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*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

DECLARATION OF LINDSAY WATKINS  
IN SUPPORT OF STRIDER  
CONSTRUCTION CO., INC.'S MOTION  
FOR PROTECTIVE ORDER

I, Lindsay Taft Watkins, testify as follows:

1. I am the lead counsel of record for Plaintiff Strider Construction Co., Inc. (“Strider”) in the above-captioned matter. I am over the age of eighteen, competent to testify, and have personal knowledge of the matters herein.

2. On August 15, 2023, Strider counsel responded to a request for deposition availability from the Idaho Water Resource Board’s (“IWRB”) counsel, indicating Jim Gebhardt, Kyle Gebhardt, and Tim Yedinak were available in Seattle, Washington. Seattle was proposed as

an accommodation to counsel for IWRB due to proximity to the nearest airport and a conference room was also offered if needed. A copy of the pertinent email is attached as **Exhibit A**.

3. Despite providing availability in Seattle, IWRB issued a 30(b)(6) deposition notice to Strider and two personal deposition notices, one to Jim Gebhardt and one to Kyle Gebhardt, all of which provided for the depositions to take place in Boise, Idaho on September 20 and 21, 2023. A copy of the deposition notice to Strider is attached hereto as **Exhibit B**. The personal deposition notices to Kyle Gebhardt and Jim Gebhardt are attached hereto as **Exhibit C and Exhibit D**, respectively.

4. Strider again objected based on the burden to Strider and Kyle and Jim Gebhardt, and proposed that the depositions proceed virtually as the most efficient, cost effective manner. A copy of the email is attached hereto as **Exhibit E**. IWRB again refused and attempts to confer were unsuccessful. During the phone call to confer on the dispute, IWRB's objection to a remote deposition is that there would be numerous exhibits.

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

DATED: This 5th day of September, 2023 at Seattle, WA.

By: \_\_\_\_\_

  
Lindsay Taft Watkins

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of September, 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](mailto:Garrick.baxter@idwr.idaho.gov)  
Meghan M. Carter, ISB #8863  
[Meghan.carter@idwr.idaho.gov](mailto:Meghan.carter@idwr.idaho.gov)

Steven B. Andersen, 2618  
[sandersen@kmclaw.com](mailto:sandersen@kmclaw.com)  
Jennifer Reinhardt-Tessmer, #7432  
[jtessmer@kmclaw.com](mailto:jtessmer@kmclaw.com)

*Attorney for Defendant Idaho Water  
Resource Board*

*Attorney for Defendant Idaho Water  
Resource Board*

- Via U.S. Mail
- Via Legal Messenger
- Via Federal Express
- Via Facsimile
- Via iCourt E-File and Serve**

- Via U.S. Mail
- Via Legal Messenger
- Via Federal Express
- Via Facsimile
- Via iCourt E-File and Serve**

DATED: This 5<sup>th</sup> day of September, 2023.

*/s/ Joe Meuleman*

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# **EXHIBIT A**

**From:** Lindsay Watkins  
**Sent:** Tuesday, August 15, 2023 3:00 PM  
**To:** Jennifer Reinhardt-Tessmer  
**Cc:** Ammon Hansen; Wade Woodard; Shannon Menard; Madison Hyland; Nicholas Korst; Carter, Meghan; Joe Meuleman; Carolyn McCutchan  
**Subject:** RE: Expert disclosure deadlines and request for depo. dates

Hi Jennifer,

I am still waiting to get available dates from Tim, but Jim is available on 9/19, 9/20 or 9/21 in Seattle. He is also likely the designated individual for the majority if not all of the 30(b)(6) topics. Kyle is available 9/13 or 9/21 in Seattle. We can also supply a conference room.

For the expert reports, as both parties have claims, we are willing to agree on a revised schedule, provided both Parties exchange expert reports supporting their affirmative claims on 12/4 and then rebuttal disclosures by both parties on 12/18.

