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## What Should I Do When Mother Nature Ruins My Fences?

Many landowners in our state are facing the problem of repairing boundary fences between two or more neighbors as well as water gaps, sometimes on a regular basis this spring. Some of the key questions that may arise as a result of this are:

(1) *Can I go onto my neighbor's property in order to remove tree limbs or repair my water gap?* From a legal standpoint, Missouri's fence law provides that you may go onto your neighbor's land to repair a boundary fence. That would include removing anything that is obstructing it such as brush, trees, etc. **However**, it must be obstructing the fence in order for you to have the authority to do that. I would also suggest contacting the neighbor before entering their property.

(2) *Who has the responsibility for taking care of the water gaps?* I have heard several things on this over the years — such as the person downstream is responsible for them — to we split them 50-50. Neither of those has any basis in the law either. Water gap maintenance is determined by which portion of the fence the water gap is on assuming you both own livestock in the “general law” counties.

(3) *Can't we just put up a “hot wire” fence and be done with it?* The potential problem with putting up a high tensile or 2-strand electric or other type of fencing is that while you and your current neighbor may agree to that, it doesn't qualify as a legal fence in most cases. Therefore, you may have to replace it with a “legal” fence later on if a landowner changes and the new one doesn't agree to that.

(4) *Where do we locate a new fence when we're replacing an old one?* This may be the most complicated question we've discussed so far. The easiest answer would hopefully be put it in the same place where it was.

**However**, that can cause a couple of other issues. Was the old fence on the exact property line? If it wasn't, will both parties agree to move it there and can you agree that the new line is the right line? Land surveys today are much more accurate than they were years ago **but** they're not always in agreement and have changed over the years. If the fence has been in its current location for a long time, one party may refuse to move it citing **adverse possession**. Adverse possession is a legal term that says if a fence has served as a boundary for 10 or more consecutive years and no one has argued otherwise, it can become the legal boundary. In order to move that fence to a different location, if one neighbor refuses citing that, a court would have to rule on it and that is expensive (hiring an attorney, etc.).

(5) *We need to remove the brush along where the fence will be put. Can I just doze the old fence and the brush out?* If both parties own livestock (assuming we're in a general law and not a local option law county where it would automatically apply), then first off you both are equally responsible for the fence. In order to remove what's left of an existing fence or doze out the line, you must both agree to that because you both own an undivided 100% of the fence. Second, tradition in Missouri says 10 feet on both sides of the line can be cleared to put in a new fence. **However**, a tradition is not the law. I do suggest that the 10 feet is common sense and will avoid problems with the fence later on but if a neighbor refuses, then you can't remove trees or brush that are not obstructing the fence line. The “sticky” issue is

that if the neighbor does not want the fence taken out, you cannot legally take out any of it unless only one of you has livestock in a general law county.

(6) *I've just decided to put a fence 10 feet inside my property line and not hassle with the neighbor.* While you can certainly do that, you and your neighbor will then want to put something in writing on both deeds to avoid potential adverse possession claims down the road.

Hopefully this answers a few of the most common questions being asked right now. You can get a copy of the University Extension guide on fence law at <http://extension.missouri.edu/explore/agguides/agecon/g00810.htm> or at your local Extension Office in your county. Specific fencing and boundary questions can be directed to me at [koenenj@missouri.edu](mailto:koenenj@missouri.edu) or through your local Extension office.

**Remember that this information is for educational purposes and is not intended to be a substitute for competent legal advice.**

*Author: Joe Koenen, Agricultural Business Specialist*



## The Unwanted Horse

What is an "unwanted horse"? Unwanted horses represent a group of horses within the domestic equine population that are no longer needed or useful, or their owners are no longer interested in or capable of providing financial or physical care. In many cases the horses are dangerous or they may be old, sick, have behavior problems or fail to meet their owners' expectations.

Current options for "unwanted horses" are change of use, rescue/retirement facilities, adoption, donations to teaching hospitals, abandonment, neglect or euthanasia. Some unwanted horses are sent to a processing facility. Fewer are euthanized by a veterinarian and disposed of through rendering. Most are simply abandoned and left to die of natural causes.

"Slaughter is not the ideal solution," said Dr. Lenz, former president of the American Association of Equine Practitioners. However, if a horse owner is unable or unwilling to provide humane care and no one is able to assume the responsibility, humane euthanasia by penetrating captive bolt (which is considered to be instant and trauma free) at an USDA regulated processing facility is an acceptable alternative to a life of suffering, inadequate care or abandonment. In addition to these advantages, the meat is utilized as food for zoo animals and in some European countries as safe and valued meat for human consumption.

