

ORDINANCE OF THE GOVERNING BODY

OF THE

DUCK VALLEY SHOSHONE-PAIUTE TRIBES

ORDINANCE NO. 61-SPO-6

**STATEMENT OF PURPOSE:** An ordinance for Standard Homesite Assignments to members of the Shoshone-Paiute Tribes.

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION:

1. All lands, which are now owned by the Shoshone-Paiute Tribes, or which hereafter may be acquired for the Shoshone-Paiute Tribes by the United States or purchased by the Shoshone-Paiute Tribes may be assigned by the Business Council, and preference shall be given to heads of families provided they have no assigned lands or interest in assigned lands.
2. Assignments made under this ordinance shall be for the primary purpose of establishing homes for members of the Shoshone-Paiute Tribes, and shall be known as "STANDARD HOME SITE ASSIGNMENTS". Only one (1) Standard Homesite Assignment shall be held by a member of the tribe.
3. The Business Council shall charge and collect a fee of five (\$5.00) dollars for services rendered in making a Standard Homesite Assignment, this fee to be collected upon delivery of the assignment certificate, and said fee deposited in the Shoshone-Paiute general fund.
4. Any member of the Shoshone-Paiute Tribes, at the age of twenty-one (21) or older, or who regardless of age is married, desiring to establish a home of his (her) own shall be eligible to apply for a Standard Homesite Assignment.
5. Standard Homesite Assignments shall be made on a tract of five (5) acres or less to the head of a family. It being understood that a family shall comprise all persons occupying a single habitation or living in a single domestic group and who are dependent upon some one person, who may be said to be the head of the family.
6. An application for a Standard Homesite Assignment shall be made by the head of a family, and the Standard Homesite Assignment, when made, shall be to such person as the head of a family.
7. A member of the Shoshone-Paiute Tribes married to a person who is not a member of the said tribes, shall be considered as the head of a family, and shall be entitled to make an application for a Standard Homesite Assignment. When such member dies without living children after having received a Standard Homesite Assignment,

the assignment shall be cancelled. However, if a member dies and if there be living children of the marriage, the Tribal Judge may appoint the surviving spouse as guardian of the living children. The Business Council may by resolution assign the Homesite Assignment to the surviving spouse until such minor children either marry or reach twenty-one years of age. The Homesite Assignment, in the name of the surviving spouse, shall then be cancelled.

8. If any member of the tribes who holds a Standard Homesite Assignment shall, for a period of two (2) years, fail to use the land so assigned, or use such land at any time for an unlawful purpose, his (her) assignment shall be cancelled by the Business Council, after due notice and an opportunity to be heard. When a Standard Homesite Assignment is given to a member, it is because that member, in his application, has shown a need for the area for which he asks, and that he intends to establish a home upon the Standard Homesite Assignment.
9. When any member holding an assignment desires to leave the reservation for the justifiable reason, such as, educational training, military service, outside jobs in order to make a living or medical treatment, he(she) will contact the Business Council in person and make arrangements for a permit to vacate or lease his (her) Standard Homesite Assignment for a period not to exceed five (5) years.
10. Upon the death of any member holding a Standard Homesite Assignment, his (her) heirs, or other individuals designated by him (her) by will or by written request, shall have a preference to the re-assignment of the land.
11. Where no will or written request has been made by the holder of a Standard Homesite Assignment, designating the person he (she) desires to have the land reassigned to, his (her) heirs, will be determined by proper probate procedure. The Business Council may reassign the Standard Homesite Assignment of the deceased member to the heir so chosen, provided such action does not give that person control of two (2) Standard Homesite Assignments.
12. When a deceased holder of a Standard Homesite Assignment has willed an assignment to a person who is under the age of twenty-one (21) at the time of the testor's death, or where the heirs, in the absence of any will, have selected such under age person, the assignment shall be administered by the parents or guardian of the child, so designated by proper probate procedure.
13. When an heir by will, or by selection, dies before the age of twenty-one (21), the Standard Homesite Assignment inherited shall be cancelled, and shall then be subject to re-assignment, with preference to heirs eligible to make application for a Standard Homesite Assignment in the order of relationship and age, the nearest of kin having first preference and where more than one person in the same degree of kinship, the older to have preference over the younger. If no heirs can qualify as eligible for a Stan-

Standard Homesite Assignment, then the land shall be held in tribal control awaiting reassignment in the regular ways.

14. Standard Homesite Assignments shall be on lands both inside and outside of the irrigation project. The Standard Homesite Assignments will be designated non-irrigable and no delivery of water or operation and maintenance charges shall be made.
15. If two members of the tribes desire to exchange Standard Homesite Assignments, they shall join in a written application for such exchange shall be set forth in full, and if it shall be made to appear that the requested exchange is for the mutual benefit of both parties, and that such exchange is not against the interests of the tribe as a whole, the Council shall approve the request and prepare a resolution to effectuate such exchange.
16. Improvements of any character made upon assigned lands may be bequeathed to and inherited by members of the tribes or otherwise disposed of under such regulations as the Council shall provide. No permanent improvements shall be removed from the land without the consent of the Council.
17. When personal property, located on the Standard Homesite Assignment, is inherited, either by will or by natural inheritance, or is purchased by a person or persons who cannot make use of it on the assignment where it is located, the party so inheriting, or purchasing it, may dispose of it in one or more of the following ways:
  1. By removing it at their own expense
  2. By sale to a person who can use it where it is located, with approval of the Business Council
  3. By sale to the tribe on such terms as may be agreed upon.