For the November inspection, what are the proposed dates? For availability, we would request that occur either the last week of October/first week of November (Oct 30 – Nov 3), or the week of November 13. Please provide an update on proposed dates so we can confirm availability.

Finally, I understand there are still some documents that are being withheld pending the protective order. We have provided that document. Please provide an update on when those documents will be produced.



Lindsay Watkins  
[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)

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\*\*\*Please note our new address above

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive e-mail correspondence on behalf of the addressee), you may not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail at [lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com), and delete this message.

---

**From:** Jennifer Reinhardt-Tessmer <jtessmer@kmclaw.com>  
**Sent:** Thursday, August 10, 2023 7:40 PM  
**To:** Lindsay Watkins <lindsay.watkins@acslawyers.com>  
**Cc:** Ammon Hansen <ahansen@kmclaw.com>; Wade Woodard <wwoodard@kmclaw.com>; Shannon Menard <smenard@kmclaw.com>; Madison Hyland <mhyland@kmclaw.com>; Nicholas Korst <nicholas.korst@acslawyers.com>; Carter, Meghan <Meghan.Carter@idwr.idaho.gov>; Joe Meuleman <jmeuleman@meulemanlaw.com>; Carolyn McCutchan <carolyn.mccutchan@acslawyers.com>  
**Subject:** Re: Expert disclosure deadlines and request for depo. dates

Not yet.

Jennifer

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**From:** Lindsay Watkins <[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)>  
**Sent:** Thursday, August 10, 2023 6:39:26 PM  
**To:** Jennifer Reinhardt-Tessmer <[jtessmer@kmclaw.com](mailto:jtessmer@kmclaw.com)>  
**Cc:** Ammon Hansen <[ahansen@kmclaw.com](mailto:ahansen@kmclaw.com)>; Wade Woodard <[wwoodard@kmclaw.com](mailto:wwoodard@kmclaw.com)>; Shannon Menard <[smenard@kmclaw.com](mailto:smenard@kmclaw.com)>; Madison Hyland <[mhyland@kmclaw.com](mailto:mhyland@kmclaw.com)>; Nicholas Korst <[nicholas.korst@acslawyers.com](mailto:nicholas.korst@acslawyers.com)>; Carter, Meghan <[Meghan.Carter@idwr.idaho.gov](mailto: Meghan.Carter@idwr.idaho.gov)>; Joe Meuleman <[jmeuleman@meulemanlaw.com](mailto:jmeuleman@meulemanlaw.com)>; Carolyn McCutchan <[carolyn.mccutchan@acslawyers.com](mailto:carolyn.mccutchan@acslawyers.com)>  
**Subject:** RE: Expert disclosure deadlines and request for depo. dates

CAUTION: EXTERNAL

Jennifer – one initial follow up question, is there a date proposed for the inspection in November?



Lindsay Watkins  
[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)

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\*\*\*Please note our new address above

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive e-mail correspondence on behalf of the addressee), you may not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail at [lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com), and delete this message.

---

**From:** Lindsay Watkins  
**Sent:** Thursday, August 10, 2023 4:56 PM  
**To:** Jennifer Reinhardt-Tessmer <[jtessmer@kmclaw.com](mailto:jtessmer@kmclaw.com)>  
**Cc:** Ammon Hansen <[ahansen@kmclaw.com](mailto:ahansen@kmclaw.com)>; Wade Woodard <[wwoodard@kmclaw.com](mailto:wwoodard@kmclaw.com)>; Shannon Menard <[smenard@kmclaw.com](mailto:smenard@kmclaw.com)>; Madison Hyland <[mhyland@kmclaw.com](mailto:mhyland@kmclaw.com)>; Nicholas Korst <[nicholas.korst@acslawyers.com](mailto:nicholas.korst@acslawyers.com)>; Carter, Meghan <[Meghan.Carter@idwr.idaho.gov](mailto: Meghan.Carter@idwr.idaho.gov)>; Joe Meuleman <[jmeuleman@meulemanlaw.com](mailto:jmeuleman@meulemanlaw.com)>; Carolyn McCutchan <[carolyn.mccutchan@acslawyers.com](mailto:carolyn.mccutchan@acslawyers.com)>  
**Subject:** RE: Expert disclosure deadlines and request for depo. dates

Hi Jennifer,

Working on this and will get back to you shortly.



