

Six injured while fighting blaze

by Pat Leno-Baker

A range fire that investigation determined caused by small boys playing with cigarettes and matches, raged through 960 acres surrounding the Kah-Nee-Ta Lodge and injured six men, according to Bureau of Indian Affairs investigator Jerome Main.

According to Main at this time the evidence of his investigation will be submitted to the U.S. Attorney and the Tribal Prosecutor for their review and they will determine what steps will be taken for prosecution.

BIA superintendent Bernard Topash stated that six were injured in the fire. Five were Kah-Nee-Ta employees and the sixth a guest at the resort. They were identified as Jerry Falcon, employee, who is listed in very critical and guarded condition with burns over 96 percent of his body; Jim Gaffney, employee, in critical but stable condition with burns over 75 percent of his body; Pat Ritz, guest, in serious condition with burns over 40 percent of his body; Ralph Johnson, employee, with burns over 75 percent of his body is in serious but stable condition; Ken Tababoo, employee, with burns over 40 percent of his body and Ed Rouse, employee, with burns over 12 percent of his upper body on the arms and face. Rouse was not with the other five but was also injured while trying to extinguish the fire.

Rouse was transported to St. Charles Medical Center for treatment. The other five were flown by Life Flight and the 304th Air Rescue and Recovery Squadron, both of Portland, to the Emanuel Hospital Burn Unit in Portland.

Falcon, Gaffney, Ritz, Johnson and Tababoo were injured when they attempted to fight the fire. The fire trapped the five in a gully against a wall of the lodge, stated Main.

Tababoo was less severely burned because he ran through the fire instead of trying to run in front of it. He has had prior experience as a firefighter, according to fire officials.

The fire which broke out Sunday, June 23, at about 4 p.m., was fanned by high winds and traveled at an estimated speed of 20-30 miles an hour. With the high wild grasses and low humidity, fire conditions were extremely high, according to investigators.

The fire which started at the hamlet and traveled east quickly surrounded the lodge. The lodge was immediately evacuated. According to Garland Brunoe, Kah-Nee-Ta general manager, the lodge was filled to about half capacity at the time of the fire. The lodge was closed for one night, Sunday, but reopened on Monday for business. There was no fire or smoke damage to the lodge.

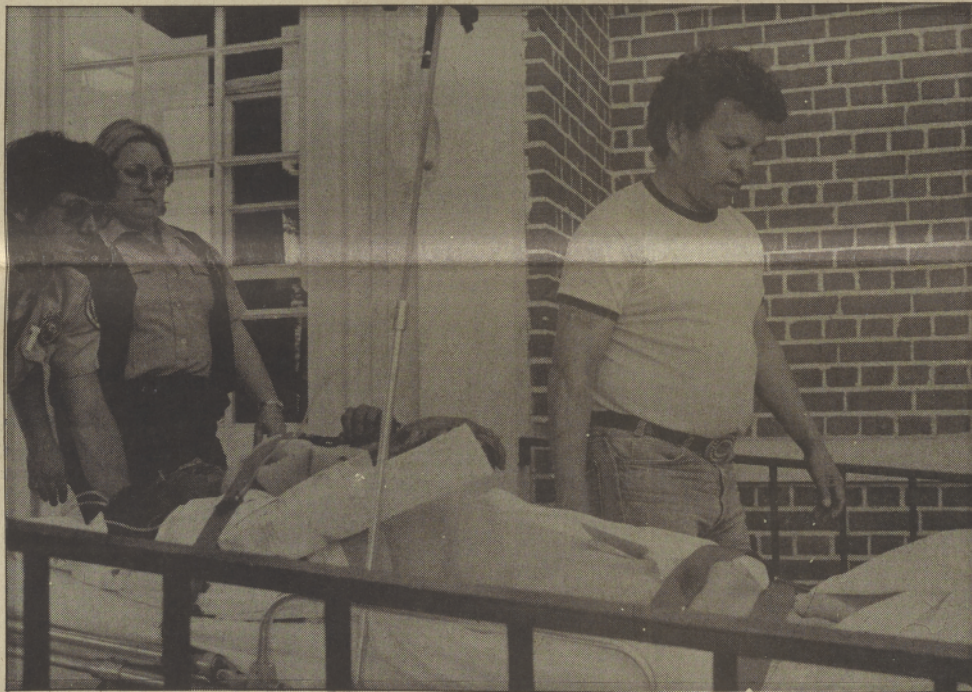
Firefighters from seven inter-agencies fought the fire which was contained at 6 p.m. on Monday and was brought under control at approximately midnight.

Fire conditions on the reservation this year are extremely high. According to BIA range conversationist Brian Spears, the two native grasses, cheat grass and medusa head, make a very fine, fuel and when it gets hot and the humidity is low the grasses become highly combustible. Add winds to these conditions and it becomes extremely hazardous. Current fire conditions are normal for late July and August.

There have already been a number of fires in the Warm Springs area. It is important that the public be aware that the fire danger is higher than normal for the area. For tips on how to prevent fires at your home contact Fire and Safety at 553-1161, ext. 200.



SURROUNDED—The Kah-Nee-Ta Lodge was totally surrounded by fire during the June 23 blaze that blackened 960 acres and seriously burned five men.



IN TRANSPORT—Four helicopters were brought in to transport burn victims to Emanuel Hospital after being treated at the Warm Springs clinic.

