

Struggles over Nevada’s Public Range: The War on “Tramp” Shepherders, the Taylor Grazing Act, and the Emergence of Basque Identity in the First Half of the Twentieth Century

Iker Saitua

1. Introduction

In April 1927, after the shearing season, Nevada rancher Pete Itcaina sold his annual wool-clip of about fifteen thousand fleeces at 30 1/8 cents a pound. The *Salt Lake Tribune* reported “the price was the top for this year’s clip.”ⁱ For the last few years, Itcaina’s high-grade wool commanded premium prices at the market. Immediately after selling his wool crop, Itcaina expanded his sheep operation by purchasing additional land in Elko County (Nevada). He bought a large tract of grazing land extending from Cross Ranch above Deeth to the head of Mary’s river where he planned to run 20,000 head of sheep in ten separate herds.ⁱⁱ

By the late 1920s, Pete Itcaina, a naturalized Basque immigrant, had become a prominent and respected sheepman in Nevada. Like many other Basque immigrants, he had worked his way up an agricultural ladder from a hired wage sheep laborer to an independent landowner.ⁱⁱⁱ Since his arrival in 1900, he had learned every aspect of the business. He gradually amassed titles to extensive lands and increased the size of his herd. He kept investing in infrastructure, claiming and buying land, as well as securing a labor supply from the Basque Country. Itcaina’s success was grounded upon hard work, great dedication, and commitment to his business. But despite his success, he struggled with contemporary issues and challenges connected to the open-range sheep industry in northeastern Nevada, arising from disputes over access to ranges and water.

In February 1927, as part of a broader contract, Pete Itcaina had a verbal agreement with John Marble, a land speculator from California, to graze his sheep on the lands outside of Hank Creek Basin upon which Marble had a long-established customary right. In March 1933, Marble filed a complaint against Itcaina for unlawfully grazing large numbers of sheep on portions of the public range within the Hank Creek Basin on several occasions. An examination of *Itcaina v. Marble* illustrates how overlapping interests in the range and water claims made for an unstable situation on Nevada's public ranges, before Congress extended a grazing control program to the public-domain lands with the Taylor Grazing Act of 1934.

2. From Shepherd to Sheepman: Pete Itcaina in Northeastern Nevada, 1900-1920

Born on January 14, 1881, Pedro Itzaina (later he would adopt the name Pete Itcaina) grew up in the rural town of Aldudes (Lower Navarre) in the French part of the Basque Country. In 1900, Itcaina immigrated to Nevada and found employment as a shepherd in Carson Valley. He soon formed an unsuccessful livestock partnership with another Basque immigrant in Gardnerville. From there, Itcaina moved to Elko where, after working briefly for Lou Bradley's Union Land and Livestock, he homesteaded a property at Stag Hill, close to Charleston (Nevada).^{iv}

In March 1909, Pete Itcaina and his brother John formed a sheep outfit in Elko County. They first acquired title to 640 acres of land that offered access to the plentiful public-domain free range in northeastern Nevada. Like their predecessors, they sent for cheap and dependable labor from their village in the Basque Country among their family and neighbors. Despite his playful sense of humor, Pete exercised strict and demanding work requirements from Basque ranch workers. Between the 1910s and

1950s, according to Elko County writer and historian Louise A. Ulph, Pete Itcaina “controlled his kingdom with an iron hand. Some herders were kept constantly on the range with never a break to come to town.”^v

By 1920, the Itcaina brothers amassed a land empire with considerable wealth in northeastern Nevada. They progressively acquired large amounts of land from private sources and public domain from the U.S. General Land Office. In March 1911, Pete Itcaina bought 1,280 acres of land from Daniel and Gregoria Sabala. A few months later, in June 1911 he bought 160 acres of land and in 1913 another tract of 160 acres of government land. In the summer of 1916, Pete acquired in the name of his wife, Augustina, another 320 acres of public land which increased significantly the family estate. Furthermore, he bought the Mary’s River Ranch, 320 acres, and negotiated with the U.S. Forest Service for the grazing permits traditionally allowed to the ranch.^{vi} By the late twenties, Pete Itcaina was one of the most prosperous sheep ranchers in northeastern Nevada. With over twenty thousand sheep and up to two thousand cattle, Itcaina operated his livestock business upon both private and public-domain lands.^{vii}

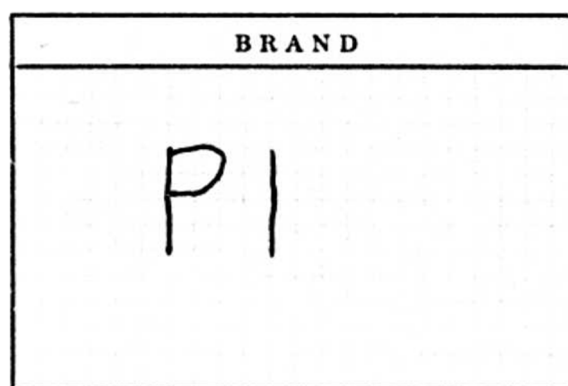


Figure 1. In the early 1940s, the “PI” livestock brand symbolized Pete Itcaina’s wealth. Source: Pete Itcaina, 17 December 1940, File no. 74811, Stock Brands, Recorder Office, Elko County Courthouse, Elko, Nevada.

