

FILED

SEP 12 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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

**IN THE MATTER OF THE APPEAL OF)
4W RANCH OBJECTION TO)
NPDES PERMITS WY0051217,)
WY0051233, & WY0051373)**

DOCKET NO. 04-3801

PRE-HEARING CONFERENCE ORDER

THIS Order arises out of the pre-hearing conference conducted by Jon Brady, Hearing Examiner, Terri Lorenzon, Director/Attorney and Joe Girardin, Paralegal for the Environmental Quality Council on August 24, 2006.

1. MOTIONS

- (a) Bill Barrett Corporation Motion for Summary Judgment
 - (i) Arguments for this motion will be heard on September 26, 2009 at 9:00 a.m. The Parties will have 10 minutes to present their arguments.
 - (ii) The 4W Ranch will file their written response to the motion by 4:00 p.m. September 5, 2005.
- (b) Motion to Dismiss Petitioners' Appeal Against Merit Energy Company's NPDES Permit No. 51373
 - (i) Arguments for this motion will be heard on September 26, 2009 after arguments for Barrett's motion for summary judgment are heard. The Parties will have 10 minutes to present their arguments.
 - (ii) The 4W Ranch will file their written response to the motion by 4:00 p.m. September 5, 2005.

2. EXHIBITS

The parties shall file a list identifying which exhibits the parties stipulate are to be admitted into evidence and reserving objections to the remaining exhibits, setting forth their specific objection by 4:00 p.m. September 11, 2006.

3. ORDER OF PROCEEDING

The order for the presentation of evidence shall be as follows:

- 1. Robert L. and Jean Harshbarger
- 2. Department of Environmental Quality
- 2. Bill Barrett Corporation

3. Merit Energy Company

Objections to pre-hearing conference order. The parties shall have two days from the date of service to serve and deliver any objections to this order.

SO ORDERED this 12TH day of September.


Jon Brady, Hearing Examiner
Environmental Quality Council

(km)

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 12th day of September, 2006, I served a copy of the foregoing **PRE-HEARING CONFERENCE 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

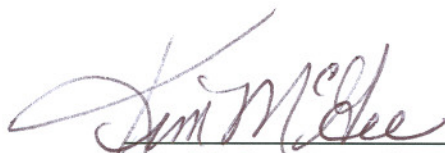
Robert L. Harshbarger
Jean Sherwin Harshbarger
1162 Lynch Road
Newcastle, WY 82701

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



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