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MAR 02 2017

DEPARTMENT OF
WATER RESOURCES

IN 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 94-2113
(Insert water right number)

STANDARD FORM 7

☐ MOTION TO FILE LATE OBJECTION
OR

☒ MOTION TO SET ASIDE AND MODIFY
PARTIAL DECREE OR FINAL ORDER
DISALLOWING WATER RIGHT CLAIM

NAME AND ADDRESS OF PERSON FILING MOTION FOR LATE OBJECTION OR
MOTION TO SET ASIDE PARTIAL DECREE/FINAL ORDER DISALLOWING

Name: Hecia Limited

Address: 1500 N. Mineral Dr, Suite 200, Coeur d'Alene ID 83815

Daytime Phone: 208-769-4100

☐ I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT OR
PARTIAL DECREE/FINAL ORDER DISALLOWING

Name: Hecia Limited

Address: 1500 N. Mineral Dr, Suite 200
Coeur d'Alene ID 83815

If you are seeking to file a late Objection, list the reason(s) this objection is late and why it was not filed by the Objection deadline:

If you are seeking leave to file a late Objection,

YOU MUST ATTACH A COMPLETED STANDARD FORM 1 (Objection form).

If you are seeking to set aside and modify a Partial Decree/Final Order Disallowing, indicate the basis for your motion:

☐ Idaho Rule of Civil Procedure 59 (e)

☒ Idaho Rule of Civil Procedure 60(a)

☒ Idaho Rule of Civil Procedure 60(b)

And list the reason(s) why the Partial Decree/Final Order Disallowing should be set aside:

There is an error in the point of diversion and place of use: POD should be the SWNE of Section 18 and the POU should be SWNE of Section 18. Please refer to attached original filing requesting this administrative correction.

INSTRUCTIONS FOR MAILING

You must mail this motion, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on February 27, 2017, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the each party involved in the Subcase including the claimant, all objectors, respondents and any party granted a motion to participate. Attach a list of names and addresses.

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Movant or attorney
mailing on Movant's behalf

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

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 49576

Ident. Number _____

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Hecla Limited (formerly Hecla Mining Company) Phone (208) 769.4100

Mailing Address 6500 N. Mineral Drive, Suite 200 Coeur d'Alene ID 83815-9408
Street or Box City State

2. Date of Priority (Only one (1) per claim) 08-07-1920
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Canyon Creek
which is tributary to (b) S Fork Coeur d'Alene River

4. a. Location of Point of Diversion is: Township 48N, Range 5E, Section 18*,
SW*, 1/4 of NE*, 1/4 Govt. Lot _____, BM., County of Shoshone

Parcel (PIN) no. N/A

Additional points of diversion if any: _____

If available, GPS Coordinates N/A

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

Diversion works are more particularly described in IDWR file number 94-2113, which includes infrastructure and maps. No alterations have been made to this system at this time.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For industrial (milling) purposes from 01-01 to 12-31 amount 10.0 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 10.0 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) mining and milling activities for mineral extraction/milling and production

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	5E	18			X														

Parcel (PIN) no(s) 48N05E-18-4900

Total number of acres irrigated

10. In which county (ies) are lands listed above as place of use located? Shoshone

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None (✓)

13. Remarks:

1) Request for administrative correction - Effective November 8, 2006, Hecla Mining Company changed its name to Hecla Limited. See attached Agreement and Plan of Reorganization evidencing the name change.

2) This water right is subject to Idaho State Statute 42-223(11), to be reserved for future use in accordance with this statute.

*3) Request for administrative correction - this water right is located in Section 18 T48N R5E (Chief and Josie lode claims MS759), not Section 17 as shown in IDWR file number 94-2113.

4) Request for administrative clarification to change use to mining.