By the turn of the century, the situation on Nevada's ranges desperately called for a more orderly system of range resource use. Both local ranchers and conservationists defended the idea that transient sheepherders were detrimental to agricultural development, permanent stock-raising and the public interest. By then, the Basque had become a synonym for landless and tramp sheepherders. Conflicts over grazing on federal lands gave rise to the archetypal image of the Basque "tramp sheepman" that would persist for years in the collective imagination, despite the fact that there were already many Basques who owned land.^{viii} Pete Itcaina represented one of those Basque ranchers whose farming careers would eventually help to dignify the Basque immigrant community in the American West.

3. Non-Privatized Public-Domain Lands in Nevada and Its Problems in the Early Twentieth Century

In the early 1900s, public-domain ranges in Nevada encompassed all grazing lands not under private ownership. This meant that the federal government owned over ninety percent of a range that was free and open, except for the customary regulations imposed by local range users or ranchers (see Figure 2). After 1905, the U.S. Forest Service had established a range control program in new National Forests which mostly affected higher mountain ranges. National Forests within Nevada were affected by this range control, but Nevada's public domain essentially remained unregulated. The vast public grazing lands beyond the Forest Service's regulations continued to present problems of range-use within the state; conflicts that neither state government nor ranch organizations could adequately address.^{ix}

[Figure 2]

Figure 2. Map of Nevada, 1932, showing distribution of land ownership and use. Reproduced from Elmer O. Wooton, *The Public Domain of Nevada and Factors Affecting Its Use*, USDA Tech. Bull. 301 (Washington, D.C.: Government Printing Office, Apr. 1932). Courtesy of Special Collections Library, University of Nevada, Reno.

Itinerant sheepherders still moved into Nevada from outside the state. Some overwintered feeding on white sage or by utilizing their winter fat reserves. Conflicts between local ranchers and itinerant herders tending thousands heads of sheep owned by absentee companies became commonplace in the 1920s. Some advocated expanding Forest Service range regulations to the public-domain grazing lands as the solution to halting sheep itinerancy and the prospect to stabilize grazing practices on the range. Cattle interests were particularly displeased with the chaotic grazing situation on the open-range lands of Nevada beyond Forest Service boundaries.^x

The Forest Service's range regulation began studies on forage resources in relation to livestock grazing in order to determine an optimum economic use of the ranges. The Forest Service evaluated and made decisions on range management based on the "carrying capacity" of the ranges as determined by the availability and conditions of range forage. The Forest Service's implementation of grazing fees associated with the issuing of permits on the number of stock grazed generally favored cattle permits, but sheep operations were not excluded, although there were complaints to the contrary.^{xi} During and after the Great War, state and national representatives became increasingly irritated and frustrated about the uses of the still open rangelands. The Stock Raising Homestead Act of 1916 tried to promote homesteading on the lands with

parcels of 640 acres, but only resulted in further monopolization of the lands by large outfits. The amount of land was still too small for successful homestead ranching.

After the United States entered WWI in April 1917, the state of Nevada witnessed a remarkable expansion of the livestock industry largely based on the wartime demand for wool, mutton, and beef. High prices for livestock meant prosperity. The Forest Service relaxed its regulations to accommodate wartime economic demands permitting increased numbers of stock on the range. For a while in rural Nevada, high stock prices and almost open admission to National Forest range resources quieted range conflicts. During that period, however, an increasing number of newcomers arrived with more sheep bands to share the resources. At the same time established ranchers, be they sheep people or cattle people, raised concerns about non-citizen immigrants possessing grazing permits in the National Forests.

The Great War was followed by a severe depression in the livestock industry in which prices and production dramatically declined. Consequently, many ranchers were forced into bankruptcy. From 1919 to 1922, the post-war crisis was followed by a slow recovery because of a credit crunch which negatively capital investment in the livestock industry, characterized by a reduction of competition and increase in risk. In 1923, the Nevada Legislature passed a livestock branding act through a system of registration of stock-brands under the supervision of the stock inspector. Although the new state branding law served to discourage sheep itinerancy, disorder and conflict marked the public grazing lands beyond the Forest Service's National Forests. In the Grass Valley of central Nevada, in July 1924, Thomas E. Brackney, a prominent rancher of Austin, killed a Basque immigrant shepherd employed by the Sabal Estate and Sheep Company for allegedly trampling his ranch property with his flock.^{xiii}

In the early 1920s, the major problem confronting most of the unregulated public grazing lands of Nevada continued to be itinerant sheepherding. But the Forest Service's refusal to expand its boundaries and Congress's failure to address range problems bothered the cattle graziers of Nevada much more. In the end, according to the cattle owners, the federal government through its indifference passively allowed "tramp" herders to crowd the range and use scarce water sources. As attempts to expand the National Forest lands in Nevada met failure, the state legislature sought desperately to find ways to meet the needs of the local cattle community for protection of the range from roaming sheep bands. Also, some influential voices favored turning the control and management of the public-domain lands over to the states. There was a persisting belief that the immediate threat were the Basque "tramp" herders on the ranges. In 1924, an upshot of the conflicts on Nevada was a novel by Harry Sinclair Drago, *Following the Grass*. It told a dramatic story of Basque sheepherders confronting established cattlemen.^{xiii}