A legislative effort (H.R. 503 currently in the U.S.

Congress) would ban the transportation and sale of horses for slaughter for human consumption and other purposes. While this legislation is well intentioned, limitations of funding and infrastructure do not adequately address the greater problem. Currently there are no horse slaughter facilities open in the United States. At the time the legislation was introduced, there were two facilities in Texas and one in Illinois, but they have all been closed down since because of individual state legislation.

The estimated annual cost of providing basic care for a horse ranges from \$1,800 to \$2,400, and the cost to euthanize and dispose of a horse properly can range from \$200 to \$2,000. Therefore, there are some questions a person should consider before buying a horse:

- Can I afford to own a horse?
- What will I do if my horse gets sick?
- How long will I own my horse?
- Am I planning to relocate?

To address current issues with unwanted horses, several equine organizations have formed an alliance under the American Horse Council called the Unwanted Horse Coalition. If you have questions regarding this information, please contact your local Extension Livestock Specialist or visit the Unwanted Horse Coalition website at [www.unwantedhorsecoalition.org](http://www.unwantedhorsecoalition.org).

*Author: Dee Cooper, Livestock Specialist*

## Mosquitoes

As a group, mosquitoes are the most dangerous insects or animals in the world. Every year they account for millions of human deaths and untold misery from their ability to transmit diseases. Most of this happens in tropical and sub-tropical countries. Still, we have several diseases mosquitoes can spread in Missouri. Malaria and yellow fever are two mosquito born diseases thought of by most people. Fortunately, these most serious diseases have been eradicated from the U.S.

The disease concerning most people is "West Nile Virus" (WNV) which causes inflammation of the brain, spinal cord and associated tissues. Many animals can be infected but humans, birds and horses are most susceptible to becoming seriously ill.

Birds are the most seriously affected and are carriers. Crows are one of the most susceptible species. Dead crows and other birds should be given to local health departments for WNV determination and tracking this disease. Horses are next in having critical WNV infections. There are vaccines and boosters to keep horses safe. Veterinarians should be consulted on vaccinations and boosters.

Luckily, humans rarely become seriously ill. Most often infected people do not even know they are infected. Even the mildest WNV infection gives immunity.

The WNV season is from May to October over most of the United States and peaks in late summer. The

Center for Disease Control (CDC) has already documented several cases for 2008. CDC collects information on infected birds, horses, people and other animals. One human case for this year is from Tennessee, an adjoining state.

The best defense for avoiding WNV and irritating mosquito bites on pets, livestock and humans is to avoid being bitten. There are several ways to avoid mosquito bites. The methods for managing mosquitoes are breeding site elimination, mosquito control and repellants. All of these should be used in combination. It makes the overall control more effective if approached by several methods. This is called Integrated Pest Management (IPM).

Breeding sites include any place where there is standing or stagnant water, such as pools, toys, gutters, puddles, intermittent streams, rain barrels, tree holes and stumps or anything that can hold even small amounts of water. Old tires are great mosquito breeding sites. Tires used for bumpers, tarpaulin weights or other things should be cut in half or into strips.

If standing water cannot be eliminated, a thin coat of light oil coats the surface and prevents larva and pupa from breathing. Use only light oils specifically designed for this purpose. Never apply used or new crankcase oil.

Although highly publicized, non-native mosquito fish or gambusia are not the only fish that can be put into water features, stock watering tanks or other similar containers. Any small predator fish like goldfish or native minnows would probably be a better choice.

Pesticides which can be applied to control mosquito larvae include temephos (Abate®), B.t.i., *Bacillus thuringiensis israelensis* like in mosquito dunks (Teknar®, Vectobac®) and methoprene (Altosid®). The pupa does not eat so they are not killed by materials that have to be eaten. Adult mosquitoes can be controlled with sprays. Use aerosol yard foggers to treat vegetation and areas where mosquitoes congregate. Information on mosquito traps can be found in a July 2005 Ag Connection article. Electronic repellents and light traps are not effective.

Keep adult mosquitoes out of homes with good sealing doors and well maintained screens on all the windows, doors and vents.

