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Hecla's Mtn for SJ

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DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 21 2016	
By _____	_____ Clerk Deputy Clerk

Attorneys for Hecla Limited

**BEFORE THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re CSRBA
Case No. 49576

Subcase No. 91-7755, *et al.*

**HECLA'S MOTION FOR SUMMARY
JUDGMENT**

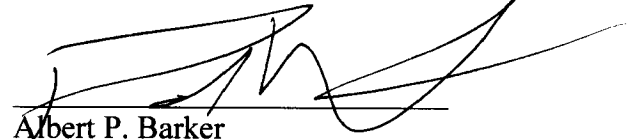
COMES NOW, Hecla Limited ("Hecla"), by and through its attorneys of record, Barker Rosholt and Simpson LLP, and, pursuant to Idaho Rule of Civil Procedure 56, hereby moves this Court for an order of summary judgment on the off-reservation instream flow claims filed by the United States of American on behalf of the Coeur d'Alene Tribe ("Tribe"). A list of the off-reservation instream flow claims is attached hereto as ATTACHMENT A.

The historical record is clear that, in forming the Coeur d'Alene Reservation, the United States did not intend to reserve water rights for fish habitat. Lands that were ceded by the Tribe were to be opened up to white settlement – including mineral development. Such claims, therefore, should be denied. This motion is further supported by the *Memorandum in Support of Hecla's Motion for Summary Judgment* and the *Declaration of Paul L. Arrington*, each filed concurrently herewith.

Hecla joins in the motion for summary judgment filed by the State of Idaho.

DATED this 21st day of October, 2016.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to be 'Albert P. Barker', written over a horizontal line.

Albert P. Barker
Paul L. Arrington

Attorneys for Hecla Limited

ATTACHMENT A

91-7755	94-9254
91-7756	94-9255
91-7757	94-9256
91-7758	94-9257
91-7759	94-9258
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94-9253	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2016, a true and correct copy of the foregoing was mailed with sufficient first-class postage addressed to the following:

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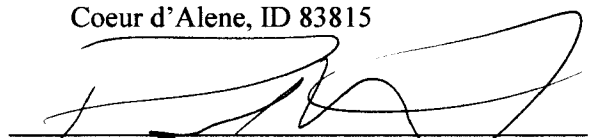
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