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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 No. 85-00016, 85-02049, 85-02063,
	)	85-02065, 85-02146, 85-02147, 85-04483,
Case No. 39576	)	85-11087, and 85-15424
	)	
	)	FIFTH JOINT MOTION FOR EXTENSION
	)	OF TIME TO FILE PROPOSED
	)	TRIAL SCHEDULES
	)	

The United States, the Nez Perce Tribe, and the Lewiston Orchards Irrigation District ("LOID") hereby jointly move this Court for an Order extending the due date for all parties to file proposed trial schedules in the listed subcases.

The parties appreciate that we have asked the court for several extensions. However, we continue to make slow but steady progress toward resolving this matter. Indeed, the parties have narrowed the issues outstanding in all nine subcases to just two issues. We

continue to believe that settlement is preferable to litigation and that our efforts toward settlement would be impeded by having to conduct litigation activities as well. To that end we have set what we believe will be the last meeting for the purpose of discussing settlement. We have set that meeting for January 19, 2007, subject to confirming the necessary participants' availability.

The Court's current Order requires the parties to file proposed trial schedules by November 27, 2006 with a scheduling conference to be held on December 12, 2006. In light of the parties continuing efforts and the impending holidays, the parties respectfully request that the deadline for filing proposed trial schedules be re-set for February 16, 2007.

Accordingly, the United States, the Nez Perce Tribe, and the Lewiston Orchards Irrigation District hereby jointly petition the SRBA Court for an Order extending the deadline for all parties to submit proposed trial schedules from November 27, 2006 to February 16, 2007.

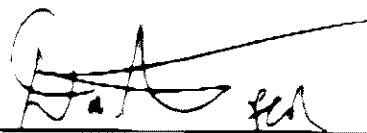
Respectfully submitted this 20th day of November, 2006.

Attorney for the United States



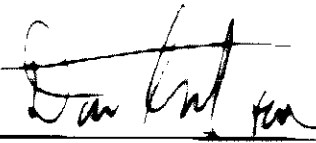
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Earl L. McGeoghegan

CERTIFICATE OF MAILING

I certify that on November 20, 2006, a true and correct copy of the **FIFTH JOINT MOTION FOR EXTENSION OF TIME TO FILE PROPOSED TRIAL SCHEDULES** was served via facsimile transmission to the following:

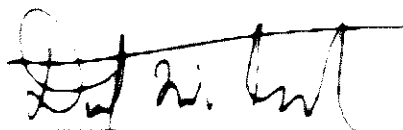
SRBA DISTRICT COURT
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NUMBER OF PAGES SENT (INCLUDING COVER PAGE): 4

SPECIAL INSTRUCTIONS: Attached for filing is **Fifth Joint Motion for Extension of Time to File Proposed Trial Schedules** in Subcase Nos. 85-00016, 85-02049, 85-02063, 85-02065, 85-02146, 85-02147, 85-04483, 85-11087, and 85-15424. Eight additional copies will be sent by FedEx mail to satisfy the copy requirements.