Provided: That any property that is to be removed from the land shall be removed within a period of ninety (90) days from the date on which the land itself shall have passed into other heirs or have been reassigned, and provided further, that the land from which the improvements are removed shall be left in the same good condition as before the improvements were placed upon it, except in the case of a well, or of foundations which may be left by agreement with the new assignee.

18. Application for a Homesite Assignment shall be filed on standard forms with the Secretary of the Tribal Council, and shall be in writing, setting forth the name of the person applying for the land and as accurate a description of the land desired as the circumstances will permit, notices of applications received by the Secretary shall be posted by him in the Tribal Office and other public offices designated by the Council, not less than twenty (20) days before action is taken by the Council. Any member of the tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections; and filed with the Secretary of the Council, and may if he so desires, appear before the Council to present evidence. The Secretary of the Council

shall furnish the Superintendent or other officers-in-charge applications for assignments, and a complete record of assignments shall be open for inspection by members of the tribes.

19. The Council shall draw up one or more forms for Standard Homesite Assignments which shall be subject to the approval of the Area Director - Bureau order 551.

#### CERTIFICATION

It is hereby certified that the foregoing ordinance of the Shoshone-Paiute Tribal Council of the Shoshone-Paiute Tribes, composed of seven members of whom six (6) constituting a quorum were present at a special meeting held on the 23rd day of March, 1961; and that the foregoing ordinance was adopted by the affirmative vote of 5 FOR 0 AGAINST, pursuant to authority contained under Article VIII, Section 3 of the Tribal Constitution and By-Laws. This action is subject to approval by the Secretary of the Interior or his authorized representative.

/s/ THOMAS PREMO SR., Chairman  
Shoshone-Paiute Business  
Council

ORDINANCE OF THE GOVERNING BODY

OF THE

DUCK VALLEY SHOSHONE-PAIUTE TRIBES

ORDINANCE NO. 61-SPO-5

**STATEMENT OF PURPOSE:** An ordinance to further define and regulate the assignment of agricultural lands as provided for in Article VIII, Section 3, 4, 5, 6 and 7 of the Tribal Constitution and By-Laws.

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION, NEVADA

1. This ordinance does not relate to a homesite assignment which is regulated by ordinance number 61-SPO-6.
2. This ordinance shall supercede all prior ordinances, resolutions, and related actions by the Business Council effecting Article VIII, Sections 3, 4, 5, 6 and 7 of the Constitution and By-Laws of the Shoshone-Paiute Tribes of the Duck Valley Reservation insofar as agricultural assignments are concerned.
3. Assignments made pursuant to this ordinance shall be termed standard agricultural assignments. Only one tract shall be held by any member of the tribes as an agricultural assignment and may be less but not more than 40 acres.
4. Assignments may not be used by another member except as provided in Article VIII, Section 3 (b) of the constitution referring to temporary absence or temporary physical disability. Such actions to be approved by resolution by the Business Council.
5. Fees and ground rental on agricultural land used under an agricultural assignment shall be assessed and paid to the tribes as follows:
  - a. A flat one-time assignment fee of \$5.00 payable to the tribes at the time the assignment is executed after July 1, 1961. A like fee is to be assessed for any approved sub-assignment, transfer or exchange.
  - b. Ground rental for agricultural assignments shall be fixed by tribal resolution and payable to the tribes.
6. The holder of a standard agricultural assignment shall pay all operation and maintenance assessments annually in advance of the due date or make satisfactory arrangements with the Business Council. The payment of such O & M assessments shall be made to the tribes.
7. An assignee shall be required to keep all the land he operates in production. In the event the land should be idled for a one year

period the ground rental must be paid notwithstanding. In the event the land should be neglected the Business Council may invoke its Agricultural Assignment Rules. The assignee will be given (30) days to present to the Council an acceptable Plan of Operation or his assignment will be cancelled.

8. Assignments of Agricultural land shall be made on forms approved by resolution 61-SPR-13, October 25, 1960, and Area Director by letter of October 12, 1960.
9. This ordinance shall be in full force and effect after its passage and approval.

#### CERTIFICATION

It is hereby certified that the foregoing ordinance of the Shoshone-Paiute Tribal Council of the Shoshone-Paiute Tribes, composed of seven (7) members of whom six (6) constituting a quorum were present at a special meeting held on the 23rd day of March, 1961; and that the foregoing ordinance was adopted by the affirmative vote of 5 FOR 0 AGAINST, pursuant to authority contained under Article VIII, Section 3 of the Tribal Constitution and By-Laws. This action is subject to approval by the Secretary of the Interior or his authorized representative.

/s/ THOMAS PREMO SR., Chairman  
Shoshone-Paiute Business  
Council