

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

FILED

JUN 27 2006

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF THE APPEAL OF)
4W RANCH, ROBERT L. HARSHBARGER)
AND JEAN SHERWIN HARSHBARGER)
AND THEIR OBJECTIONS TO NPDES)
PERMIT NO.'S 51217, 51233, 51373)**

Docket No. 04-3801

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 prehearing 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 prehearing on or before August 21, 2006. Failure to appear at the prehearing conference may result in dismissal from this case.
4. The purpose of the prehearing 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:

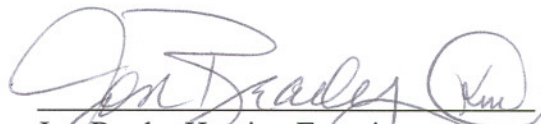
IT IS HEREBY ORDERED THAT:

1. Petitioner's Final Issues shall be delivered for discovery no later than 1:00 P.M. July 7, 2006.
2. Discovery shall be completed by August 11, 2006.
3. Pre-hearing memo shall be delivered no later than 4:00 P.M. August 21, 2006.
4. Pre-hearing has been set for August 24, 2006 at 10:00 A.M.
5. Hearing has been set for September 26-28, 2006 at 9:00 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 arrangement 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 prehearing conference call on August 24, 2006 at 10:00 A.M. Failure to appear at the prehearing 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 prehearing 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 Window, 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 prehearing; 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 27th day of June, 2006.

A handwritten signature in black ink, appearing to read "Jon Brady", with a circled initial "JB" to the right.

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