On April 1, 1925, the Nevada legislature enacted a law prohibiting roaming stock bands from being watered at places where "a subsisting right to water more than fifty head of livestock, or within three miles of such place, with intent to graze the live stock (sic) so watered on the portion of the public range readily accessible to livestock watering at the watering place of such other person." The state engineer was directed to issue water rights to claimants whose water sources and ranges would be protected under the 1925 law. Every violator of this state law could be guilty of a misdemeanor punishable by a fine of \$500 or by imprisonment in a county jail for six months (or both). As in previous times, sponsors of the law attempted to discourage out-of-state sheep companies from wintering their bands in eastern Nevada.^{xiv}

The effects of this law were quite limited because sheep could easily seek areas with snowpack water and roam remote slopes accessing springs that cattle could not reach. Some years later, James M. Lockhart, an Elko attorney and rancher, observed cleverly that the major problem was “not for water nearly so much as it is for the grazing land around the water.”^{xv} During the summer of 1925, the first court cases arose under the provisions of the state water act, i.e., the *State of Nevada v. Domingo Ayarbe*.

On June 29, 1925, in the State District Court in White Pine County, Wade H. Parrish, partner of the W. H. Parrish & W. F. West of Ibapah, Utah filed a criminal complaint against Domingo Ayarbe, a Basque sheepman, for watering and grazing more than fifty head of sheep at and surrounding Gravel Spring to which the complainant had a customary right of use and access. According to Parrish, Ayarbe watered and grazed his sheep flock on two separate days “without the right so to do” in this range: first, on Wednesday, June 24; and later, on Saturday, June 27. Upon Parrish’s complaint, D. C. McDonald, justice of the Peace in and for the Ely Township No. 1 of White Pine County, issued a warrant of arrest against Ayarbe. Once he was brought into court, the Basque sheep grazier pleaded not guilty. Trial date was set for July 15. During the trial, Parrish presented certification of his water right appropriation as the primary evidence. Once the evidence was admitted, Domingo Ayarbe testified before the judge arguing the necessity for his access to the water. The court, however, found Ayarbe guilty. Judge McDonald sentenced him to seventeen-and-a-half-days in the county jail in lieu of a \$35 fine.^{xvi}

The range situation remained volatile and unstable outside the National Forest lands in Nevada. After the election of 1928, public range problems drew the attention of the new Hoover Administration in Washington, D.C. In 1929, President Herbert Hoover, as part of his policies to reduce the reach of the federal government, moved to

grant the remaining unoccupied and unclaimed public lands to western states. Hoover appointed the Committee on the Conservation and Administration of the Public Domain which recommended that all remaining public domain be turned over to the western states, but the federal government would not transfer the mineral rights reserving them for national interest.^{xvii}

The Hoover plan met with skepticism from different sectors, including indignant western representatives and governors who objected to the proposal because it only recommended the transfer of the surface of the public domain devoted primarily to grazing and not the underground high-valued mineral rights. Historian E. Louise Peffer wrote that, “there was not a chance in the world that any enactment of the type [land transfer] proposed by the President would result.”^{xviii} Although the land cession never occurred and was rejected, the proposal revealed western states lack of enthusiasm for assuming responsibilities for administering range problems without the reward of mineral wealth.^{xix}

Soon the Great Depression disrupted western livestock markets and production. Amidst the economic chaos and political indecision with regard to public-domain rangelands, the Nevada legislature moved to assert its state police powers over grazing issues on the public domain. On March 30, 1931, the Nevada legislature passed a grazing law “to secure the peaceful and most economical use of the public lands in the State of Nevada for the grazing of live stock (sic).” The law aimed to protect local and customary operators from interference with new outfits. The legislature held that “the unrestricted and unregulated grazing” was detrimental to the public interest.^{xx} The statute sought to protect previously existing traditional and customary uses to bring about order on Nevada’s ranges:

Unrestricted and unregulated grazing of such lands results in an injurious and uneconomical use thereof, as well as in controversies that often lead to breaches

of the peace, all of which is detrimental to the public interest...and the preservation of the peace can best be secured by protecting the grazing uses established by customs based on the experience of the graziers.^{xxi}

The 1931 law was consistent with prior legislation concerning grazing issues on Nevada's public-domain lands and further adopted the following code:

It shall be unlawful to graze live stock (sic) on any part of the unreserved and unappropriated public land of the United States in the State of Nevada, when such grazing will or does prevent, restrict or interfere with the customary use of such land for grazing live stock (sic) by any person who, by himself or his grantors or predecessors shall have become established, either exclusively or in common with others, in the grazing use of such lands by operation of law or under and in accordance with the customs of the graziers of the region involved.^{xxii}

