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FEB 06 1996

Department of Water Resources

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Attorneys for Charles Burgess

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. 34-00074 and 34-02464

Case No. 39576

MOTION IN LIMINE

DESCRIPTIVE SUMMARY

This document is a motion in limine in the above referenced subcases.

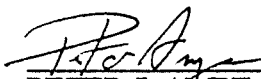
MOTION

Claimant Charles Burgess, by counsel, respectfully submits this motion in limine and requests the Court rule that, pursuant to Idaho law, the Department of Water Resources may not establish a maximum daily flow for any water right which lists irrigation as a purpose of use, which restricts the ability of a diverter to engage in informal rotation of the water right.

Claimant reserves the right to file written memorandum on this motion.

Claimant requests oral argument.

Dated this 5 day of February, 1996


PETER J. AMPE
Attorney for Claimants

CERTIFICATE OF SERVICE

I, PETER J. AMPE, hereby certify that on the 5 day of February, 1996, I served a courtesy copy of the foregoing document by placing a true and correct copy in the United States mail, first class postage pre-paid, and addressed as follows:

Matt J. Howard
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000


PETER J. AMPE