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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 ROHRBACH  
IN SUPPORT OF STRIDER  
CONSTRUCTION CO., INC.'S MOTION  
TO STRIKE PORTIONS OF  
DEFENDANT'S MEMORANDUM AND  
REPLY

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I, Mark Rohrbach, testify as follows:

1. I am over the age of eighteen, competent to testify, and have personal knowledge of the matters herein.

2. I am Principal Engineer at RAM GeoServices, Inc. ("RAM"). I have over 19 years of experience as a Professional Engineer. I am licensed in seven states and three Canadian provinces.

3. RAM was retained by Strider Construction Co., Inc. (“Strider”) as an independent design expert to investigate conditions related to the Priest Lake Water Management – Outlet Dam Improvements Project (the “Project”).

4. During the last site inspection on December 20, 2023, new post-Strider erosion and active ongoing erosion was identified. It is obvious that most of this erosion occurred between the time when Strider was allowed to perform work, roughly December 2021, when I arrived on site in December 2023.

5. It is also obvious the ongoing is the result of several factors including water flowing over the existing and uncompleted work (Photos 1, 2, 3 and 4).



Photo 1.



Photo 2.



Photo 3



Photo 4.


6. While I was on site during December 2021, during the testing I performed under the supervision of Mr. Mike Morrison, I observed Strider lower the water on the Phase 2 side of the dam to an elevation more than one foot below the top of the existing apron. When this occurred, there was no water flowing over the edge of the existing apron. The condition shown in Photos 1, 2, 3, and 4 did not exist when I was last there.

7. Having been on site in December 2021 and again in December 2023 I regard it to be obvious that had Strider be allowed to install the system I designed, the voids resulting from the flow of water below the dam would not have gotten larger.

8. Note also that the GPR testing performed by Strider, and the GPR testing performed in December 2023 by IWRB's consultant, demonstrate that the 2021 design could have been constructed with little to no damage to the existing dam.

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

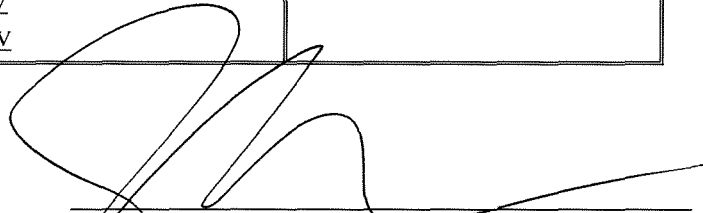
DATED: This 9<sup>th</sup> day of January, 2024 at Puyallup, WA.

By:   
Mark Rohrbach

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 9th day of January, 2024, a true and correct copy of the foregoing document was served by the method indicated below upon the following parties:

Thomas A. Banducci Jennifer Reinhardt-Tessmer KIRTON MCCONKIE 1100 W. Idaho St., Ste. 930 Boise, ID 83702-5662 <a href="mailto:tbanducci@kmclaw.com">tbanducci@kmclaw.com</a> <a href="mailto:jtessmer@kmclaw.com">jtessmer@kmclaw.com</a>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <input checked="" type="checkbox"/> iCourt E-File
Garrick L. Baxter Meghan M. Carter Deputy Attorneys General Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 <a href="mailto:garrick.baxter@idwr.idaho.gov">garrick.baxter@idwr.idaho.gov</a> <a href="mailto:meghan.carter@idwr.idaho.gov">meghan.carter@idwr.idaho.gov</a>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Electronic Mail <input checked="" type="checkbox"/> iCourt E-File

  
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Joe Meuleman