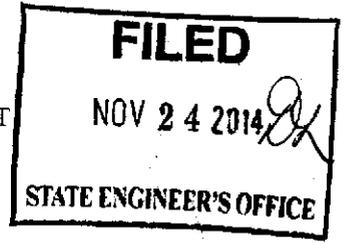


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84356
FILED BY Don Springmeyer, Agent Pyramid Lake Paiute Tribe
ON September 16, 20 14



PROTEST



Comes now Northern Paiute Nation

Printed or typed name of protestant

whose post office address is P.O. Box 369

Street No. or PO Box, City, State and ZIP Code

whose occupation is Native American Education

and protests the granting

of Application Number 84356, filed on September 16, 20 14

by Don Springmeyer, Agent for Pyramid Lake Paiute Tribe for the

waters of Unappropriated Water, Claims situated in Washoe

an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

1) Application No. 84356 is not supported by the vast majority of actual Tribal Members. The Tribal Council is split on approving this application. Stetson engineering, (Ali Sharoodi), along with the present legal council of the Tribe are misrepresenting the will of the Members rights to the PLPT's permitted and decreed waters. 2) Should the Tribe's unappropriated water be transferred from it's present beneficial use of instream flow to upstream storage, the Tribe will compromise it's legal use and control of it's endowed resource and sovereign property right. The Tribe's water becomes impounded and is subject to the authority of outside interests as it relates to the used and management of Tribal Waters. 3) to quantify the accurate amount of unappropriated Water placed into what upstream reservoirs is virtually impossible. Legal entanglements will be never ending. 4) Pursuant to state water law, (SEE ATTACHED PAGE)

THEREFORE the Protestant requests that the application be

DENIED

Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

Alvin R. James (handwritten signature)

Agent or protestant

Alvin R. James, Agent for Northern Paiute Nation

Printed or typed name, if agent

Address

P.O. Box 27

Street No. or PO Box

State of Nevada

County of Washoe

Wadsworth, NV 89442

City, State and ZIP Code

Subscribed and sworn to before me on November 24, 2014,

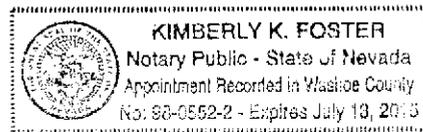
(775) 217-5933

Phone Number

by \*\*Alvin Ray James.\*\*

arayjames@wildblue.net

E-mail



Notary Stamp or Seal Required

+\$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

(Continue)

(4) evidence related to this matter is to be submitted in accordance with the State Engineers scheduling of a hearing-Civil and Due Process Rights as granted under the U.S. Constitution makes clear that holding a hearing is imperative to an equitable solution in this matter.

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Northern Paiute Nation  
P. O. Box 369  
Wadsworth, NV 89442

February 10, 2014

Honorable CA Judge Bolonon  
CA State Supreme Court  
Sacramento, CA

Subject: Case No. 34-2013-80001CA  
State Water Bd. Decision 1654

Dear Honorable Judge Bolonon:

On behalf of the members of the Pyramid Lake Paiute Tribe, the Tribal Membership we hereby disclose the following factual and pertinent information regarding tribal unappropriated water.

The written testimony of Ali Sharoody, Pyramid Lake Tribal Water Consultant, submitted to the California Water Resources Control Board on June 28, 2010 is false and misleading. Direct testimony states: (Page 9, Footnote 2, "Tribe gives its consent to store water from the Little Truckee River in Stampede Reservoir that would otherwise flow to Pyramid Lake." The Tribe never gave its consent to Mr. Sharoody. His testimony concludes (Page 47) asserting: ".....by providing sufficient water to meet eligible decreed rights on the Newlands Project by insuring that water in the Truckee River not needed for those rights flows to Pyramid Lake." Our Tribe's permitted unappropriated water, Nos. 48061 and 48494 runs as, in stream flows to Pyramid Lake, after all water not needed for all rights on the Truckee River.

We believe the Truckee River is fully appropriated, therefore, closed to new appropriation with our unappropriated water a fixed acre feet amount. Furthermore, pursuant to the TROA document, it specifically states that the unappropriated water to the Tribe cannot be stored. These Waters are permitted solely for in stream flows to Pyramid Lake.

