

10-21-2016

Affidavit from R. Hart

Richard Hart

Follow this and additional works at: <https://digitalcommons.law.uidaho.edu/all>

Recommended Citation

Hart, Richard, "Affidavit from R. Hart" (2016). *Hedden-Nicely Collection, All*. 11.
<https://digitalcommons.law.uidaho.edu/all/11>

This Transcript is brought to you for free and open access by the Digital Commons @ UIdaho Law at Digital Commons @ UIdaho Law. It has been accepted for inclusion in Hedden-Nicely Collection, All by an authorized administrator of Digital Commons @ UIdaho Law. For more information, please contact annablaine@uidaho.edu.

Howard A. Funke, ISB No. 2720
Kinzo H. Mihara, ISB No. 7940
Dylan Hedden-Nicely, ISB No. 8856
HOWARD FUNKE & ASSOCIATES, P.C.
Attorneys at Law
424 Sherman Avenue, Suite 308
P. O. Box 969
Coeur d'Alene, Idaho 83816-0969
P (208) 667-5486
F (208) 667-4695

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

Counsel for the Coeur d'Alene Tribe

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) Subcase Nos.: 91-7755 (and consolidated
Case No. 49576) subcases)
)
) AFFIDAVIT OF RICHARD HART
)
)
)

State of Washington
) ss.
County of Coeur d'Alene

COMES NOW, Richard Hart, after being duly sworn before an officer authorized to administer oaths, swears and declares as follows:

- (1) My name is Richard Hart. I am a professional historian. I am over the age of 18 and am competent to testify to matters herein. I have personal knowledge of the matters contained herein.
- (2) My curriculum vitae ("CV") is attached hereto as Exhibit 1. My CV sets forth my knowledge, skill, experience, training, and education in relation to historical matters

AFFIDAVIT OF RICHARD HART - 1

generally, and specifically in relation to the above-noted subcase. The information contained in my CV is true, accurate, and correct.

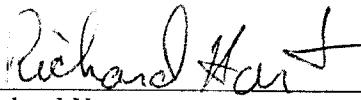
- (3) I have offered expert testimony in relation to historical matters in several other court cases over the course of the past several decades. To my knowledge, I have never been rejected by any court as an expert witness in relation to historical matters.
- (4) Attached hereto as Exhibit 2 is a true, accurate, and correct copy of Exhibit 313A to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit is a copy of the 1873 Agreement between the United States and the Coeur d'Alene Tribe.
- (5) Attached hereto as Exhibit 3 is a true, accurate, and correct copy of Exhibit 275 to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit is a copy of the 1873 Executive Order creating the Coeur d'Alene Reservation and appears at page 72 of the exhibit.
- (6) Attached hereto as Exhibit 4 is a true, accurate, and correct copy of Exhibit 215 to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit contains the text of several pertinent documents: (1) is a copy of the transcripts of the negotiations leading to the 1887 Agreement between the United States and the Coeur d'Alene Tribe, which appears at pages 74-79 of the exhibit; (2) is a copy of the text of the 1887 Agreement between the United States and Coeur d'Alene Tribe, which appears at pages 67-70 of the exhibit; (3) is a copy of the transcripts of the negotiations leading to the 1889 Agreement between the United States and the Coeur d'Alene Tribe, which appears at pages 7-13 of the exhibit; and, (4) is a copy of the text of the 1889 Agreement between the United States and Coeur d'Alene Tribe, which appears at pages 13-14 of the

exhibit. Also contained in the exhibit are other Agreements between the United States and other Indian tribes, along with correspondence related to the documents above.

- (7) Attached hereto as Exhibit 5 is a true, accurate, and correct copy of Exhibit 207 to the report I prepared for the litigation in *United States v. Idaho*, CIV-94-0328-N-EJL. This exhibit is a copy of the 1894 Agreement between the United States and the Coeur d'Alene Tribe, which appears at pages 10-18 of the exhibit.
- (8) I have prepared an expert report as well as a rebuttal report in this case.
- (9) Attached hereto as Exhibit 6 is a true, accurate, and correct copy of the expert report I prepared for the Coeur d'Alene Tribe in this case.
- (10) Attached hereto as Exhibit 7 is a true, accurate, and correct copy of the expert rebuttal report I prepared for the Coeur d'Alene Tribe in this case.
- (11) My opinions set forth in Exhibits 6 and 7 noted above are held to a reasonable degree of probability and certainty in my respective field of expertise.

Further you affiant sayeth naught.

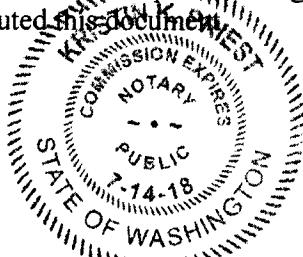
Respectfully submitted this 19th day of October, 2016.

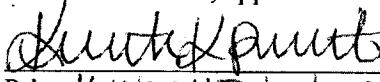

Richard Hart

NOTARIAL ATTESTATION

That on the 19th day of October, 2016, and after being duly sworn, Richard Hart, personally known to me and ~~for whom~~ showing sufficient identification, appeared before me attested to and executed this document.

(SEAL)




Print: Kristin K. Priest, Notary Public
Residing at: Winthrop, WA

My commission expires: 07/14/2018

AFFIDAVIT OF RICHARD HART - 3

Certificate of Service

I hereby certify that on the 20th day of October, 2016, I caused to be served a true and correct copy of the foregoing document upon the following individuals via email and/or by placing the document in the United States Mail, postage prepaid, addressed as follows:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
DIVISION
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

VANESSA WILLARD
US DEPARTMENT OF JUSTICE
999 18TH STREET
SOUTH TERRACE STE 370
DENVER CO 80202

CHRISTOPHER H MEYER
JEFFREY C FEREDAY
JEFFREY BOWER
MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE, ID 83701-2720

NORMAN M SEMANKO
SCOTT L CAMPBELL
MOFFAIT THOMAS BARRETT ROCK & FIELDS
PO BOX 829
BOISE, ID 83701-0829

MARIAH R DUNHAM
NANCY A. WOLFF
MORRIS & WOLFF, P.A.
722 MAIN AVE
ST MARIES, ID 83861

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

WILLIAM J SCHROEDER
PAINE HAMBLEN LLP
717 W SPRAGUE AVE, STE 1200
SPOKANE, WA 99201-3505

CLIVE STRONG
STEVEN W STRACK
IDAHO ATTORNEY GENERAL'S OFFICE
NATURAL RESOURCES DIVISION
PO BOX 83720
BOISE, ID 83720-0010

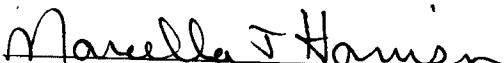
CHRIS M BROMLEY
CANDICE M MCHUGH
MCHUGH BROMLEY PLLC
380 S 4TH STREET STE 103
BOISE, ID 83702

DIRECTOR OF IDWR
IDWR DOCUMENT DEPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

RATLIFF FAMILY LLC #1
13621 S HWY 95
COEUR D'ALENE, ID 83814

JOHN T MCFADDIN
20189 S EAGLE PEAK RD
CATALDO, ID 83810

RONALD D HEYN
828 WESTFORK EAGLE CREEK
WALLACE ID 83873


By: Marcella J. Harrison