and repair or replace the affected electrical components and seal over knock-outs and other openings that allow rodent entry.

In addition to the electrical system, check fans, heaters, transitions and ducts for corrosion and damage.

Remove any accumulated dust or dirt that will reduce the operating efficiency and be sure all bin and duct connections are tight to prevent air leaks.

The bin and its foundation should be inspected for structural problems and repaired as needed. Check the roof, roof vents and access hatch for leaks, loose or sheared bolts and corrosion. The access ladder should be securely fastened to the bin as well.

Old grain may be moldy or harbor insects. Therefore, never put new grain on top of old grain. Make sure the entire bin is free of old grain by using a broom and shop vacuum. Empty bins also should be kept clean to prevent insect infestations that could eventually migrate to the bins in use. Once a bin is clean, it is recommended producers treat the bin with insecticides at least two weeks before adding grain, paying special attention to joints, seams, cracks, ledges and corners.

If you have had infestations of insects in your stored grain in the past, it may be wise to fumigate the empty bin, especially if old grain dust could accumulate under the drying floor. However, not all products are suitable for all types of grain. Check product labels and consider hiring a commercial pesticide applicator certified in safe fumigant handling and application techniques to do the job.

Finally, in addition to preparing bins and the surrounding area, look over harvesting equipment including combines, truck beds, grain carts and augers. Remove all traces of old grain. Even small amounts of moldy or infested grain left in equipment can contaminate a bin of new grain.

Pesticide Container Recycling Program

For 14 years, University of Nebraska-Lincoln Extension has been coordinating a recycling program for plastic agricultural pesticide containers. All containers must be inspected to make sure that they have been properly rinsed, with the caps and labels removed before they can be placed in our trailer. (Paper labels one layer thick may remain on the containers.) We will accept all sizes of agricultural pesticide containers, including 30 gallon plastic drums.



Containers may be brought to the UNL Extension in Lancaster County office, 444 Cherrycreek Road, Lincoln, during business hours 8 a.m. to 4:30 p.m. Monday-Friday, EXCEPT for the weeks of July 2, July 16 and July 23. Please call ahead at 441-7180 to ensure someone will be available to inspect and accept the containers before you come.

Two remote collection dates have been arranged in cooperation with Farmers Cooperative Company. **Our semi-trailer will be manned on Friday, June 29, 9 a.m.-Noon in Waverly at the east elevator on 148th Street and on Friday, Aug. 10, 9 a.m.-Noon in Bennet at the Co-op headquarters.**

The material is currently being recycled into plastic posts, industrial pallets, field drain tiles, speed bumps, railroad ties and parking lot tire stops.

New State Law Changed Fence Viewer Process

In Nebraska, if I wanted to make a neighbor pay for part of a division fence, I could ask him or her to do so. For over a century, if they refused, I could have requested fence viewers to determine how much of the division fence each neighbor should pay for. Now, if I want to do that, I must go to court. I can also build the fence myself and assume full responsibility for the costs of construction and maintenance. Ideally, neighbors should have a written agreement (filed with the real estate deeds) identifying how the costs of building and maintaining the fence will be shared. But written fence agreements are rare.

LB108 made major changes to the Nebraska division fence statutes. It was enacted by the Unicameral on March 1, 2007 and became law one day after it was signed by Gov. Heineman. Under prior law, if neighbors could not agree on what type of fence to build, how to maintain the fence and/or how to pay for it, either neighbor could have requested a fence view. The three-person fence view committee was appointed by the local county clerk. The fence viewers determined what type of fence should be built and how construction and maintenance costs would be shared. Typically, fence viewers established a portion of the fence for each neighbor to maintain. The rule of thumb was for neighbors to face each other in the middle of the fence and to each take care of the fence to their right. If either landowner objected, they could appeal to district court.

If the neighbors can agree on division fence issues, or where one neighbor owns and maintains the entire fence, LB108 does not apply.

LB108 made several changes to the division fence statutes. First, the entire fence viewer process has been replaced with a mediation and litigation process. A court order is now required to go onto a neighbor's property to remove trees, buildings and any other obstacles or personal property without the owner's permission. If both neighbors have livestock, they will divide the fencing expense equally; otherwise, each neighbor would pay "a just proportion" as determined by agreement, through mediation or in court. Finally, the obligation to pay for part of a division fence would apply only if at least one of the land parcels is zoned agricultural or horticultural, or if both parcels are used for agricultural or horticultural purposes.

LB108 is a significant revision to longstanding Nebraska division fence statutes. Under LB108, the division fence provisions will continue to apply only where neighbors cannot agree regarding division fence construction and/or maintenance, or where one neighbor wants to make the other neighbor share the division fence costs. If the neighbors can agree on division fence issues, or where one neighbor owns and maintains the entire fence, LB108 does not apply.

Under LB108, if both neighbors will use the division fence to confine livestock, they will equally divide the expense of the division fence. Under prior law, the decision regarding how much each neighbor should contribute towards the division fence was made by fence viewers. Under LB108, if one

neighbor has livestock (or if neither have livestock), each neighbor is responsible for an undetermined "just proportion" of the division fence cost. Under LB108, what is a just proportion would be determined either through mediation or in court.

Under prior law there were no restrictions on how land subject to a fence view was used. Under LB108, at least one land parcel must be zoned agricultural or horticultural, or else both land parcels must be used for agricultural or horticultural purposes. Under LB108 fencing disputes between an agricultural producer and an acreage owner or a town resident are addressed through the fencing mediation-litigation process only if the farmland is zoned agricultural. In unzoned counties, if one parcel is not used for agricultural or horticultural purposes, the division fence statutes do not apply. Disputes between ag producers and acreage owners (or town residents) could be addressed in zoned counties if the agricultural land is in an agricultural zoning district, but cannot be addressed in unzoned counties (of which there are still a handful in Nebraska). Under LB108, there is no automatic right of contribution for division fences in these unzoned counties unless both land parcels are agricultural or horticultural. Acreage owners and town residents in unzoned counties are not required to pay for part of the ag neighbor's division fence, and cannot receive a forced contribution from their ag producer neighbor if they install a division fence.

Where the division fence statutes apply to a fencing dispute under LB108, a landowner is entitled to enter the adjacent land to construct or maintain a division fence without the neighbor's permission, but only to the extent that such access is "reasonably necessary" to allow the neighbor to build, repair or maintain the fence. However, if the neighbor doing the fencing construction, repair or maintenance is going to remove trees, buildings, other obstacles or personal property, that neighbor needs the owner's permission or a court order.

The LB108 fencing dispute process is initiated by giving written notice to the neighbor that the landowner wishes to build, maintain or repair a division fence and wants the neighbor to share the cost. If the owner receiving notice agrees, the owner sending the notice can proceed with the fence construction, maintenance or repair. If the person receiving the notice fails to respond or refuses the request, the landowner sending the notice may file a lawsuit in county court on a form provided by the state court administrator. The defendant will receive a notice of the lawsuit, and the county court will order the parties to attempt voluntary mediation to resolve the fencing dispute. If the defendant fails to appear in court, the defendant would lose by default. If either party declines mediation, the case proceeds to trial as an ordinary civil lawsuit.

LB108 was introduced primarily because Nebraska counties requested that county clerks be removed from the former (sometimes contentious) fence viewer process. LB108 encourages voluntary resolution of division fence disputes, and also provides for direct court action if voluntary dispute resolution fails. In such cases, Nebraska judges will be resolving division fence disputes instead of citizen fence viewers.

Source: David Aiken, Professor (UNL Water and Ag Law Specialist)