

ORAL HISTORY INTERVIEW

Thomas C. Burton



**STATUS OF INTERVIEW:
OPEN FOR RESEARCH**



**Interview Conducted and Edited by:
Donald B. Seney
Bureau of Reclamation**



**Interview conducted–1994
Interview final edited and published by
Brit Allan Storey, Senior Historian–2011**

**Oral History Program
Bureau of Reclamation
Denver, Colorado**

SUGGESTED CITATION:

THOMAS C. BURTON, ORAL HISTORY INTERVIEW. Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney. Edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation. Repository for the record copy of the interview transcript is the National Archives and Records Administration in College Park, Maryland.

Record copies of this transcript are printed on 20 lb., 100% cotton, archival quality paper. All other copies are printed on normal duplicating paper.

Table of Contents

Table of Contents	i
Statement of Donation	xiii
Introduction	xv
Oral History Interview	1
Born in Schurz, Nevada, at the Indian Health Service Hospital	1
Born in 1959	2
Raised by His Mother and Grandparents	2
“I grew up here on a small ranch my grandfather ran, and we all grew up learning about the farming and the ranching business . . .”	3
Tribal Assignment Land	4
Graduated from High School, Attended a Year of College, Went to Trade School to Become an Auto Mechanic, and Then Studied in the Tribe’s Program to Run Heavy Equipment	5
Served on the Tribal Council and Then as Chairman of the Council	6
Selection of Council Members	6
“I think the reason I ran for Chairman was just—it’s not like I need the extra work or the headache, you know—I didn’t see the tribe heading in the direction I thought would be most beneficial, I guess. . . .”	7

“ . . . you got the administration and you got the membership, and I kind of seen the separation evolving . . . I’ve attempted to reverse that and make everything more open and more tribal participation, membership participation. . . .” 7

“ . . . most of the good people, the real qualified or ‘outgoing,’ let’s say, people are working elsewhere, and it’s hard for them to make the time . . .” 8

“I’d like to see more young people get involved . . .” 9

Was Surprised by the Amount of Paperwork Involved in Being Tribal Chairman 10

Keeping Everyone Informed as Best Possible . . . 11

People Living on the Reservation and Tribal Membership 12

Implementing Public Law 101-618 14

Dealing with Public Law 95-337 14

History of Allotments and Water Rights on the Reservation 16

Friction Between the Tribal Chairman and the Council 18

Negotiations to Settle Fallon Paiute-Shoshone Claims 19

“ . . . the tribe, Pyramid Lake [tribe], Interior, and Justice Department. And then the upstreamers, you know, Sierra Pacific, and the City of Reno . . . But what happened was . . . we compromised our water at our expense

-
- to satisfy Pyramid Lake’s intent or what they was asking for. And what they were asking for was nothing that wasn’t due to them. We don’t have anything against them doing what they did. We compromised our water rights. At one time, the whole reservation was water-righted, except the new 2,700 acres that were added on at one time. . . .” 20
- “The intent of the 2,700 acres was to trade it for these bad grounds . . .and that never happened, because of the lack of an irrigation system . . . They passed this law with the promise of extending and completing the irrigation system, but they didn’t provide any funding for it. . . .” 21
- “. . . in the negotiation, we compromised. We had . . . approximately 19,000 acre-feet of water rights when we started this negotiation, and we come out with a little over 10,000. *But*, with the funding to eventually buy back the water rights . . . and reactivate our rights here on the reservation, bring it back up. . . .” . 21
- The \$43,000,000 to Buy Water Rights Is Being Provided in Annual Increments 22
- Public Law 101-618 Left out People on the Reservation Who Are Not Tribal Members and There Are Other Issues 23
- “. . . there’s some people that *don’t* think we got a real good deal, and then there’s a lot of people that think we’re doing alright. But you know most of the people that were
-

involved didn't really know what was going on: they voted on a lot of things, and other people's opinions. But that's the way tribal politics is. . . ." 26

The TJ Drain and Issues with Toxic Materials . . . 27

“According to the government, they continue to tell us it's a toxic drain and it will always be like that. So it's in the law that they have to close the drain. . . ." 28

Reclamation Proceeded on Planning Closure of the TJ Drain Without Consulting the Fallon Paiute- Shoshone Tribe 28

“. . . there is some of that feeling here, that animosity—just tired of being dictated to. . . ." 30

“. . . if it's a good plan or bad plan, they went about it in the wrong way. . . ." 30

“. . . first of all everybody . . . said, 'No, we didn't want it,' but then they started looking at it . . . and then a lot of the people thought it was a pretty good idea . . ." 31

Recent Requirements That Federal Bureaus Consult with Tribes Changes the Relationship of the Tribes to the Government 31

“When tribes go into negotiations nowadays, it's tribes and their team of attorneys—it's not the same. Federal agencies have to rethink . . ." 32

The Relationship of the Tribe to the Bureau of Indian Affairs 33

Senator Harry Reid Has Been Sympathetic to Indian Issues but Opposes Indian Gaming	34
Tribal Plans for Gaming on the Reservation	35
Attempts to Reorganize the Bureau of Indian Affairs	38
Indian Health Service Issues and the National Performance Review	39
Compares Indian Health Service and Veterans Affairs Budgets	41
Even Within the Bureau of Indian Affairs Area Office There Are Inequities	43
There Is a Lot of Travel Involved in Being Chairman of the Tribal Council	44
The Tribe Is Developing its Investment Policy for its Seven-up Fund	45
“We have an investment consultant . . . And we’re invested in stocks and in the bonds. That alone takes up a lot of time to process there.”	45
“When we invested, we got in, in a real down market, and right away we lost a lot of money and people were really concerned. . . . we could tell them, ‘It’s going to come back, it’s going to come back,’ and it has. . . . So we’re looking alright there. . . .”	46
“. . . there’s just a lot of little things: how to segregate the money when the interest comes in. . . . we got to get a hard figure on what money was available this year for distribution. . . .”	46
How Tribal Investment Income Is Split up	47
The Tribal Smoke Shop	48

While the Clinic Makes Some Income, the Facilities Are Dilapidated	49
“ . . . the big issue still is the TJ Drain. We’re in a negotiation right now to address all the farmers that are affected by that drain. We’ve got over 1,000 acres that are . . . directly affected by this drain. If they were to take the drain away, these farms would be hit. So we have to make sure the farmers are satisfied before we can do anything. And it’s time consuming. . . .”	50
The Tribal Farmer	52
TCID Is Supposed to Maintain Canals on the Reservation—the Government Pays the O&M Fees	53
TCID “come down here, they do little maintenance from time-to-time. It’s not what we need. We need more. . . .”	54
“We’ve always felt that we’ve been neglected as far as the maintenance of our system. . . .”	54
“They’re being paid to maintain ditches, to deliver water to 5,440 acres. Actively on the reservation we only have roughly 2,500 acres irrigated, so they’re being paid <i>more</i> than what they’re actually doing. And they’re not even doing that. . . .”	55
“Lately they’ve been trying to work with us. Since this water issue has come up, they’ve tried to get us to sit on their board, to actively participate in their business”	55

Reluctance to Deal with TCID since it Would Not Be
a Government-to-Government Relationship
..... 56

“... to us, to join their district and sit on their board
would be a step down for us. . . .” 56

“... we called our attorney, the attorney says, ‘The
issue is, they’re under state jurisdiction, we’re
not.’ So we don’t want to be tied to any of
their decisions that they may make. . . .” . 56

“I think . . . we’re going to form our own irrigation
district out here, and I think we have the
support . . . to work directly with BoR. . . .”
..... 57

Requested TCID Deliver Water to One of its
Reservoirs along the S Canal and Store it for
Use Later in the Season 57

“... they’ve objected to it, because they say other
farmers in their district can’t do it. But our
feeling is that we’ve given, and given, and
given—we’re not asking for nothing that isn’t
rightfully ours, that we’re not *entitled* to, in
fact, we’re asking for less than what we’ve
signed up for . . .” 58

The Issues Revolved Around TCID-established Dates
for Water Delivery 59

“I think they had to do that just so that they would get
the letter from the Bureau, taking them off the
hook with the farmers. . . .” 63

Senator Harry Reid Misunderstood Burton’s
Attendance at a Meeting of the Lahontan
Valley Environmental Alliance 65

“This negotiation that’s coming up, we were invited to sit at the table . . .” 67

“Pyramid Lake [Paiute Tribe] wants to cut off the Truckee Canal, that’s their ultimate goal. . . .” 68

Senator Reid Doesn’t Support Cutting off the Truckee Canal 69

“Pyramid Lake got a good deal. Their attorney is a *shrewd* individual. He’s done a lot of good for them. Nobody likes him, but as far as the job goes, he’s good at what he does. . . .” 70

“Like I say, there’s nothing personal. We’re not asking *them* for anything, we’re just asking the government to own up to what they promised, that’s all. . . .” 71

Trying to Position Tribal Holdings for the Future 72

“We had a flood in ‘86 that just filled up the [Stillwater National Wildlife] refuge. . . . And when the water dried up in the next couple of years, all our ancestors’ graves were exposed. So that was another process . . .” 74

“It isn’t right, but if they weren’t excavated and researched, we wouldn’t really know our history as well as we do now. If they weren’t excavated, somebody else would go down and be taking them anyway. So I was in favor of them going down there, excavating the exposed ones, and doing whatever

research they deemed necessary. . . .” . . . 75

“ . . . we built a vault down there on the refuge, a big underground vault, you know, concrete. And all the bones . . . were taken to the State Museum for research and curation . . . and they were reinterred down there in that vault. . . .” 76

Restoration of Stillwater Marsh National Wildlife Refuge 78

Would like to Have the National Wildlife Refuge Back in Tribal Hands 79

“ . . . I have mixed feelings, because I sympathize with these farmers sometimes, because they put their heart and soul into these ranches, you know, thinking that they had water for as long as they paid their dues or whatnot. . . . To see the government take this away, you know, it’s not fair. But then again, on the other hand, it’s given them a little inkling, or a little bit of the medicine that *we’ve* been suffering through over the last hundred years or so. . . .” 79

“Senator Reid is really hard on the district. He’s had such bad feelings for them, because everything that’s been done in *his* point of view is, that could have been mitigated, as far as he’s concerned, has been *litigated*, on account of the district. . . .” 81

How the Farmers Alienated Senator Harry Reid . 82

Various Issues in the Negotiations and the Fact That the Tribe Might Pick up Some of the Land the

Fish and Wildlife Service Acquires 85

The Tribe Is Expecting to Have a Separate Irrigation District 87

The Tribe Opposes Separating the Carson River and Truckee River Regarding the Newlands Project 89

“ . . . another issue . . . is that if . . . the decoupling of the river ever happened, the tribe would venture to reopen the Alpine Decree on the Carson. We have fairly good grounds to get back in there and reopen it, and go for reserved rights for the reservation. . . . ” . . . 90

“ . . . it’s very hard for these farmers here to give up anything. I just don’t know what they’re going to do. They don’t want to compromise, they feel that this is their right . . . ” 91

“ . . . what’s going to happen on the Carson is that they’re going to tighten up on all upstream users . . . because they use water upstream like what we used to use water like down here—turning water all over and no real regulation there. And so when they tighten-up, upstream, there’s going to be a lot of mad people up there. . . . ” 94

“ . . . the senator’s office this morning is sending out these letters saying what’s to be negotiated, what’s going to be on the table, and everything like that . . . ” 96

“We’re in the process now of applying for a grant to develop a long-term overall economic

- development plan. . . . I can see us expanding our land base—because we’re getting more people coming back home—and expanding our economic development to provide more jobs for these people, so . . . they can stay here and work and earn a living, earn a decent, good living. But I think we’re going to do fine in the long run. . . .” 97
- “We’re setting up our young kids with their per capita accounts. When it’s time for them to get their money, they’ll have several thousand dollars to go to school or to do whatever they want to do with it. We have a scholarship fund established . . .” 98
- “. . . I see us as a major player in this valley . . . We’re a powerful entity, and people are finally recognizing us, giving us the proper recognition that’s been due to us. And we’re going to do what we have to do to insure *our* successes . . . But we want to work with the people in town, the surrounding community. We don’t want to devastate anybody. . . .” 99

(Intentionally blank)

STATEMENT OF DONATION
OF ORAL HISTORY INTERVIEW OF
THOMAS C BURTON

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms, conditions, and restrictions set forth in this instrument, I, THOMAS C. BURTON, (hereinafter referred to as "the Donor"), of FALLON, NEVADA do hereby give, donate, and convey to the National Archives and Records Administration (hereinafter referred to as "the National Archives"), acting for and on behalf of the United States of America, all of my rights and title to, and interest in the information and responses (hereinafter referred to as "the Donated Materials") provided during the interview conducted on AUGUST 9, 1994, at FALLON, NEVADA and prepared for deposit with the National Archives and Records Administration in the following format: tape recording and transcript. This donation includes, but is not limited to, all copyright interests I now possess in the Donated Materials.
2. Title to the Donated Materials remains with the Donor until acceptance of the Donated Materials by the Archivist of the United States. The Archivist shall accept by signing below.
3.
 - a. It is the intention of the Archivist to make Donated Materials available for display and research as soon as possible, and the Donor places no restrictions upon their use.
 - b. The Archivist may, subject only to restrictions placed upon him by law or regulation, provide for the preservation, arrangement, repair, and rehabilitation, duplication, and reproduction, description, exhibition, display, and servicing of the Donated Materials as may be needful and appropriate.
 - c. For Donated Materials with restrictions, the National Archives will provide access to the Bureau of Reclamation, if the Bureau of Reclamation presents written permission of the Donor specifying the types of information and proposed uses of said information.
4. Copies of the Donated Materials that do not have Donor restrictions on their use, may be deposited in or loaned to institutions other than the National Archives, including the Bureau of Reclamation. Copies of unrestricted Donated Materials may also be provided to researchers. The Bureau of Reclamation may retain copies of tapes, transcripts, and other materials if there are no Donor restrictions on their use, and Reclamation may obtain copies of tapes, transcripts, and other materials at the time that Donor restrictions on the use of the materials ends.
5. The Archivist may dispose of Donated Materials at any time after title passes to the National Archives.