The passage of this law reflected the Nevada legislature's effort to protect the interests of established Nevada ranchers. It hoped to exclude "tramp" sheepherders from public grazing lands outside the National Forests. In absence of federal regulation, the state of Nevada saw a necessity to assert authority under its state police powers to protect use rights for range and water resources even on federal lands. Soon a court case occurred to test the law.^{xxiii}

4. Itcaina vs. Marble

On February 1, 1927, Pete Itcaina entered into a land contract with John Emerson Marble for the sale and lease of land. In 1925, John E. Marble, a land speculator from California, had acquired vast holdings from the Union Land and Cattle Co. before it was dissolved. From Marble, Itcaina purchased 16,360 acres of land, including all water rights and resources, and acquired grazing permits in the Humboldt National Forest. Later, on March 1, in connection with this land contract, Itcaina promised and agreed orally with Marble to graze his sheep on the lands outside of Hank Creek Basin upon which Marble had a long-established customary right. At that time, Itcaina ran about 20,000 sheep on and between his numerous private scattered tracts of land, public range, and permitted National Forest lands. Itcaina's stock was considered

“the largest single herd in Elko county.” Subsequently, Itcaina and Marble reiterated and reaffirmed their oral agreement for a division of the range at several different times—in the months of May 1927, June 1929, November 1929, and June 1931. In 1933, however, Marble sued Itcaina for breaking their oral agreement.^{xxiv}

On March 20, 1933, John Marble filed a complaint in the Elko County courthouse against Itcaina for “wrongfully and unlawfully” grazing large numbers of sheep on portions of the public range within the Hank Creek Basin on several occasions. In violation of their oral agreement, Marble alleged that Itcaina’s employees “without right so to do” grazed and watered over fifteen hundred head of sheep on some portions of the public range within the Hank Creek Basin on the following dates between 1931 and 1932: about May 20, 21, and other days in the grazing season of 1931; on June 10, 23, and other days in the grazing season of 1932. Marble claimed that Itcaina’s sheep caused severe damage to the soil and destroyed vegetation. Itcaina also threatened to repeat his trespass. Since his cattle were dependent upon those sources of water and the forage on surrounding lands in the Hank Creek Basin, Marble declared that his livestock were deprived of grazing in the following season. Marble held that he had a subsisting right for watering more than fifty head of livestock (specifically, fifteen hundred head of cattle) in this range within the Hank Creek Basin. Invoking the 1931 grazing law of Nevada, Marble claimed a customary use right of more than forty-years on the public range that surrounded the watering places that he owned located in the Hank Creek Basin. Later on, Pete Itcaina, for his part, claimed that his workers only went across the Hank Creek Basin with a band of about five thousand sheep and that his Basque shepherders did not know that they were violating the law.^{xxv}

Thereafter, Itcaina’s sheep continued crossing the Hank Creek Basin repeatedly and ignored a court injunction. On June 2, 1934, during the trial against Itcaina, held at

the same time the Taylor Grazing Act was making its way through Congress, Judge E. P. Carville ruled against Itcaina. The Judge considered Itcaina liable for the actions of his Basque workers:

So the Court feels that where an order is made a person can't passively stand by and allow his agents, employees or servants to violate that order and then in the way of putting a cloak around himself state that he didn't know it was being violated and that he had told his men not to violate it.^{xxvi}

Eventually, Judge Carville found Pete Itcaina guilty of three charges of trespassing on different dates in 1934: first, upon his violation between April 26 and May 7; second, upon his violation on May 8; and third, upon his violation on May 9. Judge Carville fined Itcaina \$125 and sentenced him to three days in the county jail.^{xxvii}

Itcaina appealed the decision to the State Supreme Court. Two years later, on March 5, 1936, the Supreme Court determined in plaintiff's favor on the ground that Marble "had acquired a subsisting right to water range livestock at watering places in particular creek basin in sufficient numbers to utilize substantially all of disputed public range, precluding sheep raiser from acquiring any right to such public range under 1925 statute regulating watering of livestock on public land." In this case the court also said, possibly influenced by the 1934 Taylor Grazing Act, that: "Persons raising livestock on public land do so merely by sufferance of federal government and not by any right, and public range land may at any time be withdrawn from such use or use permitted only under government regulations." According to the court, the oral agreement reached between Marble and Itcaina did not set the physical boundaries of the grazing lands. Eventually, the court allotted Pete Itcaina a small rangeland, as well as a right of way to graze across part of the Hank Creek Basin. Although Itcaina lost the case, in retrospective, it revealed Itcaina's right to share the use of public grazing lands.^{xxviii}

The case *Itcaina v. Marble* illustrated the limitations of state efforts to control grazing on public-domain lands in Nevada. Overlapping interests in range and water

claims made for an unstable situation on the public ranges that suggested a never-ending series of court cases in state courts. Due to such instability many welcomed the efforts of the Grazing Service under the authority of the 1934 Taylor Grazing Act to put into place grazing districts under established ranchers.



Figure 3. Pete Itcaina, center, with two unidentified men in downtown Elko (Nevada), circa 1940. Source: File 397-1308, Northeastern Nevada Museum, Elko, Nevada.

