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**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 MARK  
GEMPERLINE IN SUPPORT OF  
DEFENDANT'S THIRD MOTION TO  
AMEND SCHEDULING ORDER**

STATE OF IDAHO )

: ss.

County of Ada )

Mark Gemperline, being first duly sworn upon oath, deposes and says:

1. I am an expert knowledgeable and with significant experience in dam engineering, construction, material testing and geotechnical engineering. I was hired in this matter for Defendant, Idaho Water Resource Board (“IWRB”). I am over the age of 18 and base this declaration on my personal knowledge.

2. Cracks can form in concrete when the temperature of concrete changes rapidly during the early stages of curing (hereinafter referred to as thermal cracking) and thereby compromise the strength and durability of the concrete.

3. Concrete testing by Windsor Probe, performed using the ASTM C803 procedure (hereinafter referred to as “Windsor Probe surface strength testing”), is appropriate in this circumstance to determine whether the concrete apron Strider poured that was inundated with cold river water shortly after placement has experienced thermal cracking, thus compromising its anticipated life.

4. The Windsor Probe will test the strength of the near surface portion of the concrete apron as opposed to compression testing of coring samples, proposed by Strider’s experts, which provide strength information pertinent to concrete at greater depth.

5. I relayed my proposed testing plan to IWRB in September, which reflected the areas necessary for the Windsor Probe surface strength testing; however, I was recently advised that upon dewatering, Northbank observed a much larger than anticipated void beneath both the existing dam and new dam apron.

6. This void undercuts Priest Lake Dam sufficiently to create elevated concern

about dam integrity and consequently requires that Northbank properly address the void in a timely manner.

7. I am not able to conduct my Windsor Probe surface strength testing until Northbank is able to repair the void and the apron work is complete.

8. I was recently advised Windsor Probe surface strength testing performed by Strata Engineering preceding the incident provides a base comparison for my analysis.

9. While I plan to proceed in December with the geophysics testing (Ground Penetrating Radar) as originally planned to map the extent of the void, I cannot complete the Windsor Probe surface strength testing until the void area is stabilized and the need to use the test areas for dewatering eliminated. I am told this will likely be sometime in late February but cannot be determined until the extent of the void is assessed and Northbank creates a repair plan.

DATED this 15th day of December 2023.

/s/ Mark Gemperline  
Mark Gemperline

## CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December 2023, a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following:

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/s/ Jennifer Reinhardt-Tessmer  
Jennifer Reinhardt-Tessmer