Date: 9/9/94Signed: 
THOMAS C. BURTON

INTERVIEWER: DR. DONALD B. SENEY

Having determined that the materials donated above by THOMAS C. BURTON are appropriate for preservation as evidence of the United States Government's organization, functions, policies, decisions,

procedures, and transactions, and considering it to be in the public interest to accept these materials for deposit with the National Archives and Records Administration, I accept this gift on behalf of the United States of America, subject to the terms, conditions, and restrictions set forth in the above instrument.

Date: _____

Signed: _____
Archivist of the United States

Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes misunderstood water rights; many local governments with growing water needs; Fish and Wildlife Service programs

Oral history of Thomas C. Burton

competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

The senior historian of the Bureau of Reclamation developed and directs the oral history program. Questions, comments, and suggestions may be addressed to the senior historian.

Brit Allan Storey
Senior Historian
Land Resources Office (84-53000)
Policy and Administration
Bureau of Reclamation
P. O. Box 25007
Denver, Colorado 80225-0007
(303) 445-2918
FAX: (720) 544-0639
E-mail: bstorey@usbr.gov

For additional information about Reclamation's history program see:

www.usbr.gov/history

Oral History Interview Thomas C. Burton

My name is Donald Seney, I'm with Thomas C. Burton, the Tribal Chairman of the Fallon-Paiute-Shoshone Tribe, in his office near Fallon, Nevada. It's

Seney: Good morning, Mr. Burton.

Burton: Good morning, Don.

Seney: I want to begin by asking you to tell me about your mother and your father. You were born here on the reservation, were you?

Born in Schurz, Nevada, at the Indian Health Service Hospital

Burton: Well, actually, I was born in Schurz, Nevada, at the Indian Health Service [IHS]¹ Hospital there,

1. Note that in the text of these interviews, as opposed to headings, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

(continued...)

which the majority of the local people were born over there, because that was the only hospital.

Seney: How far away is that?

Burton: That's roughly forty, fifty miles from here, actually. Yeah, and then I've grown up here all my life. I've been here for going on thirty-six years now.

Seney: Give me your birth date. What year and day were you born?

Born in 1959

Burton: Born July 14, 1959, so I'm getting old. (Seney chuckles) But yeah, I grew up here on the ranch. My mother was divorced from my dad, and he's a member of the Te-Moak Tribe in Northern Nevada, Te-Moak Band of Western Shoshones.

Raised by His Mother and Grandparents

-
1. (...continued)
The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.
-

I was raised, me and my four brothers here, by my mom and my grandparents, basically—extended family, as is usual for Indians. And we had . . .

Seney: Let me stop you to ask, Did it matter that your dad was a Te-Moak Shoshone and your mother is a Fallon Paiute Shoshone? Does that makes a big difference?

Burton: No, it doesn't, other than kind of like dog tags they hang on you, but we're all related one way or the other. So we're all one (chuckles) big old family, I guess. You always run into relatives you never knew you had, no matter where you go in the state, basically.

“I grew up here on a small ranch my grandfather ran, and we all grew up learning about the farming and the ranching business . . .”

I grew up here on a small ranch my grandfather ran, and we all grew up learning about the farming and the ranching business with the cattle and horses and this and that. [I] went to the local schools here.

Seney: How large a farm was it?

Burton: I think we used to farm around a hundred acres or something like that.

- Seney: Is that a pretty good-sized farm here on the reservation?
- Burton: Oh, it's average. A few of the bigger ranches here farm 300 or 400 acres, you know, but that's about the maximum.
- Seney: And this would have been irrigated through [Newlands] Project water?
- Burton: Yeah, through the water that was supposedly guaranteed to us years ago.
- Seney: My understanding is that when they came in and guaranteed it, originally the tribe was given larger plots, 160-acre plots. Then when the project was begun, those were shrunk to ten acres with the promise of water in perpetuity. Now your granddad has a hundred-acre ranch – he must have put that together?

Tribal Assignment Land

- Burton: Yeah, it was ground that—we still hold some tribal assignment land, what they call assignment. You don't actually have deed to the property, but it's yours as long as you use it.
- Seney: How is that determined?

Burton: Primarily assignment ground is for landless head-of-households, and as long as they use the property, it's theirs—it's just like your own. And there's different allotments. My grandmother, she's one of the local Fallon Paiutes, and her family made the exchange, the 160 for the tens, and they acquired a few parcels, a few of the allotments here, they'd just end up farming, you know, the combination of them, with a lot of ground in assignment, plus leased property.

Graduated from High School, Attended a Year of College, Went to Trade School to Become an Auto Mechanic, and Then Studied in the Tribe's Program to Run Heavy Equipment

So it was a good—I think I had a good childhood (chuckles), good upbringing. We always had whatever we needed—we wasn't rich, but we was provided for. And like I say, I went to the local schools, graduated from here at the local high school, went on to college for a year, went to trade school for a year and finished there for automotive mechanic, and I worked at that trade for a year or so and then I got into the construction field, running heavy equipment. [I've been] involved in construction for a good fifteen years. I started here, actually, in the training program the tribe had back in 1976, right before I got out of high school, and just continued on after that.

Served on the Tribal Council and Then as Chairman of the Council

And that's basically what I did up until I got . . . I was on Council² here for a couple of years, and then I stepped off for two years—two or four years, I think it was four years—and then I come back as Chairman in 1992.

Seney: Tell me how the tribe governs itself. How many members are there on the Tribal Council? And how are they selected?

Selection of Council Members

Burton: We've got a seven-member Council, they put in a letter of intent to run for the office and they're just elected at large, in the tribal election. We don't have any districts at this time, but we're kind of headed that direction.

Seney: Do much politicking when you run for office? How does the electioneering work for a tribal council?

Burton: Well, some people I guess do go out and do that, but I didn't. Well, I take that back, I did. They had like a little forum one time and I

2. Fallon Paiute-Shoshone Tribe.

spoke a little at one, one time. But everyone knows everyone here—there's no strangers around.

“I think the reason I ran for Chairman was just—it's not like I need the extra work or the headache, you know—I didn't see the tribe heading in the direction I thought would be most beneficial, I guess. . . .”

I think the reason I ran for Chairman was just—it's not like I need the extra work or the headache, you know—I didn't see the tribe heading in the direction I thought would be most beneficial, I guess.

Seney: What direction would that be?

“ . . . you got the administration and you got the membership, and I kind of seen the separation evolving . . . I've attempted to reverse that and make everything more open and more tribal participation, membership participation. . . .”

Burton: Well, progressing. And tribal involvement, let's say, with . . . You know, you got the administration and you got the membership, and I kind of seen the separation evolving, and I kind of didn't like that. And that was my main concern, I guess. I've been here going on my second year. I've attempted to reverse that and

make everything more open and more tribal participation, membership participation. We formed several different committees, drafted up a whole bunch of bylaws for each committee, appointed different people to committees. It was kind of a ground up process, which was good, it allowed us to build a framework, what we thought was most proper. In some instances it's working, but others—it's just a lack of participation sometimes.

Seney: Is it hard to get the tribal members to participate?

Burton: Yeah, it is, as far as the committees are concerned, because it's time-consuming, and at this point we don't have the resources to pay for their things. But in the future, we can see that coming, and that will really help out.

Seney: It's hard in the *non*-Indian community to get people to participate, but is the difficulty part of Indian culture? Is there something at work there that makes it hard to get people to work on the committees?

“ . . . most of the good people, the real qualified or ‘outgoing,’ let's say, people are working elsewhere, and it's hard for them to make the time . . . ”

Burton: I don't think we're a whole lot different than the outside community, because most of the good people, the real qualified or "outgoing," let's say, people are working elsewhere, and it's hard for them to make the time when it's not a priority. But there is some people that are really active. There are just a handful that really enjoy seeing things. And they have a vested interest too, you know, with their grandkids and the children and things like that, which a lot of the younger people *don't* get involved, because they're too busy trying to start careers and things like that.

**"I'd like to see more young people get involved . .
."**

I'd like to see more young people get involved, but it's kind of an evolution of things.

Seney: You seem to me relatively young to be a tribal chairman—are you relatively young, as tribal chairman go in the tribe?

Burton: Well, I guess. There's been a couple other young fellahs elected: one was nineteen back in, shoot, early 1940s, maybe.

Seney: As tribal chairman?

Burton: Yeah, Tribal chairman. That was a simpler time. (both chuckle) Yeah, I came on board, really not knowing what I was getting into, but I'm a quick learner. Bought me a computer and learned how to run all that stuff. Just come in here swinging, basically.

Seney: What have you found as tribal chairman that has surprised you?

Was Surprised by the Amount of Paperwork Involved in Being Tribal Chairman

Burton: The amount of paperwork! (laughs) I knew a lot about the personnel—not a whole lot, but I can deal with people pretty fair. I'm a fair person, basically, you know. I'm willing to hear anybody. I'm not the type of person who has to take credit for everything. It's a team, as far as I'm concerned—it's a team effort. You rise and fall as a team, as far as I'm concerned, but a lot of people don't see it like that. If there's a particular issue that comes up, and I'm well-briefed-up on it, and I know I'm right, I'll stand up for what I think is right. Until someone stands up and proves me wrong, I'll accept that. I will accept that, there's no problem. I'm not afraid to learn anything—I'm always learning something every day—I can learn something from *anybody*. I don't claim to be a very smart

person. I've got a lot of common sense.

Seney: In my reading about Native Americans, pretty much all over the country, my understanding is that they govern themselves largely through consensus and not so much by majority rule, as the non-Indian community would do. Is that still pretty true among the tribe here?

Burton: I try to make it like that a lot of times. That's why we formed our committees for more participation, and we assign them different things to evaluate and get their opinion, and actually get their recommendations from the committee that comes to Council. Every time so far, we've generally gone with that, unless there's a conflict where we have to step in and just do it ourselves, which isn't a big problem.

Seney: But would it be your tendency to try to get pretty much everyone to go along, to explain whatever the problem was?

Keeping Everyone Informed as Best Possible

Burton: I *try* to make everybody aware of everything that the administration is looking at. I try to disseminate information as I get it, to the Council. And then if it has to go further, then we do. We had a tribal newspaper, but that's kind of been in limbo here as of late, because

our secretary had the contract to do that, but we was just piling stuff on her to work, and more and more. It was just too demanding, and she, quite frankly, just didn't know how to handle all of that, organize it all, and it just kind of got pushed to the side. It's not her fault, it's mostly the Council's fault. Well, I guess I take that back—it's not *anybody's* fault, it's just the way the business is going right now, we've just got so many things going at one time, and everybody's going in a hundred different directions at one time. We put her on the payroll so she's actually being paid now, where she never was before, and she was putting in a lot, a lot, of time. It was the Council's decision to put her on the payroll, which I thought was a very wise decision.

Seney: One thing I need to ask you is, how many members are there here on the reservation, and then totally that you need to deal with?

People Living on the Reservation and Tribal Membership

Burton: On the reservation, I believe there's around, I'd say 1,200 people, give or take a hundred, couple hundred.

Seney: Living permanently on the reservation?

- Burton: Yeah. Our membership is a little over 900, maybe 925 or something like that.
- Seney: When you say “membership,” how do you distinguish between the 1,200 and the 900?
- Burton: Non-Indians who’ve married members, things like that.
- Seney: I see, okay. So they’re not really members of the tribe in the technical sense.
- Burton: No, they’re just residents.
- Seney: I see, okay. And then how many are outside the reservation? How many do you count that way?
- Burton: Gee, I couldn’t tell you even a close number, other than the fact that there’s a little over 900 people that we actively have to watch out for.
- Seney: I want to go back in a little while and ask you to give me a history of the project from your point of view.

But you were saying that you’re getting more and more to do, that you’re getting busier and busier, and I can certainly sense that from the feeling here in the office. Why is that happening, what’s going on?

Implementing Public Law 101-618³

Burton: Well, as you're aware of, we come out of this negotiated settlement, and it's a big job, I guess, administering that alone.

Seney: This is Public Law 101-618.

