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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

**DECLARATION OF MIKE MORRISON
IN SUPPORT OF DEFENDANT'S
SECOND MOTION TO AMEND
SCHEDULING ORDER**

STATE OF IDAHO)

: ss.

County of Ada)

Mike Morrison, being first duly sworn upon oath, deposes and says:

1. I am an Engineer for Defendant, Idaho Water Resource Board (“IWRB”). I am over the age of 18 and base this declaration on my personal knowledge.

2. I have been the Project Manager over the Priest Lake outlet dam Project, which is the subject of the above-titled lawsuit, since December of 2021.

3. Since Strider Construction abandoned the contract, IWRB has had to assess what was left unfinished and what was not performed properly, which assessment was subject to weather conditions and water levels at the lake.

4. IWRB was required to follow a state statutory procurement process in order to hire a contractor to finish and repair Strider’s work.

5. The IWRB then used a two-step procurement process. The request for qualifications was issued in March of 2023 and upon identifying a winning qualified contractor, a contract was signed on August 30, 2023.

6. IWRB’s counsel of record requested access to inspect what is expected to be a void in the Priest Lake dam curtain (hereinafter referred to as the “access request”) in February of 2023.

7. At the time of IWRB’s original request for an extension to the trial date, IWRB did not have a new contractor to replace Strider, but it anticipated that it could guarantee to the eventual new contractor that lake conditions would allow it to begin in-water work in November.

8. The dewatering plan is entirely up to the contractor and so is the schedule for implementation of the dewatering plan.

9. We recently received a draft of the contractor’s dewatering plan and associated

schedule, which reflects that the dewatering is estimated to occur in the last week of December.

10. The dewatering plan is more complicated due to the suspected void.

11. IWRB has requested that the contractor accelerate the dewatering plan as much as possible; however, the dewatering plan is entirely within the contractor's discretion.

12. The current dewatering plan is not yet finalized. Finalization of the plan requires acquisition of the requisite permits. Because the process of finalizing the dewatering plan is not yet complete, the schedule is not yet finalized.

13. Based on the preliminary dewatering plan provided by the new contractor and a new preliminary schedule provided by the contractor, I believe inspection of the suspected void will occur in late December or early January.

DATED this 20th day of September 2023.

KIRTON MCCONKIE

Mike Morrison

Engineer Technical I, Idaho Department of Water Resources

