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FILED

APR 22 2009

**Jim Ruby, Executive Secretary
Environmental Quality Council**

Attorneys for The Department
Of Environmental Quality

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING**

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF)
EVANS CONSTRUCTION COMPANY)
TFN 3 6/302)

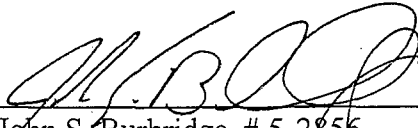
Docket No. 09-4801

**DEPARTMENT OF ENVIRONMENTAL QUALITY'S WAIVER
OF COURT REPORTER FOR PRE-HEARING CONFERENCE**

Department of Environmental Quality ("DEQ"), by and through its undersigned counsel, submits its waiver of a court reporter for the Pre-Hearing Conference scheduled April 28, 2009 at 1:30 p.m., and requests that the EQC not invoice DEQ for any costs of the transcript.

Respectfully submitted this 22nd day of April, 2009.

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY



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CERTIFICATE OF SERVICE

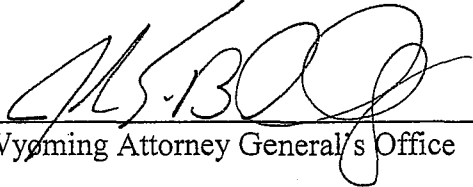
I certify that the foregoing document was served by US. Mail, postage prepaid, and addressed correctly, to the following people on the 22nd day of April, 2009:

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