Dealing with Public Law 95-337

Burton: Yeah. And we're still dealing with a lot of the little loopholes and things that's involved with that. We're in a kind of a negotiation *within* a negotiation right now. There's a drain project on the reservation that has to be closed. The government built it—they built this big drain to lower the water table on the reservation to improve the agriculture. And PL 95-337⁴—it's a Public Law—that was passed in '78, I believe. It was an attempt by the government to right all the wrongs: the non-delivery of the water in the irrigation system at that point. And irrigatable [irrigable] lands, you know, they give us, we got

3. Referring to the "Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990."

4. This is "An Act to declare that all right, title, and interest of the United States in two thousand seven hundred acres, more or less, are hereby held in trust for the Paiute and Shoshone Tribes of the Fallon Indian Reservation and Colony, Fallon, Nevada, to promote the economic self-sufficiency of the Paiute and Shoshone Tribes, and for other purposes."

squeezed down to 4,600 [acres?] I believe, in the original swap. In their attempt to right some of them wrongs, they built this drain to improve the agriculture, and then they added on, I think, 2,600 acres on the north side of the reservation. They included that, and in the process when they dug this drain, they never took into account the bad water, the ground water that was coming out, seeping into the drain. The water all ended up on the fish and wildlife refuge and killed the ducks and the fish. So that just created more problems, is what happened. So we went back in with this negotiation. When I was on [the] Council, we were just getting started, we'd just put the attorney's on, we were seeking funding for the payment of the attorneys.

Seney: That finally would come from the Bureau of Indian Affairs [BIA]?

Burton: Right. We had a real tough time getting that put together, for whatever reason I don't know. But it was a struggle at the first. Our attorneys were kind enough to float us, at one point, I think we was \$4,500 in the hole. But we ended up working that out. We was paying them as we could with some other monies that we had coming in. So we eventually got them up and going and they started working on this. And then it just evolved into this big negotiated process here, and Pyramid Lake was . . .

Seney: Well, you know, maybe it would make more sense to go and start from the beginning. I'd like you to give me your history of the project from the point of view of the tribe, and the way . . . Don't spare any details. Don't think you're telling me too much, because it's important that we get your perspective on the record here of all these events.

History of Allotments and Water Rights on the Reservation

Burton: What happened . . . Well, 1902 was the initial swap. I think the original 160-acre allotments was in 1890-something. I'm embarrassed because I don't know the actual numbers. (chuckles) But in 1902, the exchange was put before the allottees, and most of them took it. Out of, I think there was ninety-six allotments, original, and out of the ninety-six, I think there was like eighty-nine that took them up on the offer. That was the 160 acres of . . . Actually, the water rights for them 160 acres were filed for at that point, but there was no system to *deliver* the water, so at this point, the government promised the delivery of water for ten acres.

Seney: At no charge?

- Burton: At no charge, forever, basically, which shrunk us down. With the 160-acre allotments, I think the total acreage at that point was a little over 31,000 acres. And that shrunk us down to like 4,600 or something like that.
- Seney: Let me stop just for a second. When the government says “forever,” and *you* say “forever,” do you mean the same thing?
- Burton: I don’t know.
- Seney: I’m trying to get maybe at the idea that Native Americans have a very different sense of what a word like “forever” might mean.
- Burton: Well, you know how the government is. The government, “forever” is until the next Congress, or something like that. If they don’t like a certain law, they change it. They have the power to do that. We’re subject to a lot of their turnover a lot of times, from one administration to the next, we suffer sometimes. Other times, we gain. So “forever” is whatever each individual person, I guess, thinks. “Forever” to me means until we’re no longer here. But as far as the government goes, that’s anybody’s guess.

Anyways, with the ten acres with promised water for each allotment delivered to each and every allotment, with an irrigation

system to provide that—the irrigation system was never put in place. It was partially put in place. And the lands that we got, almost fifty percent of it is nonproductive, non-irrigatable land, because of the . . . Well, a lot of it because of the non-irrigation system, a lot of it because it's just bad ground. So in 1987 we set out to try to straighten that out. And that started that whole process and it just kind of moved on from there. Like I say, I stepped out for a couple of years, different administration had come in here at that time. It was a political fiasco, basically, is what it was.

Seney: Tell me about it. What do you mean by that?

Friction Between the Tribal Chairman and the Council

Burton: Well, we had a chairman here who was . . . Gee, I don't know how to describe it. He had his theory of how the council and chairman should work was backwards. He thought he ran the council, the Constitution says he *answers* to the council. And we tried to work with him, but he wouldn't work, and we ended up booting him out. And then it got to be real bad. Tribal politics can be real mean sometimes, you know—no physical or nothing like that. I don't think anybody would drop to that level, but it come

close a few times. It just got really bad, and I got kind of fed up with it, and kind of burned out, so I stepped off for a few years. And then this thing kept rolling, the attorneys was on it all the time. Actually, the attorneys done a pretty fair job. They had an administrator here who was kind of running the show, which was probably the best thing. That was the only thing that kept the administration moving at that point. Not everybody's agreeable to let transpire, but we have what we have, and we can sit around and argue about it, or we can move forward and carry on.

Seney: I think at this time you were trying to work out what your position should be as you tried to get some redress for all these things that had not happened and had to happen?

Burton: Yeah, it was very complex, this negotiation process. And a lot of it . . .

Seney: If I could stop you for a second, were these negotiations that preceded Public Law 101-618?

Negotiations to Settle Fallon Paiute-Shoshone Claims

Burton: Yeah, that eventually evolved into Public Law 101-618.

Seney: Who were the parties that were negotiating on this?

“ . . . the tribe, Pyramid Lake [tribe], Interior, and Justice Department. And then the upstreamers, you know, Sierra Pacific, and the City of Reno . . . But what happened was . . . we compromised our water at our expense to satisfy Pyramid Lake’s intent or what they was asking for. And what they were asking for was nothing that wasn’t due to them. We don’t have anything against them doing what they did. We compromised our water rights. At one time, the whole reservation was water-righted, except the new 2,700 acres that were added on at one time. . . .”

Burton: There’s a tribe that was in on it: Pyramid Lake was involved. Basically, the tribe, Pyramid Lake, Interior, and Justice Department. And then the upstreamers, you know, Sierra Pacific, and the City of Reno and everybody like that. But what happened was, the way I see it, we compromised our water at our expense to satisfy Pyramid Lake’s intent or what they was asking for. And what they were asking for was nothing that wasn’t due to them. We don’t have anything against them doing what they did. We compromised our water rights. At one time, the whole reservation was water-righted, except the new 2,700 acres that were added on at one time.

“The intent of the 2,700 acres was to trade it for these bad grounds . . .and that never happened, because of the lack of an irrigation system . . .

They passed this law with the promise of extending and completing the irrigation system, but they didn’t provide any funding for it. . . .”

The intent of the 2,700 acres was to trade it for these bad grounds, to move them up there—and that never happened, because of the lack of an irrigation system, for one thing. They passed this law with the promise of extending and completing the irrigation system, but they didn’t provide any funding for it.

Seney: Ah! And that still has not been done.

“ . . . in the negotiation, we compromised. We had . . . approximately 19,000 acre-feet of water rights when we started this negotiation, and we come out with a little over 10,000. *But*, with the funding to eventually buy back the water rights . . . and reactivate our rights here on the reservation, bring it back up. . . .”

Burton: No, it still hasn’t been done. So in this process, in the negotiation, we compromised. We had 19,000 acre-feet, approximately 19,000 acre-feet of water rights when we started this negotiation, and we come out with a little over 10,000. *But*, with the funding to eventually buy

back the water rights, off the reservation, and retire them, and reactivate our rights here on the reservation, bring it back up.

Seney: This is the \$43 million, roughly? Do I have that number right?

Burton: Yeah.

The \$43,000,000 to Buy Water Rights Is Being Provided in Annual Increments

Seney: Forty-three million was the fund that's been established.

Burton: Well, we're getting it in increments.

Seney: I understand, so much per year for a number of years—\$8 million per year or something like that.

Burton: Yeah, we haven't received that yet. We're getting installments. I think we're up to \$20 million now, or something like that.

Seney: No problem getting it, though? They've kept the money flowing in?

Burton: It's budgeted every year. And anyways, so we compromised some of our water rights, but then

like I say, they provided funding to build it back up.

Seney: So you felt you got a pretty good deal out of Public Law 101-618. Are you happy with it?

**Public Law 101-618 Left out People on the
Reservation Who Are Not Tribal Members and
There Are Other Issues**

Burton: Well, like I say, I'm not totally satisfied, but then again I wasn't actively involved in the direct face-to-face negotiations with the senators.

Seney: What are you unhappy about?

Burton: Basically the compromising of the water. Another thing: the non-tribal member landowners were virtually left out. The benefit that they'll get eventually is a better water system.

Seney: When you say "the non-tribal member landowners," there are some on the reservation?

Burton: Yeah. Yeah, there is.

Seney: How did that come about?

Burton: Well, for instance, a member from a different

tribe marries a member, and then the member passes away or something, and then they [the spouse] ends up owning the allotments. They kind of basically were left out of the whole process. I'm not saying they should have been included as tribal members, but I think they should have been addressed a little better, probably could have come out a little better. But like I say, I wasn't . . .

Seney: Guaranteeing water to them, in other words?

Burton: Well, their water's guaranteed, because they own the allotments that are tribal allotments, originally. And their water is covered. But they don't participate in the tribal . . . They set up a per capita fund. I'm not totally in favor of that, because that's like a welfare system.

Seney: Explain that to me. What does "per capita fund" mean?

Burton: The \$43 million is there for the tribe to invest, to do what they want to do, but they can't actually spend it—they can only spend up to twenty percent of it, but it has to be repaid.

Seney: They can just spend the income off the money?

Burton: Yeah, you spend the income off the \$43 million.

And they set up a certain percentage to go to per capita payments to tribal members, so a non-tribal member can't participate that way.

Seney: Ah-ha, okay.

Burton: But they have the money in there for rehabbing the irrigation system, so that's helped out—already we're using that. For land acquisition. You know, if they wanted to *sell* their land, they can participate that way. So that isn't totally . . .

Seney: Have you bought any land . . . ?

Burton: Not yet. We're in the process right now, of finalizing our land and water consolidation code, to have something in place we can work with. But there's little things in there, I guess, that are not quite up to what I thought we should have got. The damages—we had University of Nevada-Reno come up and done a study of the reservation, what damage was done, how much income was lost over eighty years of non-farming, what *could* have been made. And we was talking right around \$100 million. And that was kind of the big thing, \$100 million, and then you're negotiated down to \$43 million. So that's a big chunk there. But, you know, with the government tightening up and everything, I guess it's understandable. And I guess we ought to feel real fortunate that we *did* come out

with what we got. And like I say, I wasn't actively involved in the face-to-face negotiations with the senators, or with Pyramid Lake for that matter. So I really can't say whether we done real good or real bad. But we have what we have. And my thinking is that we should do the best we can with what we got, and what we got isn't that bad—it isn't that bad at all.

Seney: The tribe feel that way, pretty much, about it, do you think?

“ . . . there's some people that *don't* think we got a real good deal, and then there's a lot of people that think we're doing alright. But you know most of the people that were involved didn't really know what was going on: they voted on a lot of things, and other people's opinions. But that's the way tribal politics is. . . . ”

Burton: Well, I know there's some people that *don't* think we got a real good deal, and then there's a lot of people that think we're doing alright. But you know most of the people that were involved didn't really know what was going on: they voted on a lot of things, and other people's opinions. But that's the way tribal politics is.

Seney: The tribe had to approve the settlement?

Burton: Yeah, we had to vote on it and everything, and it was passed.

Seney: I should think there'd be a fair amount of resentment here on the tribe toward the Federal government and the Bureau of Reclamation.

Burton: Well, since this settlement has come down, the BoR and our . . .

END SIDE 1, TAPE 1. AUGUST 9, 1994.

BEGIN SIDE 2, TAPE 1. AUGUST 9, 1994.

Seney: When you're talking about the TJ Drain, do you think that's really toxic, because I know some people say if it would just run a while, it would just flush that material out, and then it wouldn't *be* toxic.

The TJ Drain and Issues with Toxic Materials

Burton: Well, there's *some* of that material, no matter how long it's going to be flushed, it'll always be there—the arsenic, the boron, things like that, it never dilutes. So there's things that can live in there. We have ducks and fish living in that drain right now, and that's what raises all these questions, and we have questioned that.

“According to the government, they continue to tell us it's a toxic drain and it will always be like

that. So it's in the law that they have to close the drain. . . ."

According to the government, they continue to tell us it's a toxic drain and it will always be like that. So it's in the law that they have to close the drain.

Seney: That *is* in 101-618, isn't it, specifically?

Burton: It's in the law. So that was one thing that we're faced with, and we have to address it, one way or the other.

Seney: Obviously, the drain is to lower the water table, so that the roots won't saturate on the alfalfa, which run pretty deep, as I understand it. (Burton: Yeah.) What is the alternative to that drain in terms of doing the same thing without causing damage?

