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Attorneys for Dry Lot LLC

RECEIVED
MAY 07 2009
DEPARTMENT OF
WATER RESOURCES

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 37-22252 and TRANSFER NO.) **NOTICE OF TAKING DEPOSITION**
74449 (In the Name of Dry Lot LLC)) **DUCES TECUM OF E. BEN HOFF**
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**TO: E. BEN HOFF, PROTESTANT INDIAN CREEK RANCH OWNERS, INC. and its
counsel of record, Dana L. Hofstetter**

PLEASE TAKE NOTICE that the Applicant Dry Lot LLC, by and through its counsel of record, BARKER ROSHOLT & SIMPSON LLP, pursuant to Idaho Rules of Civil Procedure 30(a), will take the testimony on oral examination of E. Ben Hoff before a duly authorized court reporter and notary public. Examination will commence at **9:00 a.m. on June 1, 2009** and will continue day to day until completed at our offices at 113 Main Ave., Suite 303, Twin Falls, Idaho.

Pursuant to Rule 30(b)(1) of the Idaho Rules of Civil Procedure, the deponent is required to bring to the deposition the following items and documents:

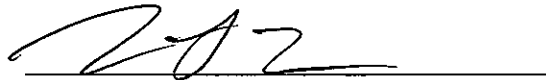
1. All records and documents identified in *Applicant's First Request for Production of Documents to Protestant* served on December 22, 2008.
2. All documents the deponent reviewed in preparing for this deposition.

DEFINITIONS

The term "document" includes all items identified in Idaho Rule of Civil Procedure 34(a)(1), and, also is used in this First Set of Interrogatories and Requests for Admissions in its broad and literal sense and at a minimum means any written, drawn, typed, printed, recorded, Photostatted, computer generated, microfiched, microfilmed or graphic matters, whether produced, reproduced, or stored on paper, cards, disc, tape, film, electronic facsimile; computer storage or any other media, whether an original, master or duplicate including, but not limited to accounts, advertisements, affidavits, agreements, analyses, appraisals, applications, appointment books, appointment calendars, bank checks, bills, blueprints, books, bookkeeping entries, bulletins, cablegrams, cache logs, calculations, canceled checks, cashier's checks, catalogs, charts, check stubs, circulars, communications, compilations, computer printouts, computer source codes and object codes, contracts, correspondence, court filings, day books, data, declarations, depositions, desk calendars, diagrams, diaries, diary entries, documents, drafts, drawings, electronic mail, electronic files stored on a computer disk, CD-ROM, or other computer disk or tape technology, expense reports, field notebooks, files, financial statements, flowcharts, forecasts, graphs, invoices, itineraries, interview notes, ledgers, letters, lists, log books, mailgrams, manuals, memoranda, minutes, notebooks, note pads, notes, pamphlets, papers, periodicals, photographs, plans, projections, proposals, prospectuses, publications, receipts, records, reports, returns, sketches, sound recordings, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings, conferences or legislative, judicial, or other public hearings, summaries or reports of investigations or negotiations, opinions and/or reports of consultants, tax returns, telefax, telegrams, telephone logs, tickets, time records, time sheets, transcriptions, transcripts, travel reports, travel vouchers, vouchers, working papers, worksheets, and all other papers, writings, drawings, recordings, or physical things containing information, including all original and amended versions of the documents, preliminary and subsequent drafts or marginal notes appearing on any documents, however denominated or described by the parties to whom the particular interrogatories and/or requests for admission and requests for production are directed. The term "document" shall further collectively include the original, duplicate original, and any or all copies or reproductions of the original document, to the extent that any or all copies are different in any way from the original document, whether by interlineation, receipt stamps, notation, indication of copies sent or received otherwise, which are in your possession, custody or control.

DATED this 6th day of May 2009.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'T. Thompson', is written over a horizontal line.

Travis L. Thompson

Attorneys for Dry Lot LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2009, I served a true and correct copy of the foregoing by email and depositing same in the United States mail, postage prepaid, addressed to the following:

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