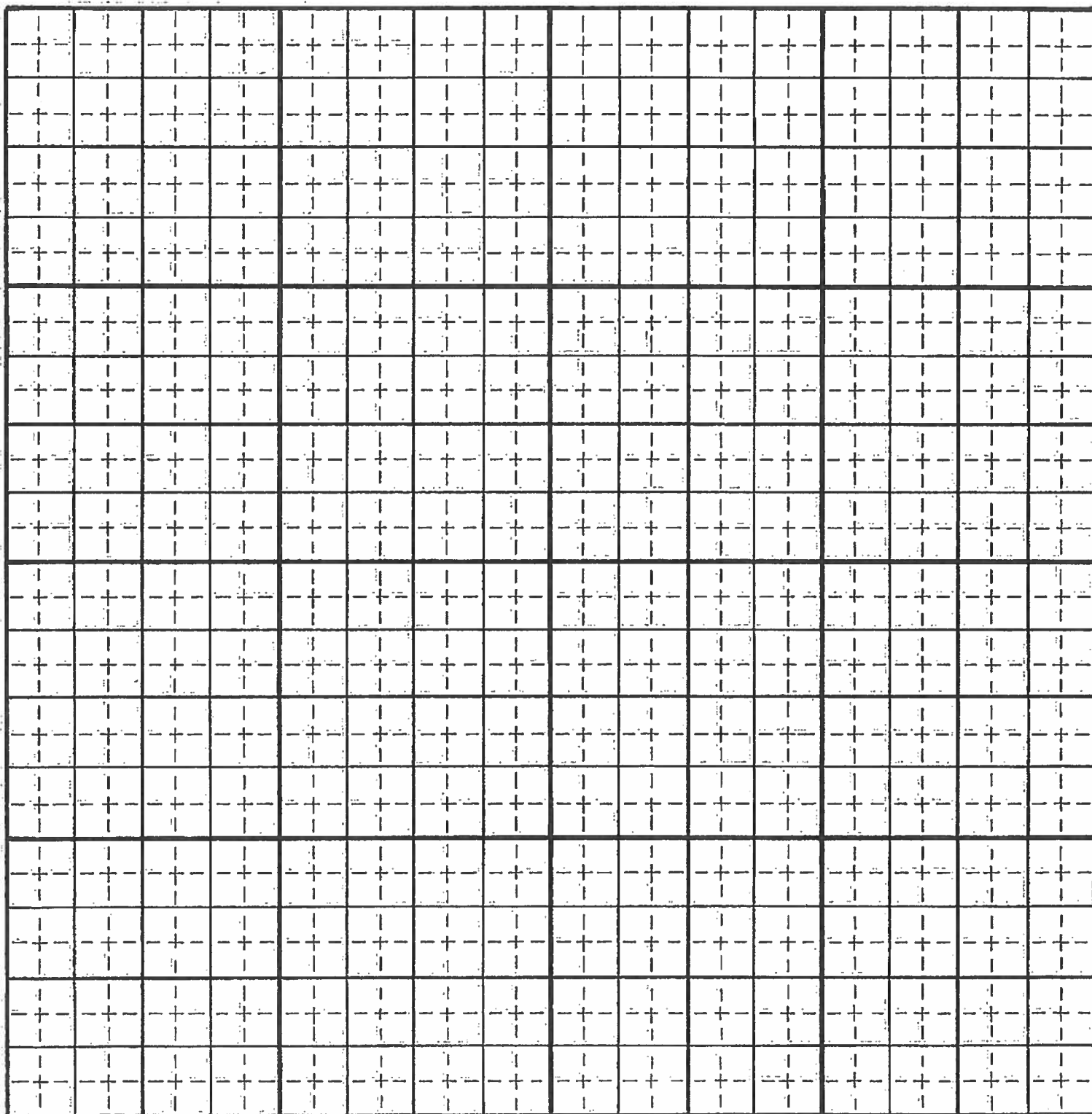
Last Name Hecla Limited Identification No.



 6500 N. Mineral Drive, Suite 200 Coeur d'Alene, ID 83815-9408		ACTIVE WATER RIGHT (94 - 2113) Shoshone County, ID		Drawn By	B. Rollins
				Drafted By	A. Robison
				Approved By	11-11-2011
				Date	1" = 2000'
				Scale	IDWR_Hecla_Rights.mxd
				File Name	

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name Hecla Limited Identification No. _____

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License (✓) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 94-2113

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: two (map & name chg)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Vice President _____ of Hecla Limited _____,
Title Organization

that I have signed the foregoing document in the space below as

Vice President _____ of Hecla Limited _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 12/14/11

Title and Organization Vice President - Hecla Limited

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name Hecla Limited Identification No. _____