Lindsay Watkins  
[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)

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\*\*\*Please note our new address above

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---

**From:** Jennifer Reinhardt-Tessmer <[jtessmer@kmclaw.com](mailto:jtessmer@kmclaw.com)>  
**Sent:** Thursday, August 10, 2023 8:51 AM  
**To:** Lindsay Watkins <[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)>  
**Cc:** Ammon Hansen <[ahansen@kmclaw.com](mailto:ahansen@kmclaw.com)>; Wade Woodard <[wwoodard@kmclaw.com](mailto:wwoodard@kmclaw.com)>; Shannon Menard <[smenard@kmclaw.com](mailto:smenard@kmclaw.com)>; Madison Hyland <[mhyland@kmclaw.com](mailto:mhyland@kmclaw.com)>; Nicholas Korst <[nicholas.korst@acslawyers.com](mailto:nicholas.korst@acslawyers.com)>; Carter, Meghan <[Meghan.Carter@idwr.idaho.gov](mailto: Meghan.Carter@idwr.idaho.gov)>  
**Subject:** RE: Expert disclosure deadlines and request for depo. dates

Lindsay,

On second thought, in lieu of taking Mr. Pita and Rohrbach's depositions on the 19, 20 or 21<sup>st</sup>, I'd like to take the deposition of Tim Yedinak on one of those dates. I'll wait to schedule Pita and Rohrbach's until we reach an agreement on expert disclosures. Also, I will be wanting to take the personal depositions of James and Kyle Gebhardt. To the extent Tim, James and/or Kyle are the 30(b)(6) reps, let me know and I can try and combine the personal and 30(b)(6) depositions. Thanks.

**KIRTON M'CONKIE**  
**Jennifer Reinhardt-Tessmer**  
Shareholder  
d 208.370.3323  
c 208.957.3939

---

**From:** Jennifer Reinhardt-Tessmer  
**Sent:** Wednesday, August 9, 2023 12:40 PM  
**To:** Lindsay Watkins <[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)>  
**Cc:** Ammon Hansen <[ahansen@kmclaw.com](mailto:ahansen@kmclaw.com)>; Wade Woodard <[wwoodard@kmclaw.com](mailto:wwoodard@kmclaw.com)>; Shannon Menard <[smenard@kmclaw.com](mailto:smenard@kmclaw.com)>; Madison Hyland <[mhyland@kmclaw.com](mailto:mhyland@kmclaw.com)>; Nicholas Korst <[nicholas.korst@acslawyers.com](mailto:nicholas.korst@acslawyers.com)>  
**Subject:** Expert disclosure deadlines and request for depo. dates

Lindsay,

In light of the last hearing before the Court on 7/7 and the judge's direction to try and reach a stipulation on Expert Witness Disclosures and Deadlines given the new trial date of 2/26 set forth in the 8/1 amended Scheduling Order, I am reaching out to determine if you would be amenable to moving Plaintiff's deadline to 12 weeks before trial (falling on 12/4); and Defendant's expert disclosure deadline to 12/11 (11 weeks before trial); Plaintiff's rebuttal expert disclosures due 12/18. Depositions of all experts to be completed by 1/26/24. I also propose modifying the Written Discovery deadline, allowing written discovery to be served up until 8 weeks before trial, with responses due on an expedited basis 3 weeks later. Please let me know your thoughts on this proposal.

