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UNITED STATES OF AMERICA

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

In Re SRBA	)	Subcase Numbers 55-10135, 55-11061,
	)	55-11385 and 55-12452
	)	
	)	UNITED STATES' NOTICE OF
Case No. 39576	)	CROSS-APPEAL
_____	)	
Joyce Livestock Co.,	)	
	)	
Appellant/Cross-Respondent	)	
	)	
v.	)	
	)	
United States of America.	)	
	)	
Respondent/Cross-Appellant.	)	
_____	)	

**TO: THE ABOVE NAMED CROSS-RESPONDENT, JOYCE LIVESTOCK CO., AND
THE CROSS-RESPONDENT'S ATTORNEYS, MICHAEL J. VAN ZANDT,
ELIZABETH P. EWENS, AND ROGER D. LING, AND THE CLERK OF THE ABOVE-
ENTITLED COURT.**

NOTICE IS HEREBY GIVEN THAT:

1. Pursuant to I.A.R. 4 and I.A.R. 15, the United States of America (the "United States") cross-appeals against Joyce Livestock Co. to the Idaho Supreme Court from the Memorandum Decision and Order on Challenge entered in the above-entitled action on the 3rd day of August, 2005, the Honorable Judge John M. Melanson, presiding.

2. The United States has a right to appeal to the Idaho Supreme Court, and the order described above is appealable under and pursuant to I.A.R. 11(a)(3).

3. The issues on cross-appeal are:

a. whether the District Court erred in awarding Joyce Livestock Company – a licensee using public lands for the pasturage of livestock – a stockwatering right that designates the licensor's lands as the place of use, where there is no evidence that predecessor licensees or the current licensee intended to appropriate a stockwater right on the licensor's lands;

b. whether the District Court erred in awarding to Joyce Livestock Company – a licensee using public lands for the pasturage of livestock – a stockwater right with a priority date that pre-dates the time the licensee first used the claimed stockwater located on the licensor's lands, where there is no evidence such a stockwater right was first established by a predecessor licensee and then conveyed to the current licensee in writing;

c. whether the District Court erred in denying stockwatering rights to the United States, a proprietor and owner of land that makes land available to licensees for the pasturage of livestock; and,

d. whether the District Court erred in denying stockwatering rights to the United States, a proprietor and owner of land that closely controls and manages livestock grazing on lands made available to licensees for the pasturage of livestock.

In accordance with I.A.R. 17, the United States reserves the right to assert other issues on appeal/cross-appeal.

4. The District Court did not enter an order sealing any portion of the record.

5. Joyce Livestock Co. requested preparation of transcripts in its Notice of Appeal filed in the above-entitled action on the 8th day of September, 2005. In addition to transcripts requested by Joyce Livestock Co., the United States respectfully requests the transcript of the hearing on motion for summary judgment held before Special Master Dolan in Boise, Idaho on March 22, 2002.

6. In accordance with Administrative Order 13, the United States respectfully requests that the following briefs or memoranda be included as exhibits to the clerk's record:

a. United States' Memorandum in Opposition to Joyce Livestock Co.'s Motion for Summary Judgment, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Mar. 19, 2002);

b. Order Denying Joyce Livestock's Motions (sic) for Summary Judgment and Order Setting Scheduling Conference, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Jul. 23, 2002);

c. United States' Trial Memorandum, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Nov. 25, 2002);

d. United States' Post-Trial Memorandum, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Mar. 18, 2003);

e. Special Master Report and Recommendation, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Oct. 6, 2003);

f. United States' Memorandum in Opposition to Joyce Livestock Company's Motion to Alter or Amend, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Feb. 12, 2004);

g. Order Denying Motion to Alter or Amend, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Jul. 22, 2004), and

h. United States' Responsive Brief in Opposition to Joyce Livestock's Challenge, In Re SRBA, Case No. 39576, Subcases 55-10135, 55-11061, 55-11385, and 55-12452 (Mar. 31, 2005).

8. I certify:

a. That the estimated fee for the preparation of clerk's record has been paid;

b. That the estimated fee for the preparation of the transcripts will be paid by the United States within 30 days of the date of this Notice of Cross-Appeal;

c. That the appellate filing fee has been paid; and

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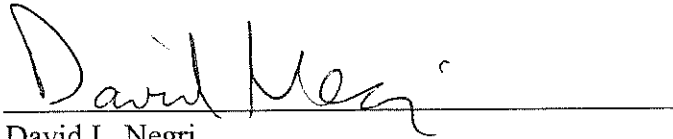
d. That service has been made upon all parties required to be served pursuant to

I.A.R. 20.

DATED this 13th day of September, 2005.

Respectfully submitted,

UNITED STATES OF AMERICA

A handwritten signature in dark ink, appearing to read "David Negri", is written over a horizontal line.

David L. Negri
Of Attorneys for the United States

CERTIFICATE OF SERVICE

I certify that on September 13, 2005, that I served a true and correct copy of foregoing **UNITED STATES' NOTICE OF CROSS-APPEAL** upon the following individuals by placing the document in the United States Mail in Washington D.C., postage paid, and addressed as follows:

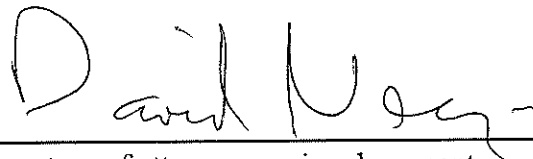
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A handwritten signature in black ink, appearing to read "David N. Lynn", written over a horizontal line.

Signature of attorney serving document