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# Cultural Persistence in Nevada: Current Native American Issues

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HE past several years of natural resource development in the western United States have seen increased interaction between anthropologists (frequently archaeologists and cultural resource specialists) and resident Native American groups. Nowhere has this been more evident than in California (Winter 1980); however, similar events have begun to unfold in Nevada in the 1980s. To date, few anthropologists operating in the development field appreciate the full extent of concerns of the Nevada Indian groups, their recent gains in reasserting control over traditional resources, or even who they are. The present paper identifies the network of Indian communities spread across the state and attempts to demonstrate how many of the expressed concerns are deep-seated in Indian-white relations extending back over 150 years. Not fully considered below are cultural persistence factors involving religious beliefs, cermonial activities and many aspects of social organization (Harris 1940; Freed and Freed 1963: Downs 1966: 108: Shimken and Reid 1970; Knack 1980), and the effects of resource conflicts on belief systems (Stewart 1944: d'Azevedo 1978a).

Conflict over the control and use of natural resources in Nevada has proceeded through several levels of intensification. It began indirectly in the early 1800s when mounted Indian groups from California and the Columbia Plateau incorporated northern Nevada into a large trade network (Rusco 1976a; Layton 1978, 1981). Ute and Navajo slaving raids were also taking place at this time at the other end of the State (Malouf 1966: 24: Stoffle and Evans 1978: 9). The later 1800s witnessed the statewide loss of lands and resources to mining and ranching interests and efforts to reserve some resources for use by the surviving Indian peoples. Most recently, the principal conflicts have been associated with the planning of massive energy systems (Stoffle et. al. 1982) and large-scale military projects (HDR Sciences 1980). Due to the pervasive role of the Federal government in the management of Nevada's natural resources today (85% of the State is administered by various Federal agencies with 67% by the Bureau of Land Management alone), Indian-white relations may be frequently translated into Indian-U. S. Government relations in regard to many issues. On the other hand, because the Federal government does control such an overwhelming majority of Nevada's resources, the Indian tribal governments are placed in competition against the State of Nevada for control of the balance of the resources. The following paper describes the loss in land base, the depletion of resources and the decrease of access to them (particularly water) experienced by the Indian peoples of Nevada and their attempts to reestablish rights to these resources (see Fig. 1).

As in pre-contact time, Great Basin

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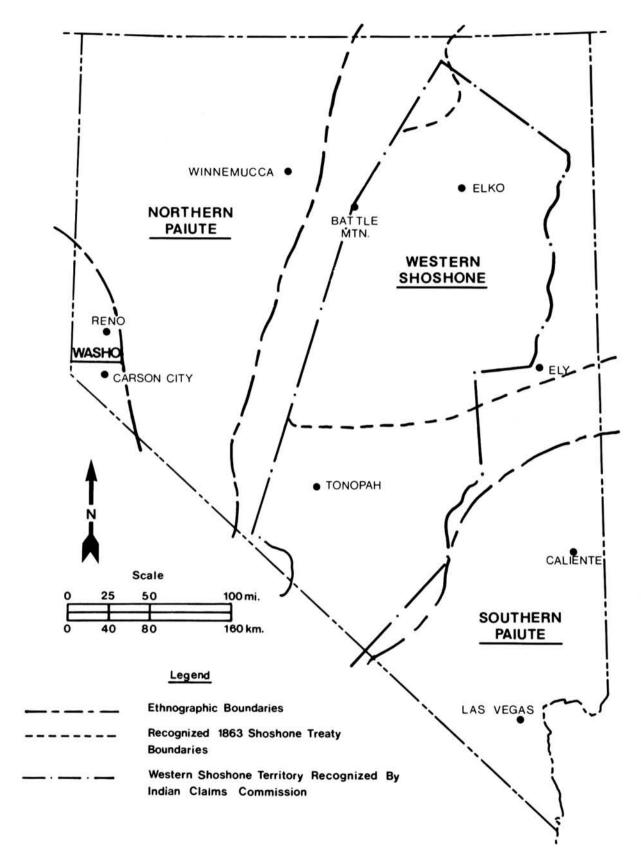


Fig. 1. Protohistoric distribution of Native American groups, recognized 1863 Shoshone Treaty boundary, and Western Shoshone Territory recognized by the Indian Claims Commission.

Indians continue to live in small groups scattered throughout the state, many on numerous Federally recognized reservations and colonies (M. Rusco 1973; Rusco and Rusco 1978). Ties to ancestral lands have thus persisted, unbroken in time, and certain traditional practices and values are still key components in the maintenance of cultural integrity and social cohesion (Stewart 1978: 81). The reservations and colonies are presently experiencing a gradual increase in growth and economic diversification. At the heart of this trend is the widespread desire for economic self-sufficiency and independence from the U.S. government. The form of Indiandirected economic development varies to some degree, ranging from Yomba Shoshone cattle ranching to Washo industrial parks, Moapa Paiute farming and Pyramid Lake Paiute fisheries. However varied, attempts at expanding tribal lands, establishing water rights and protecting certain food resources are central to most of these efforts. These interrelated areas of contention are described in the following sections.

