

August 17, 2009

Hello,

My Name is Delaine Spilsbury. Some time ago, the Ely Shoshone Tribe appointed me their representative to the Tribal Pah Group. The Group is comprised of the Ely Shoshone Tribe, the Confederated Tribes of Goshute, Duckwater Shoshone Tribe, Wells Band of Shoshone and the Elko Band of Shoshone. We are all members of The Inter-Tribal Council of Nevada, comprised of 27 Nevada Tribes. Both the ITC and the Tribal Pah Group are opposed to all exportation of water from Tribal lands. Neither group has succeeded in establishing standing for the State Engineer's hearings. Tribes have been completely deprived of defending themselves and their way of life.

Nevada Water Law prime directive "FIRST IN USE, FIRST IN RIGHT" has certainly not been applied to this Southern Nevada Water Authority project the locals call "the Water Grab".

Nevada Tribal Ancestors, Great Basin Native Peoples, were using Nevada's water thousands of years before Nevada water law was written. That makes Nevada Tribes "FIRST IN USE". Indian Reservations have Federal implied water rights from the date the reservation was established. (Winters vs United States – 1908.) However, Tribes and Reservations are not recognized and have no standing in the Nevada State Water Hearings. Where's the "FIRST IN RIGHT" ?

Until arrangements have been made to "reserve water for future use in an amount necessary to fulfill the purposes of all Nevada's Reservations" as dictated by the Federal Government, both the Nevada and the Utah State Engineers should reject the Utah-Nevada water sharing agreement.

Thank You, Delaine Spilsbury, member Ely Shoshone Tribe.

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