Mr. Sharoody at the Sacramento CA Water Board hearing on January 10, 2014, verbally told the Chairman and another councilman that, Mervin Wright past Chairman of PLPT, gave his consent to store Tribal unappropriated water upstream. This one man verbal approval without documentation is against our Constitution and By-Laws. Our Council's procedure, in a democratic decision, especially on a major decision, is expressed by resolution, which is then sent to the Bureau of Indian Affairs for comment and final approval. When asked, Mr. Sharoody refused to present any documentation on Tribal consent. Mervin Wright documented to the tribe that he gave tribal consent for TROA. Our unappropriated water is not under TROA, nor do we want it to be under TROA.

Upon performing due-diligence, there is no documented evidence to which the Tribe gave any type of consent to store its unappropriated water. Furthermore, there is no evidence of any kind to which the Tribe authorized Mr. Sharoody to submit any such testimony as he has in this Case in connection with representing the Tribe's interest.

The physical solutions doctrine is not applicable nor relevant in regards to our unappropriated water as a NV legal permittee for in stream flow to Pyramid Lake. Every drop of these waters is of beneficial use to the Lower Truckee River as it flows through our reservation and on into Pyramid Lake. None of these waters are wasted and available for new appropriation. As a sovereign entity, we demand that our water remain as in stream flows as-legally permitted and binding under Nevada State Permits 48061 and 48494. In addition, the public record show our unappropriated water has, and is, being inappropriately stored upstream. The August 13, 2010 testimony by Mr. Sharoody before the CA State Water Resources Control Board confirms this improper storage of our permitted waters.

Testimony under cross examination by Mr. Mackedon, Fallon attorney, he asks Sharoody: "You have made reference to the existing permit. You say this unappropriated water is stored pursuant to the present permit conditions, if I understand you." Mr. Sharoody: "Yes, that is correct."

With the reality that our unappropriated waters has been illegally transferred from its beneficial use for Pyramid Lake over to upstream storage, the tribe is exploring its option to recoup all of the years of improper storage of our unappropriated waters. The Tribe has not received its proper amount and full use of the unappropriated water that are legally permitted for Pyramid Lake's sole use. During the time of August, 2010 or from 2008 to the present, the lake surface elevation has declined and looks pitiful.

With Kind Regards,

TRIBAL MEMBERS of the Pyramid Lake Paiute Tribe

Attachment: Factual Testimony on 06-28-2010 Before the CA State Water Board, Primarily By Ali Sharoody, Rogue PLPT Expert Witness and Bureau of Reclamation (BOR).

DISTRIBUTION: NV Governor Brian Sandoval, Carson City, NV  
NV State Water Engineer, Carson City, NV  
CA Governor, Sacramento, CA  
CA State Water Resource Board, Sacramento, CA  
Senators Mark Amodei, Chic Hect, and Harry Reid, Washington, D.C.  
Assistant Secretary for Indian Affairs, Washington, D.C.  
Native American Rights Fund, Washington, D.C.  
Senate Select Committee on Indian Affairs, Wash, D.C.  
TMWA, Reno, NV

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### **Testimony leading to CA State Water Bd. Decision 1654**

