

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

FILED

DEC 02 2010

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) **Docket No. 10-4803**
McMURRY READY MIX CO.)
TFN 5 3/143)

ORDER OF SCHEDULE

The above entitled matter came on for Scheduling Conference on the 1st day of December, 2010 at 1:30 p.m. Councilman Dennis Boal presiding. Present on behalf of the Department of Environmental Quality was Luke Esch, from the Attorney General’s Office. Present on behalf of the objectors, Dave and Sandra Goodwin, Harv and Denise Hastings, Debbra White, David Payne and Randy Simpson was Mark Sullivan. Present on behalf of the objector, East Fork Limited Partnership was Jon Aimone and present on his own behalf as an objector was Kelly Garside. McMurry Ready Mix was present through counsel Harriet Hageman. Also present were James Ruby, Executive Secretary for the Council and Joe Girardin, the Council Paralegal. The matter was recorded through the use of a court reporter.

IT IS HEREBY ORDERED: The following schedule has been set in the above captioned matter.

1. Final Hearing is scheduled to begin at 9:00 a.m. on December 10, 2010 at BLM Offices 280 Hwy. 191 North – Rock Springs, Wyoming.
2. All preliminary motions, including, but not limited to, Motion for Tour, shall be filed no later than 12:00 noon. December 7, 2010. Responses to said motions shall be filed no later than 12:00 noon December 9, 2010.

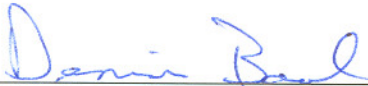
3. The parties shall exchange witness lists, exhibits and a statement of issues by 9:00 a.m. December 7, 2010.
4. Exhibits shall be identified by the parties as follows:


Mr. Sullivan:	Boulder Residents 1,2,3,4,5, etc.
Mr. Aimone:	East Fork 1,2,3,4,5 etc.
Mr. Garside:	Garside 1,2,3,4,5 etc.
Department of Environmental Quality:	DEQ A,B,C,D etc.
McMurry Ready Mix:	McMurry A,B,C,D etc.
5. The parties shall file a memo outlining the law as it pertains to the issue of what constitutes a public nuisance in the State of Wyoming. Said Memo shall be filed by 9:00 a.m. December 7, 2010.
6. The Order of Presentation shall be as follows:
 - a. Department of Environmental Quality
 - b. Mr. Sullivan
 - c. Mr. Aimone
 - d. Mr. Garside
 - e. Ms. Haggeman
 - f. Rebuttal
 - i. Mr. Sullivan
 - ii. Mr. Aimone
 - iii. Mr. Garside
7. Each party will be given 5 minutes for opening and closing statements. The order of opening and closing statements shall be first the objectors in the same order as set forth

in paragraph 6. Second, McMurry Ready Mix and third the Department of Environmental Quality. The objectors will be given 2 minutes for rebuttal argument.

8. The parties have all consented to delivery of any documents outlined in the above paragraphs to be delivered by electronic mail.

DATED this 1st day of December, 2010.



Dennis Boal, Presiding Officer
Environmental Quality Council 

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 2nd day of December, 2010, I served a copy of the foregoing ORDER OF SCHEDULE by electronic mail to the following:

Luke Esch
Wyoming Attorney General's Office
123 Capitol Building
Cheyenne WY 82002
lesch@state.wy.us

Harriet Hageman
222 East 21st St.
Cheyenne, WY 82001
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Kelly Garside
P.O. Box 281
Boulder WY 82923
kellygarside@hughes.net

Mark Sullivan
5237 HHR Ranch Road
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Jon Aimone
205 C Street
Rock Springs WY 82901
jon@lemichlaw.com

and U.S. Mail pre-paid to the following:

Mr. Ron McMurry
McMurry Ready Mix Company
P.O. Box 2488
Casper, WY 82602



Kim Waring, Sr. Office Supp. Spec.
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