

**BEFORE THE STATE ENGINEER, STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL
RESOURCES, DIVISION OF WATER RESOURCES**

IN THE MATTER OF APPLICATIONS 53987
THROUGH 53992, INCLUSIVE, AND 54003
THROUGH 54021, INCLUSIVE, FILED TO
APPROPRIATE THE UNDERGROUND
WATERS OF SPRING VALLEY, CAVE
VALLEY, DRY LAKE VALLEY,
(HYDROGRAPHIC BASINS 180, 181, 182
AND 184), LINCOLN COUNTY AND
WHITE PINE COUNTY, NEVADA.

**DECLARATION OF
RUPERT STEELE**

I, RUPERT STEELE, declare under penalty of perjury as follows:

1. My name is RUPERT STEELE. I am a member of the Confederated Tribes of the Goshute Reservation ("Goshute Tribes"). I am also a Tribal elder and former Tribal Chairman. The following facts and statements are based on my personal knowledge and experience. If called as a witness I could and would truthfully testify thereto.

2. I was born on the Goshute Reservation, and I have been a member of the Goshute Tribes for 63 years. Over the course of my entire life I have been involved in Tribal activities, cultural events, and Tribal ceremonies. I have lived on the Goshute Reservation for 46 years.

3. I am a Tribal elder of the Goshute Tribes, and I have been making regular and frequent visits to the regions that may be affected by the SNWA's Groundwater Development Project, if approved. Many Tribal members, including myself, are personally tied to those potentially affected regions, especially the Goshute Reservation and Swamp (Shoshone) Cedars in Spring Valley.

4. I am a former Chairman of the Goshute Tribes. I held that position as Chairman for nine (9) years between 2001-2010, keeping a close watch on the Southern Nevada Water Authority's (SNWA) Groundwater Development Project and working closely with other tribes (Duckwater Shoshone, Ely Shoshone, and Wells Band of the TeMoak Tribes) on that issue. I

represented the Goshute Tribes at the Inter-Tribal Council of Nevada, the Utah Tribal Leaders, and the National Congress of American Indians. I served a one-year term as Chairman of the Utah Tribal Leaders. Also during my time as Goshute Tribal Chairman, I was appointed by the Governor of Utah to serve on Utah's Snake Valley Water Advisory Committee. A main focus of my time as Chairman of the Goshute Tribes was to protect our water, to protect our water-dependent resources on and off the Reservation, and to get our Federal-reserved water rights quantified.

5. During my time as Chairman of the Goshute Tribes, the National Congress of American Indians, the Inter-Tribal Council of Nevada, and Utah Tribal Leaders each adopted resolutions opposing the SNWA's Groundwater Development Project.

6. As Chairman, I pursued Cooperating Agency status on the Bureau of Land Management's (BLM) Environmental Impact Statement of the SNWA's Groundwater Development Project. However, I was told by the BLM that the Bureau of Indian Affairs (BIA) would represent our rights and interests. The BIA never consulted the Goshute Tribes regarding the Environmental Impact Statement.

7. The Federal government has a legal obligation to undergo government-to-government consultation the Goshute Tribes. This is part of the trust responsibility and it is a vital source of protection of Indian rights and interests. The Federal government is the trustee of our Tribal rights. That Federal trust responsibility extends both on and off the Reservation.

8. The Federal government ignored our concerns about the SNWA's Groundwater Development Project and Tribal consultation. So the Goshute Tribes adopted a Tribal Consultation Policy and sent it to the Federal agencies. But the agencies did not respond. An important part of consultation is to sit down at the table with state and federal directors and decision-makers. Instead of this, the Department of Interior agencies such as the BLM kept sending their low-level staff. Those staff had no decision-making authority.

9. The Federal government provided very minimal information to the Goshute Tribes about the SNWA's Project. We had to go knocking on doors to get information. But even then,

the Federal government would not release much information without first requiring us to sign a so-called "Data Sharing Agreement," which restricted our rights to use information about our own Tribes' cultural history. The Federal government such as BLM continues to withhold important tribal historical information on cultural resources, including information relating to the Native American Graves Protection and Repatriation Act (NAGPRA). Little to no consultation happens on NAGPRA matters even in areas where we know there are burial grounds and sacred objects of cultural patrimony.

10. The Goshute Tribes sent comments to the BIA office in Elko, Nevada, voicing our concerns about no government-to-government consultation and about the withholding of information. But the BIA office disregarded our comments.

11. When the Federal government disregards its trust responsibility and consultation obligation, it greatly diminishes the Goshute Tribes' ability to protect our Tribal rights and interests. This has been the case through the entire SNWA Project, both the Federal process relating to the proposed pipeline right of way, and also the State process for SNWA's water rights applications.

12. Perhaps most shocking, the Federal agencies backed out of their legal duty to protect Tribal rights, resources, and interests when they signed the Stipulated Agreements, or the Stipulations for Withdrawal of Protests. The Goshute Tribes found out about the Spring Valley Stipulated Agreement in or about September 2006 *after* the Department of Interior agencies signed them. No tribal consultation ever occurred before they were signed. But in or about September 2006, the BLM called a meeting in Ely, Nevada. The Duckwater Shoshone Tribe and Ely Shoshone Tribe attended in addition to the Goshute Tribes. Penny Woods at BLM went over the "3M Plan" (the Monitoring, Management and Mitigation Plan) that SNWA agreed to provide in exchange for the Federal government's withdrawal of their protests to their water rights applications. That's when we realized that the Federal government agreed to and signed the Stipulated Agreements, which were inappropriate actions since they were required to consult with

the Tribes before agreeing and before signing. Plus, the Federal government was supposed to protect Tribal rights, resources, and interests, not give them away.