#### LANDS

From the 1820s to 1858, loss of natural resources and access to favored camping areas was concentrated in the immediate vicinity of two new transportation routes across northern and southern Nevada. The traffic along these routes consisted of traders, trappers, explorers, slavers, emigrants and, in the south, Mormon colonists (Downs 1963: 121; Malouf 1966; Euler 1966: 67; Rusco 1976a; Price 1980: 11; Stoffle and Dobyns 1982: 93). By the end of the 1840s, a number of stations were established in the eastern flanks of the Sierras where emigrants could rest and graze livestock while waiting for good trans-Sierran travel conditions (d'Azevedo 1963: 2; Young et. al. 1976: 193). Environmental deterioration was primarily due to hunting and trapping by the intruders and grazing and trampling by their mounts, pack animals, and livestock (Rusco 1976b: 160; Stoffle and Dobyns 1982: 113). By 1829, the beaver population was decimated and by 1845 emigrant diaries noted the general decline of game and grasslands along the trails. The loss of beaver not only took away a source of meat and clothing, but also disrupted hydrologic patterns affecting fish populations (Stoffle and Dobyns 1982: 95). A common response of native populations to these conditions during the first half of the 19th century was to withdraw from the routes and campsites frequented by the intruders (d'Azevedo 1963: 2: Johnson 1975: 26; Layton 1978). There were also, however, more vigorous responses, notably by elements of the Northern Paiute, who formed mounted raiding bands apparently operating out of eastern Oregon, and preving upon wagon trains in northwestern Nevada (Downs 1963: 123; Steward and Wheeler-Voegelin 1974: 221). In the south, by the early 1850s, following the long, devastating period of slave raids, Southern Paiute were becoming field laborers for Mormon colonists. A Mormon mission was established in Las Vegas Valley in 1855 and by 1857 cooperative farming villages were located in key oases, such as the Virgin Valley. During this period many Southern Paiute were forced to abandon their horticultural fields and rely more completely on a hunting and gathering way-of-life (C. Fowler and D. Fowler 1981: 132; Stoffle and Dobyns 1982: 49). Many native groups in the vast south-central section of the state, yet to be directly exposed to these intrusions or to suffer the loss of land and degradation of resources, continued to follow the traditional seasonal cycle of movement (Ambro 1972: 87).

Discovery in the late 1850s of the famed Comstock Lode in western Nevada and of silver at Potosi Mountain in southern Nevada introduced a new era of more intensive

conflict. The most devastating resource effects of the northern discoveries were felt in the Washo territory (Downs 1966: 75; Fowler et al. 1981: 51), where the new town of Virginia City attracted thousands of people, and where large-scale mining soon resulted in the loss of land, and in serious conflicts over water as well as in the disappearance of game, logging of pinyon groves, and depletion of fish in the valleys. Mining led to the deterioration of streams, the spread of tailings over productive gathering areas and extensive cutting of pinyon-juniper woodlands for charcoal production, mine timbers, posts and fuel (Hattori 1975: 16; Young et al. 1976: 205; Young and Budy 1979). Previously fertile seed areas were plowed to raise farm products and the important aboriginal fishery at Lake Tahoe was commercially exploited. Commercial fishing began at Tahoe in 1859 and by the 1880s, tons of trout were taken annually (Downs 1966: 80; Price 1980: 13; Fowler et al. 1981: 94).

Mining and associated ranching activities spread rapidly outward to other regions of Nevada in the 1860s, quickly disrupting traditional lifestyles on a much broader basis (Fowler and Fowler 1971: 22; Thomas 1982: 19; Bowers and Muessig 1982: 31, 78). Around Austin in the Reese River Valley of central Nevada, native grasses, reported abundant in 1859, were being heavily grazed by 1862 (Thomas 1971: 5; Clemmer 1974: 31). Silver ore discoveries at Mt. Irish in 1865 and Pioche in 1868 led to the establishment of Panaca as a supply center for southern Nevada (Stoffle and Dobyns 1982: 121). Finally, the completion of the transcontinental railroad across northern Nevada in 1869 greatly expanded the markets available to Nevada ranchers, and thus encouraged the extension of large-scale livestock grazing into the "empty" lands outside the immediate vicinity of the mining communities. During this period of white expansion, most lands

claimed by ranchers under the Federal Homestead Act were choice grassy meadows watered by springs. However, since much of Nevada was unsurveyed, the homestead laws did not immediately apply and, in many areas, settlers could fence large areas and live on the land for years without holding title or any other form of legal consent by Congress (E. Rusco 1973:79). By the 1880s, huge herds grazed in northern Humboldt and Elko counties destroying native shrubs and grasses that were economically important to the Shoshone and Paiute. Major sunflower seed areas in southern Nevada were similarly eradicated (Stoffle and Dobyns 1982: 59).

As the mining and ranching interests expanded, the Indian peoples around the state responded in large part by forming settlements on the outskirts of mining camps, railroad towns and farming communities or by attaching themselves to particular ranches (Downs 1966: 78; Malouf 1966: 29; Thomas 1971; Hittman 1973a: 21; Hattori 1975; Wells 1978; Lynch 1978; d'Azevedo 1978b: 69; Stewart 1978: 91; Price 1980: 8; Knack 1980: 12; Fowler et al. 1981: 61; Stoffle and Dobyns 1982: 151). As early as 1862, there was widespread economic dislocation (Clemmer 1972: 281ff). The traditional seasonal economic round, disrupted in many areas by rangeland fencing (Wells 1978: 29), resource depletion (Clemmer 1974), and the introduction of privaty property rights, was abandoned, or at best greatly modified. Long established subsistence activities were abandoned in favor of menial wage labor. Men hauled and chopped firewood, sold pine nuts and fish, hauled water, dug irrigation ditches, worked as loggers, plowed fields, bounty hunted for rabbits, or commercially hunted large game, while women worked as laundresses, maids, and kitchen helpers. The production and use of most traditional technological items had essentially ceased by 1880 (Fowler and Matley 1979: 86). The archaeological record has yielded additional information about 19th century aboriginal ties to mining towns (Hattori 1975) and rural ranches (Ambro 1972; Bettinger 1976; Rosen 1978; Payen 1978).

As resource conflicts intensified, so did hostilities. The mounted Northern Paiute bands raided cattle on outlying ranches in the Pyramid Lake area (Knack 1977: 61). Increased depredations by miners in 1858 led to the "Paiute Indian War" which continued for several years (Downs 1963: 124). U. S. Army troops established posts in Ruby Valley in Western Shoshone territory in 1858 and at Ft. Churchill in western Nevada in 1860 for the protection of communication and transportation routes across Nevada (Hittman 1973b: 252; Stewart 1980). In 1863, a Steptoe Valley Shoshone village was razed by troops responding to reported hostilities in the area (Angel 1881: 181; Clemmer 1974: 29). Similar violent clashes occurred in southern Nevada near Alamo in 1867 and again in 1875, leading to the abandonment of the Pahranagat Valley by Southern Paiute (Stoffle and Dobyns 1982: 123). Beginning in 1865, the state legislature of the newly formed State of Nevada passed the first in a series of resolutions asking Congress for military aid to Indian "depredations" (E. Rusco thwart 1973: 75).