5. The End of An Era

In the early 1930s, tensions and conflicts in the public grazing lands of Nevada and other western states stirred congressional attention. In April 1932, a report by agricultural economist Elmer Otis Wooton reinforced the long-standing notion that “nomadic sheep have been the bane of Nevada cattlemen” and the major problem in the state’s public ranges was “the encroachments of ‘tramp’ sheep.”^{xxxix} In his report, Wooton made it plain to the US Congress that in Nevada there existed an urgent and great necessity for federal legislation concerning the use of the public grazing lands.^{xxx}

In June 1934, Congress passed the Taylor Grazing Act which brought regulations to lands outside the National Forests. The Act was a significant step by the federal government toward the regulation of the remaining unclaimed western public-domain lands. As implemented, it sought to organize grazing districts with decentralized administration by delegating powers of decision-making about range matters to the local established graziers. The new Taylor Grazing Act, although implemented local control, oftentimes disturbed customary patterns of sheep grazing. Long-time sheep grazing migration patterns overlapped state boundaries, but the new grazing districts partitioned these transhumance routes disregarding traditional patterns of migration and use (see Figure 4).^{xxxii}

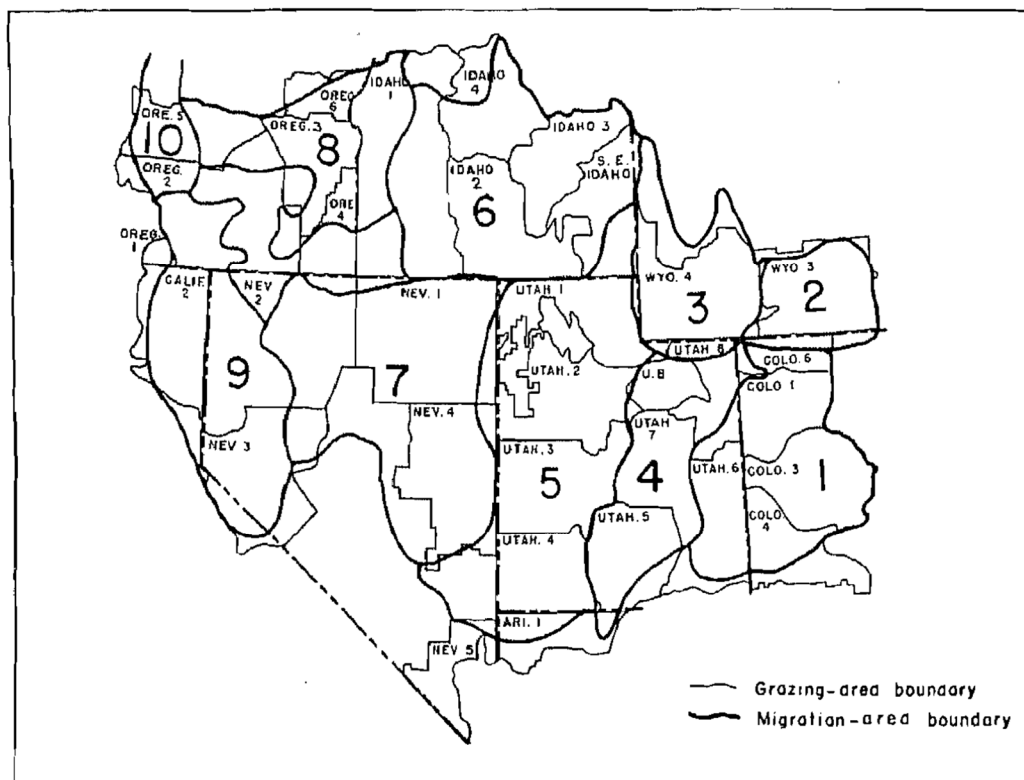


Figure 4. Map of the Intermountain West, 1942, showing generalized sheep migration areas. Source: H. R. Hochmuth, Earl R. Franklin, and Marion Clawson, *Sheep Migration in the Intermountain Region*, USDA Circ. 624 (Washington, DC: Government Printing Office Jan. 1942), 30.

The new administrative system demanded much negotiation and explanations with ranchers. In September 1934, Oscar L. Chapman, Assistant Secretary of Interior, and a group of nine federal officials made a special trip to Reno in order to “make an honest effort to deal justly with all individual livestock interests, whether they are large or small.”^{xxxii} The Taylor Grazing Act had already become popular with established cattle grazers. It offered them a monopoly on range resources and discouraged newcomers. Furthermore, the new federal grazing regime placed more burdens on the sheep industry by subjecting it to control by the new grazing boards in the districts dominated mostly by cattle interests.^{xxxiii}

The Taylor Act was the New Deal’s response to the multiple complaints of the ranching community from Nevada and the entire West about the chaotic grazing conditions on the public domain. In Nevada “tramp” sheepherders, largely associated with Basque immigrants, were iconic actors in this story. Some years later, Kenneth Platt, acting superintendent of the Squaw Butte Regional Range Experiment Station in Burns (Oregon) noted the long and difficult path to range regulation on the public domain: “Farseeing veterans of the open range days who championed the need of range regulations were as voices crying in the wilderness.”^{xxxiv} Of course, contrary to the prevailing assumption, many Basques already owned lands and home properties, which was the requirement for holding grazing permits in National Forests and became a requirement in the new grazing districts.^{xxxv} Some of them were prominent ranchers. Pete Itcaina was a good example.