Fire safety recommended

With the sudden land-of-fire building around us, many people are beginning to fear for their homes. Most wait until the last minute, then turn on their backyard sprinklers—but what can we do in advance? How might we be able to avoid our house burning to join the ground?

Brush and dense undergrowth in forest or wilderness land are a primary hazard to structures. Brush and dense undergrowth ignite readily, burn with intense heat, and spread fire rapidly. Vegetation clearances are necessary to reduce structural exposure to flames and radiant heat and give residents and firefighters a reasonable chance of protecting structures.

The following are some tips on how to keep your home safe from fires.

1. Clear all flammable vegetation within thirty feet of buildings on flat ground and up to 100 feet on hillsides.
2. Remove all vegetation overhanging a

building. 3. Remove that portion of any tree which extends within ten feet of the outlet of a chimney or stovepipe. 4. Remove all accumulated roof debris. 5. Fuel-breaks and greenbelts separating groups of structures from the native vegetation are recommended in forested areas. These are 200 to 300 feet in width.

6. Be sure your chimneys and stovepipes are fitted with a half-inch mesh spark arrester.
7. Unprotected homes in your neighborhood are a threat to your own. Get involved if you live in a rural or wildland area, talk to your neighbors and plan ahead. Neighborhoods with fire-safe programs reduce the chances of a devastating fire in their areas.
8. Consider a residential sprinkler system. Have nozzles, and sprinklers ready to go.
9. Prune all trees half the height of the tree or up to a minimum of 16 feet on trees over 32 feet tall.
10. Get a permit and be sure it's safe before doing any backyard burning.

Tribal court notes probate, jurisdiction

Overview

Probate is the process of gathering and preserving the property of persons who have died; to pay his or her debts, and to distribute the remainder to the rightful heirs as provided by the Tribal Code, or by the directions of the will of the decedent.

This is the duty of the tribal court, with the service of the probate department and the administrator.

Jurisdiction of Tribal Court

320.020 Jurisdiction of Tribal Court. The Tribal Court shall have jurisdiction to admi-

nister in probate the estate of decedent who, at the time of his, or her death, was domiciled or owned real, or personal property situated within the Warm Springs Indian Reservation to the extent that such estate consists of property which does not come within the exclusive jurisdiction of the Secretary of the Interior of the United States.

320.021 Control of Funeral arrangements. Control of funeral arrangements, and disposition of the remains of the decedent shall be based on a decision of the family, and the Indian customs of the Tribes, and the tribal court shall have no jurisdiction over disputes involving funeral arrangements.

Information

The Tribal Court has jurisdiction, in probate, over all persons living on the Warm Springs Reservation, owning real, or personal property, which is not in trust; or restricted status.

We do not have jurisdiction over trust land, IIM accounts, or other trust money. This is handled by BIA.

The Tribal Court has no jurisdiction in disputes involving funeral arrangements.

The request, or wish of the decedent for his/her funeral arrangement should be followed as close as possible. This is why

the existence of a will should be made known at the earliest time.

Personal Property

All money, Bonds, and checks must be brought to the Probate office as soon as possible. This money is then deposited in a interest-bearing account for the estate.

All vehicles are impounded to protect its value for the estate, and to protect it from any liabilities.

Houses which are located on leased, or assigned land are also personal property. These homes must also be protected either by boarding up, or having a member of the family be responsible for it.

Inventory and Appraisal

Inventory is taken of all personal property (vehicles, livestock, etc.) and appraisal is then made to determine the cash value of these items for the estate. This is for the record, and to insure that all heirs receive equal share after all claims have been paid.

The order to sell personal property must come from the Court before a sale can be made of estate property. These sales are to pay claims and/or distribute shares to heirs.

Except items which are exempt by custom, or tradition. 1.)

Indian finery; 2.) Indian artifacts.

Indian finery, and artifacts are distributed according to the directions of the family of the decedent. The distribution of these items are according to the Indian Customs, and Traditions of the tribe to which the decedent belonged, or the wishes of the family.

Property NOT part of Probate

1. Life insurance—names the beneficiary.
2. Payable-on-death benefits/ payments, Government bonds, Pension plans.
3. Life Estates.
4. Joint interest—such as survivorship on vehicles title, or joint ownership.
5. Trusts—Transfer of funds, or property into Trust for the benefit of another.

These are not part of the probate, but should be recorded as part of record of the file.

Wills

A person works all his or her life for money, home and other valuables and should have the right to give these items to persons of their own choice. They have this choice, if they had taken the time to draw up a will.

A will must be written, and properly witnessed by two attesting witnesses who are disin-

terested parties to the will.

A will could be contested any within 90 days after the will has been admitted to probate. The grounds to contest a will can only be those listed below.

1. Not having testamentary capacity (unsound mind).
2. Undue influence (persuaded by another).
3. Fraud (telling a lie to mislead).
4. Attesting witness is also a beneficiary named in the will, or having interest in the will.
5. The person contesting the will must be named in the will, or be representing the interest of a minor named in the will.

Appointment of Administrator

The Court shall appoint an administrator to administer the estate according to the tribal code. he or she must be 21 years of age, or older, and competent to perform the duties required of an Administrator. Should the person nominated by the will be unqualified the public administrator shall be appointed.

These are some of the duties of the administrator.

1. To preserve, protect, and account for all property within the decedent's estate.

2. To investigate all claims against the estate, and determine whether such claims are

Continued on page 8

Spilyay Tymoo

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