Such was the state of Indian-white relations when the first formal attempts were made to resolve the conflicts and to protect the Native Americans from further harm. The nature of these efforts varied about the state and at different times. Many actions left important issues unresolved and they thus form the background for present-day attempt by Indian communities to obtain redress for the long string of injustices suffered by their forebears.

Treaties were established with several Shoshone groups across the western United States in 1863. The Ruby Valley Treaty was signed by members of a few north central Nevada

Western Shoshone groups (Clemmer 1974: 27; Stewart 1978: 87), and the Tooele Valley (Goshute) Treaty by members of groups residing on the Nevada-Utah border. The purpose of the treaties was to establish friendly relations between the U.S. government and Western Shoshone, thus ensuring the safety of transportation routes, such as the new Overland Stage and Mail Route, through Shoshone territory. The treaty also allowed for certain forms of development by whites in Shoshone territory (including mines, ranches, military posts, and transportation corridors), established annual payments to the tribes for 20 years, and promised eventual establishment of reservations within the traditional territories. In subsequent years no payments were provided and the Duck Valley Reservation, not permanently established until 1877, was located outside traditional Shoshone territory.

Attempts to establish reserves in Western Shoshone territory in Ruby Valley in 1859 (Clemmer 1974: 30; Stewart 1980), the Elko vicinity in 1868 (Inter-Tribal Council 1976: 60) and at Carlin in 1877 (Stewart 1978: 93) proved to be false starts, causing further frustrations over lost lands. For example, a six-mile-square reservation was informally set aside in Ruby Valley in 1859, but it was never formally withdrawn and by the 1870s it had been abandoned. A later attempt in Western Shoshone territory was initially more successful as it led to the establishment of the Carlin Reservation in 1877. A scant two years later, however, in 1879, Carlin was abolished by Executive Order due to the contesting of land claims by whites in the area (Clemmer 1974: 31; Stewart 1978: 93). Subsequently, the Government attempted to escape its treaty obligations by encouraging Western Shoshone from as far away as the Reese River Valley in central Nevada to move to the Duck Valley Reservation. However, the great majority of Western Shoshone preferred off-reservation

life in their ancestral lands and refused to move (Stewart 1978: 84).

Due largely to the efforts of Indian Agent James Dodge, the Northern Paiute history of land reserves has taken a different course. Two sizable reservations-Pyramid Lake, including over 400,000 acres (Dixon 1981; Knack 1977: 50) and Walker River, consisting of approximately 320,000 acres (Johnson 1975: 28)-were formally withdrawn in 1859 and designated as reserves in 1874. Both reserves initially included large natural lakes containing rich fish resources (Speth 1969; Fowler and Bath 1981). The Pyramid Lake Reservation has remained largely intact through the years, but not without considerable effort and some critical land losses. Repeated attempts to reduce, if not eliminate, reservation lands were made by the Nevada State legislature in the late 1800s (E. Rusco 1973: 78; Knack 1977: 58), and by U.S. Senator McCarran in the mid-twentieth century (Dixon 1981: 124). Problems with cattle trespass and squatters began in 1861 and continued through the 1940s. This long period was punctuated with various legal attempts to eject the squatters. Prime fertile lands in the Wadsworth area were lost through 1862 railroad grants and subsequent sales to private individuals (Knack 1977: 56; Dixon 1981). One result of the long-standing encroachment and harassment was that the Paiute were progressively restricted to the least productive parts of the original reservation. In a "Catch-22" situation, the Paiute were then accused of not making the best use of reservation lands, thus providing supposed justification for further attempts to reduce the size of the reserve (Knack 1977: 57).

The Walker River Paiute were even less successful in keeping the whole of the lands and resources initially reserved for them. Like the Pyramid Lake Paiute, the Walker River Paiute experienced early and continuous conflicts with ranchers, miners and railroad inter-

ests on the withdrawn reservation lands. Miners coveted the mountain ranges, probably as much because they were now off-limits as for any other reason (Johnson 1975: 37). After years of contention, the Paiute lost two-thirds (almost 270,000 acres) of the reservation, including the entire shoreline of the lake, when in 1906, Congress opened the lake area for mining and settlement (Johnson 1975: 105). From 1918 to 1972 the reservation has gradually expanded back to its original size. However, the expansion has extended northward into the arid desert country, rather than southward around the lake. Additionally, some choice areas within the reservation have become privately owned by whites, including the Schurz townsite (Johnson 1975: 111).

The Washo and Southern Paiute became forgotten peoples in the late 1800s. White incursions in the former Washo territory (now one of the most heavily populated regions of the state) were both early and drastic. Social organization was severely disrupted and, in the absence of a military threat, the government had little incentive to accord formal recognition to the demoralized survivors (Downs 1966: 78). The Southern Paiute suffered substantial depopulation as a result of slave raids and introduced diseases, and some groups were able to avoid much contact with the white intruders (C. Fowler and D. Fowler 1981: 151). For these reasons and because, like the Washo, they did not pose a military threat, they could thus be safely ignored by the white authorities (Stoffle and Evans 1978: 14; D. Fowler and C. Fowler 1981: 180). By the 1870s the demand for labor at Mormon farming villages in Southern Paiute territory had decreased, thus withdrawing an important source of livelihood at a time that stream diversions and overgrazing had depleted traditional native food sources (Stoffle and Dobyns 1982: 134).

