

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL  
SUMMIT LAKE PAIUTE TRIBE  
OF THE  
SUMMIT LAKE PAIUTE RESERVATION, NEVADA

RESOLUTION NO.: SL – 34 - 2008

TITLE: Setting Conditions for Jim Kudrna to Herd or Otherwise Transport Bovines (Cattle, Cows, Calves and Bulls, Bison or Buffalo) Across the Summit Lake Reservation

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.), including what is now known in recent times as the Soldier Meadows Ranch; and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name “Summit Lake Paiute Tribe” with a tribal constitution titled “Articles of Association,” the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, by organization pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, and adopting Articles of Association, the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters, retained important rights and privileges since the Articles of Association only limit the powers of the Summit Lake Paiute Council; and,

WHEREAS, over time the members of the Summit Lake Paiute Tribe have regained a small fraction of their historic land base, including the Tribe’s reserved lands (Reservation), and the Indian allotments just outside the Reservation boundaries (see attached title map); and,

WHEREAS, the boundaries of the Summit Lake Reservation, adjacent what is known as Section 36 of the public domain, and the private land holdings identified as Lots 1, 2, 3 and 4 of Section 36 are the high water marks of Summit Lake (see attached title map); and,

WHEREAS, in November 2007, according the Humboldt County (Nevada) Assessors Office, Winnemucca, Nevada, Jim Kudrna and or Kudrna LLC is not the owner of Solider Meadows Ranch; and,

WHEREAS, the title map on file with the Humboldt County, Nevada, Assessor’s Office shows that the private land holdings indentified as Lots 1, 2, 3, and 4 of Section 36 are

not full 40 acre Lots (see attached title map), and that Lot 2 only consists of 2.21 something (see attached title map); and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to negotiate with federal agencies like the Bureau of Indian Affairs and others to improve the welfare and education of tribal members (see Article II, Section 1 (b), (k)) and protect the assets of the Tribe which includes the resources of the Reservation and the water quality of Summit Lake (see Article II, Section 1(c)); and,

WHEREAS, historically, the Tribe has dealt only with individual cattle owners, only allowing their branded bovines to enter the Summit Lake Reservation and cross the Reservation to the Bureau of Land Management (BLM) managed grazing allotments to the north of the Reservation; and,

WHEREAS, the Council has just learned that some time ago the person currently purchasing or the current owner of the Solider Meadows Ranch, Jim Kudrna, created a Limited Liability Corporation (LLC) called Kudrna LLC, for the purposes of allowing other bovine owners who join Kudrna LLC, at a profit to Jim Kudrna, to cross the Summit Lake Reservation for the purposes of grazing the BLM allotments to the north of the Reservation; and,

WHEREAS, the Council believes that Jim Kudrna should have revealed his plans on using the Summit Lake Reservation for financial gain at the expense of the resources of the Summit Lake Reservation at the time or prior to creating Kudrna LLC not just recently when a tribal employee asked if only bovines bearing the Soldier Meadows Ranch brand would be herded or otherwise transported across the Reservation; and,

WHEREAS, the Council believes that no one should profit by use of the tribal roads and other areas of the Summit Lake Reservation, where the Tribe permits certain activities, without sharing a percentage of such profit especially since Jim Kudrna and prior owners have never paid to have their bovines cross the Reservation consuming and damaging tribal resources and drinking Reservation water (a more valuable tribal asset than the forage the bovines might eat); and,

WHEREAS, the Council has extreme concerns with the negative impacts on the Tribe's Reservation resources (e.g., roads, Summit Lake, traditional foods and medicine, other floral and fauna, sage grouse, other traditional game, sage brush, important historic tribal properties, including those of traditional religious and cultural importance, etc.) of allowing Jim Kudrna to herd or otherwise transport, as he proclaims, 1,600 or more bovines which in actuality, if there are cow and calf combinations, is at least 3,200 bovines if not 4,000 bovines if there are more than one calf per cow; and,

WHEREAS, the Council will not authorize 1,600 bovines, not counting cow and calf combinations, to be herded or otherwise transported across the Reservation because of the above-described damage to Reservation resources; and,

