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DEPT OF WATER RESOURCES
SOUTHERN REGION

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Attorney for James Michael
Hamilton and Sally Hamilton

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 47-17664
IN THE NAME OF:
ROBERT & JANA LINDERMAN

DECLARATION OF DAVE PATTERSON

STATE OF IDAHO)
) ss.
County of Twin Falls)

Dave Patterson, being first duly sworn on oath, deposes and states the following:

1. I am over eighteen years of age and not a party to this case.
2. I make the foregoing and following statements in this Declaration based upon my personal knowledge and beliefs.
3. I have the following skills, training, and experience in the field of identifying and locating underground piping, tiling, cables and other utilities or structures under the ground:

DECLARATION OF DAVE PATTERSON - 1



HEARING EXHIBIT B

A. As I was growing up, my family's business involved excavating, installing, or repairing sewer drains, piping, and other underground utilities. Working in that business as a teenager and later, I learned the excavation and trenching business, as well as how to locate underground structures, either to repair them or avoid damaging them.

B. Since 2014, I have owned and operated a business called Advanced Underground Imaging Services LLC which locates underground pipes, utilities, and other structures. Our customers are generally construction companies, factories, farms, or others who need to locate underground structures.

C. The primary method we utilize are what is known in the business as "ground penetrating radar." When metal piping or cables which conduct electrical current are involved, we also use a "pipe & cable locator" which sends electric current through underground pipes or cables to a receiver which allows us to trace the underground location.

D. The ground penetrating radar is a machine which travels over the ground, transmitting "radar" (electromagnetic energy) into the ground with a receiver that picks up variations in the echoes. Those variations are translated into images which show objects in the ground and variation in the composition of the ground itself.

E. I inspected the Linderman property, as described below, using both ground penetrating radar and a pipe and cable locator.

4. I was hired by Mike and Sally Hamilton to inspect, test, measure and otherwise document and provide opinions about underground piping, water collection or

distribution systems on the Linderman property located at 4377 N. 1400 E., Buhl, Idaho.

5. On December 10, 2020 I went to that property and conducted the inspection. Mr. Linderman and his lawyer were present. Tanner Butler from Slimon & Butler Irrigation, Mike and Sally Hamilton, and their lawyer were also there.
6. The methods I used to identify and locate the underground piping are the methods generally used and accepted within the location business, namely starting with discussions with people such as Mr. Linderman, who have some knowledge of the system. I combined the information from Mr. Linderman with what I observed to begin locating where the underground system surfaces. With that information as a starting point, I then utilize electronic equipment which uses radar projected into the ground. Differences in the feedback are shown on the electronic monitor which essentially produces what people would think of as an "x-ray," of what is underground. These images, along with GPS and other technical data are collected to identify the precise locations where anomalies in the ground are located.
7. The particular machine used in this case is ground penetrating radar which rolls over the surface of the ground. It is a generally accepted in the business as reliable tool to identify underground anomalies.
8. I also used an electric system to trace the metal piping to the extent that was feasible.
9. From the data collected during the inspection, I have produced the map identified as "Linderman Underground" which is attached to this Declaration as Exhibit A and incorporated into it.

10. Exhibit A is an aerial image of the Linderman property obtained from Google Earth and a true and accurate representation of that property which I observed on December 10, 2020. The data I collected has been noted on the image in the locations it was collected.
11. On Exhibit A, I have labeled "O1 PUMP" as the place where a vertical culvert collects and holds water that I understand Mr. Linderman pumps through his irrigation system. This is where an underground steel pipe daylights from the underground piping system into the vertical culvert. When I was there, that steel pipe was draining water into the vertical culvert from under the ground.
12. From there, I traced the underground system "upstream." In an easterly to slightly northeasterly direction from "O1 PUMP," the underground system runs to the next two points labeled "GPR" and designated on Exhibit A by white squares. I labeled those as "GPR" to indicate that it showed with reasonable certainty the existence of underground piping that I located.
13. From there, the underground system turns northward, and its location is identified by the next two points labeled "GPR" and designated on Exhibit A by white squares.
14. From the northern most "GPR" point, it became harder to confirm precisely what was under the ground. Thus, I identify the other measurements to the north and then to the east as "POSSIBLE" in 4 additional places. I labeled these "POSSIBLE" because, although Mr. Linderman represented, he believed there was piping underground there and the imaging showed anomalies, the Echo imaging was not clear enough that I felt comfortable stating that it was clearly confirmed. It may very well be there, but I cannot be certain given the imaging quality from the ground penetrating radar.

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15. In my opinion, it is more likely than not that on December 10, 2020 there was an underground system in place which collected water and brought it to the pump as indicated by the yellow line on Exhibit A.

16. Further, I believe that there was a system that extended from further to the north and east, as is indicated by the white line. But because some of the readings were equivocal, I cannot be certain about that area, and therefore have identified that portion of the system as "POSSIBLE." In other words, there are enough anomalies under the ground to make me believe some sort of system was located under the ground in that area, but I cannot tell whether it is continuous or functioning.

17. I certify and declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated this 10th day of February, 2021.



Dave Patterson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of February, 2021, (s)he served a true and correct copy of the within and foregoing document upon the following named person(s) by the method indicated below:

Justin May Nathan Fowler Angstman Johnson 199 S. Capitol Blvd. Ste. 200 Boise, ID 83702	☐ U.S. Mail ☐ Facsimile ☐ Hand Delivery ☒ E-mail
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