The Washo still lack a substantial land

base. The Southern Paiute received a large tract in excess of 2.5 million acres in 1873 and 1874 at Moapa (Stoffle and Dobyns 1982: 134). At that time many of the Nevada and Utah Southern Paiute were encouraged to relocate to either the Moapa location or the Ute Unitah Reservation in central Utah (Stoffle and Evans 1978: 15), but, like the Western Shoshone, most chose to stay in their homelands. Despite formal designation of the Moapa Reservation, white settlers already established within the newly formed boundaries declined offered compensation and refused to move. As a result of this conflict, and of protests from mining interests, in 1875 the reservation was abruptly cut in size to 1,000 acres (E. Rusco 1973: 77; Stoffle and Dobyns 1982: 136). The Washo began receiving land allotments in the Pine Nut Mountains following passage of the 1887 Dawes (General Allotment) Act. However, the land is unsuited for homesites and agriculture, being in pinyon-juniper woodlands lacking water (Downs 1966: 95; Fowler et al. 1981: 53). By 1889, 234 acres of land in Washo territory was donated by the Nevada Indian School Commission to the Federal government for the Stewart Indian School. Through the years over 2800 acres of noncontiguous parcels were added for farming and ranching purposes. In 1982, most of these lands were transferred from Bureau of Indian Affairs administration to a trust for the Washo Tribe. The State of Nevada received those lands containing the now-closed Stewart School facilities. The Washo intend to continue ranching operations on their portion of the lands as well as constructing homes and commercial buildings.

The Dawes Act led to the acquisition of land by other Nevada groups as well. The Western Shoshone homesteaded 1140 acres in Ruby Valley under the act (Clemmer 1974: 32). By 1894, Northern Paiute residing in the Carson Sink area had acquired 31,360 acres of

land along the lower Carson River (Facilitators 1980: 2.56). However, passage of the 1902 Reclamation Act led to a significant reduction in these Northern Paiute holdings. The act gave rise to the Newlands Reclamation Project, designed to create 87,500 acres of irrigated farmlands in the lower river area. with a large part of the project planned for Indian allotted lands. In an effort to make the irrigated land available to white settlers, the government offered the Indian allotment holders 10 acres of irrigable land with paid-up water rights to the Newlands Project for their original 160 acre tracts. As a result, the Fallon Reservation, established in 1907, included only 4,640 acres of the original 31,000.

The most important conclusion to be drawn from the history of Indian-white relations summarized above, is that most Great Basin Indian peoples, despite loss of land, constant pressure to move to reservations, and extensive loss of natural resources, chose to maintain their native pattern of dispersed habitation in small groups. Ties to ancestral lands persisted and remained strong. Mining interests continued to expand their operations through the 1880s, only to go into a major recession in the 1890s (Bowers and Muessig 1982: 33), taking away the wage labor jobs, markets for produce, and sources for handouts on which many Indian peoples now depended (Thomas 1971: 7; Johnson 1975: 64). Meanwhile, a more lasting impact was the overgrazing that led to the almost complete destruction of productive grasslands between 1880 and 1920 (Clemmer 1978: 65). Stands of Great Basin wild rye, a key aboriginal food, were depressed and meadow erosion was accelerated, ultimately leading to the invasion of alien weeds lacking nutritional value (Young et al. 1976: 198). Traditional antelope drives ceased soon after substantial white intrusion and deer and sagehen hunting declined; however, rabbit hunting, including the use of nets, persisted into historic times

because of the encouragement of ranchers and farmers who considered the rabbits an agricultural pest (Downs 1966: 83). At this time the Native American population hit a low point in regard to numbers, due largely to malnourishment and the ravages of introduced diseases over the previous several decades (Hittman 1973b: 255; Stoffle and Dobyns 1982: 156; Stoffle et al. 1982: 112).

The dispersed residency pattern finally began receiving formal recognition with the establishment of reservations around existing settlements shortly after the turn of the century. The period between 1907 and 1918 saw the establishment of colonies at Fallon, Yerington, Lovelock, Las Vegas, Winnemucca, Reno/Sparks, Battle Mountain, Elko, Carson and Dresslerville. New reservations were also established at Fallon (1907), Goshute (1912) and Summit Lake (1913). The Ely Colony did not receive recognition until 1931. During this period the demand for wage laborers was low and, consequently, social isolation of the Indian peoples in these enclaves increased (Downs 1966: 97).

The Indian Reorganization Act (IRA) of 1934 introduced a new era in the economic and political resurgence of Native American groups in Nevada. The Act has led to the establishment of four additional reservations Ft. McDermitt [1936], South Fork [1937], Yomba [1937] and Duckwater [1940]); to the purchase of the Campbell Ranch (1936) in Mason Valley for the Yerington Paiute Tribe, and an 800-acre ranch for the Washo Tribe (1938); and, later, to two more colonies at Woodsford (1970) and Wells (1977). Much of the land acquired at this time was through purchases of various ranches by the U.S. Government. An exception was the Ft. McDermitt Reservation which was first established in the 19th century, but then was allotted and subsequently terminated by 1934. Upon acceptance of the IRA by the Paiute and Shoshone, the allotted lands were

returned to trust status (E. Rusco, personal communication 1983).

The 1934 Act also led to the recognition of nineteen tribal governments in the state (Rusco and Rusco 1978) (see Table 1). Reaction to the IRA and its ramifications has varied among the tribes. For example, the Washo were reluctant to accept the IRA at first; however, in the past two decades they have made effective use of the Federally recognized tribal government (A. Becker, personal communication 1983). The pros and cons of the IRA have not only been debated within Indian communities, but also among students of contemporary Native American politics as well. On the positive side, the IRA recognized existing Native American political groups, opened the door wider to Federal funds, established tighter control by Indian peoples over the use of their lands and resources, and provided a legitimate means for tribal governments to negotiate and otherwise formally interact with the U.S. Government

