

NEWS RELEASE - FOR IMMEDIATE RELEASE

The Ute Indian Tribe Disagrees with the Dismissal of Its Lawsuit to Enforce and Protect Its Water Rights, Plans to Appeal, and Criticizes the Biden Administration for Undermining Indian Water Rights and Other Indian Trust Assets

Ft. Duchesne, UT, September 27, 2023 - The Ute Indian Tribe of the Uintah and Ouray Reservation has announced that it plans to appeal from a federal district court decision yesterday dismissing portions of the Tribe's lawsuit against the United States, the State of Utah, and the Central Utah Water Conservancy District, *Ute Indian Tribe of the Uintah and Ouray Reservation v. United States, et al.*, case number 2:21-cv-00573.

Relying on the United States Supreme Court's recent 2023 decision in *Arizona v. Navajo Nation*, the U.S. District Court in Utah ruled that the United States owes no legally enforceable trust duties to the Ute Tribe in relation to the Tribe's Indian reserved water rights or the Tribe's Indian irrigation project, the Uintah Indian Irrigation Project ("UIIP"), which was authorized by Congress in 1906.

The district court dismissed nine of the Tribe's eleven claims for relief, leaving in place only two of the Tribe's claims relating to the 2019 Green River Block Exchange Agreement, an agreement between the State of Utah and the U.S. Bureau of Reclamation relating to water in the Green River and water storage in the Flaming Gorge Reservoir.

Relying on this year's Supreme Court decision in *Arizona v. Navajo Nation*, the district court ruled that the Ute Tribe could not point to any single specific "treaty, statute or federal regulation" in which the United States had "expressly agreed" to assume legally enforceable trust duties to the Ute Tribe in relation to the Tribe's water rights or the UIIP. Although the Tribe's claims under its Third Amended Complaint are based on multiple federal statutes, agreements, and regulations in support of its claims, the Utah district court said that none of the statutes, agreements or regulations which the Tribe cites contain an "express acceptance" on the part of the federal government of enforceable trust duties to the Tribe.

The Ute Indian Tribal Business Committee criticized today's ruling, saying the decision cannot be reconciled with the plain language of the federal statutes cited in the Tribe's complaint. "The Ute Tribe is one of only two Indian tribes in the United States with a federal statute that designates its Indian irrigation project as an Indian 'trust asset,' and expressly provides for the Secretary of the Interior to be sued for claims related to the UIIP," said Julius T. Murray, III, Chairman of the Tribal Business Committee. Chairman Murray cited to the Act of June 21, 1906, Pub. L. 59-258, 34 Stat. 325, 375-376, which states that title to the UIIP "shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto."

Chairman Murray also pointed to an earlier 1899 federal statute which obligates the Secretary of Interior to "secure to the [Ute] Indians the quantity of water needed for their present and prospective wants, and to otherwise protect the rights and interests of the [Ute] Indians," citing the Act of March 1, 1899, 30 Stat. 941. The Ute Tribe says that no other Indian tribe in the United States has a Congressional statute such as the Ute Tribe's 1899 statute.

“If these two statutes do not expressly accept trust responsibilities to the Ute Tribe on behalf of the United States, then no federal statute does,” said Chairman Murray.

The Ute Indian Tribal Business Committee also emphasized that today’s ruling and the ruling in *Arizona v. Navajo Nation* ignore more than a century of legal precedent and impose burdens that make it nearly impossible for any Indian tribe to ever hold the United States legally accountable for its mismanagement of Indian trust assets.

“This is directly contrary to earlier Supreme Court rulings which provided Indian tribes with a legal pathway for holding the United States accountable for its mismanagement of Indian trust assets,” said Chairman Murray.

In addition to its criticism of today’s ruling, the Tribal Business Committee faults the Biden Administration for aggressively fighting to weaken the federal government’s trust responsibility to Indian tribes. “In both this case and *Arizona v. Navajo Nation*, the Biden administration sided with state and local governments over Indian interests and aggressively litigated against Indian tribes in order to defeat legitimate legal claims against the federal government,” said Chairman Murray.

Chairman Murray said that such action on the part of the Biden administration completely undercuts the Biden administration’s much-touted pledge to “honor the federal trust responsibility to Tribal Nations,” citing the October 2020 *Biden-Harris Plan for Tribal Nations*.

“We now see the Biden Administration for what it is, one of the most anti-Indian administrations in more than a half century,” said Chairman Murray.

In addition to appealing from yesterday’s court ruling, the Ute Indian Tribe says that it plans to take a lead in advocating for Congressional action to counteract the Supreme Court ruling in *Arizona v. Navajo Nation*.

About the Ute Indian Tribe - The Ute Indian Tribe resides on the Uintah and Ouray Reservation in northeastern Utah. Three bands of Utes comprise the Ute Indian Tribe: the Whiteriver Band, the Uncompahgre Band, and the Uintah Band. The Tribe has a membership of more than three thousand individuals, with over half living on the Uintah and Ouray Reservation. The Ute Indian Tribe operates its own Tribal government and oversees significant oil and gas deposits on its 4.5-million-acre Reservation. The Tribal Business Committee is the governing council of the Tribe.

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