

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

1153

ORDER

South Fork Band Council of the
Te-Moak Tribe of Western
Shoshone Indians of Nevada
P.O. Box B-13
Lee, Nevada 89829
Certified Mail No. Z185862148

United States of America
Bureau of Indian Affairs
400 N. Fifth St.
12th Floor
2 Arizona Center
Phoenix, Arizona 85004
Certified Mail No. Z185862149

WHEREAS, the records of the Office of the State Engineer establish that the United States of America as trustees for the Te-Moak Tribe of the Western Shoshone Indians of Nevada is the successor-in-interest to water rights originally decreed to A.J. Dewar, Clark Drown, A.M. Griswold, J.J. Hylton and P.J. Ogilvie under the terms of the Bartlett and Edwards decrees issued by the Sixth Judicial District Court of the State of Nevada, such decrees are also known as the Humboldt Decree;

WHEREAS, the State Engineer and the Water Commissioners of the Sixth Judicial District Court are statutorily entrusted with the responsibility for administering the terms of the Humboldt Decree pursuant to NRS 533.220;

WHEREAS, included among the administrative duties of the State Engineer and the Water Commissioners of the Sixth Judicial District Court is the responsibility and right to enter upon public, private or corporate lands at all times in the exercise of their duties under NRS 533.305(3);

WHEREAS, also including among the administrative duties of the State Engineer is the right to assess holders of decreed water rights, under NRS 533.280, their proportionate share of the costs associated with the distribution of water to them, such assessment not for the use of the water but, instead, intended to offset the expense and cost of distributing the water by the Water Commissioners of the Sixth Judicial District Court to all decreed water including those on tribal lands. (NRS 533.295);

WHEREAS, on March 8, 1998, the South Fork Band Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada resolved that the Water Commissioners of the Sixth Judicial District Court are not to be allowed to regulate any of the upstream turnouts that supply the South Fork Reservation with irrigation water and that the Council is not to pay for water with money allocated to the South Fork Band for its use;

WHEREAS, on July 1, 1999, the United States District Court for Nevada issued an order which held that the United States and Tribe waived their sovereign immunity when they purchased the lands and water rights from their predecessors in interest, said lands and water rights having been adjudicated in the Humboldt River Decree;

WHEREAS, on July 1, 1999, the United States District Court for Nevada further ordered that the United States and Tribe are bound by the Humboldt River Decree and Nevada State Law;

WHEREAS, the Federal District Court in its July 1, 1999, order, observed the fact that for over 50 years the United States and later the Tribe paid their Humboldt River assessments; and

WHEREAS, on August 23, 1999, the United States District Court for Nevada granted the State's Preliminary Injunction for the State Engineer and Water Commissioners to have access to Tribal lands for the purpose of regulating the Tribe's diversion from the South Fork of the Humboldt River but the Court did not address the payment of Humboldt River Distribution Assessments.

NOW THEREFORE, you are hereby ordered to pay a sum of **\$7916.84**, which covers the past due charges and in the future you are hereby further ordered to pay such charges assessed by the State Engineer as provided in Nevada Law (533.280).


R. Michael Turnipseed, P.E.
State Engineer

Dated at Carson City, Nevada this
3rd Day of September, 1999.