1. The Pyramid Lake Paiute of Indians is a federally recognized Indian Tribe operating Under the provisions of a federal charter as adopted by the Indian Reorganization Act of June 18, 1934, under regulations of its fiduciary, the Bureau of Indian Affairs, US Department of the Interior.
2. Our Tribal elected 10 member council refuses to carry out our affairs under authority of our constitution and bylaws, primarily due to false and misleading testimony at CA Hearings by our rogue attorney and expert witness. We, as tribal members, will protect Our fish, lake, and our very culture by **NOT** allowing the cities of Reno, Sparks, and Washoe County (collectively under Truckee Meadows Water Authority- TMWA) to store upstream our State permitted unappropriated water that has been beneficially used before TMWA started its illegal storage of this water upstream, primarily for its M&I-domestic use which the tribal membership is overwhelmingly and adamantly against.
3. CALIFORNIA DECISION #1664 of the California State Water Board is based on Petitioners, Ali Sharoody, BOR, & TMWA to store upstream, Pyramid Lake Paiute Tribal unappropriated water, without Tribal consent and falsely asserting our tribal water has been under TROA, which it never has, except to recognize in the future that it is NV State permitted as beneficial in stream flows to Pyramid Lake.
4. In Decision 1654 the CA State Board by allowing Pyramid Lake Paiute Tribe's NV Permits (48061 and 48494) to be counted as unappropriated water that is not beneficially used and available for storage under direct testimony in the CA Supreme Court. In years past, such tribal unappropriated permitted water has been used as instream flows to benefit fish and Pyramid Lake fishing recreation, the source of Tribal income, and in this regard:
  - a. The Tribe cannot legally give its "consent" to store water already permitted in order to quickly make this "water grab" a "done deal" by TMWA, BOR, and the Tribe's rogue water experts. To attempt. Such illegal storage is against NV State Law that issued Pyramid Lake Tribal permits, and also is not factual as the water has beneficially been used in prior years for fish and recreation directly all year long, as in stream flows. Stored upstream this water is of no benefit to fish or lake.
  - b. Tribal "consent" was never given.
5. Petitioners neglect to mention that, to allow storage in CA with water already permitted for in stream use in NV, the appropriate NV change or transfer procedure must be followed. This was not done by "the Tribe & BOR" as BOR is quick to say in CA Hearings (without any Tribe):
  - a. The physical solution doctrine does not support storage of the Tribe's unappropriated water in that all of the Tribe's unappropriated water does have a proven beneficial use, and cannot be considered a new appropriation, the basis of BOR's applications 31487 and 31488.
  - b. The Tribe has perfected its unappropriated water under NV Permits 48061 and 48494. Even if the Tribe had given its "consent" to store Tribal water, such action

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does not allow the Tribe's unappropriated water to be stored or create new water for appropriation or constitute a valid transfer or exchange.

- c. The operation of NV petition for change and application under TROA circumvents the NV change and transfer process to allow multiple uses of water to upstream city users is also in violation of CA water law.
6. The storage of another sovereign's water (Tribe), under BOR applications '31487 and 31488 does not constitute a change in the current permitted point of diversion, place of use, and purpose of use.
  7. The CA State Board's finding of no injury is not supported by the record: The tribe's main livelihood is its fishery and fishing recreation activities, and
    - a. The endangered and threatened fish need pre-aggregate flows at various times of the year to ensure spawning, as studies suggest by USF&W, PL101-618 Cui-ui Recovery Team during crafting of PL101-618, with Desert Research Institute input.
    - b. For anyone or group, as we face a drought scenario at this time, to change any threatened or endangered de-listing of the cui-ui or cutthroat trout, for political purposes is unspeakable.
    - c. Injuries to the Tribe are: (i) fish that do not spawn due to no water or less than enough water for pre-aggregate fish activities prior to a spawning run, or (ii) we have a lake that dries up as the cities and county receive first use of the tribes unappropriated water, with TUMWA later telling the tribe: "there is no tribal unappropriated water" due to need for S. Reno development... need at new treatment plant(s) ....., drought... M & I and Domestic Use" or for whatever need of the cities. The Tribe no longer has trust in motives of the upstream water users.

The Pyramid Lake Tribal people demand NV Tribal Permit No(s). 48061 and 48494 remain as prior to 2008 or before TMWA & "tribal sellouts" initiated this "water grab" After receiving this letter and for other reasons CA withdrew its seeking a NV application for PL tribal unappropriated water.

ATTACHMENT TO TRIBAL MEMBERS LETTER.

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February 22, 2014

P.L.P.T. Members  
Vice-Chairman P.L.P.T

Dear P.L.P.T. Members:

In August of 2012 I made the decision to run for the office of Vice-Chairman. This was not a decision based on a whim, but came with deep concern for the absolute state of unchecked depravation imposed upon our Tribe.

You, The People of the Pyramid Lake Paiute Tribe, put your faith in me by voting me into the office of Vice-Chairman. In accepting the oath of office, I made a solemn vow to myself, my family and each and every member of our Tribe to uphold our constitution and abide by the rule of law as it applies to the day to day operations and conduct of our governing responsibilities and mandated duties.

With the closing of year 2013 I am, as a public servant, obligated to submit a truthful and transparent accounting regarding the condition and state of affairs relevant to our Tribe. In doing so, we must examine what were the conditions and conduct that led us into 2013. Also, we must honestly decipher if the proper standards of governing have actually served the best interests of the Tribe as a whole. Many questions need honest answers in evaluating the actual condition of The Pyramid Lake Paiute Tribe of Indians.

