



INTERIOR BOARD OF INDIAN APPEALS

In re Ute Tribal Water Compact

50 IBIA 250 (10/13/2009)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

IN RE UTE TRIBAL WATER)
COMPACT) Order Docketing and Dismissing
) Appeal
)
) Docket No. IBIA 10-002
)
)
) October 13, 2009

On September 24, 2009, the Board of Indian Appeals (Board) received a notice of appeal and statement of reasons from Kozlowicz and Gardner Advocates, Inc., apparently filed on behalf of Lynda M. Kozlowicz and Wendell Navanick (Appellants) as members of the Ute Tribe. The subject matter is identified as “Ex Parte Temporary Restraining Order on Ute Tribal Water Compact Freeze and Other Equitable Relief Order to Show Cause Why Preliminary Injunction Should Not Issue.” We docket this appeal, but dismiss it for lack of jurisdiction.

The notice of appeal refers to tribal meetings and a referendum called by the Ute Tribal Council on a proposed Ute Water Compact, and alleges that no referendum date was agreed to by the tribal membership. The notice of appeal recites regulatory provisions applicable to appeals from BIA administrative action or inaction, 25 C.F.R. §§ 2.8 and 2.9, but does not identify any alleged action or inaction by an official of the Bureau of Indian Affairs. It is well-established that the Board is not a court of general jurisdiction and lacks jurisdiction to consider appeals from actions taken by Indian tribal officials. *See, e.g., Hardy v. Midwest Regional Director*, 46 IBIA 47, 52, 57-58 (2007); *Sharp v. Oglala Sioux Tribal Allocation Committee*, 46 IBIA 25, 26 (2007). Because the subject of this appeal concerns an internal tribal matter, and it appears to seek relief against tribal officials, we conclude that we lack jurisdiction.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docket this appeal but dismisses it for lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge