

Thomas A. Banducci (ISB No. 2453)
Jennifer Reinhardt-Tessmer (ISB 7432)

KIRTON MCCONKIE

11th & Idaho Building
1100 W. Idaho St., Ste. 930
Telephone: (208) 370-3325
Facsimile: (208) 370-3324
tbanducci@kmclaw.com
jtessmer@kmclaw.com

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
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
meghan.carter@idwr.idaho.gov

Attorneys for Defendant

**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

**NOTICE OF ERRATA TO SECOND
DECLARATION OF MARK
GEMPERLINE IN SUPPORT OF
DEFENDANT'S THIRD MOTION TO
AMEND SCHEDULING ORDER**

NOTICE OF ERRATA TO SECOND DECLARATION OF MARK GEMPERLINE IN
SUPPORT OF DEFENDANT'S THIRD MOTION TO AMEND SCHEDULING ORDER

NOTICE OF ERRATA

Idaho Water Resource Board (“IWRB”), by and through its counsel of record, Kirton McConkie, respectfully submits this notice of errata to its Second Declaration of Mark Gemperline in Support of Defendant’s Third Motion to Amend Scheduling Order that was filed on January 5, 2024. The corrected Second Declaration of Mark Gemperline in Support of Defendant’s Third Motion to Amend Scheduling Order is attached hereto as **Exhibit A**.

DATED this 10th day of January 2024.

KIRTON MCCONKIE

/s/ Jennifer Reinhardt-Tessmer
Jennifer Reinhardt-Tessmer
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January 2024, 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*
Nicholas Korst, *Pro Hac Vice*
AHLERS CRESSMAN & SLEIGHT PLLC
1325 4th Ave., Suite 1850
Seattle, WA 98101
Telephone: (206) 287-9900
Attorneys for Plaintiff Strider Construction Co., Inc.

U.S. Mail
 Facsimile:
 Hand Delivery
 Overnight Delivery
 iCourt E-File/Serve:
lindsay.watkins@acslawyers.com
nicholas.korst@acslawyers.com

Joe Meuleman
MEULEMAN LAW GROUP PLLC
950 W. Bannock St., Ste. 490
Boise, ID 83702
Telephone: (208) 472-0066
Attorneys for Plaintiff Strider Construction Co., Inc.

U.S. Mail
 Facsimile:
 Hand Delivery
 Overnight Delivery
 iCourt E-File/Serve:
jmeuleman@meulemanlaw.com

Garrick L. Baxter
Meghan M. Carter
Deputy Attorneys General
Idaho Water Resource Board
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Attorneys for Defendant

U.S. Mail
 Facsimile:
 Hand Delivery
 Overnight Delivery
 iCourt E-File/Serve:
garrick.baxter@idwr.idaho.gov
meghan.carter@idwr.idaho.gov

/s/ Jennifer Reinhardt-Tessmer
Jennifer Reinhardt-Tessmer

EXHIBIT A

Thomas A. Banducci (ISB No. 2453)
Jennifer Reinhardt-Tessmer (ISB 7432)

KIRTON MCCONKIE

11th & Idaho Building
1100 W. Idaho St., Ste. 930
Telephone: (208) 370-3325
Facsimile: (208) 370-3324
tbanducci@kmclaw.com
jtessmer@kmclaw.com

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
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Facsimile: (208) 287-6700
garrick.baxter@idwr.idaho.gov
meghan.carter@idwr.idaho.gov

Attorneys for Defendant

**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

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

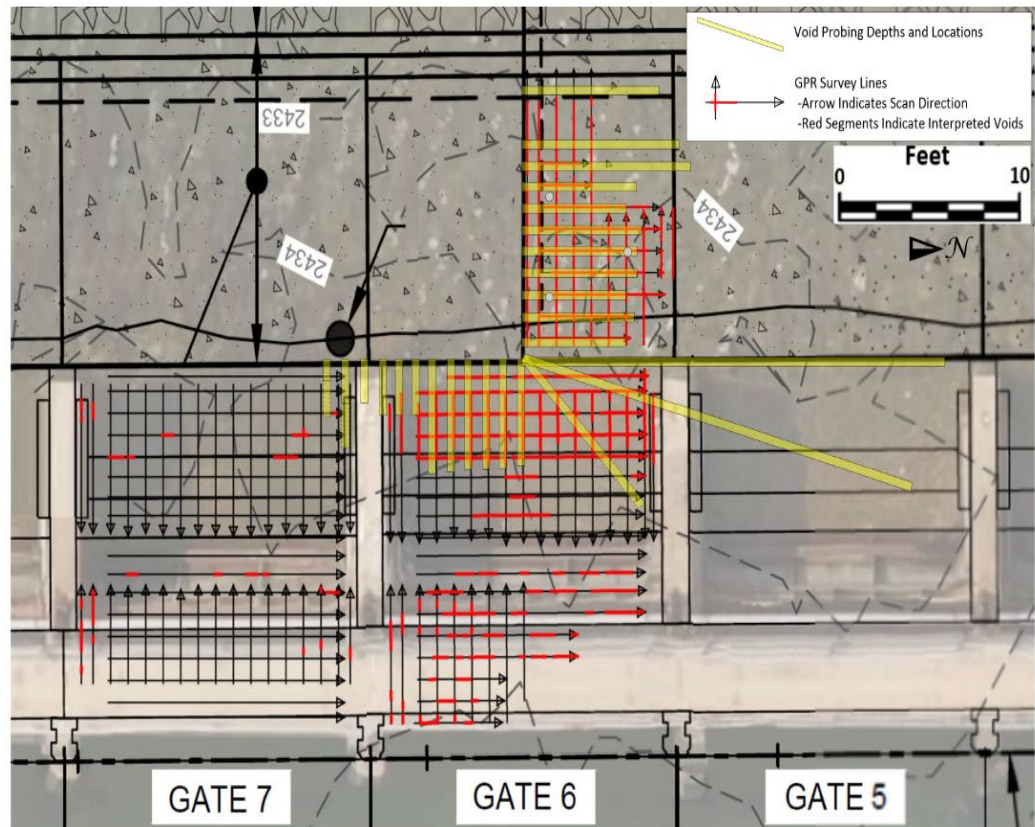


Figure 25. Overview of all results showing the same maps of manual void interpretations (red line segments) combined for all areas surveyed by GPR. Void penetration depth probe mapping results are also included on the figure. Here, the locations and extents of several manual void penetration probing tests conducted along the bottom of the aprons are plotted as semi-transparent yellow rectangles (dashed rectangle segments are where probing initially met some minor refusal, but probe was then inserted further until significant refusal was met). Note that there is generally an excellent match between the depth probing results and the GPR interpretations, helping to corroborate the GPR results.

7. The patterns of the erosion channels observed during the inspection indicate they are the result of Strider’s multiple failed dewatering attempts.

8. IWRB plans on demolishing a portion of the apron slab poured by Strider as a result of plastic sheeting Strider improperly included in the pour.

9. As such, the improperly poured section of the apron slab will need to be re-poured, which can only occur in warmer weather conditions (~mid to upper 20s depending on the exact material selected). Only when this occurs can the apron work conclude, allowing me to conduct my requested surface Windsor Probe (ASTM C803) testing.

DATED this 10th day of January 2024.

/s/ Mark Gemperline

Mark Gemperline

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January 2024, 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*
Nicholas Korst, *Pro Hac Vice*
AHLERS CRESSMAN & SLEIGHT PLLC
1325 4th Ave., Suite 1850
Seattle, WA 98101
Telephone: (206) 287-9900
Attorneys for Plaintiff Strider Construction Co., Inc.

U.S. Mail
 Facsimile:
 Hand Delivery
 Overnight Delivery
 iCourt E-File/Serve:
lindsay.watkins@acslawyers.com
nicholas.korst@acslawyers.com

Joe Meuleman
MEULEMAN LAW GROUP PLLC
950 W. Bannock St., Ste. 490
Boise, ID 83702
Telephone: (208) 472-0066
Attorneys for Plaintiff Strider Construction Co., Inc.

U.S. Mail
 Facsimile:
 Hand Delivery
 Overnight Delivery
 iCourt E-File/Serve:
jmeuleman@meulemanlaw.com

Garrick L. Baxter
Meghan M. Carter
Deputy Attorneys General
Idaho Water Resource Board
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 287-4800
Attorneys for Defendant

U.S. Mail
 Facsimile:
 Hand Delivery
 Overnight Delivery
 iCourt E-File/Serve:
garrick.baxter@idwr.idaho.gov
meghan.carter@idwr.idaho.gov

/s/ Jennifer Reinhardt-Tessmer
Jennifer Reinhardt-Tessmer