Also, I am writing to request witness availability for depositions. Specifically, we would like to take the 30(b)(6) deposition of Strider on 8/31, 9/5, or 9/13; and the depositions of Mr. Pita and Mr. Rohrbach on Sept. 19, 20, or 21. Please let me know if any of these dates do NOT work for you and the witnesses. The 30(b)(6) topics are attached in the draft notice.

Thanks,

Jennifer

**KIRTON MCCONKIF**

Boise Office  
1100 W. Idaho St. #930  
Boise, ID 83702  
kmclaw.com

**Jennifer Reinhardt-Tessmer**  
Shareholder

d 208.370.3323  
c 208.957.3939  
[jtessmer@kmclaw.com](mailto:jtessmer@kmclaw.com)

---

**CONFIDENTIALITY NOTICE:** This communication may contain attorney-client privileged information. If you received this communication in error, please alert me by replying to this email and delete it immediately. Do not misuse or transmit the information to anyone. Thank you.



# **EXHIBIT B**

Steven B. Andersen (ISB 2618)  
Jennifer Reinhardt-Tessmer (ISB 7432)  
**KIRTON McCONKIE**  
11<sup>th</sup> & Idaho Building  
1100 W. Idaho St., Ste. 930  
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**RAÚL R. LABRADOR**  
ATTORNEY GENERAL

**SCOTT L. CAMPBELL**  
Chief of Energy and Natural Resources Division

**GARRICK L. BAXTER, ISB No. 6301**  
**MEGHAN M. CARTER, ISB No. 8863**  
Deputy Attorneys General  
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P.O. Box 83720  
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[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[meghan.carter@idwr.idaho.gov](mailto:meghan.carter@idwr.idaho.gov)

*Attorneys for Defendant*

**IN THE DISTRICT COURT FOR 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

**NOTICE OF DEPOSITION OF  
PLAINTIFF STRIDER CONSTRUCTION  
CO., INC. PURSUANT TO IDAHO RULE  
OF CIVIL PROCEDURE 30(B)(6)**

**TO: STRIDER CONSTRUCTION CO., INC.**  
c/o Lindsay (Taft) Watkins  
*Pro Hac Vice*  
**AHLERS CRESSMAN & SLEIGHT PLLC**  
1325 4<sup>th</sup> Ave., Suite 1850  
Seattle, WA 98101  
Telephone: (206) 287-9900

Joe Meuleman  
**MEULEMAN LAW GROUP PLLC**  
950 W. Bannock St., Ste. 490  
Boise, ID 83702  
Telephone: (208) 472-0066

**YOU ARE HEREBY NOTIFIED** that, pursuant to Idaho Rule of Civil Procedure 30(b)(6), Defendant by and through its counsel of record, Kirton McConkie, will take the deposition of a representative of Plaintiff Strider Construction Co., Inc. (“Strider”) commencing at 9:00 a.m. on September 20, 2023 at Kirton McConkie, 1100 W. Idaho Street, Ste 930, Boise, Idaho 83702. This deposition will continue from day to day until complete and will be taken before an officer authorized to administer oaths, by stenographic means, and will be recorded via video.

As required by Idaho Rule of Civil Procedure 30(b)(6), Strider shall identify and designate one or more officers, directors, managing agents, employees or other persons who will testify on its behalf on each of the matters described below. The person(s) so designated shall testify as to matters known or reasonably available to the organization. If more than one (1) person is identified, Strider is requested to identify with precision in writing the subject matter(s) as to which each person will testify within ten (10) days of the date of this notice.

#### **DEFINITIONS**

1. The terms “You” and “Your” as used herein mean Plaintiff Strider Construction Co, Inc., and/or anyone acting on their behalf, including their current and former officers, directors,

agents, employees, consultants, contractors, vendors, investigators, accountants, engineers, and representatives.

2. The term “Idaho Water Resource Board” or “IWRB” as used herein means Defendant Idaho Water Resource Board.

3. The terms “Person” and “Persons” as used herein mean and include any natural person, corporation, limited liability company, firm, partnership, unincorporated association, joint venture, proprietorship, governmental body (including any administrative agency and including state, federal or local government) or other organization or legal entity.