On June 5, 1959, early in the morning, Pete Itcaina passed away in Elko (Nevada). He was 79. The *Salt Lake Tribune* obituary said: “One of the West’s most colorful characters died... early Friday morning.”^{xxxvi} Some months before, Itcaina had

sold his ranches for about one million dollars.^{xxxvii} Despite his great wealth, he stayed humble and simple all his life. Itcaina was remembered as a dedicated, hard-working sheepman. “He just made money and kept working,” recalled Basque-American Steve Urriola.^{xxxviii} He was proud to be Basque and proud of the nationality of his adopted country. During his sporadic visits into town, he enjoyed drinking and having a good time with his friends in Elko’s downtown bars.^{xxxix}

It is well known that Pete Itcaina once went into the Silver Dollar saloon in Elko and the bartender refused to serve him a drink because he was already inebriated. The next day, offended by this treatment, Itcaina bought the Silver Dollar and fired the bartender. Steve Urriola recalled this as follows:

Pete Itcaina was the kinda (sic) of guy that came to town every six months and he would go on about a three day terror. He would be he would have (sic) a great big police dog in the back of his pick-up that would just stay there and guarded that place. Nobody would get close to that pick up. My cousin John Urriola would buy some hamburger and throw in that pick up so they could. He’s the fellow that went into the hotel down here which is now the Silver Dollar Club and he went in there drunk and the bartender threw him out. The next day he went to the bank and drew amount of money, he went out and found the owner of that bar and he bought the bar and he went out there that afternoon and took that bartender and he threw the bartender out that threw him out the day before.^{x1}



Figure 5. Pete Itcaina, center, among two unidentified men outside the Silver Dollar saloon in Elko (Nevada), circa 1940. He often wore overalls. Source: File 397-1307, Northeastern Nevada Museum, Elko, Nevada.

On the day after Itcaina's death, early Saturday morning, Basques from different corners of the West began arriving at the Reno-Sparks metropolitan area in Nevada. The reason for such a huge crowd of Basque-Americans was the celebration of the first Western Basque Festival, held in both Reno and its sister city, Sparks, on June 6 and 7, 1959. That morning, the sad news of the death of Pete Itcaina quickly spread among Basque-Americans who expressed their sadness on learning of their countryman's death. Despite all the sadness, everything was ready for "the first major interstate gathering of Basques and their descendants in the western states," as

organizers announced it.^{xli} The celebration was not only a noteworthy demonstration of traditional Basque games and dancing, but an occasion that allowed Basque people to declare themselves a legitimate ethnic group in the West.^{xlii}

The following Monday on June 8, around 11 a.m., Pete Itcaina's body was buried at the Catholic cemetery in Elko. Many members of the local Basque community went there to express sympathy and bereavement to his widow Augustine and surviving family members. Many Basques commented about how proud Itcaina would have been to see all the Basque-Americans together celebrating their heritage and cultural contributions to American society at the Western Basque Festival that previous weekend.^{xliii}

Pete Itcaina's death symbolized the end of an epoch marked by the struggle for a positive Basque identity in the American West. The 1933 legal case against Itcaina not only showed Nevada's continuing problems with the free and open range, but also the growing power of the Basque grazing community in Nevada as it accumulated land, wealth, and a place in the larger multiethnic community of the state's polity.

ⁱ *Salt Lake Tribune* (23 May 1927), p. 3.

ⁱⁱ *Nevada State Journal* (18 April 1927), p. 6; *Salt Lake Tribune* (23 May 1927), p. 3.

ⁱⁱⁱ On the concept "agricultural ladder," see: W. J. Spillman, "The Agricultural Ladder," *The American Economic Review*, 9:1 [Suppl.] (March, 1919), 170-79. See also John T. Schlebecker, *Whereby We Thrive: A History of American Farming, 1607-1972* (Ames: Iowa State University Press 1975); David B. Danbom, *The Resisted Revolution: Urban America and the Industrialization of Agriculture, 1900-1930* (Ames: Iowa State University Press 1979).

^{iv} Declaration of Intention, Pedro Itcaina, no. 123, 6 March 1909, State District Court, Humboldt County Courthouse, Winnemucca, Nevada; Lindia Errecart, "Pete Itcaina: Ornerly Millionaire," *Northeastern Nevada Historical Society Quarterly*, 4:1 (Summer, 1973), 15-6.

^v John Itzaina to Pedro Itcaina, 13 April 1909, File no. 3228, Deeds and Title Records, Recorder Office, Elko County Courthouse, Elko, Nevada; Martin Hachquet, Jr., Interview by Iker Saitua, 25 November 2014, Elko, Nevada; Edna B. Patterson, Louise A. Ulph, and Victor Goodwin, *Nevada's Northeast Frontier* (Sparks, Nev.: Western Printing and Publishing Company 1969), 300-01.

