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APR 13 2009

DEPARTMENT OF
WATER RESOURCES

JON C. GOULD (ISB #6709)
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Attorneys for Plaintiff

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	)	SUBCASES 63-31194A and 63-31194B
	)	
Case No. 39576	)	NOTICE OF TAKING
	)	DEPOSITION OF JACK MILLER
	)	DUCES TECUM
	)	
	)	

TO: Jack Miller, and his counsel Albert P. Barker and Rochelle M. Davis of the firm Barker Rosholt & Simpson LLP

YOU WILL PLEASE TAKE NOTICE that the L. Darwin McKay will take the testimony on oral examination of Jack Miller, pursuant to Rules 26 and 45 of the I.R.C.P. , before a certified court reporter and Notary Public for the State of Idaho, or in case of their inability to act or be present, before some other officer authorized to administer oaths, on the 20th day of April, 2009, at the hour of 1:30 o'clock p.m. of said day and continuing each and every day thereafter until completed, at the offices of Ringert Law Chartered, 455 Third Street, Boise, Idaho 83702. Oral examination will continue from time to time until completed.

You are respectfully requested to have said witness present for the purpose of taking such deposition at the time and place indicated, and to bring with him the following:

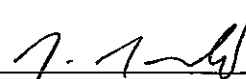
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1. Any and all documents including contracts, deeds, letters, records, calendars, files, diaries, journals, memorandum, photographs, drawings, plans, surveys, correspondence, agreements and notes which are in his possession or under his control which are related to the real property formerly held by the TCM Joint Venture, conveyed to the Co-tenants and then conveyed to Sundance Investments.
2. Any and all documents from conveyances of the real property held by TCM Joint Venture and/or the Co-Tenants.
3. Any and all documents relevant to compensation paid to TCM Joint Venture or the Co-Tenants from conveyances of the real property held by TCM Joint Venture and/or the Co-Tenants including distribution of compensation to TCM Joint Venture members and/or Co-Tenants.
4. Any and all documents relevant to leasing or renting land held by the TCM Joint Venture.
5. Any and all documents relevant to listing, describing and/or advertising the real property held by the TCM Joint Venture.
6. Any and all documents relevant to water and/or water rights used on the former TCM Joint Venture real property and ownership of those water rights.
7. Any and all documents relevant to the formation and/or termination of the TCM Joint Venture.
8. Any and all documents relevant to the formation of the Co-Tenancy.

This deposition shall be taken pursuant to the Idaho Rules of Civil Procedure.

DATED this 10 day of April, 2009.

RINGERT LAW CHARTERED

By 
Jon C. Gould
Attorneys for L. Darwin McKay

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10 day of April, 2009, I caused to be served a true and correct copy of the foregoing document by the method indicated below to the following:

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