4. The terms “Communicated” and “Communications” as used herein mean any transmittal of information in the form of facts, inquiries, ideas, discussions, conversations, negotiations, agreements, undertakings, meetings, telephone conversations, letters, notes, telegrams, telexes, facsimiles, Electronic Data (as that term is defined below), advertisements or other form of interchange whether oral or written.

5. The terms “Document” and “Documents” as used herein mean any and all writings of any kind including the originals and non-identical copies, whether different from the originals by reason of any notation made on such copies or likewise, and including, without limitation, Communications, correspondence, memoranda, notes, diaries, desk calendars and organizers, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, checks, statements, receipts return summaries, pamphlets, books, prospectuses, interoffice and intra-office communications, offers, notations of any sort of conversations, telephone calls, Electronic Data (as that term is defined below), meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets and all drafts, alterations, modifications, changes and amendments of any of the foregoing; and graphic or aural records or

representations of any kind (including, without limitation, tapes, cassettes, disks or recordings) and other Electronic Data compilations which information can be obtained (which is to be translated by the responding party or parties through an appropriate device into usable form); whether in your possession, custody or control or in the possession, custody or control of your agents, attorneys, accountants, employees, officials or other representatives.

6. The term “Electronic Data” shall mean any original and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind), of mechanical, facsimile, electronic, magnetic, digital or other programs (whether private, commercial, or work-in-progress), programming notes or instructions, activity listings of electronic mail receipts or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail or “e-mail,” personal digital assistant (“PDA”) messages, text messages, instant messenger messages, social media communications and posts, other web- or internet-based communication, operating systems, source code of all types, programming languages, linkers and compilers, peripheral drives, PDF files, PRF files, batch files, ASCII files, code keys, pull down tables, logs, file layouts and any and all miscellaneous files or file fragments, regardless of the media on which they reside and regardless of whether said Electronic Data consists of an active file, deleted file or file fragment. “Electronic Data” also includes any and all items stored on computer memory or memories, hard disks, floppy disks, zip drives, CD-ROM discs, Bernoulli Boxes and their equivalents, magnetic tapes of all types and kinds, microfiche, punched cards, punched tape, computer chips (including, but not limited to, EPROM, PROM, ROM or RAM of any kind) on or in any other vehicle for

digital data storage or transmittal, files, folder tabs, or containers and labels appended to or associated with any physical storage device associated with each original and each copy.

7. The term “Identify” when referring to a Person means to state the Person’s full name, last known address and last known telephone number.

8. The term “Identify” when referring to a Document means to state the following: (a) the Document’s author(s); (b) the Document’s recipient(s); (c) the Document’s date; (d) the Document’s title; and (e) a brief summary of the Document’s contents.

9. “All” includes “each and every” as necessary to bring within the scope of each Topic all information or subject matter that might otherwise be construed to be outside of its scope.

10. “And” and “or” should be understood either disjunctively or conjunctively as necessary to bring within the scope of any Topic all information or subject matter that might otherwise be construed to be outside of its scope.

11. The use of the singular noun includes the plural noun; the use of a plural noun includes the singular noun; and the use of a verb in any tense must be construed as the use of that verb in all other tenses whenever necessary to bring within the scope of any Topic that which might otherwise be construed to be outside its scope.