^{vi} Daniel D. Sabala and Gregoria Sabala to Pedro Itcaina, 4 March 1911, File no. 3229, Deeds and Title Records, Recorder Office, Elko County Courthouse, Elko, Nevada; Federal Land Patent, Pedro Itcaina, 8

June 1911, Acc. no. 204205, Ser. no. 04133, Recorder Office, Ormsby County Courthouse, Carson City, Nevada; Federal Land Patent, Pedro Itcaina, 2 June 1913, Acc. no. 338808, Ser. no. 05063, Recorder Office, Ormsby County Courthouse, Carson City, Nevada; Federal Land Patent, Augustina Itcaina, 16 August 1916, Acc. no. 543094, Ser. no. 01274, Recorder Office, Ormsby County Courthouse, Carson City, Nevada; Errecart, "Pete Itcaina," 15-6; Patterson, *et. al.*, *Nevada's Northeast Frontier*, 300-01.

^{vii} *Salt Lake Tribune* (23 May 1927), p. 3; *Nevada State Journal* (16 May 1933), p. 1; *Salt Lake Tribune* (6 June 1959), p. 20.

^{viii} Iker Saitua, "Resistance to the 'Hoofed Locusts:' Key Pittman, Basque Immigrants, and the Sheep Industry of Nevada, 1910-1920," *Nevada Historical Society Quarterly*, 60:1-4 (2017), 148-69; Kevin D. Hatfield, "We Were Not Tramp Sheepmen: Resistance and Identity in the Oregon Basque Community, Accustomed Range Rights, and The Taylor Grazing Act, 1890-1955" (PhD. diss, University of Oregon 2003), 84-85.

^{ix} In 1905, the Forest Service through the *Use Book* had set out rules on grazing seasons, set numbers of stock, and issued grazing permits based upon property ownership and traditional use criteria. Three classes of grazing permits were available: first, Class A to those owners of ranch properties within or adjacent to the National Forests who customarily grazed stock on lands now within the National Forests; second, Class B for those who possessed property near the National Forests and traditionally grazed stock in these high mountain pastures; and third, Class C to itinerant graziers who did not own property or a home ranch. The various permits were issued on the basis of this preference criteria. All permits granted were considered grazing privileges not rights by the Forest Service. The preference system favored the first two classes and generally excluded the third or Class C permits. Also, the Forest Service's based its preference system on the concept of "commensurate property ownership." The principle of commensurability required graziers to own enough private land to support winter feeding of stock when they must be removed from the National Forests at the end of the season of graze. Forest Service considered these policies the mechanism to defend established landowning ranchers and small homesteads against the intrusion of itinerant sheep graziers. William D. Rowley, *U.S. Forest Service Grazing and Rangelands: A History* (College Station: Texas A&M University Press 1985), 58-59.

^x William D. Rowley, "Nevada and the Federal Estate," in Barbara K. Cegavske, comp., *Political History of Nevada (Twelfth Edition)* (Carson City, Nev.: State Printing Office 2016), 52-5.

^{xi} Originally, the fee charged for cattle was 20 to 35 cents per head in the summer season, and 35 to 50 cents for the entire year. And, the fee charged for sheep was 5 to 8 cents per head for the summer. Rowley, *U.S. Forest Service Grazing and Rangelands*, 60.

^{xii} William D. Rowley, "Historical Considerations in the Development of Range Science," in Harold K. Steen, ed., *Forest and Wildlife Science in America: A History* (Durham, North Carolina: Forest History Society 1999), 247; Rowley, *U.S. Forest Service Grazing and Rangelands*, 67-73; Harold K. Steen, *The U.S. Forest Service: A History* (Seattle: University of Washington Press 1976), 163; Russell R. Elliott, with the assistance of William D. Rowley, *History of Nevada* (Lincoln: University of Nebraska Press 1973), 262-63; *Statutes of the State of Nevada, Thirty-First Session of the Legislature 1923* (Carson City: State Printing Office 1923), 25-31; *Reno Evening Gazette* (10 July 1924), p. 3.

^{xiii} William D. Rowley, *Reclaiming the Arid West: The Career of Francis G. Newlands* (Bloomington: Indiana University Press 1996), 145; *Reno Evening Gazette* (7 April 1920); Harry Sinclair Drago, *Following the Grass* (New York: The Macaulay Company 1924).

^{xiv} *Statutes of the State of Nevada, Passed at the Thirty-Second Session of the Legislature 1925* (Carson City: State Printing Office 1925), 348-50.

^{xv} Elmer O. Wooton, *The Public Domain of Nevada and Factors Affecting Its Use*, USDA Tech. Bull. 301 (Washington, D.C.: Government Printing Office Apr. 1932), 40; James M. Lockhart to Key Pittman, 8 May 1928, Box 104, File Grazing Reserves, Key Pittman Papers, Library of Congress, Washington, D.C.

^{xvi} *The State of Nevada v. Domingo Ayarbe*, case no. 800, 29 June 1925, State District Court, White Pine County Courthouse, Ely, Nevada.

