

## **BLM\_NV\_NVSO\_GWProjects**

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**Sent:** Monday, October 10, 2011 9:10 AM  
**To:** BLM\_NV\_NVSO\_GWProjects

WRITTEN COMMENT:

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CLARK, LINCOLN and WHITE PINE COUNTIES Groundwater Development Project

TO: BLM

Tribal Water Rights have never been addressed by the State of Nevada. The State of Nevada must recognize those rights before the State Engineer makes a decision on the SNWA Groundwater Development Project. If not, the State Engineer will be out of his jurisdiction if he awards water rights to SNWA :

- The Nevada Admissions Act of 1861 states “That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians”
- The Treaty of Ruby Valley 1863, Article 4 – Permits mining, ranching, lumber milling and building. It doesn't relinquish water rights.  
Treaty of Ruby Valley 1863, Article 6 - “President of the US shall deem....them.. to become herdsmen or agriculturists”. Obviously water rights were made available for those endeavors.  
Treaty of Ruby Valley 1863, Article 3 – Permits Railroads and Telegraph and stage lines. Railroads. No mention of water rights.  
Nowhere in the Treaty of Ruby Valley do the Western Shoshone relinquish their Water Rights.
- The Winter's Doctrine of 1908 states: “an Indian Reservation may reserve water for future use in an amount necessary to fulfill the purpose of the reservation.”
- Nevada Tribes are a government in their own right and should be recognized as equal to both Nevada and Utah when allocation is determined. (Federal Register, Vol. 59, No.85)

“First in use, first in right” is the mantra of Nevada water law. Are not the Tribes “First in Use”? Great Basin Native Tribes have been using Nevada's springs, ponds and streams for around 10,000 years.

Nevada Tribal Water Rights MUST be determined before a decision can be made.

**Delaine Spilsbury**