#### Table 1

#### NEVADA TRIBAL GOVERNMENTS WITH APPROVED CONSTITUTIONS (per Indian Reorganization Act of 1934)

| Pyramid Lake Paiute Tribe             | 1936 |
|---------------------------------------|------|
| Duck Valley Shoshone-Paiute Tribe     | 1936 |
| Washo Tribe                           | 1936 |
| Ft. McDermitt Paiute & Shoshone Tribe | 1936 |
| Reno/Sparks Indian Colony             | 1936 |
| Walker River Paiute Tribe             | 1937 |
| Yerington Paiute Tribe                | 1937 |
| Te-Moak Bands of Western Shoshone     | 1938 |
| Yomba Shoshone Tribe                  | 1939 |
| Duckwater Shoshone Tribe              | 1940 |
| Goshute Confederated Tribes           | 1940 |
| Moapa Band of Paiute                  | 1942 |
| Summit Lake Paiute Tribe              | 1965 |
| Ely Indian Colony                     | 1966 |
| Carson Colony                         | 1967 |
| Lovelock Paiute Tribe                 | 1968 |
| Dresslerville Community               | 1969 |
| Las Vegas Tribe of Paiute             | 1970 |
| Winnemucca Indian Colony              | 1971 |

(Dixon 1981: 121). Criticism of the IRA focuses on the systemization of Native governments by means of the introduction of white parliamentary procedures. It also has facilitated the imposition of U.S. Government programs, and increased Federal control of Indian communities through the required approval by the Interior Department of proposed Indian actions (Clemmer 1973: 9). Nevertheless, despite the lack of agreement over the significance of the IRA, by the 1970s, "nearly every colony and reservation in Nevada ha[d] a governing body formally organized under [its] provisions" with constitutions and by-laws and elected councils (M. Rusco 1973: 101). A major function of the Indian governments is "to preserve and increase . . . tribal resources," as commonly stated in the preambles to their constitutions (Rusco and Rusco 1978). The most important effect of the Act in Nevada has been the increased capacity Native Americans now have for questioning exploitation of tribal resources (Johnson 1975: 5).

Complex political situations have developed in Nevada by the imposition of white majority rule decision-making structures on small communities traditionally organized around extended families operating on a consensus decision-making basis (Downs 1966: 102: Dixon 1981: 63). IRA-recognized tribal councils, primarily community based (except for the Washo Tribe and Te-Moak Bands), operate within the United States political and legal systems and primarily focus on "bread and butter" issues. On the other hand, traditional tribal councils still survive in many groups operating under exclusively Indian traditional leadership and addressing issues involving civil and treaty rights and land claims. Frequently the two rival governing bodies pursue conflicting goals or adopt conflicting tactics, but occasionally they cooperate in seeking the same solutions to selfsufficiency problems, and may even overlap in constituency. The Te-Moak Bands of the Western Shoshone provide the best example of this political situation (Clemmer 1973: 12; Rusco 1982a).

By the mid-1900s a network of Federally recognized tribes existed in Nevada, still maintaining residence in ancestral areas (see Table 2 and Fig. 2), with some form of land holdings for each group. However, many Native Americans in Nevada still live offreservation, and some Indian communities, such as those at Pahrump, Austin, Beowawe and Eureka, are still not Federally recognized (Clemmer 1973: 11). Since the early 1970s, populations on many of the recognized reservations have been growing, as people return to join in the improvements (Stoffle and Dobyns 1982: 13). From this base, momentum has steadily increased over the past 30 years in attempts to regain lost lands and achieve independence from the B.I.A. and other

Table 2
ESTABLISHMENT OF TRIBAL LANDS

| Tribe                       | Present<br>Acreage | Initial<br>Date |
|-----------------------------|--------------------|-----------------|
| Moapa Reservation           | 72,011             | 1872            |
| Pryamid Lake Reservation    | 476,669            | 1874            |
| Walker River Reservation    | 321,596            | 1874            |
| Duck Valley Reservation     | 289,819            | 1877            |
| Fallon Reservation & Colony | 8,180              | 1907            |
| Goshute Reservation         | 109,000            | 1912            |
| Las Vegas Colony            | 10                 | 1912            |
| Winnemucca Colony           | 340                | 1917            |
| Reno/Sparks Colony          | 29                 | 1917            |
| Washoe Colonies             | 280                | 1917, 1970      |
| Te-Moak Bands               |                    |                 |
| Battle Mountain Colony      | 683                | 1917            |
| Elko Colony                 | 193                | 1918            |
| South Fork Reservation      | 13,050             | 1937            |
| Wells Colony                | 80                 | 1977            |
| Ely Colony                  | 10                 | 1931            |
| Yerington Colony            | 1,653              | 1936            |
| Ft. McDermitt Reservation   | 35,480             | 1936            |
| Yomba Reservation           | 4,718              | 1939            |
| Duckwater Reservation       | 3,815              | 1940            |
| Lovelock Colony             | 20                 | 1907            |
| Summit Lake Reservation     | 10,862             | 1913            |

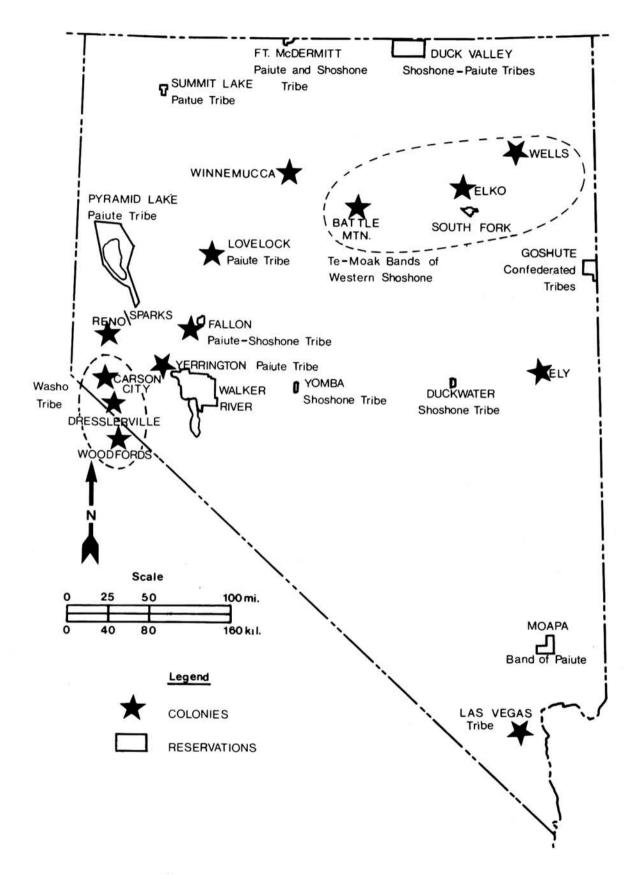


Fig. 2. Federally recognized colonies and reservations.

agencies through economic self-sufficiency.