WHEREAS, because the Tribe long ago prohibited bovines from drinking from all surface waters on the Reservation, which prohibition is recognized by the federal government but allowed, because the Tribe has historically lacked the financial resources to prevent it and the federal government has not acted on its trust responsibility to prevent it, the bovines of Soldier Meadows Ranch have been allowed to trespass the Reservation from Lots 1, 2, 3 and 4 of Section 36, and unlawfully drink from the surface water of Summit Lake, and pollute Summit Lake, a body of water wholly owned by the Summit Lake Paiute Tribe and within the exterior boundaries of the Summit Lake Reservation; and,

WHEREAS, because it is important to: (1) prevent further trespass of the Reservation by bovines from or through Lots 1, 2, 3 and 4 of Section 36, and (2) prevent further pollution of Summit Lake by bovines, the Council is willing to allow up to 800 bovines (1,600 cow-calf combinations) authorized by the Bureau of Land Management to be on the Soldier Meadows Grazing Allotment to be herded or otherwise transported across the Summit Lake Reservation as long as reasonable steps are taken to protect the Tribe's Reservation resources (e.g., roads, Summit Lake, traditional foods and medicine, other floral and fauna, sage grouse, other traditional game, sage brush, important historic tribal properties, including those of traditional religious and cultural importance, etc.); and,

WHEREAS, the Tribe reserves the right to require brand inspections of all 800 bovines identified-above; and,

WHEREAS, the Tribe reserves the right to require health inspections by a veterinarian acceptable to Jim Kudrna and the Council;

WHEREAS, the Council reserves the right to change the path that the above-identified 800 bovines use for crossing the Reservation; and,

WHEREAS, for the present time, the Council authorizes the above-identified 800 bovines to cross the Reservation using the tribal road on the west side of Summit Lake; and,

WHEREAS, the above-stated permission given Jim Kudrna is not transferrable to any other person whether or not a member of Kudrna LLC or whether or not they become or are the owners of Soldier Meadows Ranch; and,

WHEREAS, this agreement shall be interpreted according to the laws, including customs, of the Summit Lake Paiute Tribe and does not constitute a waiver of any tribal sovereignty or jurisdiction; and,

WHEREAS, the State of Nevada declares it has no jurisdiction in Indian Country in Nevada (see NRS 41.430(4); see also *Snooks v. Ninth Judicial District Court*, 919 P.2d 1064 (1996) (Nevada Supreme Court grants writ of prohibition after state district court judge denies motion to dismiss for lack of jurisdiction in tort action stemming from Nevada lands of the Washoe Tribe),

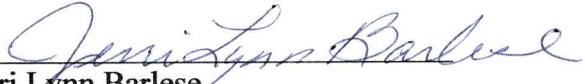
NOW THEREFORE, BE IT RESOLVED the Summit Lake Paiute Council hereby authorizes the Director of the Natural Resource Department, William Cown, and the Director of the Environmental Protection Department, to negotiate, on behalf of the federally-recognized Summit Lake Paiute Tribe, an agreement with Jim Ludrna consistent with this Resolution, and

BE IT FURTHER RESOLVED that if Jim Kudrna rejects this offer of the Summit Lake Paiute Tribe, the Natural Resource Department shall immediately begin construction of the fence within the exterior boundaries of the Reservation along the high water mark that delineates the Reservation's boundaries from Section 36 and Lots 1, 2, 3 and 4 of Section 36.

#### CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution, SL-34-2008, was brought before the Summit Lake Paiute Council at a duly held meeting on the 16th day of August, 2008, with a quorum, with the following votes: 2 FOR, 0 AGAINST; and 1 ABSTAINING, with the Tribal Chairman presiding and not voting, and that this Resolution has not been rescinded, revoked or further amended.

August 16, 2008  
Date

  
Jerri Lynn Barlese  
Secretary/Treasurer  
Summit Lake Tribal Council

T.42N., R.25E.



HUMBOLDT COUNTY

NOTE: This plat is for the purpose of showing the location of the lands of the State.

HUMBOLDT COUNTY ASSessor's OFFICE  
EUREKA, CALIF. 95501

