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DEPARTMENT OF  
WATER RESOURCES

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S:\CLIENTS\6018\1\Memo in support of motion to strike and in limine.DOC

*Attorneys for East Hills Development LLC and Lexington Hills, Inc.*

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. 63-00123D, 63-00123F, and 63-00123G

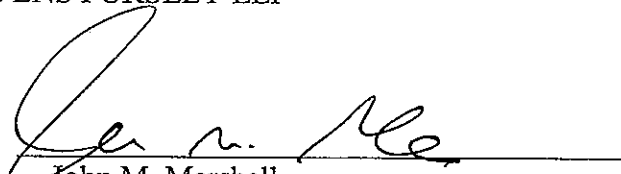
**MOTION IN LIMINE**

Lexington Hills, Inc. ("Lexington Hills") files this Motion in Limine requesting that the Court issue an order *in limine* precluding the parties from offering evidence on any issue at trial other than: (1) the number of irrigable acres within the Lexington Hills subdivision; and (2) the amount of water necessary to irrigate those acres. The grounds for this motion are explained in the supporting memorandum filed contemporaneously herewith.

DATED this 15<sup>th</sup> day of August, 2008.

GIVENS PURSLEY LLP

By:

  
John M. Marshall

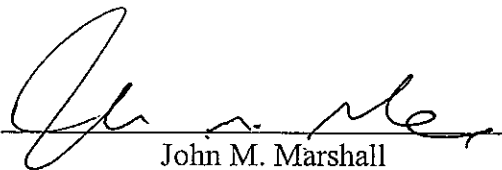
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was mailed on August 5<sup>th</sup>, 2008, with sufficient first-class postage to the following:

Lexington Hills Homeowners Association  
2354 N. Stonecrest Place  
Eagle, ID 83616  
Phone: 208-364-8624

Lexington Hills Homeowners  
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PO Box 83720  
Boise, Idaho 83720-0098

By:   
John M. Marshall