

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Aug 28, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

THE CONFEDERATED TRIBES AND  
BANDS OF THE YAKAMA NATION,  
a sovereign federally recognized Native  
Nation,

Plaintiff,

v.

KLICKITAT COUNTY, a political  
subdivision of the State of Washington;  
KLICKITAT COUNTY SHERIFF'S  
OFFICE, an agency of Klickitat County;  
BOB SONGER, in his official capacity;  
KLICKITAT COUNTY  
DEPARTMENT OF THE  
PROSECUTING ATTORNEY, an  
agency of Klickitat County; and DAVID  
QUESNEL, in his official capacity,

Defendants.

No. 1:17-CV-3192-TOR

JUDGMENT IN A  
CIVIL CASE

**THE COURT HAS ORDERED** that declaratory judgment be entered in  
favor of Plaintiff against all Defendants as follows:

1. Tract D, as surveyed by Cadastral Engineer Ronald Scherler and approved by the United States in 1982, is located within the exterior boundaries of the Yakama Reservation established by the Treaty of 1855. The boundaries of the area of land referred to as Tract D are those surveyed by E.D. Calvin in 1932, and by Ronald Scherler in 1982, within which there

**1 | JUDGMENT IN A CIVIL CASE**

1 are approximately 121,465.69 acres. Not all of Tract D falls within Klickitat  
2 County.

3 2. Since Tract D is within the Yakama Reservation and the State of  
4 Washington retroceded all jurisdiction concerning acts of Juvenile  
5 Delinquency committed therein by Indians, state juvenile delinquency law  
6 no longer applies to Indians within the Reservation, including Tract D.

7 3. Since Tract D is within the Yakama Reservation and the State of  
8 Washington retroceded “in part, civil and criminal jurisdiction in Operation  
9 of Motor Vehicles on Public Streets, Alleys, Roads, and Highways cases in  
10 the following manner: Pursuant to RCW 37.12.010(8), the State shall retain  
11 jurisdiction over civil causes of action involving non-Indian plaintiffs, non-  
12 Indian defendants, and non-Indian victims; the State shall retain jurisdiction  
13 over criminal offenses involving non-Indian defendants and non-Indian  
14 victims.” Thus, traffic offenses committed by Indians are governed by  
15 federal and tribal law, not state law.

16 4. Since Tract D is within the Yakama Reservation and the State of  
17 Washington retroceded certain jurisdiction but retained jurisdiction in two  
18 areas—over criminal offenses involving non-Indian defendants and over  
19 criminal offenses involving non-Indian victims—accordingly, the State and  
20 necessarily the Defendants here have criminal jurisdiction over offenses  
21 committed by or against non-Indians within the Yakama Reservation,  
22 including Tract D.

23 **THIS ACTION WAS** decided by Chief Judge Thomas O. Rice following  
24 a bench trial held from July 29, 2019 through July 31, 2019.

25 DATED: August 28, 2019.

26 SEAN F. McAVOY  
27 Clerk of Court

28 By: s/Linda Hansen  
29 Deputy Clerk  
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