

Names of Party Filing Document:

NEZ PERCE TRIBE

Attorneys' Names and Addresses:

K. Heidi Gudgell, ISB No. 4048
 David J. Cummings, ISB No. 5400
 Ryan W. Sudbury, ISB No. 7278
 Nez Perce Tribal Executive Committee
 Office of Legal Counsel
 P.O. Box 305
 Lapwai, Idaho 83540
 Telephone: (208) 843-7355
 Fax: (208) 843-7377

**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

Case No. 39576

Subcase Nos.: 85-00016, 85-02049, 85-02063,
 85-02065, 85-02146, 85-02147, 85-04483,
 85-11087, and 85-15424

**FOURTH JOINT MOTION FOR
 EXTENSION OF TIME TO FILE
 PROPOSED TRIAL SCHEDULES AND
 TO VACATE SCHEDULING CONFERENCE**

COME NOW, the United States, the Nez Perce Tribe (the "Tribe"), and the Lewiston Orchards Irrigation District ("LOID"), by and through their respective counsel of record, and hereby jointly move this Court for an Order extending the due date for all parties to file proposed trial schedules and vacating the scheduling conference in the above subcases. This motion is made on the grounds and for the reasons that: these parties have made some progress toward an agreement that would resolve the Tribe's objections to the above water right claims filed by the

United States for use by LOID; and these parties expect to know within the next 60 days whether an agreement to resolve the Tribe's objections is achievable.

Since the Court's July 27, 2006 Order, these parties have continued to work toward an agreement. On September 12, 2006, the United States submitted a reply to the Tribe that requires some analysis by the Tribe's technical staff and consultants. The parties recognize that we have obtained three prior extensions, but we continue to believe that it would be most efficient to allow the Tribe to consider the United States' reply before the parties submit proposed trial schedules to the Court.

Accordingly, the United States, the Tribe, and LOID hereby jointly move this Court for an Order extending the deadline for all parties to submit proposed trial schedules from September 26, 2006, to November 27, 2006. These parties further request that this Court vacate the scheduling conference presently set for October 3, 2006, and re-set the scheduling conference for a date after November 27, 2006.

Respectfully submitted this 25th day of September, 2006.

K. Heidi Gudgell
pr David W. Gehlert
Attorney for the United States

K. Heidi Gudgell
K. Heidi Gudgell
David J. Cummings
Ryan W. Sudbury
Attorneys for the Nez Perce Tribe

K. Heidi Gudgell
pr Earl L. McGeoghegan, Attorney for the
Lewiston Orchards Irrigation District

CERTIFICATE OF MAILING

I certify that on September 25, 2006, a true and correct copy of the **FOURTH JOINT MOTION FOR EXTENSION OF TIME TO FILE PROPOSED TRIAL SCHEDULES** was served via facsimile transmission to the following:

SRBA District Court
208-736-2121

David W. Gehlert
303-844-1350

Earl McGeoghegan
208-746-4610

United States Department of Justice
Environment and Natural Resource Division
208-387-0842

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Marlene Trumbo
Administrative/Legal Assistant

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Department of Water Resources
Adjudication Bureau*Key Force*TRIBAL EXECUTIVE COMMITTEE
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FAX (208) 843-7377

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TO: Clerk of the FAX #: 108-736-2121
Court

CC: David W. Gehlert 303-844-1350
Earl McGeoghegan 208-746-4610
U.S. Dept of Justice 208-387-0842
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DATE: 9-25-06 PAGES: 4 including cover

FROM: K. Heidi Gudgell

SUBJECT: 4th Joint Motion for Extension of Time to File

COMMENTS: Proposed Trial Schedules and to vacate
scheduling conference

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