Reclamation Proceeded on Planning Closure of the TJ Drain Without Consulting the Fallon Paiute-Shoshone Tribe

Burton: Okay, what the government has proposed – this is where we've had a problem from the very start, I guess—when I came on, in the law it says the government . . . You know, the secretary in consultation with the tribe will develop a plan to

close the drain and provide alternate or modified drainage system for the farmers. And the way I seen it, when they came on, when they started this process of closing the drain, the BoR showed up one day with a plan put together that says, "This is how we're going to do it. We're going to come out and we're going to put subsurface drains in your fields and close the drain and just provide a shallow drain and separate the toxic water from the tailwater that runs off the fields, and that's how it's going to work." And they showed up with this plan already kind of in the process, and right off the bat I'm saying, "Well, gee, you guys never talked to us about this before you started this. I wish you *would* have." So what that did, when they showed up here, everybody threw their arms up and says, "Hey, you guys are doing wrong, you haven't consulted with us," so it stopped everything basically.

Seney: This is a kind of . . . I don't want to say "point of honor," but a point that even if this were a *good* plan—and I have no idea whether it is or not—but the fact is, they didn't talk to you about it, and they *had* to talk to you about it. (Burton: Right.) So does it become a kind of point of honor, almost, that they haven't?

Burton: Well, yeah, that's part of it, and then it's in the law.

Seney: Let me put it to you this way: *I* would think, if I were sitting where you sit, or if I were a member of the tribe, I'd be pretty tired of the Bureau of Reclamation (Burton: Yeah.) and the Federal government coming out, making promises to me, telling me what they're going to do, then not doing it, or doing something different. So is the disagreement kind of in that context?

Burton: Yeah, some of it is. I admit that—there is something like that.

Seney: No problem. I just want to get you thinking on it.

“ . . . there is some of that feeling here, that animosity—just tired of being dictated to. . . .”

Burton: Well, you're right, there is some of that feeling here, that animosity—just tired of being dictated to. So we bring this up, “It's right there in the law. You have to counsel with the tribe, you guys haven't done that.”

“ . . . if it's a good plan or bad plan, they went about it in the wrong way. . . .”

So, like you say, if it's a good plan or bad plan, they went about it in the wrong way.

“ . . . first of all everybody . . . said, ‘No, we didn’t want it,’ but then they started looking at it . . . and then a lot of the people thought it was a pretty good idea . . . ”

You know, first of all everybody threw their hands up in the air and said, “No, we didn’t want it,” but then they started looking at it, we looked at it more and more, and then a lot of the people thought it was a pretty good idea, actually.

Seney: I guess the Bureau has to kind of learn too, that they’ve got to really come out and deal with you.

Recent Requirements That Federal Bureaus Consult with Tribes Changes the Relationship of the Tribes to the Government

Burton: Yeah, they’re learning a whole new way of thinking. We’re changing their thinking. The president come down with the order that says the trust responsibilities of all Federal agencies to Indian tribes, anything that’s going to affect the tribes one way or the other, positive or negative, they must consult with the tribes.

Seney: President Clinton has done this?

Burton: Yeah, so we throw that at them all the time.

Tribes across the nations are asserting themselves—especially the bigger tribes with the casino money, the gaming money—they’ve got a lot of clout now and the tribes are asserting themselves, and they’re making a difference nowadays, as opposed to the years gone by where the tribes have relied on government handouts. That’s one thing the government always held that over the tribes, pulling their strings, “You’re going to do it like this or you won’t get *this*.”

“When tribes go into negotiations nowadays, it’s tribes and their team of attorneys—it’s not the same. Federal agencies have to rethink . . .”

Now the tribes are becoming more independent and they’re standing on their own and talking. When tribes go into negotiations nowadays, it’s tribes and their team of attorneys—it’s not the same. Federal agencies have to rethink, they’re having to readjust their way of thinking now. At our local level at the agencies, the tribes in our area, the Western Nevada Agency, we all work pretty well together, and we dictate to our agencies, “This is how we want you to spend your money, this is how much we need for the year, we want you guys to put this in your budget and send it up to the next step.”

Seney: When you say “agencies,” what does that mean?

The Relationship of the Tribe to the Bureau of Indian Affairs

Burton: Bureau of Indian Affairs, our local agency here. It’s kind of role reversal, actually. They used to tell *us*, “This is how much money you’re getting, this is how much it is, that’s it.” Now we’re saying, “Well, this is how much we want you to ask for, put it in your budget, and we want it from the bottom up.” And we’re working it *that* way now. We’re pretty fortunate our agency has been real accommodating to us. They have their marching orders, they can only do so much. And we support them in whatever we can to keep their office up and running, at times. The employees can’t lobby the government on their own behalf, but we *can*, so that’s how we help them.

Seney: And you work together on that?

Burton: Yeah, we work together. And we’re not doing too bad. As far as the government goes, they’re running out of money—that’s the fact. We lobby, we’re in contact with the senators all the time, Senate Committee on Indian Affairs. So the FAX machine is a God-send.

Seney: (chuckles) In terms of communicating with one another, and then communicating with the representatives and senators?

Burton: Yeah. At the drop of a hat, you've got communication right there.

Seney: Is Congress pretty sympathetic, do you have pretty good listeners up in the Congress?

Senator Harry Reid Has Been Sympathetic to Indian Issues but Opposes Indian Gaming

Burton: Our senator, Senator [Harry] Reid, he's a senior senator and he sits on the Appropriations Committee, he's powerful on that committee, and he's on the Senate Committee on Indian Affairs—might even be vice-chairman, I'm not sure. So we have a key senator there, and he's been pretty sympathetic, I guess, to the wants and needs, as far as I can see. There's some things he *won't* deal with, he's dead set against—one of them is Indian gaming. You know, he's tried to kill that.

Seney: One can understand that, I guess.

Burton: Yeah, because he gets a lot of his support from the Las Vegas areas and the casinos, they _____ him. (Seney: Yeah.) So he's in a

position where he has to do what he's got to do.

Seney: Let me ask you about Indian gaming. I don't think it's possible to do it here in Nevada, yet, is it? Could you open a casino here on the reservation?

Tribal Plans for Gaming on the Reservation

Burton: Yeah. We'd have to negotiate a compact with the State. Actually, we're involved right now with getting our gaming regulations in place. We're not going to open a big casino, we're just looking at possibly a bingo hall in the future, and then slot machines in our smoke shop, something like that—nothing major. The environment here in Nevada just isn't the same as out of state. You know, there's casinos on every corner around here, as opposed to out of state: If you've got one on the reservation, that's a central drawing point there.

Seney: Do you like that? Do you think Indian gaming is good for the Indian community in the nation as a whole?

Burton: You know, it's like money. A lot of people say money is the devil's . . . What do they call it? I don't know how it works. But anyways . . .

Seney: Root of all evil?

Burton: Root of all evil, yeah. But that isn't true—it's how you *use* it. And there's a window of opportunity here, the tribes see a window of opportunity. If they do it right, they can get in, make their money, get out, invest it wisely, and it'll be there for them. That's what a lot of tribes are doing now—they're taking themselves off the government "welfare line," let's say. And it's a positive impact on the reservations. You know, there was a big deal on gaming about a year ago, I guess, when Donald Trump come up before Congress and just raked the tribes over, and just got really racist, trying to get support to kill the [Indian] gaming, and it backfired on him—nobody would touch it. Nobody would touch him, didn't want to be associated with him.

The big difference is, the gaming tribes put on big ad campaigns back in Washington: full-page ads in the *Post* saying, "When Donald Trump makes a million dollars, he buys a new yacht or builds another hotel. When a tribe gets it, they build a clinic, they provide schooling for their kids, or build a daycare or something like that." It's two different worlds, all the way around. And I think people are kind of seeing that now. I know the president come out with a proposal to pay for welfare reform with Indian gaming taxes, but that was killed. Senator Reid

was kind of behind that too, wanted to do that.

But everybody's seeing that now, I think. And the Connecticut tribe, Nantucket Pequot Tribe, the Foxwood Casino,⁵ biggest casino in the world, *hugely* profitable. They worked out a compact with the State. The state bucked them all the way until they provided them with numbers. The tribe said, "Here's your cut. You're going to get \$100 million a year," and the State, boy, jumped behind them right there, negotiated a compact, it's been going ever since. The tribe makes a lot of money, but the state benefits too. They see that when a Minnesota or Wisconsin tribe builds a library for the community. Like if we had money here, we'd go uptown and build a library or something like that. They see the benefits. It works both ways, it's not a one-sided street, you know. Indian people as a whole are giving people, and if you treat them right, they'll treat you right. The non-Indians are just starting to maybe see some of that—that might be changing some of the attitudes.

But, you know, like I say, the tribes are asserting themselves, they're moving out, they're moving on, regardless.

5. Referring to the Foxwoods Resort Casino in Mashantucket, Connecticut, owned by the Mashantucket Pequot Tribal Nation.

Seney: Well, you know this morning when we were interrupted by a call from Senator Reid's office (Burton: Yeah.), and obviously I'm not going to ask you what you talked about, but clearly one of his staff people called you, and you have a close rapport with these people. How does that work? How do you work with the members of the Congress? What do you do for them? What do you bring to their attention, and what generally do you bring to their attention?

Attempts to Reorganize the Bureau of Indian Affairs

Burton: Well, all of our . . . The Bureau of Indian Affairs is a grossly under-funded agency. They've had trouble with it as being unorganized, and administratively insufficient. A lot of funds have been unaccounted for over the years, so there's leering as to how to control this agency. So there was a task force formed four years ago now—it's kind of sunseting now—to reorganize the BIA. And I came on last year, and I was appointed to one of the subcommittees on this task force, which I don't know how many members are on there—there's probably maybe forty, fifty people involved across the nation—to help reorganize all this, try to straighten this out, to make a better playing field for the Bureau to get more

funding, because there was a definite concern there as to the mismanagement of funds, and things like that. So it's been very hard for us to obtain additional funding, and when the cuts come down, we're included with that, which we don't think is right, because we're already underfunded as it is. So that's a constant fight. We're in contact with our senators on that all the time—representatives.

Seney: Do you work with Representative [Barbara] Vucanovich?

Burton: Yeah, we keep in touch. We make her aware of everything we're doing. And if I'm back in D.C., I'll stop in there and chat with them, keep them up-to-date, as much as we can.

Indian Health Service Issues and the National Performance Review

Another issue right now is the Indian Health Service. With the National Performance Review, [Vice-president] Al Gore's cut the Federal mid-management things like that. A lot of the positions are being cut across the board of government. And we feel that it's real inequitable. The inequities persist, and they are put on the Indian Health Service, unequal to the way they're addressed across the rest of the agencies within the Health and Human Services

Division.

Seney: They're being cut more, you think?

Burton: Well, actually, the Health and Human Services Division as a whole got an *increase* in funding, but yet the Indian Health Service gets cut millions of dollars. Initially they proposed a \$250 million cut. We started our consortiums. We'd have a service unit management team here—it's a group of all our tribes here with clinics that we operate. We all get together and we discuss all these issues, and as a coalition we send all this information to our senator, who actually sits on IHS appropriations subcommittee, I think. So our senator is a key individual. (Seney: This is Reid again?) Senator Reid, yeah.

Seney: Do you deal much with Senator [Richard H.] Bryan?

Burton: I haven't personally. I've cc'ed [carbon copied] him a lot of things from time-to-time, but I don't believe I've met him. He's not quite a key person as Senator Reid is—he's the junior senator and everything. (Seney: Right.) So we pretty much zero-in on Senator Reid all the time—and Vucanovich, because she's on the Natural Resource Committee or Subcommittee,

whatever that is, on the House side. So we keep her up-to-date on everything that's going on here.

Compares Indian Health Service and Veterans Affairs Budgets

Currently, like I say, we suffered massive cuts: initially, \$250 million. (Seney: From the Health Service?) In the Indian Health Service. It's just grossly inequitable what they're doing to us. We serve about roughly two million people, which is about the same as the Veterans' Administration. And Veterans' Administration, we got nothing against that. They deserve what they get. As far as I'm concerned, veterans are the reason we're all still here. But they service roughly the same amount of people, that I understand, and their budget is around *\$15 billion*. And this year they received an increase of a *half* a billion dollars. And *our* budget is a little less than \$2 billion, servicing the same amount of people, and we're just being devastated. I got a notice in the mail yesterday—on the FAX, actually—that our contract health service here, in our service unit, we're at zero dollars. We're barely floating.

Seney: I saw a notice posted on your door, “only emergency service now,” or “no emergency”?

Burton: *No* emergency service. If you go in there with a broken leg, you're on your own, you pay for that, although it's *law* that the government pays for Indian Health Service, forever. Here we go again. We've ceded millions of acres of land, and we've given and given, and the attitude now is "let's get some of this back." But we're continually, *continually*, just being short end of the stick every time you turn around. And you know we've really got some champions, let's say. Senator [Daniel Ken] Inouye [of Hawaii] is the number one guy. He's a very powerful senator.

Seney: And Chairman of the Senate Indian Affairs Committee.

Burton: Right. He gets in front of these guys, and boy, he really rakes them over really good. Senator [John Sidney] McCain [III] is an advocate too. He's a Republican out of Arizona. And it's just unbelievable to *them* guys that we're not at the same level as these other agencies, we're *way* down at the bottom of the list, bottom of the totem pole within the Health and Human Services Division, continually being cut. While at the Pentagon, they're *wasting* more money than our whole budget is! You know, they're continually discovering these wastes. They waste more money in a year than we get

budgeted for in a year. So there's just no equity there, anywheres we look, and that's a constant fight. You know, like I say, we're at zero dollars in our contract health, and we have no Indian hospital in our area here.