### **DEPOSITION TOPICS**

1. Your involvement in the bid solicitation for the Priest Lake Water Management Project Outlet Dam Improvement Project (Invitation to Bid No. 2020-002) (the "Project"), including but not limited to:
  - a. The Documents (e.g., Invitation to Bid, Bid Package, Drawings, Technical Specifications) related to the bid solicitation;

- b. Your Bid Proposal;
  - c. The original IWRB Bid Award; and
  - d. All Communications with IWRB during the Bid Process.
2. Your activities during pre-construction following the Contract Award, including but not limited to:
- a. Your understanding of the construction contract, technical specifications, and drawings;
  - b. Pre-construction planning, evaluations, and testing;
  - c. Your Meetings with the IWRB, Mott MacDonald, and other entities hired by IWRB;
  - d. Your Communications with IWRB, Consultants, and Vendors during pre-construction; and,
  - e. Your work with Consultants and Vendors.
3. Dewatering processes during the Project, including but not limited to,
- a. The use of third parties, engineers, and consultants to assist with dewatering;
  - b. The methods and techniques used to dewater during the various construction phases;
  - c. Your various dewatering plans;
  - d. Your evaluation of soil erosion;
  - e. Your Communications with IWRB, Consultants, and Vendors regarding the dewatering process; and,
  - f. Your experience with dewatering plans.

4. The Cofferdam failures and methods contemplated and used to respond to the failures, including but not limited to:
  - a. Your evaluation of the Cofferdam failures;
  - b. The steps you took following the Cofferdam failures;
  - c. Your use of third-party vendors in dealing with the Cofferdam failures;
  - d. Your Communications with IWRB, Consultants, and Vendors regarding the Cofferdam failures; and,
  - e. Meetings related to Cofferdam failures.
5. The void below the dam and lateral flow of water under the dam.
6. The proposed grout plan.
7. Your work on the Tainter gates and J-seals.
8. The concrete work and methods used by You, or your Vendors, while working on the Project.
9. Your Project Management of the Dam Project, including but not limited to:
  - a. Project Schedules;
  - b. Critical Path; and,
  - c. Critical Path delay.
10. Change Directives, Change Orders, and requests for Equitable Adjustment during the project, including alleged problems with the Contract Documents that precipitated the requests and changes.
11. The Stop Work Order on December 4, 2021, and the order to resume limited work dated February 3, 2022.
12. Your termination of the Construction agreement.



13. Your contention that there was a change of conditions from the information provided by the IWRB and Mott MacDonald.
14. Your contention that the IWRB was late in making payment, had improper withholds, failed to properly compensate Strider, and violated the Idaho Prompt Payment Act.
15. Your communications with Travelers Bond & Specialty Insurance regarding this matter, including Bond No. 107373282.
16. Your evidence collection and preservation related to this matter.

DATED this 21st day of August 2023.

**KIRTON MCKONKIE**

*/s/ Jennifer Reinhardt-Tessmer*  
Jennifer Reinhardt-Tessmer  
*Attorneys for Defendant*

## CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August 2023, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

Lindsay (Taft) Watkins  
*Pro Hac Vice*  
**AHLERS CRESSMAN & SLEIGHT PLLC**  
1325 4<sup>th</sup> Ave., Suite 1850  
Seattle, WA 98101  
Telephone: (206) 287-9900

- U.S. Mail
- Facsimile: (208) 388-1300
- Hand Delivery
- Overnight Delivery
- iCourt E-File/Serve:  
[lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com)

Joe Meuleman  
**MEULEMAN LAW GROUP PLLC**  
950 W. Bannock St., Ste. 490  
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*Attorneys for Plaintiff Strider Construction Co., Inc.*

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Garrick L. Baxter  
Meghan M. Carter  
Deputy Attorneys General  
Idaho Water Resource Board  
P.O. Box 83720  
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Telephone: (208) 287-4800  
*Attorneys for Defendant*

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[garrick.baxter@idwr.idaho.gov](mailto:garrick.baxter@idwr.idaho.gov)  
[meghan.carter@idwr.idaho.gov](mailto:meghan.carter@idwr.idaho.gov)

