

## Gibson, Deborah

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**From:** Spackman, Gary  
**Sent:** Wednesday, September 13, 2006 8:40 AM  
**To:** Gibson, Deborah  
**Subject:** FW: letter



Discovery  
protest.doc

-----Original Message-----

**From:** Gary Mulkey [mailto:GMulkey@bannerbank.com]  
**Sent:** Tuesday, September 12, 2006 12:08 PM  
**To:** Spackman, Gary  
**Cc:** Warner, Roger  
**Subject:** FW: letter

Mr. Spackman

I have sent you a registered letter today concerning the potential delay of the hearing set for the Williams Lake Recreational Water & Sewer District. I am not sure how long it will take this letter to get to you so I am sending you this e-mail so that you will know the letter is coming.

Thanks

Gary M Mulkey

Gary M. Mulkey  
999 E. Highland Ave.  
Hermiston, Oregon 97838

September 12, 2006

Mr. Gary Spackman, Hearing Officer  
Idaho Department of Water Resources  
P. O. Box 83720  
Boise, Idaho 83720-0098

RE: Amendments for Water Right 75-7052 and 75-7589

Dear Mr. Spackman:

I wish to make a formal complaint. The Williams Lake Recreational Water and Sewer District has failed to meet the deadline for discovery and interrogatories.

The district wasted 6 business days before their representative notified me that she was too busy to get the discovery information I requested. At that time she also notified me that she would be charging \$45.00 per hour when she got around to looking up the information. I received her email late in the afternoon on September 7, 2006. My discovery request was in the Slavin law offices August 28, 2006.

The WLRW&SD has not responded to my interrogatory request. I should have received their responses September 11. The WLRW&SD held a special meeting. I believe the meeting was held September 4, 2006. I have not received confirmation as to the exact date. My interrogatories required responses from the board as a whole. I understand the board went into executive session. Therefore I am unable to determine if the interrogatories were discussed. Since the board saw fit to hold a special meeting, I can see no excuse for not addressing the interrogatories and returning the board's responses to me before the September 11 date.

I understand the WLRW&SD is also asking for a postponement. This hearing has been set since April. The board has no grounds to ask for additional time. I believe this is a stalling tactic on the board's part. The board is once again expressing its contempt for both the protestants and the hearing process. My wife and I have been willing to clear our calendars and travel a great distance for this hearing. I would like to request that you do not postpone the hearing.

Instead I would hope that you would allow extra time before the exhibits must be presented to the parties. Since the protestants have filed separately and their

protests are totally autonomous, I am hopeful they would not be opposed to receiving the exhibits as late as 24 hours before the hearing begins. In this way the only group to suffer would be the WLRW&SD which has caused the problem in the first place. I foresee that I will have 10 or fewer exhibits. Unfortunately these exhibits and my final witness list are contingent upon my receipt of the discovery documents and interrogatories.

I respectfully request that you find the Williams Lake Recreational Water and Sewer District in contempt and issue a directive requiring the water district to produce the discovery documents and interrogatories no later than September 18.

Sincerely,

Gary M. Mulkey

Attachments