Even Within the Bureau of Indian Affairs Area Office There Are Inequities

There's inequities within our area. We're bunched in an area [office] with Arizona and Utah and Nevada. And we touch Oregon, Idaho, and then we touch a little bit of California. The inequities just within our area are bad, because there's several Indian hospitals in Arizona—I think there's eight or nine, and here we are, we have one hospital, it's not in our service unit, it's on the Idaho-Nevada border in Owyhee. All our work done here, we provide *very* basic care at our clinic. After that, referrals out to different specialists, contract health. And we got no money for that, so people are on their own, basically, and it isn't right. We had a conference call this morning at five o'clock, with the Director of Indian Health Service in Rockville, Maryland, and he didn't even give us a good lip service on the phone. So we have to go above his head, we're in contact with the senator's office again, and Vucanovich and everyone we can think of. (Seney: Trying to get the funding restored?) Trying to get additional

emergency funds to carry us over. We've got twenty days left in our fiscal year, almost three weeks, and we've been averaging over \$100,000 a week, and here we are with nothing left, so we're in a crisis situation. So that's a big issue right now.

I'm on the National Indian Health Board, representing our Phoenix Area, so that's one up for us, an added little bit of clout. But still, there's only so much you can do. So it's a constant battle, it never ceases. You think you get a grip on something, and then something else pops up.

Seney: You know, I tried for several weeks to reach you, and finally we were able to make an appointment, which I appreciate very much, but you're forever gone. Are you forever gone, travel a lot on Indian business? That's what I'm trying to get at.

There Is a Lot of Travel Involved in Being Chairman of the Tribal Council

Burton: Well, yeah, I go to a lot of different meetings concerning the Bureau of Indian Affairs and the Indian Health Service.

Seney: That's what you've been doing mostly lately . .

.?

**The Tribe Is Developing its Investment Policy for
its Seven-up Fund**

Burton: Yeah, a lot of that, plus with our Seven-up Fund, we're involved in developing our investment policy, we have money taken out of the Bureau of Indian Affairs and we've invested it on our own, privately.

Seney: Where have you put it so far?

**“We have an investment consultant . . . And we're
invested in stocks and in the bonds. That alone
takes up a lot of time to process there. . . .”**

Burton: We have an investment consultant that's in Portland, Oregon, and they have money managers that they work with, and they're out of Portland. And we're invested in stocks and in the bonds. That alone takes up a lot of time to process there.

Seney: You're having to learn a lot about this kind of thing to keep tabs on it yourself?

Burton: Yeah, a lot—really a lot.

Seney: Is this new to you?

Burton: Yeah, really new.

Seney: Do people here in the tribe expect you to keep an eye on this stuff?

“When we invested, we got in, in a real down market, and right away we lost a lot of money and people were really concerned. . . . we could tell them, ‘It’s going to come back, it’s going to come back,’ and it has. . . . So we’re looking alright there. . . .”

Burton: (chuckles) That’s exactly what they expect. When we invested, we got in, in a real down market, and right away we lost a lot of money and people were really concerned. All you can do is all you can do. You get into something and you’ve got to just kind of weather the storm. That’s all we could tell them, “It’s going to come back, it’s going to come back,” and it has. It has come back. So we’re looking alright there.

“. . . there’s just a lot of little things: how to segregate the money when the interest comes in. . . we got to get a hard figure on what money was available this year for distribution. . . .”

But there’s just a lot of little things: how to segregate the money when the interest comes

in. Our funding cycle ends at the end of *this* month, so we got to get a hard figure on what money was available this year for distribution.

Seney: This would be on the per capita fund?

Burton: Per capita, and, well, what we do is, get the interest. The interest and dividends we're going to go ahead and segregate up there. We still have some money in the BIA in Albuquerque that they invest for us. And so at the end of our fiscal year we . . .

Seney: But they're limited, if I may, aren't they? (Burton: Yeah.) to what they can do? You have more flexibility on where *you* can put the money.

How Tribal Investment Income Is Split up

Burton: Right. Right, up here we have all the flexibility as anybody else. At the end of our fiscal year on the thirty-first of September, we'll get the numbers available from BIA and then from the private investments, and we'll get them together and see what numbers we got to work with for the year. And then we go about it. We got six categories we separate that money into—we're going to put them in different accounts. So that's the process of getting *that* put together. Our investment people want us to let them do it

up there, to take it out of the regular investment and put them into some low-risk mutual funds, so that they'll beat the bank interest rates, but yet they'll be very low risk, and they'll track it for us even. And then per capita, that's one of the six categories, but within *that* category, we have the minors, the kids' money that's invested and banked every year, and we got to keep track of that, and make sure that money's available when they come of age. And then the people who die during the year—there's a lot of little things you got to keep on top of.

And then we have a built-in growth . . . What do they call it? Built-in inflation, a certain percentage built-in to beat inflation every year. So it's an evolution here we're working with, and we got to stay on top of that. Our attorney's drafting up these policies, and he's working with our investment managers and our custodian, so we got a lot of things going.

The Tribal Smoke Shop

And then we have our private . . . We have a smoke shop we're looking at relocating.

Seney: Does that make money for you?

Burton: Yeah.

Seney: What does a pack of cigarettes cost from you as opposed to in town?

Burton: I don't know, I couldn't tell you.

Seney: You're not a smoker?

**While the Clinic Makes Some Income, the
Facilities Are Dilapidated**

Burton: No, I don't smoke. So I couldn't tell you. But we make money off of that. It keeps our administration here going every year, along with our BIA and IHS money. Then our clinic is another issue in itself there. We generate some income there, but we're in a *really* dilapidated old clinic. Indian Health Service give us these old double-wide trailers back in 1985, to use as our clinic, so we put them together, remodeled them, and they were supposed to be our clinic for five years, and then we were to get a new one. And that was—shoot, that was almost ten years ago. And they were fifteen-year-old trailers when we got them! So that's an issue now, so we're looking at building a new clinic. That's another facet of this. We're looking at meeting with banks, with the IHS to develop a floor plan, with architects to get the working plans put together. And we got our health committee actively involved in that—that's really nice. So that's going on one

side.

And then we got, like I say, a smoke shop. We're working with a developer on that. We're soon to be going to the bank with that, putting our numbers together for that.

“ . . . the big issue still is the TJ Drain. We're in a negotiation right now to address all the farmers that are affected by that drain. We've got over 1,000 acres that are . . . directly affected by this drain. If they were to take the drain away, these farms would be hit. So we have to make sure the farmers are satisfied before we can do anything. And it's time consuming. . . .”

Like I say, the big issue still is the TJ Drain. We're in a negotiation right now to address all the farmers that are affected by that drain. We've got over 1,000 acres that are identified by BoR *and* the tribe that are directly affected by this drain. If they were to take the drain away, these farms would be hit. So we have to make sure the farmers are satisfied before we can do anything. And it's time consuming.

Seney: You have to go out and talk to each one of them?

- Burton: Yeah, we've kind of identified some of the larger landholders, and they've met individually with the Interior Department to try to work out something there. And then on the tribe's, we have . . .
- Seney: Does that mean maybe purchasing their land?
- Burton: Well, that's an option. If they want to sell, they can sell it. But most of these guys, they're not going to sell. And the Fish and Wildlife Service has been buying up ground around here and taking the water and shooting it down to the refuge. So they've offered that property to us for exchange to try to close that drain, because that's an issue that they're . . . (Seney: Ah, they'll give you some of that . . .) Yeah, they'll give us these ranches. They've offered us three ranches, and in fact, we picked one up, not as a swap, but on a special use permit to farm this year. It's a nice place, and it's got homes on it. It's a hundred acres of alfalfa land. So we picked that up on a temporary permit to farm it this year.
- Seney: Who gets to farm it?
- Burton: Actually, we offered it to the landowners that are affected on that drain, because that's the right thing to do, to see if they wanted to possibly exchange lands. And one guy took us
-

up on it, but he fouled up *his* deal (chuckles) so we ended up the tribe farming the whole thing, which is good. We're going to make money off it this year.

Seney: How does it work when the tribe farms it? You assign it to somebody and say, "Okay, you . . ."

The Tribal Farmer

Burton: Well, first of all, we have a tribal farmer who irrigates the property, and he coordinates the ditch cleaning here—that's part of his job. Then he's under the Rehab and Betterment category on the settlement fund. We pay him a portion out of that, so he goes out and he does a lot of talking with the farmers, what they want, what they can see they need. How are we going to rehab the system? What's their immediate needs? So we're in phase one of that, let's say. We bought a piece of equipment. Our Natural Resource Committee, we formed that, and they're fairly active. They've given us several recommendations: They recommended we buy a piece of equipment from the TCID [Truckee-Carson Irrigation District], so we bought that. We've gone around and cleaned our own ditches, and we've already paid for that machine several times over. So we're moving on that front too. Plus we're farming over here, and

then we're trying to swap and get these farmers pleased here. There are just so many things we have going. (intercom interrupts) That's always on the table, is the water.

Seney: On the canals and so forth, the canal and laterals that are on the reservation: TCID doesn't look after those, then?

TCID Is Supposed to Maintain Canals on the Reservation—the Government Pays the O&M Fees

Burton: They do, they do. They're *supposed* to. Our water is paid for, our O&M [operations and maintenance] fees are paid for by the government.

Seney: BIA pays TCID for that?

Burton: Well, BIA pays the BoR. They work with BoR, and then from there the BoR, they're contracting with TCID. So that's how that works. And there's been problems over the years. We try to make the district aware of our problems. To some extent, they . . .

Seney: If you could, give me a sense of what some of the specific problems with the district are.

TCID “come down here, they do little maintenance from time-to-time. It's not what we need. We

need more. . . .”

Burton: Okay, the maintenance of the system is our biggest problem. They come down here, they do little maintenance from time-to-time. It's not what we need. We need more.

Seney: Do you feel they're doing as much here as they're doing on the other parts of the system?

Burton: No, we've always felt that we've been shortcut. And . . .

END SIDE 2, TAPE 1. AUGUST 9, 1994.

BEGIN SIDE 1, TAPE 2. AUGUST 9, 1994.

This is ~~September~~ [August,] 9, 1994, my name is Donald Seney, and I'm with Mr. Thomas C. Burton, the tribal chairman of the Paiute-Shoshone Fallon Tribe, in his office near Fallon, Nevada.

Seney: Go ahead, you were talking about the . . . to the TCID.

“We've always felt that we've been neglected as far as the maintenance of our system. . . .”

Burton: We've always felt that we've been neglected as far as the maintenance of our system.

Seney: How do you explain that? You said they're well paid. What's your take on why that happens?

“They're being paid to maintain ditches, to deliver water to 5,440 acres. Actively on the reservation we only have roughly 2,500 acres irrigated, so they're being paid *more* than what they're actually doing. And they're not even doing that. . . .”

Burton: I don't know. I don't know why we don't seem to be getting the same service as off-reservation farmers. Like I say, they're paid to maintain ditches and the system on the reservation. They're being paid to maintain ditches, to deliver water to 5,440 acres. Actively on the reservation we only have roughly 2,500 acres irrigated, so they're being paid *more* than what they're actually doing. (Seney: *Twice* as much, maybe, yeah.) And they're not even doing that. That's our feeling. So that's always been a point of contention there with us.

“Lately they've been trying to work with us. Since this water issue has come up, they've tried to get us to sit on their board, to actively participate in their business . . .”

that they conduct there.

Seney: Now, my understanding is that you've agreed to do that finally—it isn't the tribe actually, it's . . .

Tell me about the way the tribe looks at that invitation to sit on the board.

Reluctance to Deal with TCID since it Would Not Be a Government-to-Government Relationship

Burton: That invitation has kind of been a standing offer over the last few years, and we just really didn't know whether we should do that or not, because of the fact that we deal on the government-to-government basis with . . .

Seney: Well, you regard yourselves as a sovereign nation. (Burton: Right.) Rightly so. I mean, that's what you are in law, is a sovereign nation.

“ . . . to us, to join their district and sit on their board would be a step down for us. . . .”

Burton: Right. So to us, to join their district and sit on their board would be a step down for us. That's our feeling. They extended this offer a couple of weeks ago.

“ . . . we called our attorney, the attorney says, 'The issue is, they're under state jurisdiction, we're not.' So we don't want to be tied to any of their decisions that they may make. . . .”

We had a meeting here, and they really wanted

us to actively get involved. So we kicked it around again, and we called our attorney, the attorney says, “The issue is, they’re under state jurisdiction, we’re not.” So we don’t want to be tied to any of their decisions that they may make. We don’t want to be “caught up in their troubles” up there, so to say, and possibly jeopardize our relationship with our senator, and then with the government as a whole.

Seney: With the Federal government as a whole?

“I think . . . we’re going to form our own irrigation district out here, and I think we have the support . . . to work directly with BoR. . . .”

Burton: Yeah, with the agencies. So what we’ve decided to do is sit out, sit tight on that invitation until these negotiations are done, this latest round of negotiations that are coming up, and to see where that all leads to. I think what’s going to happen is that we’re going to form our own irrigation district out here, and I think we have the support of the senators and the powers that be in the Department of Interior, to work directly with BoR. In fact, last Wednesday TCID had a meeting.

