

TITLE 25
ANIMALS

CHAPTER 23
ESTRAYS

25-2301. STRAY OR ESTRAY DEFINED. Stray or estray means any livestock whose owner is unknown or cannot be located, or any livestock whose owner is known but who permits livestock to roam at large on public or private lands contrary to law or regulation and without permission.

[I.C., sec. 25-2301, as added by 1976, ch. 88, sec. 2, p. 299.]

25-2302. DUTY OF SHERIFF OR BRAND INSPECTOR. When a sheriff or brand inspector finds stray livestock or stray livestock are reported to him, he shall attempt to locate the owner and to notify the owner where the livestock may be found. If the owner refuses to, or does not take possession of the livestock within five (5) days after being notified of the location of the livestock, or if the owner is unknown or cannot be located, the sheriff or brand inspector shall seize the livestock or have some person hold and care for the livestock on behalf of the sheriff or brand inspector and the sheriff or brand inspector shall proceed to sell the livestock at a local public livestock market as provided for by law to the highest bidder for cash, after giving at least fifteen (15) days public notice of the sale.

[I.C., sec. 25-2302, as added by 1976, ch. 88, sec. 2, p. 299.]

25-2303. NOTIFICATION. If a recognized brand or mark is found on stray livestock, the owner shall be notified by the best method available. If an unrecognized brand or brands or other marks are found on stray livestock, the local brand inspector or the state brand board shall be notified by the best method available.

[I.C., sec. 25-2303, as added by 1976, ch. 88, sec. 2, p. 300.]

25-2304. NOTICE OF SALE. Notice of the sale shall be given by advertising the stray livestock for sale at least twice in a daily newspaper of general circulation in the area where the livestock was found and is being held. The notice shall describe the livestock by giving number, marks, brands, approximate age, sex and any other distinguishing characteristics, and the notice shall describe when and where the livestock will be sold.

[I.C., sec. 25-2304, as added by 1976, ch. 88, sec. 2, p. 300.]

25-2305. NOTICE OF SALE TO OWNER. If the owner of the stray livestock is known and can be located, a copy of the notice of sale shall be served upon the owner at least fifteen (15) days before the date of the sale. Service of the notice may be made by certified or registered mail.

[I.C., sec. 25-2305, as added by 1976, ch. 88, sec. 2, p. 300.]

25-2306. CLAIMING OF STRAY LIVESTOCK. The owner of the stray livestock may take possession of the livestock at any time prior to sale by proving ownership and paying the costs relative to taking up and caring for the animal or

animals and the costs of advertising, inspection, etc., as set forth in section [25-2309](#), Idaho Code.

[I.C., sec. 25-2306, as added by 1976, ch. 88, sec. 2, p. 300.]

25-2307. REMOVAL WITHOUT PAYMENT PROHIBITED. Removal of the estray livestock from the custody of the sheriff, brand inspector or any person holding the estray livestock for the sheriff or brand inspector without payment in full of all charges or costs that have been incurred under this chapter shall be a misdemeanor and the livestock may be recovered to be disposed of as provided for by this chapter by the sheriff, brand inspector or person authorized by either of them to hold the estray livestock.

[I.C., sec. 25-2307, as added by 1976, ch. 88, sec. 2, p. 300.]

25-2308. SALE OF UNCLAIMED ANIMALS. If the owner of stray livestock does not claim the animals before the day of sale or if the owner is unknown or cannot be located, the sheriff or brand inspector shall have the livestock sold pursuant to the notice of sale and shall execute and deliver a brand inspection certificate to the purchaser, stating that the livestock has been sold as estray to the purchaser, which certificate may thereafter be used by the purchaser to show ownership of the livestock sold.

[I.C., sec. 25-2308, as added by 1976, ch. 88, sec. 2, p. 301.]

25-2309. CHARGES FOR CARE, ADVERTISING AND SALE. The sheriff, brand inspector or person authorized by either of them to feed and care for stray livestock shall receive all actual expenses incurred; but food and care shall not be charged at a rate to exceed two dollars (\$2.00) per head per day for cattle and horses nor more than seventy-five cents (75¢) per head per day for other animals from the time that the sheriff or brand inspector is notified that the livestock has been taken up as estray. The sheriff or brand inspector or livestock market shall receive like costs for any time during which the livestock are in their possession. The sheriff or brand inspector may also charge and receive mileage and inspection fees for inspecting any estray livestock for the purpose of determining ownership of the livestock at the rates provided for by law or regulation. Also, standard fees shall be payable for sale by the livestock market and for health and brand inspection and assessments or taxes for sale of livestock as provided for by law.

[I.C., sec. 25-2309, as added by 1976, ch. 88, sec. 2, p. 301.]

25-2310. DISPOSITION OF WORTHLESS ESTRAYS. If in the judgment of a sheriff or brand inspector estray livestock is of no value or its value would be less than the cost of feed, care and sale of the livestock under this chapter, the sheriff or brand inspector may dispose of the livestock by private sale or by slaughter. If the owner of such livestock is known, he shall be personally notified of the proposed disposition of the livestock at least three (3) days before the livestock is privately sold or slaughtered. The owner may claim such livestock by paying the expenses incurred against it.

[I.C., sec. 25-2310, as added by 1976, ch. 88, sec. 2, p. 301.]

25-2311. SALE BY BRAND INSPECTOR. If the estray livestock is sold by a brand inspector, he shall immediately advise the state brand inspector of all the particulars of the matter and account for the proceeds and forward the net proceeds of the sale to the state brand inspector to be placed in the unclaimed livestock account, to be handled as provided for by sections [25-1173](#) and [25-1174](#), Idaho Code, and the rules and regulations of the state brand board. The previous owner of the animal may make claim for the net proceeds as provided for by sections [25-1173](#) and [25-1174](#), Idaho Code.

[I.C., sec. 25-2311, as added by 1976, ch. 88, sec. 2, p. 301; am. 1988, ch. 75, sec. 42, p. 131.]

25-2312. SALE BY SHERIFF -- SUBSEQUENT CLAIMS. If the estray livestock is sold by a sheriff, after deducting the costs provided for by this chapter, particularly by section [25-2309](#), Idaho Code, the net proceeds of the sale shall be forwarded to the county treasurer and the county treasurer shall hold the proceeds of the sale for six (6) months. At any time within the six (6) month period, any person claiming to be the owner of the animal sold may recover the net funds of the sale from the county treasurer by producing proof that the animal or animals were his property. Said proof shall be made before the sheriff who made the sale or his successor in office and for such purpose the sheriff is empowered to administer oaths to the claimant or his witnesses. Upon making such proof, the sheriff shall give the claimant an order on the county treasurer, which order shall be retained until the six (6) month period has expired. If such claimant is the only person claiming the livestock, the county treasurer shall turn over such moneys to the claimant. If, however, there be more than one claimant for said moneys, then such contesting claimants must bring an action within three (3) months to determine who is the owner of the livestock sold. The action shall be brought in the magistrate or district court having jurisdiction of the matter. The claimant receiving judgment in his favor shall be entitled to said moneys. In case the ownership of the livestock be not proved, or there are no claims as to the ownership of such livestock within the time provided, then the moneys in the hands of the county treasurer shall be forfeited to the school district where said animal or animals were taken up and shall, by the county treasurer, be turned over to such school district for the use of the school district.

[I.C., sec. 25-2312, as added by 1976, ch. 88, sec. 2, p. 302.]