13. The Goshute Tribes never agreed to those Stipulated Agreements. The Goshute Tribes sent a letter to the BIA objecting to their signing of the Stipulated Agreements. The BIA did not respond for a long time, and still have not backed out of the Agreements as we have asked them to do numerous times. As the Federal trustee, the Department of Interior was required to protect our rights, resources, and interests--not sign back-room deals with the SNWA.

14. I examined the Stipulated Agreements. And it seemed clear to me that the SNWA and State Engineer violated those Agreements during the 2011 water hearing. At least two parts of the Stipulated Agreements seemed to be expressly violated: (1) that the Stipulations were not to be used to prejudice any other Parties or protestants, including any Indian Tribe; and (2) that the SNWA and DOI were to jointly explain the Stipulated Agreements and 3M Plan to the Nevada State Engineer during the water hearing.

15. Now with the Nevada District Court's decision that found serious flaws in the State Engineer's rulings for Spring, Delamar, Dry Lake, and Cave valleys, our Tribal rights, resources, and interests will again need to be defended in front of the State Engineer. Tribal rights, resources, and interests are affected in the upcoming State Engineer proceedings. Those rights, resources, and interests cannot be protected without Federal participation.

16. The Federal government is legally obligated to protect our rights, resources, and interests in the present proceeding. Without that protection, many things are at risk of irreparable loss or damage to the Goshute Tribes. Below are a few:

(a) Our water. Our people have gained traditional knowledge of this region over the course of thousands of years. We know that the water in Spring Valley is connected to the water on the Goshute Reservation. It is connected in the same way that blood in one's hand is connected to the blood in one's heart. But we keep hearing of the scientific studies that say the water SNWA intends to pump and export is from a different source and will not affect our Reservation. We know that to be false.

(b) Tribal health and well-being and safety. The Goshute Tribes have expended a large amount of Tribal funds to protect our rights, resources, and interests from the SNWA's pursuit of the Groundwater Development Project. Those expenditures take away from funding other Tribal programs and purposes. The expenditures make difficult conditions that our Tribes are faced with even more difficult. It affects everything from health and living conditions, to education and public safety, to pursuit of Tribal businesses and economic advancement. Already, the Federal government pulls funding from our Tribal programs, while at the same time they spend billions of dollars to aid countries and communities abroad. Our situation will worsen without the Federal government's protection of the Tribes' rights and interests. It will become far worse if the SNWA's Project is approved and constructed.

(c) Business and economy. Without the Federal government's participation in protecting our Tribal rights, resources, and interests, revenue that comes from the Reservation will not be protected. All of the grazing leases and other business activities will be faced with serious loss. Part of this loss will include traditional medicines and traditional foods, both on and off the Reservation.

(d) Religious rights and ceremonial areas. All over the Goshute Tribes' ancestral territory, we have places of traditional and spiritual significance. Spring Valley and the Goshute Reservation are only two areas. Spring Valley is especially significant to the Goshute and Western Shoshone People. Swamp Cedars in Spring Valley has always been a sacred tribal gathering area for Indian ceremonies. Swamp Cedars has always provided special medicines and spiritual power in the water. The three massacres that occurred there make it even more holy to our People. Swamp Cedars is our Vatican and our Arlington National Cemetery. The Federal government certainly would not have stipulated to withdraw protests in exchange for monitoring if SNWA sought to drain and destroy either of those sacred places.

17. If the Federal government does not protect our rights and interests in the present proceeding, the above risks (a-d) will become severe impacts to the Goshute Tribes. SNWA will go about using up and depleting the water and resources. And they will just move on, leaving the Tribes to suffer the long-term consequences.

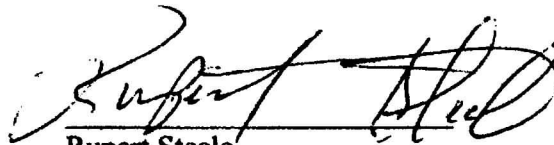
18. If the Federal government will participate in the present proceeding to protect Tribal rights, resources, and interests, then these above risks (a-d) can be averted. And the Goshute Tribes can go about building a future for the coming generations, protecting our cultural legacy, and practicing our ceremonies and spiritual ways of life within our ancestral territory.

19. If the Federal agencies (particularly the Bureau of Indian Affairs) are not participants in the State Engineer's proceeding, that would be a serious breach of the trust responsibility and due process rights of the Tribal protestants.

20. The back-room deals made in the Stipulated Agreements never should have happened. The use of those Stipulated Agreements to prejudice the Tribes in the 2011 hearing never should have happened. Instead, the Federal government should have engaged in consultation with the Goshute Tribes, worked closely with the Tribes to protect our rights and interests, and held strong to its trust responsibility.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12th day of October 2016.


Rupert Steele

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DECLARATION OF RUPERT STEELE was served on the following counsel of record by depositing the same for mailing, at Pocatello, Idaho, with the United States Postal Service and addressed to the following:

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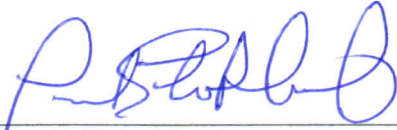
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DATED this 13th day of October 2016.



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