/s/ Jennifer Reinhardt-Tessmer  
Jennifer Reinhardt-Tessmer

# **EXHIBIT C**

Steven B. Andersen (ISB 2618)  
Jennifer Reinhardt-Tessmer (ISB 7432)  
**KIRTON McCONKIE**  
11<sup>th</sup> & Idaho Building  
1100 W. Idaho St., Ste. 930  
Telephone: (208) 370-3325  
Facsimile: (208) 370-3324  
[sandersen@kmclaw.com](mailto:sandersen@kmclaw.com)  
[jtessmer@kmclaw.com](mailto:jtessmer@kmclaw.com)

**RAÚL R. LABRADOR**  
ATTORNEY GENERAL

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*Attorneys for Defendant*

**IN THE DISTRICT COURT FOR 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

**NOTICE OF DEPOSITION OF KYLE  
GEBHARDT**

PLEASE TAKE NOTICE that, pursuant to Idaho Rule of Civil Procedure 30, Defendant Idaho Water Resource Board, by and through their counsel of record, will take the deposition of

Kyle Gebhardt at 9:00 a.m. MST, September 21, 2023 at Kirton McConkie, 1100 W. Idaho Street, Ste 930, Boise, Idaho 83702, until completed. This deposition will be taken before an officer authorized to administer oaths, by stenographic means, and will be recorded via video.

DATED this 21st day of August 2023.

**KIRTON MCCONKIE**

*/s/ Jennifer Reinhardt-Tessmer*

\_\_\_\_\_  
Jennifer Reinhardt-Tessmer

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of August 2023, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

Lindsay (Taft) Watkins  
*Pro Hac Vice*  
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/s/ Jennifer Reinhardt-Tessmer  
Jennifer Reinhardt-Tessmer

# **EXHIBIT D**

Steven B. Andersen (ISB 2618)  
Jennifer Reinhardt-Tessmer (ISB 7432)  
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Chief of Energy and Natural Resources Division

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*Attorneys for Defendant*

**IN THE DISTRICT COURT FOR 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

**NOTICE OF DEPOSITION OF JIM  
GEBHARDT**

PLEASE TAKE NOTICE that, pursuant to Idaho Rule of Civil Procedure 30, Defendant Idaho Water Resource Board, by and through their counsel of record, will take the deposition of



Jim Gebhardt at 2:00 p.m. MST, September 20, 2023 at Kirton McConkie, 1100 W. Idaho Street, Ste 930, Boise, Idaho 83702, until completed. This deposition will be taken before an officer authorized to administer oaths, by stenographic means, and will be recorded via video.

DATED this 21st day of August 2023.

**KIRTON MCCONKIE**

*/s/ Jennifer Reinhardt-Tessmer*

\_\_\_\_\_  
Jennifer Reinhardt-Tessmer

*Attorneys for Defendant*

## CERTIFICATE OF SERVICE

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/s/ Jennifer Reinhardt-Tessmer  
Jennifer Reinhardt-Tessmer

# **EXHIBIT E**

**From:** Lindsay Watkins  
**Sent:** Monday, August 21, 2023 8:58 PM  
**To:** Jennifer Reinhardt-Tessmer  
**Cc:** Nicholas Korst; Joe Meuleman  
**Subject:** Strider/IWRB - Deposition Notices

Jennifer,

We received the deposition notices today, but we continue to object to the deposition taking place in Boise given the unnecessary expense and burden that would require. The general rule is that depositions take place at the location of the place of business or residence of the deponent—not the location of the matter. Regardless and as an accommodation to the Board, we are willing to have the depositions taken remotely. What is your basis for requiring Strider to incur the additional burden and expense?

If you are not willing to agree to a remote deposition or deposition at the location of the deponent, please let me know when you have time to confer. Again, we would like to reach an agreement that works for both parties and avoids unnecessary expense (i.e., remote depositions) and avoid the cost of a motion.



**Lindsay Watkins**  
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**\*\*\*Please note our new address above**

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive e-mail correspondence on behalf of the addressee), you may not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail at [lindsay.watkins@acslawyers.com](mailto:lindsay.watkins@acslawyers.com), and delete this message.