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 CLERK, U.S. DISTRICT COURT
 DISTRICT OF OREGON
 EUGENE, OREGON

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 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE DISTRICT OF OREGON

10 UNITED STATES OF AMERICA,) Civil No. 01-6273-AA
 11 Plaintiff)
 12)
 13 v.)
 14 BARBARA MARTIN,)
 15 Defendant)

COMPLAINT

16
 17 The United States of America, acting through the Department of the Interior, Bureau of
 18 Reclamation, and appearing by Michael W. Mosman, United States Attorney for the District of
 19 Oregon, alleges as follows:

20 1. Nature of the Action. This is an action by the United States of America acting through
 21 the Department of the Interior, Bureau of Reclamation, to enjoin Barbara Martin all those acting
 22 under her direction, control, and supervision, from occupying, entering upon, interfering with,
 23 impeding, damaging and/or obstructing the operations of the the area within the fence surrounding
 24 the Bureau of Reclamation water control head gate at the A Canal, located within the city limits of
 25 Klamath Falls, Oregon (HG).

26 2. Jurisdiction. The United States is the plaintiff. This Court has jurisdiction. 28 U.S.C.
 27 §1346.

28 3. Venue. All acts occurred in the State of Oregon, judicial district of Oregon, Klamath

1 County. Venue is proper. 28 U.S.C. §1391(b).

2 **4. Parties.**

3 a. The United States of America. The United States of America is a sovereign acting
4 through the Department of the Interior, Bureau of Reclamation, Klamath Falls, Oregon. The United
5 States owns and administers certain public lands and federal facilities located in Klamath County,
6 more particularly known as the water control HG for the A Canal located in the city limits of
7 Klamath Falls, T.38 S., R. 9E., Sec. 29 and 30, as evidenced by a deed recorded on May 1, 1906,
8 with the Klamath County Office Book Deed, page 80.

9 b. Barbara Martin. On information believed, the United States of America alleges
10 that Barbara Martin is a resident of the State of Oregon residing in Klamath County, Oregon.

11 **5. Statement of Facts.**

12 a. The United States of America, acting through the Department of the Interior,
13 Bureau of Reclamation, is the owner of and administers certain public lands and federal facilities
14 described above, commonly referred to as the control head gate (HG) for the A Canal of the Bureau
15 of Reclamation project located in Klamath County, Oregon. The Bureau of Reclamation either
16 directly or indirectly administers the operation of the headgate pursuant to federal law and court
17 decisions.

18 b. The United States of America incorporates the Affidavit of Scott G. Pearson, copy
19 attached.

20 6. Barbara Martin do not have the permission or the authority to occupy, enter upon, damage,
21 or obstruct the operation of the water control HG at the A Canal.

22 7. Unless enjoined, Barbara Martin will occupy, enter upon the area within the fence
23 surrounding the HG, interfere with, impede, damage and/or obstruct the operations of the Bureau
24 of Reclamation water control head gate (HG) at the A Canal, located within the city limits of
25 Klamath Falls, Oregon.

26 WHEREFORE, the United States is entitled to an injunction as follows:

27 a. Enjoining Barbara Martin and all those acting under her direction, control, and
28

1 supervision, from occupying, entering upon the area within the fence surrounding the HG,
2 interfering with, impeding, damaging and/or obstructing the operations of the Bureau of Reclamation
3 water control head gate (HG) at the A Canal, located within the city limits of Klamath Falls, Oregon;

- 4 b. Such other relief as may be equitable and just; and
- 5 c. Costs and disbursements incurred herein.

6 DATED this 31 day of August, 2001.

7 MICHAEL W. MOSMAN
8 United States Attorney
9 District of Oregon



10 JAMES L. SUTHERLAND, OSB #68160
11 Assistant U.S. Attorney
12 (541) 465-6771
13 Attorney for United States of America



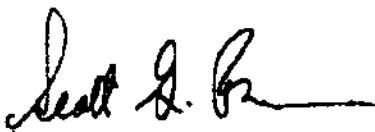
AFFIDAVIT

I, **Scott G. Pearson**, swear and attest to the following.


