

6. How Long Is Forever?

Residential development threatens thousands of scenic ranches in the least populated state of Wyoming. Paul Lowham owned a 1,000-acre ranch in Johnson County, a county of 7075 residents in the shadow of the Big Horn Mountains. He grew alfalfa and millet and irrigated with water from the Powder River.

According to National Public Radio's David Baron (March 11, 2008), in 1993, the Lowham family placed a conservation easement on their property and donated the easement to Johnson County. The easement granted the County the right to restrict the property to agriculture use and prohibit its subdivision. These restrictions bound all future landowners in perpetuity. The County became responsible for monitoring the use of the property and, if necessary, enforcing the terms of the easement. In consideration for the donation, the Lowhams received a federal income tax deduction of \$1 million, a figure that represents the amount by which the easement reduced the value of the property in prohibiting its use for residential development.

Six years later, Paul Lowham sold his ranch to Linda and Fred Dowd. The Dowds were farmers, not speculators, so the development restrictions were of no concern to them -until the energy company that owned the mineral rights to their land began drilling for natural gas. Soon, the Dowds' ranch was littered with fenced wells and the infrastructure required to make the wells profitable. The company laid pipelines and cut roads across the property. The degradation caused weeds to spread throughout the hay meadow.

The Dowds petitioned the Johnson County Commission to abandon the conservation easement on their land. They claimed that the fragmentation and contamination of their land compromised its viability for agriculture: without the ability to farm, their property was essentially worthless. They pleaded that the drilling activity effectively made the conservation easement meaningless, because the impact of the drilling on the ranch was no different than if it were to be developed for residential use—exactly what the Lowhams didn't want. In 2002, the County Commission agreed with the Dowds and voted unanimously not to sell the easement to the Dowds, but simply to abandon it.

Now, the Dowds say that they are sorry they ever bought the property. They accumulated nearly \$50,000 in litigation expenses and claimed they were demonized by the residents of Johnson County. The Dowds put part of the ranch up for sale at an asking price \$1.2 million. The ranch, for now, remains intact and the Dowds continue to farm it.