

Lindsay (Taft) Watkins, *Pro Hac Vice*
lindsay.watkins@acslawyers.com
Kristina Southwell, *Pro Hac Vice*
kristina.southwell@acslawyers.com
AHLERS CRESSMAN & SLEIGHT PLLC
1325 4th Ave., Suite 1850
Seattle, WA 98101
Phone: (206) 287-9900

John H. Guin, ISB #5753
john@guinlaw.com
LAW OFFICE OF JOHN H. GUIN, PLLC
P.O. Box 31210
Spokane, WA 99223
Phone: (509) 443-0709

Attorneys for Strider Construction Co., Inc.

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STRIDER CONSTRUCTION CO., INC.,

Plaintiff,

vs.

IDAHO WATER RESOURCE BOARD,

Defendant.

Case No. CV01-22-10932

SUBPOENA FOR DEPOSITION
PURSUANT TO IDAHO RULES OF
CIVIL PROCEDURE, RULE 30(b)(6)

The State of Idaho to:

IDAHO DEPARTMENT OF WATER RESOURCES

322 E. Front Street
Boise, ID 83702

And to your attorneys:

Meghan M. Carter & Garrick L. Baxter
Deputy Attorneys General for Idaho Department of Water Resources
Steven B. Andersen & Jennifer Reinhardt-Tessmer
Attorneys for Idaho Water Resource Board

YOU ARE COMMANDED:

[] to appear in the Court at the place, date and time specified below to testify in the above case.

[X] to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

[] to produce or permit inspection and copying of the following documents or objects, including electronically stored information, at the place, date and time specified below.

DOCUMENTS AND OBJECTS TO BE PRODUCED: See Exhibit A.

[] to permit inspection of the following premises at the date and time specified below.

PLACE, DATE, AND TIME:

Date and Time: June 8, 2023 at 9:00 a.m. MST

Place: M&M Court Reporting
101 S. Capitol Blvd., Suite 503
Boise, ID 83702

The deposition will be recorded and transcribed by a court reporter. Said oral examination is subject to continuance or adjournment from time to time or place to place until completed.

YOU ARE FURTHER NOTIFIED if you fail to appear at the place and time specified above, or to produce or permit copying or inspection as specified above that you may be held in contempt of court and that the aggrieved party may recover from you the sum of \$100 and all damages which the party may sustain by your failure to comply with this subpoena.

YOU ARE FURTHER NOTIFIED, pursuant to I.R.C.P. 30(b)(6), IDWR must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf and set out the matters on which each person designated will testify. IDWR must prepare the deposition designee to provide full, complete, and non-evasive answers about information known or reasonably available to it. The designee's lack of personal knowledge is irrelevant. Rather, the designee must testify as to matters known or reasonably available to IDWR.

Deposition Topics

1. The bid solicitation and contract documents for the Priest Lake Outlet Dam Improvements Project (the "Project").
2. Change Orders that were requested, discussed, and/or executed on the Project.
3. Strider's proposed grout plan and any review and comment by IDWR, Dam Safety, or other Project consultants and communications with Strider regarding the same.

4. The review and approval of pay estimates on the Project, including decisions to withhold payment.
5. The Request for Qualifications (RFQ 2023-02) issued on March 29, 2023 for the Priest Lake Outlet Dam Improvements Project, including related responses and procurement decisions.
6. Defendant IWRB's allegations that Strider's work on the tainter gates and J-seals is defective or nonconforming.
7. Defendant IWRB's allegations that Strider's concrete work is defective or nonconforming.
8. Defendant IWRB's allegations that Strider was responsible for design of the dewatering system and flow diversion system and failed to properly perform dewatering.
9. Discussions and analysis regarding the lateral flow of water under the dam, including communications with IDWR, Project consultants, and/or Strider.
10. The discussion and decision by IWRB to issue a Stop Work Order on December 4, 2021 and the order to resume limited work dated February 3, 2022.

DATED: This 24th day of May, 2023.

AHLERS CRESSMAN & SLEIGHT PLLC

By: /s/ Lindsay Watkins
Lindsay Taft Watkins, *Pro Hac Vice*
Kristina Southwell, *Pro Hac Vice*
Attorneys for Strider Construction Co., Inc.

LAW OFFICE OF JOHN H. GUIN, PLLC

By: /s/ John H. Guin
John H. Guin, ISB #5753
Attorneys for Strider Construction Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of May, 2023, a true and correct copy of the within and foregoing instrument was served upon:

Garrick L. Baxter, ISB #6301

Garrick.baxter@idwr.idaho.gov

Meghan M. Carter, ISB #8863

Meghan.carter@idwr.idaho.gov

Steven B. Andersen, ISB #2618

sandersen@kmclaw.com

Jennifer Reinhardt-Tessmer, ISB #7432

jtessmer@kmclaw.com

*Attorney for Defendant Idaho Water
Resource Board*

- Via U.S. Mail
- Via Legal Messenger
- Via Federal Express
- Via Facsimile
- Via iCourt Service**

DATED: This 24th day of May, 2023.

/s/ John H. Guin