Repellents are our last line of defense. DEET is the standard against which all other repellents are measured. If you absolutely have to avoid bites, use a repellent containing DEET with a strength of at least 35%. Young children should use lower concentrations. Use and reapply according to label directions. Other recommended repellents include those containing picaridin and lemon eucalyptus, which will need to be reapplied more frequently. Many additional products may or may not give protection or only repel for a very short time.

Public mosquito control projects should be supported. Wide area treatments in communities can greatly reduce the number of mosquitoes and thus reduce the likelihood of being bitten.

The MU Guide Sheet, G7400, "Mosquitoes" can be requested from your local Extension Center or is at:

<http://extension.missouri.edu/explore/agguides/pests/g07400.htm>.

Ag Connection newsletter issues articles with more information on Mosquitoes: July 1998, July 2003 and May 2006.

Author: Jim Jarman , Agronomy Specialist

## Taxation Tidbit: Medicare vs. Medicaid

Medicare and Medicaid are very similar sounding words, in fact, only the last two letters of the words are different. However, their application and impact in the health care arena are very different. The financing of medical care in our senior years is becoming an increasingly important component of retirement and estate planning. Given the nature of the topic and the uncertainty surrounding it, too many people are simply in denial relative to their need for planning and management in this arena. The following data is provided to emphasize the importance of health care delivery and the cost issues for this country as a whole and for you individually.

- In 2007, total United States health care expenditures were just under \$2.3 trillion. Since 1960 health care expenditures have jumped from 5.1 percent of gross domestic production to 16 percent of the gross domestic product.
- Health care expenditures per person in 1960 were \$143 -- in 2007 health care expenditures had grown to \$7,600 per person.

In 2005, total Center for Medicare and Medicaid Service program outlays were \$660 billion – about one-third of all U.S. health care spending.

In 2005, the Medicaid program paid for nearly 49 percent of the national spending for long-term care and Medicare kicked in another 20 percent of these costs – for a combined total of 68%.

Let's get a basic understanding of what Medicare and Medicaid are and the differences of these two programs. The majority of senior citizens are eligible for Medicare assistance simply by the fact they are 65 or older and qualify for Social Security benefits. Medicare does a reasonably good job of helping with costs associated with illness and accidents where recovery is expected. However, Medicare does not provide coverage for long-term custodial care in a nursing home or residential care facility.

Medicare is a federal government program, while Medicaid is a joint program with costs shared by federal and state governments. Medicare assistance is available to disabled and/or senior citizens who are eligible for Social Security, regardless of their income; while Medicaid mainly serves low income and low resource citizens. Medicaid, a completely separate program from Medicare, is a needs-based program designed to insure that people with limited income and resources have access to health care. The services covered under Medicaid are quite extensive and includes long-term custodial care. The problem for many people is meeting the limited income and asset tests to qualify for Medicaid. Enter the politicians and legal

professionals. Many exemptions and loop-holes — I mean planning opportunities — exist that are being utilized by individuals — many who have substantial assets — that are willing and able to hire Medicaid planning professionals.

What I am suggesting is that for many families, especially farmers or other small business owners who desire to pass on their business assets, unless you have included long-term health care planning in your overall financial and estate planning programs – you have not completed the planning process.

*Author: Parman R. Green, Ag Business Specialist*

## Heat Stress Help

Temperature is the first thing that comes to mind when talking about heat stress. However, other parameters influence this as well including; humidity, sun intensity and wind speed. Agricultural Research Service researchers at the U.S. Meat Animal Research Center in Clay Center, NE consider and put together all the aforementioned parameters in its calculations for a new computer model. The model is updated twice daily and makes predictions for Missouri, South Dakota, Nebraska, Iowa, Kansas, Oklahoma, eastern Colorado and northern Texas. The website analyzes weather forecast information, assesses the danger of incurring heat stress and displays that information as a color-coded map, which can be viewed at: <http://www.ars.usda.gov/Main/docs.htm?docid=16750> .

Livestock producers with cattle are encouraged to consult the map to gauge the heat threat level in their region.

*Author: Wendy Flatt, Livestock Specialist*

## Upcoming Field Day

**June 27** - Bradford Research and Extension Center; Weed and Pest Management Field Day;

Contact: Kevin Bradley, 573-882-4039



**Ag Connection** is published monthly for Central Missouri Region producers. Ag Connection can be found in the Internet at:

<http://extension.missouri.edu/agconnection/index.htm> .

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