Requested TCID Deliver Water to One of its Reservoirs along the S Canal and Store it for Use Later in the Season

Oral history of Thomas C. Burton

We had requested to extend our irrigation season this year. They claim that it's bad timing on their part: everybody in their district would compromise their water to serve our needs down here. So we said, "Our feeling is, we've given up 9,000 acre-feet of water, we've got a 10,000 acre-foot cap this year. We signed up for 6,400 acre-feet, way below our cap." And then with the water we're asking to store, we're still below the 6,400 figure. We won't be *way* below, but we'll still be within it.

Seney: My understanding of this is what you've asked them to do is bring the water out the "S" Canal, and then store it in one of the reservoirs. (Burton: "S" Reservoir.) So that then you can use it later in the season. (Burton: Right.) And they objected to doing this.

“. . . they've objected to it, because they say other farmers in their district can't do it. But our feeling is that we've given, and given, and given—we're not asking for nothing that isn't rightfully ours, that we're not *entitled* to, in fact, we're asking for less than what we've signed up for . . .”

Burton: Yeah, they've objected to it, because they say other farmers in their district can't do it. But our feeling is that we've given, and given, and

given—we're not asking for nothing that isn't rightfully ours, that we're not *entitled* to, in fact, we're asking for less than what we've signed up for, which is way below our cap. We compromised way down. And they're still stonewalling us. So we've solicited the support of BoR and the Justice Department and they're staunchly behind us.

The Issues Revolved Around TCID-established Dates for Water Delivery

They say we're right, our request isn't unreasonable. In fact, at this last TCID meeting on Wednesday, Bureau of Reclamation Ed Solbos, he sat there and he told them, he says, "The thinking at the Justice Department and Interior is that the tribe doesn't even have to deal with the TCID. We don't have to deal with you guys. The decisions that you make here are non-binding on us, the dates you set shouldn't affect us."

Seney: "Dates" meaning for water delivery?

Burton: Water delivery, water orders or whatever. The regulations they run by are under [the] state—we're not under [the] state. So Ed Solbos says, "By rights, the tribe should be worked directly with BoR." So what's happened . . .

Seney: That's quite a change, isn't it?

Burton: It *is*—drastic change. And what's happening is, BoR is directing TCID to do what we asked them to do. And that's bottom line and that's what's going to happen. And if they don't do it, then it's going to be hell to pay for them: They probably won't be running that district much longer.

Seney: I think this controversy reveals a lot of different things, and it's important, we want to know about it. One is, I take it you went right to TCID originally and said, "Listen, can you accommodate us? We're under our cap, we've taken less than we've contracted for. Even at this point we'll have less. How about putting it in the "S" Line Reservoir and shipping it out?" And they say, "Oh, no, no, because other farmers have come to us and asked us to do that, and we said 'no' to them because it's a short water year, it's a fifty-seven percent year. So if we do it for you, it'll look like favoritism." Do I have it kind of right?

Burton: Yeah, that's what they say.

Seney: So you say, "Okay." You go to the Bureau of Reclamation then in Carson City, next. Is that what you do next? You contact them? (Burton:

We've done that.) And give Ed Solbos a call and tell him what's going on?

Burton: Yeah. See TCID is basically an employee for the Bureau—that's all they are. It's like, you know, one of the staff people out here, if I tell them to do something and they say, "No, I'm not going to do it, just because of this, this, and this," I'm saying, "I don't care about that, just do your job," and they're saying, "No." So what do you do? If I was the BoR I'd fire them or something like that. And that's basically all TCID is, and they're saying, "No, we don't want to do that." So we're doing what we feel we have to do, and what we feel we're entitled to – actually less than what we're entitled to. I guess as a matter of courtesy we try to work with the district, and they've refused us, so we're taking other routes.

Seney: Did you say to them, did you indicate, sort of hint that "Well, we're coming to you guys, but if this doesn't work out, we're going to go to the Bureau of Reclamation on this."

Burton: Yeah, we let them know. And they made their bed, now they got to lay in it.

Seney: I want to get your take on this, because *they* know which way the wind is blowing. In recent years, for the first time, it's kind of been

blowing in *your* direction. You're likely to get what you're asking for here. I mean, they must know that. Do you think they know that? They've said no—do you think they knew that they'd be reversed?

Burton: I don't know. I don't know what their thinking is, I really don't. Ed [Solbos] told them the other day, that's exactly what was going to happen, but yet they looked him right in the eye and said, "No, we don't want to do that." So we're just taking our next step.

Seney: Do you think the board at TCID might be willing to *do* some of these things, but it's the water users behind them who keep them from compromising on things like this?

Burton: Well, it's a combination, because the board members, they're all water users. There was one board member who voted against it, and he voted in favor of us, but that was because he's from Fernley and they got shut off in July. I'm not sure whether that's the whole reason, but he's a nice man.

Seney: So it went six-to-one against him?

Burton: Yeah, it did.

Seney: Even after it was clear to the board that the Bureau was going to . . .

“I think they had to do that just so that they would get the letter from the Bureau, taking them off the hook with the farmers. . . .”

Burton: Yeah, they knew. I think they had to do that just so that they would get the letter from the Bureau, taking them off the hook with the farmers. They’re saying, “Okay, this is what the Bureau has mandated down to us, so we can’t do nothing else except that. You know, do what we have to do.” So the farmers, in effect, they can’t rag on them guys—it’s taken them off the hook. (Seney: Exactly.) So I think that was their only outs. So understandably, I guess, they got to stand up for what they think is right, and we got to do what we think is right. I’ve told them at several meetings, they’ve invited me to all these little alliances and groups and associations they have uptown, to sit in and participate in their groups. I attended a couple, but I’ve always told them, “The tribe is willing to work with everybody here in the valley, because we got to live here too.

I’ve grown up here, I went to the public schools, I know a lot of the farmers here, I’ve grown up with a lot of the people. We’ll work with you however we can, as much as we can.”

But I always say there's going to come a time when we have to part ways. And I think they understand that—I *hope* they do. Otherwise, there's going to be a lot of pissed-off farmers around here, which I imagine there is. There's some people that no matter what you say to them, they're going to say you're wrong and they're right. So that's the attitude, and that's something we have to deal with, but it's not our problem, it's their own, as far as I'm concerned.

Seney: You know, as you talk, not only the words that you say, but as I look at you, the look on your face, it seems to me you're pretty fed up with TCID. (Burton: Well . . .) Is that the wrong way to put it?

Burton: I'm really not fed up with them, because you know, like I say, I know a lot of the guys on the board. They're good people. They're good people and they have to do what they think is right. But like I say, it just come to a point where we have to part ways. I've got my first obligation to the people here, and that's it. However everything else falls in line behind that is whatever happens—I'll deal with that later. But I don't know, if I seen someone doing what they had to do, in my position, you got to respect that. If I were to back off and say, "Okay, alright, this year it's alright, next year

we'll work it out with you guys," I would be backing off, and *then* I would feel bad. I couldn't look the people in the eye around here and say I was doing my job—which I wasn't. So I think we're holding our own here now, and the people are realizing it. I *know* they realize it, because they keep asking us to jump on board with them, because they know we got clout.

Seney: You mean TCID is asking you . . .

Burton: Yeah. Well, TCID, not only them, but . . .

Seney: The Lahontan Valley Environmental Alliance?

Burton: The Alliance and the Protective Association.

Seney: That Water Rights Protective Association?

Burton: Yeah, all of these people. They're always on the phone, they send me all this stuff, inviting me here and there. I can't do that, I've got to keep them at arm's length.

Seney: Times have changed, haven't they?

**Senator Harry Reid Misunderstood Burton's
Attendance at a Meeting of the Lahontan Valley
Environmental Alliance**

Burton: Yeah, they have. You know, when they were

first forming the Environmental Alliance, I went to their first meeting, and they asked me if I could participate, and I told them right there in the public meeting, “Well, I’d have to take this before Council.” And Senator Reid got wind of it, and *man* he was upset! He was upset, he thought we was going to turn against *him* and destroy everything he had just got done putting together, which wasn’t true. We had to correct . . . He can be thin-skinned at times. So we advised him that we weren’t going to . . . We wanted to keep them . . . I *told* them at that meeting, I said, “I’ll have to take that under advisement and go back to the Council” and this and that. Just the wind that he caught, boy, he was on the phone!

Seney: Was he thinking that maybe this was a sort of sabotage effort on your part against the Environmental Alliance, or the upcoming negotiations? Is that what you’re saying? I’m not sure I quite . . . (Burton: No.) . . . what *he* thought was going on.

Burton: Yeah. I don’t know what he heard, or who told him what, but he was upset. We got a call from the Senate Committee on Indian Affairs, his staff person on that committee, instructing us to write a letter to him telling him what we said and what we didn’t say and what he heard was

probably wrong. And we got it straightened out. You know, we don't want to kiss his ass, of course, but . . . (Seney: You got to work with him.) Yeah, you want to keep a good relationship going with him. So that's kind of . . . It's kind of a tightrope you have to walk sometimes, but I think we've positioned ourselves pretty well.

Seney: You feel pretty good about the future, in terms of what these new negotiations are going to mean and where you're going to end up?

“This negotiation that's coming up, we were invited to sit at the table . . .”

Burton: Yeah, that was the call that I got from the senator's office. This negotiation that's coming up, we were invited to sit at the table, because the TCID doesn't want to represent us, and we made it known that we wanted to be a player in it. We're kind of set in what we have going here. We want to be a participant, more or less, to kind of monitor everything, so that we're not compromised in any way. You know, probably push for our own irrigation district. That's probably about the only thing that's going to come out of it for us. Other than that, we'll support whatever we can support that's going to work with everybody here. But we're in it for our own selves in the end, but like I say, we got

to live here with everybody too, so we want to help out wherever we can.

Seney: Well, my understanding is you *will* be at the table (Burton: Yeah.) independent of . . .
Actually, TCID won't be there, it'll be the Lahontan Valley Environmental Alliance. Am I right about that?

Burton: Right. I think so, I'm not sure. I got a list of all the . . .

Seney: Right, I've got one too, and it's the Environmental Alliance along with Pyramid Lake and Department of the Interior and Sierra Pacific. There are a number. Washoe County has got someone that they're going to send down.

Burton: Yeah, it's a complex deal, getting worse and worse too! (chuckles)

Seney: What is Senator Reid trying to achieve with these negotiations, do you think? How do you see that?

“Pyramid Lake [Paiute Tribe] wants to cut off the Truckee Canal, that's their ultimate goal. . . .”

Burton: I think the reauthorization of the Newlands

Project is up, so he's kind of wanting to know how he can improve on it, whether the district should be here doing things, or whether they should have the BoR running it themselves. Everybody's got their issues they want to kick around. Pyramid Lake wants to cut off the Truckee Canal, that's their ultimate goal.

Senator Reid Doesn't Support Cutting off the Truckee Canal

There was a call from Senator Reid's office saying, off the record, that they wouldn't be supporting – even *on* the record, in a hearing we had in Reno, he said on the record that he couldn't support that.

Seney: Cutting off the Truckee Canal and stopping the diversion.

Burton: Right. He asked me that question directly there at that hearing when I was testifying, and I said, "Until we can assure that our water rights are there, our water's going to be delivered, and to its full entitlement, I can't support that either. We want to work with Pyramid Lake as much as we can, but they're demanding . . ."

Seney: Well your interests are different here, aren't they?

Burton: They're different but they're the same. You know, all they're asking the government to do is own up to their trust responsibility, and that's all we're doing, basically.

Seney: Can the government do it for both of you? Or is doing it for one going to pinch the other a little?

“Pyramid Lake got a good deal. Their attorney is a *shrewd* individual. He's done a lot of good for them. Nobody likes him, but as far as the job goes, he's good at what he does. . . .”

Burton: That was the whole thing of this [Public Law 101-] 618 was to try to accomplish everything for everybody. And it done alright—I'll say that. Pyramid Lake got a good deal. Their attorney is a *shrewd* individual. He's done a lot of good for them. Nobody likes him (chuckles), but as far as the job goes, he's good at what he does.

But we held out, we stood our ground, we come out alright – not the best, but that's the whole idea of negotiations, I guess.

Seney: You meet with Pyramid Lake people? It would have been Joe Ely, I guess, at this time.

Burton: Yeah, at that time it was Joe Ely. I don't know, the people that they have on their council now, I

know a lot of them, and a lot of them are the farmers and rancher types. And they see more, I think they've got a better vision than Joe Ely did. I get along good with all the people over there. We're all related, closely, a lot of them.

Seney: As in cousins, and that sort of thing?

Burton: Yeah, very close . . . We've got brothers and sisters living there. They can't do away with the Fallon Reservation in good conscience – they wouldn't do that, I don't think. Their attorney—I couldn't say about him, he's a little different. But I don't think they would actually out-and-out do anything that would really, really damage us.

Seney: Is there a special tie there, because you're both Native Americans?

“Like I say, there's nothing personal. We're not asking *them* for anything, we're just asking the government to own up to what they promised, that's all. . . .”