Additional Native American organizations have been formed by Nevada Indian groups subsequent to the establishment of the Federally recognized tribal councils. In 1963, delegates from several tribal councils adopted the constitution and by-laws of the Nevada Inter-Tribal Council. That body has been responsible for protecting rights, preserving the heritage and promoting the general welfare of Nevada Indians and serves as a direct link to the U.S. Government, bypassing the B.I.A. (M. Rusco 1973: 103). Political involvement organizations have also been formed, including the Western Shoshone Sacred Lands Association in 1972 and the United Paiutes, Inc. The principal issues are the expansion of land holdings, protection of water rights and maintenance of cultural identity.

In 1951 the Washo Tribe, Moapa Southern Paiute, Walker River Paiute and Te-Moak Bands of the Western Shoshone filed suits with the Indian Claims Commission, established to determine compensation for Indian lands taken illegally by treaty or other means (Stewart 1966: 203). The Moapa have been awarded monetary payments of \$7.3 million since 1965, most of which has been used to establish a perpetual capital fund to finance improvements and economic development (Stoffle and Dobyns 1982: 158). The Washo were awarded \$5 million in 1970, most of which has been similarly invested. The Walker River Paiute were awarded \$20.6 million in 1961 and 1965 (Johnson 1975: 153).

The Western Shoshone case, based on the 1863 Ruby Valley Treaty, has taken totally different directions with much broader implications (Rusco 1982b). Title to approximately 24 million acres in Nevada and California has yet to be conclusively decided. A 1979 Claims Commission award of \$26 million, based on 1855 and 1872 land prices, has been made but no funds have been paid to Shoshone. A district court ruling holds that

the award has extinguished Western Shoshone land claims, but the traditional Western Shoshone disputed this interpretation and the case is still being considered by an appellate court. The issue has been further complicated by the Dann Case, in which the Bureau of Land Management filed a 1973 court suit against two Western Shoshone women residing near Beowawe for grazing cattle on public lands without required permits or payment of fees (Clemmer 1978: 68). A 1974 countersuit by the Danns once again raised the land title question, which now has been in Federal courts for over eight years. In an attempt to end the seeming judicial deadlock, the Shoshone of Battle Mountain, Ely, Yomba and Duckwater formed the Western Shoshone Lands Federation in 1981. The organization's function is to reach a negotiated settlement with the U.S. Government.

The Moapa Paiute have recently sought to reclaim lands lost in the 1875 Executive Order action. A 1979 proposal for withdrawal of 70,000 acres was formally approved by Congress in December, 1980 (Stoffle and Dobyns 1982: 159). The Moapa intend to regain more of their original reservation lands in the future. The recently acquired lands will be used for grazing, expansion of alfalfa and barley fields, and commercial developments on the interstate highway which the reservation now straddles.

The rural reservation tribes have established livestock grazing and farming as their major economic enterprises (Houghton 1973: 40; Johnson 1975: 150). Because of water scarcity, to be economically viable, these ventures require large tracts of land. Therefore, the remote Western Shoshone groups at Yomba and Duckwater are currently seeking expansion of their present reservation boundaries. Livestock grazing has been the heart of both tribal economies in the past and reliance on B.L.M. grazing allotments has been paramount in providing sufficient land for sup-

porting sizable herds. The Yomba Reservation has applied for withdrawal of 20,000 acres in Reese River Valley, which it currently uses under permit from the B.L.M. (Facilitators 1980: 3.172). The Duckwater Reservation has similarly applied for several hundred thousand acres in 1976, corresponding to their grazing allotments (Facilitators 1980: 3.242). Similarly, the Fallon Reservation has expanded to 8,180 acres, from the 1907 total of 4,600 acres, due largely to a 1978 increase of 2,640 acres (Facilitators 1980: 2.59).

Present plans to acquire land are not limited to currently recognized groups. The Southern Paiute at Pahrump are seeking Federal tribal status and have recently elected their own council. An immediate goal of the group is the establishment of a reservation in their traditional lands (R. Stoffle, personal communication 1982).

#### WATER RIGHTS

Associated closely with the lands issues are the continual struggles over establishment and retention of water rights in this desert country. The issue of Native American water rights is as complex as any issue in the west. The Winters Doctrine, established by court decision in 1908, states that sufficient water must be reserved to fulfill the purposes of the reservations. What constitutes "sufficient" has never been defined; the courts hold that Indians are entitled to water for future uses, not just present and past uses, but it is unclear what the purposes for which water must be used are with respect to reservations (Barsh 1982: 16). The doctrine conflicts with many state laws, including Nevada's, establishing priorities and the rights of existing users (E. Rusco 1973: 80). The Nevada State law is based on the doctrine of appropriation, rights being acquired by diverting water from a natural course for "beneficial" use (Reynolds 1975: 5). Early water development activity went unregulated (Thomas 1982: 20).

Details of water conflicts vary from region to region in the state, depending largely upon the nature of the water source involved. Some Nevada tribes, such as the Pyramid Lake and Walker River Paiute, rely on river water rights; others, such as the Moapa Paiute and remote Shoshone groups, rely on shallow wells, springs and surface streams.