1. Is our Tribe experiencing full potential of our lands and natural resources?
2. Has Pyramid Lake risen or maintained healthy levels over the past twenty years?
3. Has Pyramid Lake received all of its permitted water?
4. Has the millions upon millions of public funds granted to the Tribe been used in a compliant manner to which our Tribal Members have realized opportunity for prosperity?
5. Have the outside consultants, to our Tribe, created any economic development or caused maximum availability of Truckee River Water to flow into Pyramid Lake?
6. Are our irrigation lands receiving their full duty of decreed water rights?
7. Is the riparian of the lower Truckee River being maintained?
8. Who has benefited more from the millions of public funds granted to the Tribe?

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**9. Has the Tribe's public servants (Tribal Councilman and Departments) honored our Constitution, by laws and proper use of Federal Grants?**

The glaring truth in honestly answering these important questions reveals dereliction in performance of governmental obligations, misuse of public funds and abuse of Tribal resources (both natural and monetary). It is also glaringly obvious that outside consultants are arbitrarily performing works contrary to the requirements and scope of work as defined in specific grants and contracts.

The results from all of the Programs, Contracted Consultants, Tribal Government, Grants, Committees, litigation and overall apathy for right and wrong is alarming. The inescapable truth is unavoidable in acknowledgement that our lake is in decline, our lands are not receiving their proper entitlements of decreed water, economic development is inadequate, our river banks are eroding and our Tribal Council has been beholden to outside interests over the people's interest. Our Reservation is unequivocally experiencing degradation while outside consultants are making careers with plush contracts off of the backs of our people.

I became involved because of the solemn reality that our Reservation is virtually in poverty without any healthy agenda guided by our constitution and rule of law. As I performed due-diligence in seeking constitutional guidance and legal compliance in decision making responsibilities, during the year 2013, I was vilified and threatened by the majority of the Tribal Council. With this brief overview into the disappointing state of our Tribe I, openly, submit full disclosure regarding 2013 as it relates to answering the nine questions.

**1. Is our Tribe experiencing full potential in the use of our lands and natural resources?**

The answer is a resounding no. Dodge Flat is a prime example of wasting our land and adjudicated water rights. Dodge Flat contains the bench lands of our Reservation. In 1859 the U.S. Government appropriated 5.59 acre feet of water per acre of land to be diverted from the Truckee River and delivered to our 2745 acres of bench lands. This totals up to 15,344.5 acre feet of water decreed to the Tribe. The Tribe is entitled to this amount on a yearly basis. The binding Federal Decree (Orr Ditch Decree) adjudicated this amount of water, which is identified as claim No. 2, to the Pyramid Lake Indian Reservation. The decree states: "This water is allowed for the United States and for the Indians belonging on said reservation and for their use and benefit and is not allowed for transfer by the United States to homesteaders, entry men, settlers or others than the Indians in the event that said

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lands are released from the reservation or are thrown open to entry or other disposal than assignment of transfer to the Indians."

By law, the Tribe's Claim No. 2 water cannot be transferred or severed from the confines of our reservation and only Tribal Members may benefit from this senior decreed water right. The same applies to our Claim No. 1 decreed water right. Both Claims are the senior water rights of the Truckee River. Claim No. 1 water is decreed to our bottom lands, which is to be delivered on a yearly basis in the amount of 14,742.3 acre feet of water.

What I have discovered, shortly after taking office in 2013, is that our Consultants, Water Resource Director and certain members of The Tribal Council have, collectively, transferred large portions of these waters plus other permitted waters off of our reservation to upstream storage. The results have diminished our lake level, crop production on our lands and the overall health of our ecosystem.

In analyzing the Truckee Meadows Water Resource Plan; Reno, Sparks and Washoe County considers the transfer of water decreed and permitted for use downstream of these three entities to upstream storage as a new source of water for their benefit.

During the first quarter of 2013 Chairman Elwood Lowry and Councilman Duane Wasson explored bringing job creating industry onto the nonproductive lands of Dodge Flat. Together we attempted to lay out such possibilities, with the Tribal Council.

We were met with scorn and ridicule from the majority of the Council. The Council went so far as to Threaten Chairman Lowry with an unconstitutional sanction for prioritizing time working on a job creation agenda for our people over the Council's Consultant driven agenda. In 2013 I attended to the day to day affairs of the Tribe when the Chairman could not and vice versa.