Burton: Yeah, there is. Like I say, there's very close relatives over there. I've got a lot of friends. I've grown up with a lot of people over there, I've known them since we were kids, and we're real together still. We go to rodeos together, we're very close, very close people. And I think

it'll always be like that, regardless. Like I say, there's nothing personal. We're not asking *them* for anything, we're just asking the government to own up to what they promised, that's all. So that's another tightrope you got to walk, you know. But we're moving along. The water issue is a very time-consuming issue right now, like I say.

Trying to Position Tribal Holdings for the Future

We got *this* negotiation, and then *this* one, and then land swaps and all kinds of stuff. Just the tribe itself, on our tribal farm up here, we've offered to take it out of production. That was the reason for taking this one and . . . this year, don't irrigate up there, and take this one. We did that in good faith to show them that we're willing to work with these guys. So then in return, they're working with us. We're asking now if we don't farm up there and don't drain water into the TJ, we need ground close to a highway for economic development, because we're pretty well isolated from any major highways out here. Industry won't come out here. So we got a couple of pieces of property up in Lyon County, near Fernley that are prime pieces. They're BLM ground. We're negotiating to probably pick them up.

- Seney: This will be something you'll purchase with your development funds?
- Burton: No, this'll be part of this TJ swap, in exchange for us not farming there, they'll give us some other ground to make money off of. (Seney: I see.) So we're being creative here. We're trying to position ourselves good, we're setting ourselves up for the future. We need access to a major highway or railroad or something like that. And Fernley's the closest spot out of California with railroad frontage. You know, Reno's all taken, then it turns into canyon, then it opens up into Fernley. So it's a plus for us if we can get some property up in that area. So we're working at little things like that all the time. But it's a process, it's a long, time-consuming process.
- Seney: You know, some people say that this reauthorization of the Newlands Project, and these upcoming negotiations may very well see that the TCID, the Newlands Project, the non-Indian part of the project, down to 20,000 irrigated acres. Do you see it that way?
- Burton: I think currently they're farming around 50,000, I think it is, 50,000 or 60,000.
- Seney: Sixty [60,000], I think, is sometimes said. It varies. I don't think anybody really knows.
-

Burton: Yeah, it's around that.

Seney: Would you object to seeing it reduced by that size?

Burton: Well, with the authorization and the funding available to Fish and Wildlife, it's going to be reduced a lot, just right there. I think they're authorized to buy up 25,000 acres' worth of water rights, and that's a lot—that's almost half right there.

Seney: Would you rather see that water on the Newlands Project, raising alfalfa and in the town, in a sense; or would you rather see it out on the Stillwater Wildlife Refuge?

Burton: I don't know. I have mixed feelings.

Seney: Is there a cultural interest? As I understand, there's a cultural interest among your people (Burton: Definitely.) in the marsh.

“We had a flood in '86 that just filled up the [Stillwater National Wildlife] refuge. . . . And when the water dried up in the next couple of years, all our ancestors' graves were exposed. So that was another process . . .”

Burton: A very deep interest—deep concern, really. We

had a flood in '86 that just filled up the refuge. There was just so much water, and there was water coming from almost Lovelock clean down here, you know—just a big old lake. And when the water dried up in the next couple of years, all our ancestors' graves were exposed. So that was another process there, and that's still ongoing today, and that's another issue I'm constantly dealing with.

Seney: What did you do? Did you go out and rebury them?

“It isn't right, but if they weren't excavated and researched, we wouldn't really know our history as well as we do now. If they weren't excavated, somebody else would go down and be taking them anyway. So I was in favor of them going down there, excavating the exposed ones, and doing whatever research they deemed necessary. . . .”

Burton: Well, what happened was . . . First of all, it's on Fish and Wildlife property. They contracted archaeologists to go out there, excavate these grave sites, and there were hundreds of them. There's still a lot of them out there.

Seney: How did you feel about that?

Burton: Actually, I was working for Fish and Wildlife at

that time. I really don't know. I wish we owned that property down there, I wish it was ours. That's why we're so interested in picking up as much of our original ground as we can, so we can keep people from robbing them graves. You know, people do that, and it's bad, because people are down there digging in graves and taking bones and things like that. It isn't right.

Seney: What does that mean to you spiritually to have those graves messed with like that?

Burton: It isn't right, but if they weren't excavated and researched, we wouldn't really know our history as well as we do now. If they weren't excavated, somebody else would go down and be taking them anyway. So I was in favor of them going down there, excavating the exposed ones, and doing whatever research they deemed necessary.

“ . . . we built a vault down there on the refuge, a big underground vault, you know, concrete. And all the bones . . . were taken to the State Museum for research and curation . . . and they were reinterred down there in that vault. . . .”

And then what we did was, we built a vault down there on the refuge, a big underground vault, you know, concrete. And all

the bones that were taken out of the grave sites that were excavated, they were taken to the State Museum for research and curation and whatnot. Then after they were done with that, they were placed in a small lid with boxes and they were reinterred down there in that vault. We had a ceremony and whatnot down there for that. It's not good to have to do that, but you have to address it one way – there's so many of them. There's other tribes that have different views, but they didn't have to deal with this massive problem. So that's kind of an ongoing process. And we still have requests. I have a request right now, I haven't answered this letter: A gal from Cal State Davis wants to do more research. She's asking for more bones for destructive analysis and I've got to deny that, we have to deny that. What is she going to learn? How is the tribe going to benefit? We've been researched over and over for years and years. So I don't think we can honor her request. But that area down there is culturally significant, because that's where we came from, that's where we evolved from.

Seney: So you'd like to see the marsh restored?

Burton: Yeah. Like I say, ultimately, I wish it was ours. That's why we're in favor of picking up as much of our original property as we possibly can.

Seney: Do you see some economic advantage to you here, if the marsh begins to be restored, in terms of maybe setting up something along the edge of the marsh, trying to create what a native village might have looked like, to attract visitors, to give tours to explain it from your own point of view, as a kind of revenue source? Is that in your thinking at all?

Restoration of Stillwater Marsh National Wildlife Refuge

Burton: I don't think we could look at it as a revenue source. I think it would be nice if we had a spot down there where we could go down there and build a center or like a museum or something like that, to let the people know exactly what went on down there, how we evolved—tribally run, something like that. Something like that is possible. As far as making money off of that, I don't see it. It's not right. At one time, when there was a lot of water down there, it was good hunting. (Seney: Duck hunting.) People used to flock out there for hunting.

Seney: Yeah. That'll happen again, won't it? I mean, if the marsh is restored, it'll be a _____ [drama?].

Would like to Have the National Wildlife Refuge

Back in Tribal Hands

Burton: It's going to be restored to probably a third to half of it's original size. So it isn't as much as it once was. So I don't know whether it's going to be the major duck-hunting place it used to be. I just don't know what's going to ever happen out there. Like I say, I wish we could get that property back.

Seney: Do you think you will get it back?

Burton: I kind of doubt it, unless the water situation gets so bad that there's not even enough for the refuge, and they opt to get out. Maybe we can reclaim it at that point.

“ . . . I have mixed feelings, because I sympathize with these farmers sometimes, because they put their heart and soul into these ranches, you know, thinking that they had water for as long as they paid their dues or whatnot. . . . To see the government take this away, you know, it's not fair. But then again, on the other hand, it's given them a little inkling, or a little bit of the medicine that we've been suffering through over the last hundred years or so. . . . ”

But as far as the water as opposed to down there or still up here, I have mixed feelings, because I sympathize with these

farmers sometimes, because they put their heart and soul into these ranches, you know, thinking that they had water for as long as they paid their dues or whatnot.

Seney: Permanent and assured, yeah.

Burton: Yeah, after they homesteaded and all this other things. To see the government take this away, you know, it's not fair. But then again, on the other hand, it's given them a little inkling, or a little bit of the medicine that *we've* been suffering through over the last hundred years or so.

Seney: Do you see a little justice in that?

Burton: Yeah. It's kind of like what they call "frontier justice," you know. Everybody was happy, and as long as the Indians don't complain, everything's happy and nobody's saying nothing. But, boy, once they feel a little heat from the government and feel everything that *we've* been going through over the last eight years, now they're getting a bit of their own medicine. And now, they see what we have to deal with on a day-to-day basis. So sometimes I feel sorry for them, and other times I kind of laugh at the situation. Like I say, I know a lot of the people, basically they're good people.

But everybody's got to do what they got to do.

Seney: Do you think they're going to be able to compromise in these upcoming negotiations with TCID and work out something for themselves?

“Senator Reid is really hard on the district. He's had such bad feelings for them, because everything that's been done in *his* point of view is, that could have been mitigated, as far as he's concerned, has been *litigated*, on account of the district. . . .”

Burton: (sigh) Gee, I don't know. Senator Reid is really hard on the district. He's had such bad feelings for them, because everything that's been done in *his* point of view is, that could have been mitigated, as far as he's concerned, has been *litigated*, on account of the district. And I think he's fed up with them more than anybody. And he's had some bad dealings with the farmers in the area. They've called him names in public, they've ridiculed him at some of these different little . . . They had a dedication down here for when they first poured water . . .

END SIDE 1, TAPE 2. AUGUST 9, 1994.

BEGIN SIDE 2, TAPE 2. AUGUST 9, 1994.

How the Farmers Alienated Senator Harry Reid

Burton: I think it was the state fish and game who had acquired some water rights from whoever. I think somebody donated them to them, for the purpose of sending it to the refuge. And they had a dedication down there, invited the senator. And the farmers here were at that point . . . (laughs) Farmers aren't good politicians. They had signs all the way, from on the other side of town, all the way down here, "Go away, Harry Reid, we don't want you," and this and that—things of that nature. And he got down there and they had somebody dressed up in a monkey suit and had a sign on there that said, "Hairy Reid," on there. And ever since then, boy, it's been his mission . . .

Seney: Like H-A-I-R-Y?

Burton: I believe so. And that was the only thing that showed up in *The Washington Post*. (laughs) So it was a very, very bad move on the valley's part, whoever did it. It's just the local farmers, you know. In our opinion down here, as far as what I can hear and what I understand, what Bill has told me – he's been involved all though this . . . (Seney: Bill DuBois?) Yeah. And he says ever since that happened, boy, it's been his mission to destroy that, change it however he

can—whatever powers he has to dismantle this project. And however true that is, or for whatever reason he’s doing it, he’s in a position to do it. And these farmers have got to realize, you don’t have to *like* the guy, but gee, you got to work with him if you want to be effective. And that’s not being effective doing that! That’s counterproductive in the worst way.

They just can’t seem to get it into their mind that you’ve got to finesse some of these things, you’ve got to talk to these guys, can’t shut them out. I think their main problem is, is that they’ve had the run of the valley—whatever they wanted, they pretty much had over all these years, and they don’t want to let go, it’s very *hard* for them to let go. So that’s their main problem—they’re finally getting a taste of what everyone—*us* especially—have been feeling down here, and they don’t like it. But they don’t know how to deal with it. They’re finally, *finally* now getting a grip on it, this last year, you know, forming these small committees to look out for these things: you know, hiring the attorneys, hiring hydrologists and whatever. It’s kind of funny—it’s already water under the bridge by now.

Seney: Too late for them?

Burton: Yeah, basically. They’re just hanging onto what

they've got. And now, with this little deal that we just put in front of them to deal with, if they don't handle it in the right way, it's another strike against them. So I think the BoR's really watching now. Because they're mandated or directed by the BoR to deliver that water to us, in that storage. The letter went in, FAXed to them this morning. So whether they deliver it or not, that's still the question here. If they don't deliver it, like Ed says, it's just going to get uglier from here. So they're on a bubble now— they can either do right or they can do wrong.

Seney: So they've been ordered, as of this morning, to put that in the "S" Canal Reservoir and hold it there for use, as you guys call for it.

Burton: Yeah, exactly.

Seney: Let me sort of make a couple of statements and ask you to comment on them. From other people I've talked to—and without naming them— some people have said that this upcoming round of negotiations—and this goes to what you were saying about Senator Reid and his antagonism toward TCID—that this current round of negotiations is just kind of for show, that he doesn't really expect anything to come out of this, but it's sort of preparatory to saying,

“Well, I’ve tried again to get TCID to go along with something reasonable, and they’ve refused yet again,” so now will come the very serious shrinking of the project down to 20,000 or less acres. Do you get the sense that maybe that’s the case? That this is a prelude to what he wants to achieve, and he’s just got to go through these negotiations to kind of legitimize that result?

Burton: You know, I’ve never really put too much thought into that, but possibly that could be part of it. But there is some things that need to be aired-out, I guess. Maybe there would be something that comes up new.

Seney: What do you mean when you say “some things need to be aired-out”?

