

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

1154

O R D E R

South Fork Band Council of the
Te-Moak Tribe of Western
Shoshone Indians of Nevada
P.O. Box B-13
Lee, Nevada 89829
Cert. Mail No. P 444 469 382

United States of America
Bureau of Indian Affairs
400 N. Fifth St., 12th Floor
2 Arizona Center
Phoenix, Arizona 85004
Cert. Mail No. P 444 469 383

WHEREAS, the records of the Office of the State Engineer establish that the Te-Moak Tribe of the Western Shoshone Indians of Nevada (the "Tribe") are the successors-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 for entering upon public, private or corporate lands at all times in the exercise of their duties under NRS 533.305(3);

WHEREAS, on July 2, 1999, the Honorable Edward Reed, United States District Judge, District of Nevada, ruled that the Tribe has waived its sovereign immunity with respect to the Humboldt Decree.

WHEREAS, on August 24, 1999, the Honorable Edward Reed, United States District Judge, District of Nevada, issued a preliminary injunction, enjoining the Tribe from prohibiting Water Commissioners of the Sixth Judicial District Court from entering the reservation to regulate the Humboldt River pursuant to the Humboldt Decree.

WHEREAS, on September 13, 1999, a Water Commissioner for the Sixth Judicial District Court entered the reservation to regulate the Humboldt River pursuant to the Humboldt Decree.

WHEREAS, the Water Commissioner entered the reservation to regulate headgates on the reservation and on land which can only be reasonably accessed by traveling across the reservation.

WHEREAS, when the Water Commissioner traveled on private land to regulate the river, such land being only reasonably accessible by traveling through the reservation, the Water Commissioner was stopped and questioned by the Tribal Chairman and a Tribal Police Officer.

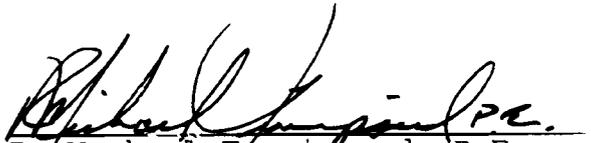
WHEREAS, the Water Commissioner was ordered to travel off the private land, onto the reservation, and when he entered the reservation, said Commissioner was arrested by the Tribal Police Officer.

WHEREAS, the Water Commissioner was then handcuffed, placed in a tribal police car, and was driven off the reservation.

WHEREAS, the Water Commissioners of the Sixth Judicial District Court are officers of the Humboldt Decree Court and any interference with their activities in regulating the Humboldt Decree constitutes contempt of court.

WHEREAS, pursuant to the Humboldt Decree and Nevada law the Water Commissioners have a right to access private lands that can only be reasonably accessed by traveling across the reservation.

NOW THEREFORE, YOU ARE HEREBY ORDERED to within five (5) days of the date of this Order, signal an intent to permit the Water Commissioners of the Sixth Judicial District Court access to regulate any and all upstream headgates that supply the South Fork Reservation with irrigation water including such headgates on private land that can only be reasonably accessed by traveling through the reservation.


R. Michael Turnipseed, P.E.
State Engineer

Dated at Carson City, Nevada this
20th Day of September, 1999.