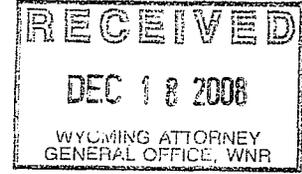


Luke Esch  
Assistant Attorney General  
123 Capital Building  
Cheyenne, WY 82002  
Telephone: (307) 777-6946  
Facsimile: (307) 777-3542



Attorney for the State of Wyoming

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF )  
NOTICE OF VIOLATION AND )  
ORDER NO. 4331-08 ) Docket No. 08-3807  
ISSUED TO KDA CONSTRUCTION, INC. )

**AFFIDAVIT OF KATHLEEN MULKEY  
IN SUPPORT OF THE WYOMING DEPARTMENT OF ENVIRONMENTAL  
QUALITY'S MOTION FOR SUMMARY JUDGMENT**

STATE OF WYOMING )  
 )ss.  
County of Sweetwater )

Kathleen Mulkey, being first duly sworn, deposes and says as follows:

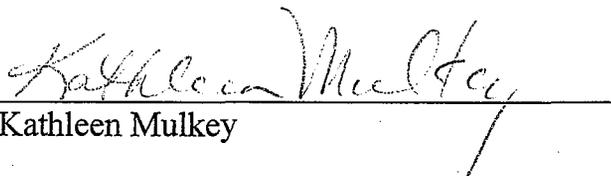
1. I am over the age of 21 and am competent to make this affidavit.
2. The facts and matters stated herein are within my personal knowledge, and are true and correct.
3. I work for the Wyoming Department of Environmental Quality, Water Quality Division (DEQ) as a Wyoming Pollution Discharge Elimination System (WYPDES) Permit Inspector. My job responsibilities include conducting site

inspections in order to determine compliance with WYPDES permits, write inspection reports, and issuing Letters of Violation when necessary.

4. On November 21, 2008, I conducted a site inspection of the Bluff Senior Estates project site in Rock Springs, Wyoming. During this visit, I took one picture of the site conditions. This photograph is identified as Photo 1 in Attachment A.

5. On December 10, 2008, I returned to the Bluff Senior Estates project site in Rock Springs, Wyoming to take additional photographs of the current site conditions. These photographs showing the site conditions are identified as Photos 2 through 13 in Attachment A.

Dated this 15 day of December, 2008.

  
Kathleen Mulkey

TITLE: WYPDES Inspector

STATE OF WYOMING )

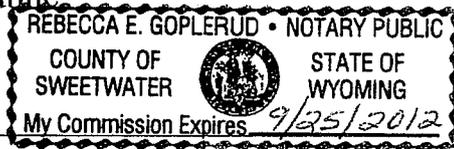
)ss.  
County of Sweetwater )

Subscribed and sworn before me by Kathleen Mulkey on this 15 day of December, 2008.

Witness my hand and official seal.

Rebecca E. Goplerud  
Notary Public

My commission expires: 9/25/2012



# Attachment A



OFFICIAL PHOTOGRAPH  
Water Quality Division  
Department of Environmental Quality

**Subject:** PHOTO 1

**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County

**Date/Time:** 11-21-2008/ 0952 Hours

**Photographer:** Kathie Mulkey (DEQ/WQD)

**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)



OFFICIAL PHOTOGRAPH  
Water Quality Division  
Department of Environmental Quality

**Subject:** PHOTO 2 (L) and 3 (R)

**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County

**Date/Time:** 12-10-2008/ 1008 Hours; 1010 Hours

**Photographer:** Kathie Mulkey (DEQ/WQD)

**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)



OFFICIAL PHOTOGRAPH  
Water Quality Division  
Department of Environmental Quality

**Subject:** PHOTO 4 (L) and 5 (R)  
**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County  
**Date/Time:** 12-10-2008/1011 Hours; 1011 Hours  
**Photographer:** Kathie Mulkey (DEQ/WQD)  
**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)



OFFICIAL PHOTOGRAPH  
Water Quality Division  
Department of Environmental Quality

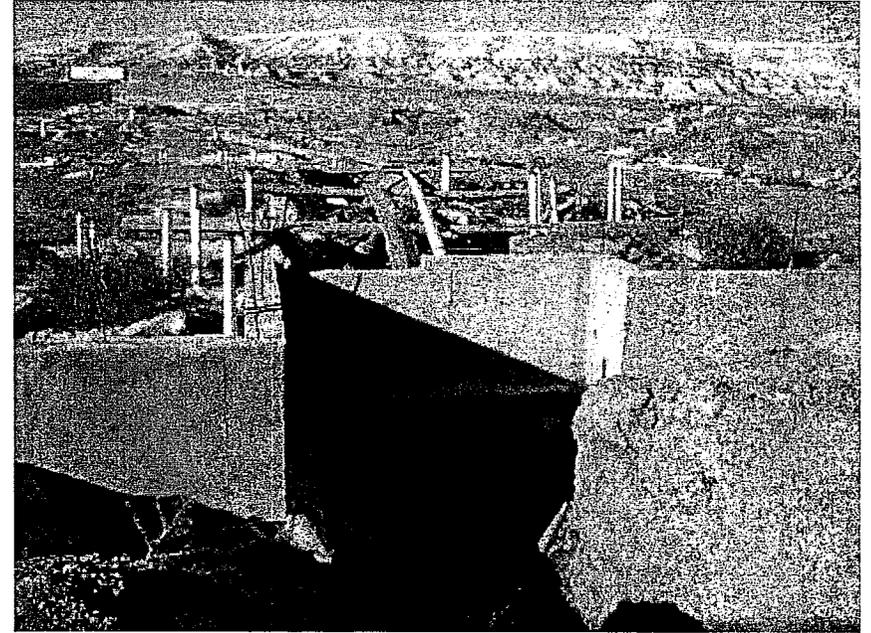
**Subject:** PHOTO 6 (L) and 7 (R)

**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County

**Date/Time:** 12-10-2008/1014 Hours; 1019 Hours

**Photographer:** Kathie Mulkey (DEQ/WQD)

**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)



**OFFICIAL PHOTOGRAPH**  
**Water Quality Division**  
**Department of Environmental Quality**

**Subject:** PHOTO 8 (L) and 9 (R)

**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County

**Date/Time:** 12-10-2008/1021 Hours; 1023 Hours

**Photographer:** Kathie Mulkey (DEQ/WQD)

**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)



OFFICIAL PHOTOGRAPH  
Water Quality Division  
Department of Environmental Quality

**Subject:** PHOTO 10 (L) and 11 (R)

**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County

**Date/Time:** 12-10-2008/1025 Hours; 1026 Hours

**Photographer:** Kathie Mulkey (DEQ/WQD)

**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)



OFFICIAL PHOTOGRAPH  
Water Quality Division  
Department of Environmental Quality

**Subject:** PHOTO 12 (L) and 13 (R)

**Location/County:** Section 27, Township 19 North, Range 105 West/Sweetwater County

**Date/Time:** 12-10-2008/1027 Hours; 1027 Hours

**Photographer:** Kathie Mulkey (DEQ/WQD)

**File No:** KDA Construction: The Bluffs Senior Estates (WYR103444)