

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

IN THE MATTER OF THE APPEAL OF)
4W RANCH OBJECTION TO) **DOCKET NO. 04-3801**
NPDES PERMITS WY0051217,)
WY0051233 & WY0051373)

AMENDED NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on September 26-28, 2006 at the Wright Branch Library, 305 Wright Blvd., Wright, Wyoming, commencing at 9:00 A.M. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Jon Brady, a member of the Council will serve as hearing examiner.
2. This hearing is held pursuant to sections 35-11-101 through 35-11-1803, W.S. 2004, as amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.
3. A pre-hearing conference in this matter will be conducted on August 24, 2006 at 10:00 A.M. via telephone conference. The parties shall inform the EQC office of a telephone number where they can be reached for the pre-hearing on or before August 21, 2006. Failure to appear at the pre-hearing conference may result in dismissal from this case.
4. The purpose of the pre-hearing conference is:
 - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - c. Stipulation to uncontested facts;
 - d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - e. Pending motions.

5. To facilitate the hearing process, all parties shall deliver a list of witnesses, their addresses, phone numbers, the substance of their proposed testimony, a list of exhibits, and a summation of the facts and legal issues, to all parties to the case and the Environmental Quality Council by 4:00 P.M. on July 31, 2006.

ORDER

On June 15, 2006, a scheduling conference was held and the parties agreed to the following schedule:

IT IS HEREBY ORDERED THAT:

1. Petitioner's Designation of Expert Witnesses shall be delivered no later than 1:00 P.M. July 7, 2006.
2. Companies and the Department of Environmental Quality's Designation of Expert Witnesses shall be delivered no later than 1:00 P.M. July 31, 2006.
3. Discovery shall be completed by August 11, 2006.
4. Pre-hearing memo shall be delivered no later than 4:00 P.M. August 21, 2006.
5. Pre-hearing has been set for August 24, 2006 at 10:00 A.M.
6. For the purposes of this order, delivery shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service.
7. Parties may deliver answers or requests via fax, if prior arrangements have been made between the parties and the original is mailed at the same time.
8. No exchange of Permit copies are required between the parties.
9. All parties shall appear at the pre-hearing conference call on August 24, 2006 at 10:00 A.M. Failure to appear at the pre-hearing will result in dismissal from the case.
10. All parties shall appear on September 26-28, 2006 at 9:00 A.M. to present evidence. Failure to appear at the hearing will result in dismissal from the case.
11. All parties shall deliver the pre-hearing document in accordance with the schedule set forth in this Notice of Hearing and Order. All other documents shall be filed with the Environmental Quality Council at the address below, and all documents shall be served to all other parties to the case.
12. Documents may be served or delivered by fax transmission or via e-mail if prior

arrangements for the transmission are made with the recipients. The e-mailed document is in either Word for Windows, WordPerfect 6.0, or preferably Adobe pdf format and the original document is mailed to the Council prior to or at the same time as transmission by fax or e-mail. The fax number for the Environmental Quality Council is 307-777-6134 and the e-mail address is kmcgee@state.wy.us.

13. All motions shall be filed by 4:00 P.M. August 21, 2006 and parties shall be prepared to argue pending motion(s) at the pre-hearing; and

14. No continuances shall be granted unless a motion showing good cause for the continuance is filed with the EQC no later than 4:00 P.M. on August 21, 2006 and the Hearing Examiner finds that good cause has been shown.

DATED this 28th day of June, 2006.

A handwritten signature in cursive script that reads "Jon Brady". To the right of the signature is a circular stamp containing the letters "KMS".

Jon Brady, Vice-Chair
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002
Tel: (307) 777-7170
FAX: 307-777-6134

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 28th day of June, 2006, I served a copy of the foregoing AMENDED NOTICE OF HEARING AND ORDER by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Hadassah Marie Reimer
Holland & Hart, LLP
2515 Warren Avenue, Ste. 450
Cheyenne, WY 82001

Robert L. Harshbarger
Jean Sherwin Harshbarger
1162 Lynch Road
Newcastle, WY 82701

John A. Sundahl
Sundahl, Powers, Kapp & Martin
1725 Carey Avenue
P.O. Box 328
Cheyenne, WY 82003-0328

also to the following persons via interoffice mail:

Mike Barrish
Office of Attorney General
123 State Capitol
Cheyenne, WY 82002

John Wagner
Administrator
Water Quality Division
122 West 25th Street
Herschler Building
Cheyenne, WY 82002



Kim McGee, Executive Assistant
Environmental Quality Council
122 W. 25th Street,
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6134