Presently nine court cases are under litigation involving the Pyramid Lake Paiute and the waters of the Truckee River. Pyramid Lake, used by the Paiute for commercial fishing in the late 1800s and famous for its recreational trout fishing in the early 1900s, saw a general decline in the fisheries by 1970 due to the lowering of the lake level and pollution of the Truckee River (Pisani 1977; D. Fowler and C. Fowler 1981: 188). For decades a significant portion of the Truckee flow has been diverted to the Newlands Project in the Carson Sink area (Reynolds 1975: 5). By the late 1930s, a delta had formed at the mouth of the Truckee River, blocking the fish from their spawning grounds upstream. The lake level has receded approximately one foot per year since 1880, a total thus far of about 86 feet (Reynolds 1975: 9). By 1974 the Paiute constructed their first hatchery for cutthroat trout and Cui-ui suckers, and have recently completed a second hatchery facility. In 1973 the Pyramid Lake Paiute filed a court suit claiming the U.S. Government had violated its trust responsibility by reducing the flow of the Truckee River into Pyramid Lake (Reynolds 1975: 1). A U. S. District Court decision ruled that the Federal government had indeed diverted too much water for over 50 years, thus leading to extinction of cutthroat trout in the river and a decline in Pyramid Lake purity. The Northern Paiute were awarded an \$8 million settlement in 1975.

In a related case, water rights to Stampede Reservoir, constructed in 1970 on the headwaters of the Truckee River, have been contested since 1976. Sierra Pacific Power Company and the State of Nevada are suing the Pyramid Lake Paiute and the Interior Department for use of the water for purposes in addition to maintenance of reservation fisheries and Truckee spawning runs. A U. S. District Court ruling issued in 1982 has favored the Paiute, but more litigation is in store. Efforts by the Pyramid Lake Paiute to establish a guaranteed average annual flow for maintaining the lake level, reducing lake salinity and supporting the cutthroat trout fisheries, continue today with arguments to be presented soon before the U. S. Supreme Court.

The Walker River Paiute began experiencing water shortages from upstream river diversions by the 1870s. The situation became increasingly serious after 1901 when major ranching interests bought out the smaller, independent operators in Smith and Mason valleys, and initiated large-scale range improvements (Johnson 1975: 65). Irrigation dams not only diverted water, but also blocked seasonal fish movement upstream. Finally, in 1924, a court suit was filed over these diversions. In 1936 a judgment was issued favoring the upstream ranching interests (Johnson 1975: 133), but the decision was appealed and the resulting verdict favored the Paiute. However, the decision granted only a very small amount of water for reservation use. Fishing at the lake greatly declined during this period due to the lowered lake level (over an 80-foot drop), and increased mineralization (Speth 1969: 227). Finally, Weber Reservoir was constructed on the reservation in the 1930s, thus alleviating some of the water problems.

The Moapa Paiute rely on groundwater discharge from a series of geothermal springs as well as on springs on recently acquired ranches adjoining the reservation. Efforts toward economic self-sufficiency, including assumption from the B.I.A. in 1968 of farm-

ing responsibilities on reservation lands and the construction of 5½ acres of hydroponic greenhouses in 1978, have placed increasing demands on the water supply. More greenhouses, which use large quantities of water, are planned for the future as the Moapa enter the vegetable markets in Las Vegas and Phoenix (Stoffle and Dobyns 1982: 159).

The Western Shoshone at Yomba, Duckwater and South Fork have established livestock associations to initiate and coordinate range improvement projects (including the drilling of wells, the building of dams and reservoirs, and the improvement of existing irrigation systems) and to issue grazing permits to non-Indian users of tribal lands. Water rights, primarily to springs and small, intermittent streams, were acquired through the purchases of ranches in the 1930s when the reservations were first established. Water sources on allotments leased from the B.L.M. are also relied upon. For those groups-such as the Moapa and Western Shoshone-who rely on water from spring discharges, the depletion of the water table through offreservation subsurface groundwater pumping is viewed as a threat to tribal economic plans (HDR Sciences 1980: 132). As a result, the filing for water rights by the U.S. Air Force on public lands in Dry Lake Valley in 1980 was formally challenged by the Duckwater Shoshone.

## PUBLIC POLICIES

Current State and Federal management of Nevada's resources has been viewed with increasing concern by Native American groups over the past few decades. This concern derives from two factors: (1) public laws and policies continue to be considered as infringements of native rights; and, (2) some forms of resource use are likely to compromise land and resource values on lands currently contested for ownership or sought for expansion. Obviously, the recent MX Missile Project, a

plan for withdrawal and development of vast portions of Nevada and Utah, posed a paramount threat, not only to lands sought for expansion, but also to the very existence of Native American cultural integrity (HDR Sciences 1980). Aside from current and proposed military use of Nevada's lands, a number of Federal and State actions provide additional grounds for contention.

Transfer of Federal lands to private and State ownership further erode the amount of land available for Indian use as well as detracting from tribal land expansion opportunities. As noted above, the 1863 Ruby Valley Treaty, although failing to concede title of Western Shoshone lands to the United States, did provide open-ended allowances for white settlement in Shoshone territory for a number of purposes. Consequently, continued acquisition of contested public lands by non-Federal interests appears to further exercise that option. This threat of reduction to the land base is a major one, both in relative and absolute terms. Since 1979, private individuals have filed for thousands of 320-acre parcels under the 1877 Desert Land Act. Many parcels lie on grazing lands leased to Indian ranchers, particularly in Elko County. The Shoshone and other groups view the action as a threat to their livelihood and an abdication ("breach of faith") by the Federal government of its trust responsibilities (Facilitators 1980: 3.130). Other land actions include current Reagan administration plans for selling "excess" public lands to retire the national debt, and recent "Sagebrush Rebellion" efforts by the Nevada State government. In most cases, activities by land developers could result in reduction in the availability of natural resources (Clemmer 1974: 36).