Being mindful of the Tribes best interest in providing equitable solutions in dealing with question 1; Chairman Lowry, Councilman Wasson and myself were unsuccessful in 2013 to advance viable solutions through the Council.

2. Has Pyramid Lake risen or maintained healthy levels over the past years?

All factual recordation of data gathered reveals a steady year by year decline to Pyramid Lake's water level. Almost daily I hear from different Tribal Members expressing concern for the obvious loss of water in our lake.

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It is also obvious that the effluent allowed to be dumped into the Truckee River by upstream parties is not being diluted into acceptable water quality standards.

Harmful bacteria is mounting in our Lake. Areas of our Lake have recently been reported to be unhealthy for swimming because of bacteria that causes skin rashes. In 2013 our Lake continued its decline. We had Tribal Members attempt to address this issue at 2013 Council meetings, where water consultants were in attendance. Their concerns, questions and thoughtful solutions to this devastating problem were completely ignored. What I gleaned from these proceedings was a total disregard for our people from our contracted consultants and many of our own councilman.

**3. Has Pyramid Lake received all of its permitted water?**

In 1994 The Tribe filed applications No. 48061 and 48494 with the NV State Engineer. These applications sought claim to all of the unappropriated waters of the Truckee River. The Tribe requested that beneficial use to these waters to be in stream flow for wildlife and recreational purposes. The Tribe did not file for any storage rights to the unappropriated waters.

The NV. State Engineer, under his jurisdictional authority, granted and permitted all unappropriated Truckee River water to the Tribe. He quantified the amount of these unappropriated waters to be 477,851 acre ft. of water. In his ruling, he states: "Permits 48061 and 48494 only authorized the use of the unappropriated water for instream use in the Truckee River. Applications 48061 and 48494 did not seek authorization for storage in upstream reservoirs, are not permits for storage of water in upstream reservoirs, and cannot be used for storage under the permits at issue here."

What I have discovered in researching this issue during 2013, is that our permitted unappropriated waters are not flowing into Pyramid Lake. The legal use of these waters is being violated. At a 2013 Tribal Council meeting I asked Ali Shahroody to disclose the exact amounts of unappropriated water, acquired water, claim 1 water and claim 2 water that is actually being delivered to tribal Lands and into Pyramid Lake. At this 2013 meeting Shahroody would not give me an answer. When I pressed him for an honest answer, he told me to inquire with the 3 local governments (Reno, Sparks, and Washoe County) for they kept the records of our water not him. This disturbing answer caused me to research where our water is located and how it is being used. What is reality, our lake and our water righted lands are not receiving full and legal duties of decreed and permitted waters.

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As I attempted ( in 2013) to hold our Consultants and Water Resource Director accountable for properly delivering our water in accordance with applicable decrees, grant agreements and statutes I was over-ruled and viciously attacked with frivolous accusations by the majority of council members.

4. Has the millions upon millions of public funds granted to the Tribe been used in a compliant manner to which our Tribal Members have realized opportunities for prosperity?

What I encountered in 2013, regarding this issue, is sobering. The misuse of funds, non-compliance with scope of work, improper-record keeping and over all breach of mandated duties attached to grant agreements is staggering.

The Desert Terminal Lakes Program funds the public grants that the Tribe uses in acquiring water rights for furthering the goals and objectives of the water Quality Settlement Agreement. In acquiring such water rights land is frequently acquired incidental to the water. At the on-set of implementing the W.Q.S.A. program; The Tribal Council, by resolution, created the W.R.A.P. Committee. The purpose of the W.R.A.P. Committee is to oversee and approve water acquisitions in strict compliance with binding resolutions, W.Q.S.A provisions and applicable grant agreements.

Great Basin Land and Water is under contract to find willing sellers of water rights, do the appraisals, escrows and close out such purchases. By contract, Great Basin Land and Water cannot be involved with the incidentally acquired lands subsequent to purchase. To do so is illegal. The W.R.A.P. Committee has the sole legal responsibility to re-sale all lands acquired that are incidental to the acquisition of water as pursuant to the W.Q.S.A. and Desert Terminal Lakes grants. The Tribe is mandated, by law, to re-sale these lands as quickly and efficiently as possible. The binding provisions of law to which we, as recipients of such federal grants, are to abide by do not allow for arbitrary deed restrictions to be attached to the incidental acquired lands. Such arbitrary actions become impediment to mandatory re-sale. G.B.L. &W. has arbitrarily promoted the W.R.A.P. Committee into adopting such unauthorized impediments to compliance with re-sale.

