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**UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA DIVISION**

CONFEDERATED SALISH AND  
KOOTENAI TRIBES,

Plaintiff,

v.

UNITED STATES DEPARTEMENT OF  
INTERIOR SECRETARY SARAH "SALLY"  
JEWELL; UNITED STATES BUREAU OF  
INDIAN AFFAIRS; JOCKO VALLEY  
IRRIGATION DISTRICT; MISSION  
IRRIGATION DISTRICT; FLATHEAD  
IRRIGATION DISTRICT; DISTRICT  
COURT FOR THE TWENTIETH JUDICIAL  
DISTRICT OF MONTANA; MONTANA  
WATER COURT; MICHAEL G.  
MCLATCHY, BLANCHE CREPEAU, and  
ALEX CREPEAU; JUDY HARMS and  
ROBERT HARMS; BETTY A. STICKEL and  
WAYNE D. STICKEL; and AN UNKNOWN  
NUMBER OF JOHN DOE DEFENDANTS  
CLAIMING FIIP IRRIGATION WATER AS  
A PERSONAL WATER RIGHT,

Defendants.

Cause No. CV-14-44-M-DLC

**MOTION TO DISMISS**

Defendants District Court for the Twentieth Judicial District of Montana and Montana Water Court (“Montana Courts”) move the Court to dismiss Plaintiff’s action against them, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Taking all the allegations in Plaintiff’s Complaint as true, suit against the Montana Courts is barred by: (1) the Eleventh Amendment, (2) the *Younger* abstention doctrine, (3) the Anti-Injunction Act, and (4) Article III’s case or controversy requirement. A brief in support of this motion is filed contemporaneously herewith.

The Montana Courts have contacted counsel for Plaintiff regarding this motion, and Plaintiff objects thereto.

DATED this 15th day of May, 2014.

BOONE KARLBERG P.C.

/s/ Randy J. Cox  
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*Attorneys for Defendants District Court for  
the Twentieth Judicial District and Montana  
Water Court*