

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUN 13 2007

WYOMING OUTDOOR COUNCIL,)
)
Petitioner,)
)
v.)
)
WYOMING DEPARTMENT OF)
ENVIRONMENTAL QUALITY, WATER)
QUALITY DIVISION,)
)
Respondent.)

Terri A. Lorenzon, Director
Environmental Quality Council

Docket Numbers
06-3816 & 06-3817

AMENDED SCHEDULING CONFERENCE ORDER

THIS Order arises out of the scheduling conference conducted by Dennis Boal, hearing examiner for the Environmental Quality Council, on May 22, 2007.

1. Wyoming Department of Environmental Quality's (DEQ) MOTION TO CONSOLIDATE CASES.

(a) The hearing examiner considered the DEQ's MOTION TO CONSOLIDATE CASES. The Wyoming Outdoor Council (WOC) does not object to the motion to consolidate.

(b) Pursuant to Chapter II, Section 14 of the DEQ Rules of Practice and Procedure and Rule 42(a) of the Wyoming Rules of Civil Procedure, the Council may consolidate actions involving common questions of law or fact to avoid unnecessary costs or delay.

(c) After discussion with the parties and review of the issues and facts related to both WOC petitions, docket numbers 06-3816 and 06-3817, the hearing examiner finds that the petitions involve the same parties, identical issues of law, common issues of fact, and the same requested relief.

(d) The hearing examiner also finds that consolidating the WOC petitions, docket numbers 06-3816 and 06-3817, will avoid

unnecessary costs and delays by eliminating separate filings and separate hearings.

(e) Therefore, DEQ's MOTION TO CONSOLIDATE CASES is granted. The two cases will be consolidated and referred to as Docket No. 06-3816.

2. Scheduling.

(a) The following schedule is set in this matter:

(1) WOC's motion for summary judgment shall be filed on or before July 13, 2007.

(2) DEQ's response to WOC's motion for summary judgment is due twenty days thereafter.

(3) WOC's reply is due fifteen days after DEQ's response is filed.

(4) Oral argument on WOC's motion for summary judgment is set for September 27, 2007 at 8:00 a.m., location to be determined later. Each party will have thirty minutes for oral argument.

(5) All discovery, both written and oral, shall be completed by November 1, 2007.

(6) The Pre-hearing Conference is set for December 3, 2007. The location and time of the Pre-hearing Conference will be determined later.

(7) Hearing is set for December 17-19, 2007. The location and time of the hearing will be determined later.

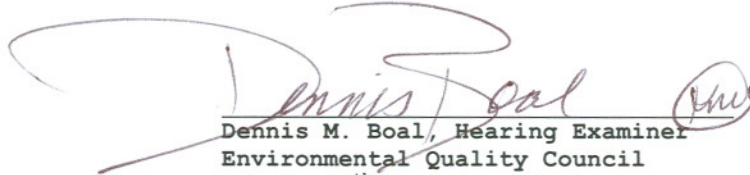
(b) All documents shall be delivered no later than 4:00 p.m. on the above referenced date. For the purposes of this order, delivery shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The Parties may deliver documents via fax or e-mail, if prior arrangements

have been made with the recipients and the original is mailed at the same time.

3. Objections to Scheduling Conference Order.

The parties shall have ten days from the date of service to serve and file any objections to this Scheduling Conference Order.

SO ORDERED this 13th day of June.

A large, stylized handwritten signature in red ink, reading "Dennis M. Boal". To the right of the signature is a small circular stamp containing the initials "DMB".

Dennis M. Boal, Hearing Examiner
Environmental Quality Council
122 W. 25th St., Rm. 1714
Herschler Building
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134

CERTIFICATE OF SERVICE

I, **Kim McGee**, certify that at Cheyenne, Wyoming, on the 13th day of June, 2007, I served a copy of the foregoing **AMENDED ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to;

Steve Jones
Watershed Protection Program Attorney
Wyoming Outdoor Council
262 Lincoln Street
Lander, WY 82520

also to the following persons via interoffice mail:

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

John Wagner, Administrator
WDEQ
122 W. 25th, 4-W
Herschler Bldg.
Cheyenne, WY 82002

John Corra
Director, DEQ
122 W. 25th, 4-W
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