The provisions of law in connection with these land acquisitions requires all proceeds from re-sales to be deposited back into the W.Q.S.A. program. There is no provision of law that allows us to lease, farm or use these properties for any reason. We can only re-sale them at market value in a timely and efficient manner.

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During my first term, in serving our Tribe, I discovered gross malfeasance on all levels concerning water and land acquisitions. The Fernley Five Properties are prime examples of outright disregard for the rule of law and misuse of Federal Funds. The history of the Fernley Five Properties is as follows:

- A. In 2011 Great Basin Land and Water used Desert Terminal Lakes Funds to purchase these properties. This was done illegally. In 2011 the Desert Terminal Lakes legislation specifically stated that these funds shall not be used to purchase or lease water and land. In August of 2011 this issue of illegality was addressed. The closing of these properties was suspended; however, they improperly remained in escrow.

Federal law prohibits any recipient of federal grants to lobby congress for the purpose of passing legislation that allows for funding a specific grant being requested by such recipient. With the influence of G.B.L.&W; The Tribe subsequent to August 2011, lobbied in Washington D.C. to pass legislation authorizing the use of D.T.L. funds to purchase Truckee River Water Rights and Land incidental to the water. In an omnibus spending bill that was passed in late December 2011, D.T.L. legislation was amended. This amended legislation broadly allows for purchasing Truckee River Water Rights. There is, however, a legal scenario that the Orr Ditch Decree overrides this legislation and does not allow for severing water from an adjudicated claim. In any event the Tribe illegally lobbied Congress in acquiring the Fernley Five. G.B.L. & W. remained directly involved after acquisition in spite of the fact that by law G.B.L. & W. shall not be involved with holding, managing, marketing or selling acquired lands.

- B. In April 2012 the Fernley Five properties closed. The Tribe then took possession and ownership of these lands. Pursuant to Federal mandate, the water is to be transferred to instream flow for beneficial use to Pyramid Lake. The land is to be re-sold at market value simultaneous to the acquisition of the water. The proceeds from the land sales are to be used to further the W.Q.S.A. Program

With the direct involvement of G.B.L. & W., in regards to the land acquisitions of the Fernley Five Properties, unauthorized activities transpired:

- a) The land and water was leased for farming purposes during the remainder of 2012, by law the water is mandated to be instream flow to Pyramid Lake and the land is to be re-sold. The proceeds from this illegal lease do not trace going back to the W.Q.S.A. Program as mandated.

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- b) In 2013 legally required re-sales of these properties were unlawfully rejected. This action cost the Tribe approximately 1.3 million dollars plus ongoing expenses. These ongoing expenses are costing the Tribe hundreds of thousands of dollars without justification. We will never recoup these types of expenses. The offers we had on these places would not have jeopardized one drop of the Tribe's water. However, in defiance of required compliance as provided in the binding grant agreement, G.B.L. & W. arbitrarily crafted a non-re watering deed restriction. G.B.L. & W. successfully lobbied the W.R.A.P. Committee to adopt this inappropriate restriction. The results has stifled required re-sales and has greatly diminished the value of said lands. The Tribe is being severely damaged economically, while G.B.L. & W. is receiving lucrative amounts of money from our grants.
- c) In 2013 G.B.L. & W. assisted in the illegal act of using a fraudulent grant modification to justify an unauthorized program from farming these properties. This was done while a legitimate offer to purchase these properties was interfered with by G.B.L. & W.

It is undeniable that fraud and corruption is apparent and an investigation into this matter is necessary. I made every attempt to ensure compliance with our grant agreements, constitution and all applicable laws regarding these land acquisitions. I proceeded, in 2013, with properly re-selling these properties. I was stopped and harassed by the Tribal Council.

- 5. Have the outside consultants, to our Tribe, created any economic development or caused maximum availability of Truckee River Water to flow into Pyramid Lake?

