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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UTE INDIAN TRIBE of the Uintah and Ouray Reservation, Plaintiff, vs. STATE OF UTAH; DUCHESNE COUNTY, a political subdivision of the State of Utah; UINTAH COUNTY, a political subdivision of the State of Utah; ROOSEVELT CITY, a municipal corporation; and DUCHESNE CITY, a municipal corporation, Defendants.	**STIPULATED ORDER VACATING PRELIMINARY INJUNCTION AND DISMISSING THE SUIT WITH PREJUDICE** Case No. 75-CV-408-J

On September 2, 1992, *nunc pro tunc* August 3, 1992, this Court entered an Order approving a Stipulation in which the parties agreed to the entry of a Preliminary Injunction preventing Defendants from exercising civil or criminal jurisdiction over members of the Plaintiff, Ute Indian Tribe, within the original exterior boundaries of the Uintah and Ouray Reservation until the handing down of a final decision in the case. The initial Order was extended by Orders dated December 17, 1992 and March 25, 1993, intended to preserve the

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145

status quo while important issues were under consideration by the United States Supreme Court in the case of Hagen v. Utah.

On February 23, 1994, a decision was handed down in Hagen holding that the Reservation had been diminished by the separation therefrom of that land settled by non-Indians pursuant to 1902 and 1905 Acts of Congress. On May 2, 1994, the Preliminary Injunction was modified to permit the Defendants to prosecute felony crimes on the lands which Hagen held had been excised from the Reservation. In all other respects, the Preliminary Injunction was continued in force.

This Court entered a detailed Memorandum Opinion and Order in the case on April 2, 1996, clarifying the Preliminary Injunction and requesting instructions from the United States Court of Appeals for the Tenth Circuit on the effect of Hagen on the mandate issued following a 1985 *en banc* decision of the Tenth Circuit in this case. A panel of the Tenth Circuit revisited the case and, with the concurrence of all members of the Court, held that the mandate should be modified to eliminate a direct conflict with Hagen, but declined to modify the mandate in any other respect.

On February 23, 1998, the United States Supreme Court denied the Petition for a Writ of Certiorari filed by Duchesne and Uintah Counties in the case described above. The basic issues in the case have been determined and the parties have agreed to accept the decision and not seek

to further litigate the boundaries of the Reservation.

On October 15, 1997, Defendants Duchesne County and Uintah County moved the Court to remove the preliminary injunction with respect to lands held by the Court to be no longer a part of the Reservation. The Court delayed ruling on the motion at the request of the parties to give them an opportunity to negotiate matters of common interest. The parties filed with the Court agreements that had been executed dealing with criminal enforcement and prosecution, cooperation in law enforcement and other related matters. The parties stipulated to the entry of an order vacating the Preliminary Injunction with respect to criminal enforcement and prosecution, and such an order was entered on October 30, 1998.

Subsequent discussions between the parties have resulted in the resolution of other important matters by agreement and the parties have stipulated to the entry of this Order vacating the remaining aspects of the Preliminary Injunction and dismissing the suit. Accordingly,

IT IS ORDERED, ADJUDGED AND DECREED THAT (1) the Preliminary Injunction referred to above, as thereafter continued, modified and clarified, is hereby vacated and questions of jurisdiction on the various categories of land within the original boundaries of the Uintah and Ouray Reservation have been determined by the decisions of the United States Supreme Court and Tenth Circuit Court of Appeals, as modified by the agreements between the parties, which are referred to above. And are annexed hereto BSJ. (2) All matters at issue in this suit having been adjudicated,

the case and all claims asserted herein by the parties are dismissed with prejudice. (3) The parties hereto shall bear their own costs and expenses of suit.

DATED this 28 day of March, 2000.

BY THE COURT:

BRUCE S. JENKINS
Senior District Judge

Order Approved:

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Counsel for Ute Indian Tribe

Philip C. Pugsley
Counsel for State of Utah

JoAnn B. Stringham
Counsel for Uintah County

Herbert Wm. Gillespie
Counsel for Duchesne County

asb

United States District Court
for the
District of Utah
March 29, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:75-cv-00408

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