

NEWS RELEASE-FOR IMMEDIATE RELEASE

UTE INDIAN TRIBE FIGHTS ON IN BREACH OF TRUST LAWSUIT AGAINST THE UNITED STATES AFTER FEDERAL CIRCUIT ORDER

Ft. Duchesne, UT - May 22, 2024

On April 25, a three-judge panel for the United States Court of Appeals for the Federal Circuit reversed and remanded a lower federal court ruling which had dismissed all of the Ute Indian Tribe's claims for damages arising from the Federal government's mismanagement of the Uintah Indian Irrigation Project, or UIIP.

The Tribe's lawsuit, filed in March 2018, alleges that the United States has violated its fiduciary duties to the Tribe by failing to properly administer and maintain the UIIP, resulting in waste of Tribal water and the unnecessary fallowing of agriculturally viable tribal lands. These claims were accompanied by other alleged violations of the United States' responsibility, including the Federal government's failure to secure and protect the Tribe's senior-priority water rights through storage infrastructure. The trial court, the United States Court of Federal Claims, granted the Federal government's motion to dismiss the Tribe's complaint in its entirety in February 2021, ruling the Tribe had failed to meet its burden of showing a federal statute or regulation which imposes a specific, money-mandating fiduciary duty on the Federal government to protect the Tribe's water resources.

The Tribe appealed the dismissal to the Federal Circuit, which reversed the lower court's ruling on April 25. The Federal Circuit ruled that a 1906 Act, which authorized construction of the UIIP—and which used tribal funds to construct the UIIP—requires the federal government to hold title to the UIIP “in trust” for the benefit of the Ute Indian Tribe. Based on the 1906 Act, the Court ruled that the Tribe can hold the Federal government liable for its mismanagement of the UIIP and the tribal waters that are distributed through the UIIP. While not all of the Tribe's claims for relief have survived, the Federal Circuit's order breathes new life into the Tribe's pursuit of legal recourse for decades of federal mismanagement of its Tribal water. The Federal Circuit's decision remands the Tribe's surviving legal claims back to the Federal Court of Claims for a trial on the merits.

“The United States cannot take it upon itself to administer our Tribal water rights through a federal irrigation project and then attempt to wash its hands of any duty to our members,” said Ute Tribal Business Committee Chairman Julius T. Murray, III. “If this doesn't create an enforceable fiduciary relationship, then nothing does. We are encouraged by the court's willingness to uphold federal law, and we will continue to fight for our Indian water rights no matter what it takes.”

The Federal Circuit's ruling comes on the heels of another victory in the Ute Indian Tribe's longstanding efforts for recognition and protection of its Tribal water rights. In a separate action, the Tribe is seeking to halt the United States Bureau of Reclamation's implementation of the Green River Block Exchange, a contract between the Bureau and the State of Utah allowing the storage of state water in Flaming Gorge Reservoir, just north of the Tribe's Uintah and Ouray Reservation. The Tribe's complaint questions the legitimacy of the contract and invokes the Federal government's ongoing failure to address the Tribe's longstanding need for storage infrastructure. On April 2, 2024, over the objections of the federal defendants, the U.S. District Court for the District of Utah granted the Tribe's motion to supplement the administrative record supplied by the Bureau of Reclamation with evidentiary documents relevant to the federal trust responsibility and the Federal government's acknowledgment of the Tribe's storage needs.

“It seems the current administration is using every ploy in the book to disavow the federal trust responsibility,” said Chairman Murray. “In this case, the court saw through these efforts and made the right decision.”

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 approximately 1.3 million acres of trust land which contains significant oil and gas deposits. The Tribal Business Committee is the governing council of the Tribe.