Various Issues in the Negotiations and the Fact That the Tribe Might Pick up Some of the Land the Fish and Wildlife Service Acquires

Burton: There’s a lot of . . . I guess there’s some issues about us that are going to be talked about: the farmers, there was one comment . . . We was instructed by the mediator, Gail . . . (Seney: Bingham?) Bingham, to come up with some of our comments on what negotiating points that we might have. We got a listing from – I don’t know whether it was her office or somebody

[else], giving us some of these negotiating points as far as Pyramid Lake was concerned, and then we commented on them. And then I seen some of the farmers' comments from around the valley, and there was some comments in there that would affect us if they ever came to be, which I doubt if they ever will. You know, like the tribe should be treated as other farmers in the valley; the tribe's ten acres per headgate isn't . . . See, the district has I guess a policy that they can only put one headgate per forty acres. I think that's how it goes—forty or twenty. But on the reservation, we're guaranteed water to each ten-acre allotment, so that right there separates us right there, as opposed to some of the farmers' thinking. So we can't work that way. And they're afraid that we're going to get all the land that the Fish and Wildlife picks up, and checkerboard the valley. First of all, we want to pick up some of the land that the Fish and Wildlife picks up, but only the ones that we can use. We don't want to pick up land just to be picking it up. It would just cause us a jurisdictional nightmare—like if we had five acres over here, and five acres here—the liability and things like that. So we have to plan and discuss all these things that come up. They don't want to see us do that, they don't want to see the Fish and Wildlife do that. But like I say,

we're going to be choosy in the ground that we want to pick up. Fish and Wildlife is really bending over backwards, trying to get us to work with them.

Seney: Do you like them pretty well? You get along with Fish and Wildlife alright?

Burton: Yeah, so far. So far they've been pretty accommodating. I don't know whether he wants to use this as another consultation process, giving him an excuse or reason to further destroy the valley, I don't know. I think, like I say, partially, that could be true. But then there is some real issues that need to be talked about. I think he's kind of accommodating Pyramid Lake too, again. (laughs) It's kind of funny, because everything that happens in this valley has to be run in front of Pyramid Lake. But that's the way the ball bounces now at this point. So we're hanging in there just to monitor everything and make sure we're not giving up anything.

Seney: When the negotiations are over, you expected to have your own district? That's what you want to achieve _____.

The Tribe Is Expecting to Have a Separate Irrigation District

Burton: I think that's what's going to happen, especially with this what we're dealing with today—I think that's what's going to happen. The farmers around here were unsure about what they wanted, about whether they wanted their own district, or wanted to keep going with the TCID. I think if it's set up right, we can have a good irrigation district here, and we would pull a lot, if not all, that money away from the district for the O&M charges, to run our own down here. So I don't know, we'll have to see how everything goes, and then if we have to really push for our district, then I guess we'll have to.

Seney: Anything else you want to add?

Burton: On this negotiation?

Seney: Yeah, on the negotiation. I'm really . . . I've read some of the materials having to do with the negotiation, I've talked to a number of the participants, like yourself, and what their thinking is, and I'm having a hard time kind of understanding what these negotiations are all about. Everybody's bringing different demands to the table. What do you guys bring? as much as you can tell me without tipping your hand—I appreciate there are things you may not want to say.

**The Tribe Opposes Separating the Carson River
and Truckee River Regarding the Newlands
Project**

- Burton: Um, well, I guess our big issue would be *possibly* . . . Of course I got that call from the senator's office this morning—is on the decoupling of the river. We didn't even want to have that on the table for discussion. We was adamantly *against* it. We don't even want to bring it up—that was our position.
- Seney: That is on decoupling the Truckee and the Carson on the project?
- Burton: Yeah. The call from the senator, Larry Werner, his representative, this morning he says, "We pretty much got to discuss it, but the senator is very much seeing that decoupled. It just won't happen. But we have to put it on there for discussion." So I says, "That sounds good." He says, "It's off the record."
- Seney: Well you were—if I may say—when you were talking to him, you were smiling, "Yes, yes; yes, yes." I mean, I could tell, not knowing anything about the substance, that this was good news that you were receiving.
- Burton: Yeah, he was kind of reassuring me. He said, "I just called you to put your mind at ease," so that
-

was good. But the reason we have to take such a hard position is we just don't want to compromise any more than what we already have. That's the bottom line.

“ . . . another issue . . . is that if . . . the decoupling of the river ever happened, the tribe would venture to reopen the Alpine Decree on the Carson. We have fairly good grounds to get back in there and reopen it, and go for reserved rights for the reservation. . . . ”

And then there's another issue that's going to part us out from the district, is that if that ever happened, the decoupling of the river ever happened, the tribe would venture to reopen the Alpine Decree on the Carson. We have fairly good grounds to get back in there and reopen it, and go for reserved rights for the reservation. And that would really set us . . . (Seney: Because of your priority here on the reservation.) Right, right. That would really set us apart from everybody. That'd be only if the river was decoupled, that the canal was taken out. Then we would be backed into a corner, and that would be our only way out. That would reassure us that what little water comes down the Carson River would be ours first and foremost. But if that doesn't happen, then we won't have to do that.

Seney: Let me ask you to comment on another thing, and that is that you guys have compromised on PL 101-618, in terms of the other players on the river. Sierra Pacific Power, I think, is very canny. I mean, they know how to operate and they do very well for themselves. (Burton: Yeah, they've got a lot of money.) Exactly, right. And seemingly a lot of skill too, and very political in the way they operate. And the Pyramid Lake Indians have done very well, and I think they've been willing to compromise some things too, say, in the Preliminary Settlement Agreement, with Sierra Pacific Power. I mean, there was some give-and-take there. And everyone, it seems, in this business – with the exception of TCID—at least that's the perception—has been willing to compromise. Is that the perception you have? That they're the ones who won't compromise? Is that how they come into these negotiations, as the guys who won't compromise?

“ . . . it's very hard for these farmers here to give up anything. I just don't know what they're going to do. They don't want to compromise, they feel that this is their right . . . ”

Burton: The district? (Seney: Yeah.) I don't know. That's the feeling of the senator. Of course these guys have different views of everything. Like I say, it's very hard for these farmers here

to give up anything. I just don't know what they're going to do. They don't want to compromise, they feel that this is their right and this and that and all of this whatnot. The way I see Pyramid Lake, they've set themselves up good for the time being, as far as the downstream, us guys down here. But now they have to deal with upstream. They have a large settlement tied up on this Truckee River Operating Agreement. They have, I think \$40 million there for them after the signing of this agreement.

Seney: They don't get it until it's signed?

Burton: They don't get it until it's signed, and there's, I think, seventeen sign-off people—or fourteen or seventeen sign-off people. And you go to one of them meetings, there's a roomful of attorneys! (laughs) So you can imagine. I don't know whether they'll *ever* get that money, you know, to tell you the truth.

Seney: But that's incentive money for them to settle, in other words.

Burton: Yeah, to compromise or negotiate. Their attorney is a real hard-nosed guy. He's good at what he does. He works hand-in-hand . . . This is what's got . . . Doesn't really got me

concerned, but it makes me wonder—he works so well with Sierra Pacific, and I just wonder how he’s tied to them. He’s setting these guys up with their rights, as far as downstream people are concerned, but what’s going to happen when they have everything there, you know, upstream?

Seney: Makes people suspicious, the way he works with Sierra Pacific?

Burton: Yeah, it makes me wonder how much—off the record—how he’s invested in there, what kind of vested interest he has there. (laughs) There’s been a lot of rumblings about that, so I don’t know.

It’s very complex, very complex. And then you get the California side, and they have a lot of concerns. And now in these negotiations we have—being as how the Carson River water *could* possibly, if the Truckee Canal were decoupled and we’d have to open the Alpine Decree, then the *Washoe* Tribe would be involved in that. And that’s another (chuckles) entity, and very active and very well politically tied.

Seney: Who probably weren’t treated right under the Alpine Decree? (Burton: I don’t know.) You think they might have more water than they’ve

got a right to now?

“ . . . what’s going to happen on the Carson is that they’re going to tighten up on all upstream users . . . because they use water upstream like what we used to use water like down here—turning water all over and no real regulation there. And so when they tighten-up, upstream, there’s going to be a lot of mad people up there. . . . ”

Burton: I don’t know. See, the senator at the last hearing in Washington, what’s going to happen on the Carson is that they’re going to tighten up on all upstream users—just policing, because they use water upstream like what we used to use water like down here—turning water all over and no real regulation there. And so when they tighten-up, upstream, there’s going to be a lot of mad people up there. What I think might happen, is if something really adversely affects the Carson River system, and they don’t have them sitting at the table, or at least as an observer, then everything will have to be rehashed again in the future.

Seney: In these current negotiations? (Burton: Yeah.) Ah! And there *isn’t* anyone from upstream users on the Carson *in* this negotiation.

Burton: Yeah, that was the question at the first. ~~That~~

~~was the question.~~ I know we went to a negotiating committee meeting thing one day, and that was the question thrown out in front of them, "Shall we invite the upstream Carson River in?" And nobody really could answer it. Nobody didn't know whether to say "yea" or "nay." Should we bring them in as an extra voice to confuse things? Or should we leave them out and then face the chance of them having to come back and rehash this later? So that was the kind of a question there. I don't know what's going to happen on that part.

Seney: But to this point, it's been resolved by leaving them out?

xxx

Burton: I guess. I guess that's how it is. They feel, I guess, if they're out now, it may have to be rehash some things when they start policing the river. There may be some fight up there, I don't know. ~~So I just don't know.~~ Like you said, you just don't know what's going to be negotiated. When they first started this, boy, I was the same way, and still really don't know what's going to come out.

Seney: So a kind of a merge, you think, as it goes on?

". . . the senator's office this morning is sending out these letters saying what's to be negotiated, what's going to be on the table, and everything

like that . . .”

Burton: Well, the senator’s office this morning is sending out these letters saying what’s to be negotiated, what’s going to be on the table, and everything like that—so we’ll soon find out. So we’re set. We have a meeting with our negotiating team later on this month, in a couple of weeks I think. Well, actually, next week. Our attorneys are coming down and are going to sit down with our Natural Resource Committee and go over some of these things that we need to talk about.

Seney: Make sure you’ve got your position in order?

Burton: Yeah, get our ducks in a row so we know what we’re dealing with when we sit down at the table. So I think we’re positioning ourselves alright, to monitor it, keep an eye on everything, move when we got to move, sit down and shut up when we got to shut up, I guess.

Seney: But you feel pretty good overall? Things are going your way and you kind of think it’ll . . . You’re not going to lose on this one, probably?

Burton: At this point, I don’t think we’re going to lose, I don’t think so. But we want to watch. We want to sit down and really watch.

Seney: Well, you know, that's pretty much all the questions I have. Is there anything I didn't ask? I mean, there's lots I don't know about this. Anything you think that we should know that I haven't asked about?

Burton: Gees, we've hashed over just about everything I got going. I think we've probably covered it.

Seney: If I could just ask you one more question: One of the things that I've come to understand, of course, is the sense of—one of the things I asked you about to begin with—a sense of the future that Native Americans have, versus non-Native Americans have. As you do your job as tribal chairman, what kind of future do you keep in mind, or try to keep in mind? How far out do you think it in terms of the decisions that you make and the things that you'd like to see done?

“We're in the process now of applying for a grant to develop a long-term overall economic development plan. . . . I can see us expanding our land base—because we're getting more people coming back home—and expanding our economic development to provide more jobs for these people, so . . . they can stay here and work and earn a living, earn a decent, good living. But I think we're going to do fine in the long run. . . .”

Burton: (sigh) Well, we have to think long-term. We're

in the process now of applying for a grant to develop a long-term overall economic development plan. That's one facet of it. And then as far as our reservation here, I can see us expanding our land base—because we're getting more people coming back home—and expanding our economic development to provide more jobs for these people, so when they come back to get a new house or whatever, they can stay here and work and earn a living, earn a decent, good living. But I think we're going to do fine in the long run.

“We're setting up our young kids with their per capita accounts. When it's time for them to get their money, they'll have several thousand dollars to go to school or to do whatever they want to do with it. We have a scholarship fund established . . .”

The decisions that we're making today are going to be far-reaching, very far-reaching. We're setting up our young kids with their per capita accounts. When it's time for them to get their money, they'll have several thousand dollars to go to school or to do whatever they want to do with it. We have a scholarship fund established, and we've devised to put together a policy for distribution of that money.

And the land and our infrastructure, our water treatment, environmental issues are in the forefront anymore—we have to deal with them. Culturally, we have to deal with them. We’re working on all them fronts all at the same time.

And to put everything in place for the future generations takes a lot of time and research and some good sound judgement—and not to just jump into anything that comes along. There’s been so many things come down the pike since *I’ve* been here, and you just have to weed through the bad stuff and find a good one.

“ . . . I see us as a major player in this valley . . . We’re a powerful entity, and people are finally recognizing us, giving us the proper recognition that’s been due to us. And we’re going to do what we have to do to insure *our* successes . . . But we want to work with the people in town, the surrounding community. We don’t want to devastate anybody. . . . ”

But I see us as a major player in this valley, and it’s coming to the forefront now. We’re a powerful entity, and people are finally recognizing us, giving us the proper recognition that’s been due to us. And we’re going to do what we have to do to insure *our* successes and to avoid our failures—although that’s part of success, is failure. But we want to work with

the people in town, the surrounding community. We don't want to devastate anybody. We got to live here, we have friends here, we have friends there. So we're going to do whatever we can to enhance the quality of life here in the valley, the best we can. But in the end, we want to be here, we want to be able to stand on our own.

Seney: Alright. Well, thank you very much, on behalf of the Bureau. I really appreciate you giving the time to us. (Burton: Yeah.) And I may come back and talk to you after the negotiations are over, see how things are going.

END SIDE 2, TAPE 2. AUGUST 9, 1994.

END OF INTERVIEW