

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL**

**STATE OF WYOMING**

**A PETITION TO THE ENVIORNMENTAL )  
QUALITY COUNCIL FOR DESIGNATION )  
OF AN AREA KNOWN AS SAND CREEK )  
AS RARE OR UNCOMMON )**

**Docket No. 09-1102**

**FILED**

**JUL 08 2009**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

**REPLY TO RESPONSE OF  
ERIK MOLVAR RE FAILURE TO  
GIVE PROPER NOTICE**

COMES NOW, John Green, General Partner of Mineral Hill, L.P., which arc surface and mineral owners of proprty located in the Sand Creek area and replies to Erik Molvar's email response re failure to give proper notice:

Mr. Molvar, an apparent layman practicing law without a license, while representing a corporation named Biodiversity Conservation Alliance and others, fails to respond to Green's complaint that mineral owners, listed in the filed pctition (Table IV) were listed with an invalid address and service agent, thus preventing these mineral interest holders from receiving proper notice. Green previously provided documentation from the Wyoming Secretary of State's office to support this allegation.

Mr. Molvar does respond, apparently admitting that surface owners (Table III) were not given proper notice.<sup>1</sup> Again, Section 35-11-103(a)(vii) provides that all owners of property rights who would be "aggrieved" by the petition if granted, are entitled to notice as a matter of right. Instead, Mr. Molvar attempts to argue that no notice is required, avoiding completely any reference to the right to notice of those owners who would be aggrieved per statute, and instead claiming that no notice is required because the applicable provisions (although not referenced) only require notice to "contiguous" owners and would therefore not include any "adjacent" owners. "Contiguous" is commonly defined as: connected or "next to", usually meaning

<sup>1</sup> Hugh Thompson of Alladin, WY has questioned the accuracy of the list provided in Table III. As Mr. Molvar is an apparent laymen, there is no assurance of his competence in obtaining and including correct information although some of the information provided is obviously incorrect as shown by the records of the Wyoming Secretary of State.

adjoining pieces of real estate." See <http://dictionary.law.com>. Thus "contiguous" would seem to include "adjacent" (ie adjoin from the Latin "adjunctus") owners. Obviously, Mr. Molvar's laymen opinion apparently perceives a distinction between these two words, which he concludes obviates the requirement to give notice to aggrieved property owners although he fails to distinguish the difference, or to even address the aggrieved provisions of the notice requirements. The docket sheet of the Wyoming EQC indicates that no notice was given to the owners in Table III, whether considered to be contiguous or adjacent owners, even if there is a distinction to be applied between the two.

WHEREFORE, it is respectfully requested that the proceedings be continued until such time as proper notice is given to all owners who would be aggrieved by the action proposed in the petition as the failure to do so would be a denial of due process.

Dated: July 8, 2009

Respectfully submitted,



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CERTIFICATE OF MAILING

I certify that I have this 8<sup>th</sup> day of July, 2009, mailed the above and foregoing Reply to Response of Erik Molvar re Failure to Give Proper Notice to the Wyoming Environmental Quality Council, Herschler Bldg., Room 1714, 122 W. 25<sup>th</sup> St., Cheyenne, Wyoming 82002 and faxed it to them at 307-777-6134. I have also mailed a copy to the Attorney General's Office, Administrative Division, 123 Capital Building, 200 W. 24<sup>th</sup> St., Cheyenne, WY 82002.



John Green