^{xvii} Rowley, *U.S. Forest Service Grazing*, 143-44; James R. Skillen, *The Nation's Largest Landlord: The Bureau of Land Management in the American West* (Lawrence: Kansas University Press 2008), 5-7; Paul W. Gates and Robert W. Swenson, *History of Public Land Law Development* (Washington, D.C.: Government Printing Office for Public Land Law Review Commission 1968), 524.

^{xviii} Louise E. Pepper, *The Closing of the Public Domain: Disposal and Reservation Policies, 1900-1950* (Stanford, Calif.: Stanford University Press 1951), 209.

^{xix} Debra L. Donahue, *The Western Range Revisited: Removing Livestock from Public Lands to Conserve Native Biodiversity* (Norman: University of Oklahoma Press 1999), 195-97.

^{xx} *Statutes of the State of Nevada, Passed at the Thirty-Fifth Session of the Legislature 1931* (Carson City: State Printing Office, 1931), 430.

^{xxi} *Ibid.*

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- xxii *Ibid.*
- xxiii *Ibid.*
- xxiv *John E. Marble v. Pete Itcaina*, case no. 4189, 20 March 1933, State District Court, Elko County Courthouse, Elko, Nevada; Patterson, *et. al.*, *Nevada's Northeast Frontier*, 323, 377; *Salt Lake Tribune* (23 May 1927), p. 3.
- xxv *John E. Marble v. Pete Itcaina*, case no. 4189, Elko County Courthouse.
- xxvi *The State of Nevada v. Pete Itcaina*, case no. 4189, 2 June 1934, State District Court, Elko County Courthouse, Elko, Nevada.
- xxvii *Ibid.*
- xxviii *Itcaina v. Marble*, case no. 3064, 5 March 1936, *Reports of Cases Determined by the Supreme Court of the State of Nevada, 1935-1936*, vol. 56 (Carson City: State Printing Office, 1936), 420-21; *Reno Evening Gazette* (7 March 1936), p. 5; *Reno Evening Gazette* (19 June 1937), p. 5.
- xxix Wooton, *The Public Domain of Nevada*, 18-9, 47.
- xxx *Ibid.*, 44-9.
- xxxi Phillip O. Foss, *Politics and Grass* (Seattle: University of Washington Press 1960), 61-72, 92-116; Wesley Calef, *Private Grazing and Public Lands: Studies of the Local Management of the Taylor Act* (Chicago: University of Chicago Press 1960), 52-7; H. R. Hochmuth, Earl R. Franklin, and Marion Clawson, *Sheep Migration in the Intermountain Region*, USDA Circ. 624 (Washington, DC: Government Printing Office Jan. 1942), 29-42.
- xxxii *Reno Evening Gazette* (25 September 1934), p. 14.
- xxxiii Karen R. Merrill, *Public Lands and Political Meaning: Ranchers, the Government, and the Property Between Them* (Berkeley: University of California Press 2002), 150-54; *Idaho Wool Growers Bulletin* 15:2 (9 January 1935): 2.
- xxxiv *Nevada State Journal* (29 February 1940), p. 7.
- xxxv Calef, *Private Grazing and Public Lands*, 56-7; Hatfield, "We Were Not Tramp Sheepmen", 27. Also, on the impact that the Taylor Grazing Act had on the Basque sheep graziers, see: Kevin D. Hatfield, "We Were Not Tramp Sheepmen: Joe Odiaga and Acculturation, Resistance, and Identity in the Bizkaian Basque Community, 1890-1946," *Nevada Historical Society Quarterly*, 52:4 (Winter, 2009), 292-312.
- xxxvi *Salt Lake Tribune* (6 June 1959), p. 20.
- xxxvii *Ibid.*
- xxxviii Steve Urriola and Helen Urriola, Interview by Amber Johns and Cheryl Carpenter, October 28, 2002, transcript, Oral History Program, Northeastern Nevada Museum, Elko, Nevada.
- xxxix Martin Hachquet, Jr., Interview by Iker Saitua, 25 November 2014, transcript, Elko, Nevada.
- xl Urriola and Urriola, Interview, 2002.
- xli *Reno Evening Gazette* (6 June 1959), p. 9; Martin Hachquet, Jr., Interview by Iker Saitua, 25 November 2014, Elko, Nevada; Western Basque Festival 1959 New Releases, BSQAP 0080, Box 1, Folder 22, Robert Laxalt Papers, Jon Bilbao Basque Library, University of Nevada, Reno.
- xliv In this sense, historian Patricia Nelson Limerick has said: "Western history has been an ongoing competition for legitimacy—for the right to claim for oneself and sometimes for one's group the status of legitimate beneficiary of Western resources. This intersection of ethnic diversity with property allocation unifies Western history." Patricia N. Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton 1987), 27. William Douglass, "Inventing an Ethnic Identity: The First Basque Festival," in Richard Etulain, ed., *Basques of the Pacific Northwest* (Pocatello: Idaho State University Press 1991), 79-85.
- xlvi *Salt Lake Tribune* (6 June 1959), p. 20; *Nevada State Journal* (7 June 1959), p. 28; Hachquet, Jr., Interview, 2014.