Conflicts over grazing practices on public lands fall into two categories, one of which is closely tied to the lands issue. Given the Western Shoshone assumption that much of Nevada is still in their ownership, it follows that B.L.M. grazing permits are invalid. This conclusion has led to the Dann Case as well as to other confrontations, including refusal by Duckwater Shoshone to acquire grazing permits from the B.L.M. in eastern Nevada and the improvement of water sources on public lands without filing for water rights. Secondly, the application of Federal "range improvement" programs on public lands is viewed by many Native Americans as destructive of the integrity of the environment. Recent controversies have focused on such issues as government regulation of Indian grazing rights on public lands as well as on such Federal management practices as brush clearing, reseeding, and pinyon-juniper chaining (Clemmer 1974: 33). The use of a 150-foot anchor chain, pulled between two crawler tractors for the purpose of ripping up trees, is particularly disliked because of its application to thousands of acres at a time (Clemmer 1974: 64).

In addition to chaining, actions viewed as compromising pinyon nut resources include Federal Christmas tree sales, firewood cutting and commercial pine nut harvesting (Johnson 1977: 46). These activities not only lead to depletion of the pine nut crops but also encourage white trespass on Indian lands, as, for example, on the Washo Trust Allotments in the Pine Nut Mountains (Fowler et al. 1981: 53). Mechanical nut harvesting was prohibited by State law in 1961 (E. Rusco 1973: 91).

Disputes over plant gathering limitations and hunting and fishing rights have involved both the State of Nevada and the Federal government. Nevada Indian peoples are exempt from a 1937 State law prohibiting collection of wild plants (E. Rusco 1973: 91). Another point of contention concerning food gathering involves Federal regulations restricting access by people to desired plants for use as cordage and medicinal purposes and the levying of taxes on collected pine nuts (Stoffle and Dobyns 1982: 190). The pinyon pine

is still regarded as a distinctively Indian resource to be conserved and respected (Clemmer 1974: 34). At present the main threat to continued plant-food collecting derives from land-development activities such as large-scale open-pit mining operations at prime habitat locations. Conflicts over hunting and fishing rights have been more confrontational, leading, in some instances, to open defiance of state laws requiring licenses (Downs 1966: 82: Clemmer 1973: 13, 1974: 35; Johnson 1977: 46) and fishing rights on the Truckee River (E. Rusco 1973: 87). Though some special concessions have been made in the state laws. it appears that these problems will continue to be a source of aggravation into the future.

## CONCLUSION

The principal emphasis has been the resurgence of Nevada Indian groups in the role of decision-maker concerning future control and use of Nevada's land and resources. This road to sovereignty is certainly not a local or regional phenomenom, but one that is nationwide, as recognized in the recent statement by Stoffle et al. (1982: 125),

In the United States today, Native Americans probably wield more authority and influence over decisions affecting their resources than at any other time since the initiation of the reservation system.

The concerns expressed in Nevada have their basis deep in the history of those groups living in the state.

The land, with its resources, occupied and used for hundreds if not thousands of years by ancestors of the present Indian peoples, was "formally" lost to the United States in 1848 by the rule of discovery without regard to occupancy and use rights, although the legality of that "taking" is still being contested by Western Shoshone (Reynolds 1975: 8; Stoffle and Dobyns 1982: 112). The prevailing opinion of the white majority at the time was that the native occupants did

not make proper use of the land (Stoffle et al. 1982: 111). The B.I.A. assumed the role of making this takeover as free from disorder and injustice as possible (Knack 1977: 57).

Though major disruptions to traditional cultural patterns had occurred by 1859, and Numic and Washo society was radically altered by the 1870s (Hittman 1973b: 256), essential cultural values have changed little. Because of cultural values stressing independent, outdoor activities (Houghton 1973: 44), such as aboriginal seed collecting, the Washo adapted easily to early day farming tasks (Downs 1966: 85). The new towns of the 1800s were invariably established on rich food-gathering areas, and hence became another part of the seasonal round with wage labor supplementing gathering (Knack 1977: 51). The demands of seasonal agricultural work fitted neatly into the traditional Washo cycle, permitting continued mobility (Downs 1966: 78).

The traditional fragmented social organization of Great Basin Indian communities led to much confusion and misunderstanding in the negotiations concerning treaties and establishment of reservations and colonies (Downs 1966: 94). Many Paiute continued to live off reservations, seeking wage labor on ranches and mines (Johnson 1975: 100; Stoffle and Dobyns 1982: 136), a course forced on them by lack of developed resources on the reservations and colonies for their support. Meanwhile, the reservation lands were systematically exploited by non-Indians without legal authority (Knack 1977: 58). Like other groups, the Washo today continue to be scattered and mobile, presenting administrative problems. Often, homes are abandoned in the summer to visit relatives and attend ceremonies.

Despite continued attempts to remove them to distant reservations, or to force their assimilation to the majority culture, the Paiute, Shoshone and Washo have remained on their ancestral lands and maintained distinctive cultural traits (Stoffle et al. 1982: 126; Stoffle and Dobyns 1982: 22). No doubt the rapid depopulation due to disease and hostilities prevented some traditional knowledge from being passed on (Stoffle and Dobyns 1982: 36). However, certain traditional seasonal ceremonies are still held, such as the fall pine nut festival at the Walker River Reservation (Johnson 1975: 117).

Gathering continues to be an important feature of Nevada Indian culture. Plants are still considered important to Southern Paiute for food, medicine, ceremonies, and income (Stoffle et al. 1982: 119). The collecting and selling of herbal remedies, berries, buckskin items, and coiled baskets made from willow and Devil's claw seed-pod skins continued long after contact (Stoffle and Dobyns 1982: 141). In many parts of Nevada pine nuts still produce supplemental food and maintain Indian identity (Downs 1966: 106). Transhumant patterns are continued in today's geographic mobility in quest of paid labor (Stoffle and Dobyns 1982: 153).

The preceding remarks are intended as a brief summary of some dominant Native American issues in Nevada (land ownership, water rights and general resource use) and the historical events that have led to the current state of affairs. The tribal economies are just beginning to expand and thus will remain dependent for some time on the availability of Federal loan and grant monies, condition of the general economy and land management decisions by Federal and State agencies. However, awareness of constitutional rights and legal avenues has greatly increased in recent years. It is imperative that people involved in projects affecting the above issues likewise become aware of Native American concerns.

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