The answer to this question is a reality check. Consultants are thriving, our people are not, our lands are eroding, our lake is dropping and our water is being transferred upstream for the benefit of upstream users and to the detriment of downstream users.

- 6. Are our irrigation lands receiving their full duty of decreed water rights?

Since taking office in 2013, I have discovered extreme wrongdoing in the use of our decreed claim 1 and claim 2 waters. Our water righted lands are not receiving full duties of water. Required measurements, of delivered water, are either skewed or neglected. The maintenance of our ditches, dams and check structures is in total disarray. Large amounts of our decreed water has been illegally transferred upstream without any benefit for the

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Tribe. The loss of water to our lands depletes production which depletes economic opportunity which depletes the overall welfare of the Tribe.

**7. Is the riparian of the lower Truckee River being maintained?**

Since becoming vice-chairman I have visually inspected the riparian areas of our reservation. Erosion of our river banks is out of control. We are losing productive ground, wildlife habitat and water quality because of it. Not one dime of grant money is being used to maintain the riparian areas of our reservation. The Water Quality Settlement Agreement provides for maintaining the reservations riparian areas. This provision in the W.Q.S.A. program has never been complied with. G.B.L. & W., Stetson Engineering and Attorneys are maintaining healthy contracts while our reservation, as a whole, is eroding away.

**8. Who has benefitted more from The Millions of Public Funds granted to the Tribe; Consultants or Tribal Members?**

I would encourage all members of our Tribe to ask for a copy of G. B. L. & W.'s, Stetson Engineering's and Don Springmeyer's contracts.

Upon reading these contracts and following the money trail it is self-evident that the bulk of our funds are being siphoned to outside consultants while degradation blankets our people and our precious resources.

In 2013 I attempted to stand against many aspects of wrong doing as it relates to constitutional issues, the rule of law and abuse of federal grants. Because I did so, wrong doing was being exposed. Unfortunately the majority of Tribal Council Members tried to silence me through slanderous verbal attacks. This Tribal Council has now voted to strip me of my office and salary. Such an action is frivolous and unconstitutional. These baseless actions, however, will not deter me from serving out my term and continuing with seeking accountability for improper conduct.

If we are to correct the wrongs and uplift our people with an honest and healthy agenda WE THE PEOPLE must rise in unison and take our Tribe back and control our own destiny.

The results are in after all the years of water acquisition programs funded with Federal grants. Our lands, riparian and lake have not received sufficient benefit from all of the water that is available to us. However, all of the outside consultants involved with water related programs have profited while moving our water upstream. The facts undeniably

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reveal that our consultants are embedded with upstream interests. The Pyramid Lake Paiute Tribe has been used and duped in advancing the unscrupulous agenda of moving the downstream waters of the Truckee River to upstream for the benefits of Reno, Sparks, and Washoe County.

While additional water was supposed to be added to instream flow for the benefit of Pyramid Lake, our Lake has been in continual decline. Should this agenda of moving our water upstream continue, we will soon experience a dead lake similar to Walker Lake. What is unfolding is societal genocide. Our culture and way of life is being destroyed for the benefit of upstream users as they continue to confiscate our resources. We are at a critical point in time. We must stand together and implement a plan of action to stop the abuse while working together in crafting healthy solutions. The future of our Tribe and future generations is dependent upon us taking appropriate action sooner rather than later.

Serving our tribe in 2013 has been very challenging. I have learned a tremendous amount. It has led me into a deeper commitment to stay the course of fighting for the best long term interests of our people. It is such discoveries as finding Ali Shahroody giving false and misleading leading testimony in hearings regarding the transfer of our water to upstream storage that has deepened my resolve. Under oath, he testified that the Tribe has given consent to forgo our beneficial use of unappropriated waters and to move it upstream. There is no documented evidence to support his testimony to which he claims the Tribe gave its consent to move our unappropriated water from our lake to upstream storage.

In closing, it is an honor in serving YOU THE PEOPLE. Our future is at stake and we need to adopt a viable and proper agenda. We must stop working against each other and take control of our own destiny. We can no longer blindly allow the pied piper consultants to lead us to our own destruction.

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Sincerely,



**P.S. I left question 9 for each of you to fill in your own answer as you personally evaluate the proper answer.**

**Has the Tribe's public servants (Tribal Council and Departments) honored our Constitution, By Laws and proper use of Federal Grants?**

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