

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

**FILED**

JUL 03 2007

IN THE MATTER OF THE APPEAL )  
OF THE COPPERLEAF SUBDIVISION WATER )  
SUPPLY, TREATMENT, STORAGE, AND ) Docket No. 06-3814  
BOOSTER PUMPING SYSTEMS, )  
Permit No. 06-274RR / Reference No. 06-236RR )

Terri A. Lorenzon, Director  
Environmental Quality Council

**SUPPLEMENT TO PETITIONERS' PRE-TRIAL CONFERENCE MEMORANDUM,  
MOTION TO TAKE JUDICIAL NOTICE AND REPORT ON JUNE 27, 2007 COUNSEL  
MEETING ON EXHIBITS**

Petitioners/Appellants David Jamison, Robert Hoszwa and Northfork Citizens for Responsible Development (Petitioners), by and through their undersigned attorneys, hereby supplement their Pre-Trial Conference Memorandum by identifying several additional potential hearing exhibits, by identifying one potential impeachment exhibit, and by moving the Council to take judicial notice of certain exhibits as more specifically set forth herein as follows:

**I: Additional Petitioners' Exhibits.**

Petitioners identify the following additional potential hearing exhibits:

34. June 21, 2005 Park County, Wyoming Zoning Resolution # 2005-40 – 6 pages.
35. March 14, 2006 Park County, Wyoming Zoning Resolution #2006-16 – 6 pages.
36. July 6, 2006 Park County, Wyoming Zoning Clarification Resolution # 2006-53 – 2 pages.

Copies of these exhibits are attached to this pleading.

**II. Impeachment Exhibit.**

Excerpt of hearing proceeding from State of Wyoming, Board of Control Docket Nos. III-2005-4-16 and III-2005-4-17 – Sworn BOC hearing testimony of Jeremy Easum, P.E.

**III. Motion for the Council to take Judicial Notice of Certain Petitioners' Exhibits.**

Pursuant to the Wyoming Administrative Procedures Act and W.R.E. 201, Petitioners hereby respectfully move the Council to take judicial notice of the following Petitioner's

Exhibits: Exhibit 4, Exhibit 7, Exhibit 32, Exhibit 34, Exhibit 35, and Exhibit 36. Petitioners otherwise fully reserve and do not waive the right to seek to introduce any of these exhibits on another basis including, but not limited to, use of these exhibits for impeachment purposes.

**IV. Report on June 27, 2007 counsel meeting on Exhibits.**

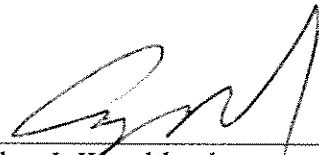
Counsel for all parties met at Mr. Stinson's office in Cody on the afternoon to discuss exhibit stipulations. Mr. Burbridge participated in this conference by telephone. At the conclusion of the conference it was determined that stipulations as to all or parts of the DEQ's Exhibit 1 cannot be decided upon until a complete and accurate photocopy of that exhibit is actually provided to counsel for the Petitioner and the Intervenor. Counsel for the DEQ advises that the exhibit is a large en masse exhibit that is 8 inches thick and likely contains numerous different individual exhibits and documents from the DEQ files in this permitting matter. Due to the fact that the DEQ's copying budget is presently exhausted and will not reauthorize and fund until July 1, 2007, counsel for the DEQ is unable to provide complete copies of DEQ Exhibit 1 to the other parties prior to July 5-6, 2007. Counsel for all parties are therefore presently unable to determine whether several of Petitioners' exhibits and/or Intervenor's exhibit A will be duplicative to all or part of DEQ Exhibit 1 unless and until they actually receive complete and accurate copies of that exhibit for inspection and discussion. Counsel will meet to review and discuss the DEQ exhibit on July 8, 2007 at 4:00 pm at Mr. Stinson's office.

Counsel for the DEQ and counsel for the Intervenor were not otherwise ready to make specific stipulations concerning the Petitioners' exhibits at the June 27, 2007 meeting.

Counsel for Petitioners agrees to stipulate Intervenor's Exhibit B, C, and D for all purposes at this time.

All parties otherwise reserved all objections to any exhibit for which a stipulation for use does not yet exist. Petitioners expressly reserve all objections concerning the provision, designation, and content of DEQ Exhibit 1.

Dated this 28th day of June, 2007.

By:   
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**CERTIFICATE OF SERVICE**

I certify that on the 28<sup>th</sup> day of June, 2007, I served a true and correct copy of the foregoing as follows:

John Burbridge  
Office of Attorney General  
123 State Capitol  
Cheyenne, WY 82002


[ ] Federal Express  
[ X ] U.S. Mail  
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