1. I am a Special Agent (SA) for the United States Department of the Interior (DOI), U.S. Fish and Wildlife Service (Service). I have been so employed, continuously, since September, 1973. I am also currently deputized as a United States Deputy Marshal for the purpose of enforcing federal laws on DOI/Bureau of Reclamation (BOR) property located within the city limits of Klamath Falls, Oregon.
2. On August 28, 2001, at approximately 7 p.m. I observed my Confidential Informant (CI) in conversation with a group of people standing on the north side of the BOR A Canal Headgate (HG), located within the city limits of Klamath Falls, Oregon, at Township 38 South, Range 9 East, Sections 29 and 30.
3. At approximately 8:15 p.m., August 28, 2001, the CI met with me, BLM Ranger Mike Meyer, and US Fish and Wildlife Service Special Agent Pete Nylander. This meeting took place at the HG on BOR property. The CI told me Klamath County Sheriff Tim Evinger had attempted to dissuade the crowd from crossing the fence onto BOR property. The CI said Sheriff Evinger was told there would be a gathering at 4 p.m. on August 29, 2001, and at 5 p.m. certain individuals would cross the gate in an action they called "The Transfer Of Ownership."
4. I asked the CI the names of the individuals who told Sheriff Evinger they would cross the gate. The CI told me Joe Bair, Baron Knoll and Barbara Martin stated they would cross the gate.
5. The CI said Barbara Martin provided Sheriff Evinger with documents Martin alleges shows the transfer of the HG property to local interests. The CI said Barbara Martin was demanding that Sheriff Evinger evict federal agents from the HG property.
6. The CI further related that Baron Knoll had stated that "if this continues on much longer that he and his brother would arm themselves."
7. Later, during the evening of August 28, 2001, the CI provided me a copy of the documents which he said Sheriff Evinger received from Barbara Martin. Included in the documents provided by the CI is a one-page complaint, dated August 23, 2001, from Klamath Project Irrigators and/or Walt Moden. The complaint directs that Sheriff Evinger order off the premises and remove if necessary all federal officers from the A Canal property and headgate. The one-page complaint is attached to this affidavit and incorporated by reference.
8. On August 29, 2001, I reviewed an article from the Sierra Times website. The article reports that District Attorney Ed Celeb "supported Evinger in his position that the city commissioners would have a better chance to effect a long term solution if none entered

9. On August 29, 2001, I reviewed an article from the Sierra Times website. The article reports that District Attorney Ed Caleb supported the Klamath County Sheriff "in his position that the city commissioners would have a better chance to effect a long term solution if none entered the gates but admitted that if people decided to cross the line that in all likelihood they would be allowed to occupy the area provided they didn't try to execute an unlawful release of water." The Sierra Times article is attached to this affidavit and incorporated by reference.
10. At approximately 6 p.m. on August 29, 2001, an estimated 150 protesters entered BOR property by climbing over the locked gate in the north fence. The protesters were accompanied by Joe Bair, Baron Knoll, and Barbara Martin. The protest group increased to approximately 300 persons at its peak, and the crowd advanced to the north edge of the headgate structure.
11. During the protesters' presence upon BOR property, Baron Knoll presented BLM Ranger Mike Meyer with paperwork from the Coalition for Local Sovereignty. Barbara Martin circulated through the crowd calling for participants to effect a "citizen's arrest" of the federal officers and repeatedly attempted to incite the crowd to physically occupy the headgate structure.
12. Based upon the information provided me by the CI, my personal observations, my review of documents provided by the CI, my review of the Sierra Times article, and the events during the evening of August 29, 2001, I believe Joe Bair, Baron Knoll, and Barbara Martin will attempt to again enter BOR lands without authorization and/or further attempt to incite the crowd to take actions which would endanger both protesters and federal law enforcement officers.

I submit this affidavit under the penalty of perjury.



Scott G. Pearson, SA DOI/USFWS


9.30.01

Date: August 30, 2001

