

FILED

FEB 26 2009

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

**Jim Ruby, Executive Secretary
Environmental Quality Council**

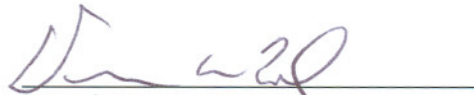
**IN THE MATTER OF THE APPEAL)
OF CLABAUGH RANCH, INC.) **DOCKET NO. 09-3803**
FROM WYPDES PERMIT NO. WY0039616)**

Order Appointing Presiding Officer

The Environmental Quality Council has received a request for a hearing in the above captioned matter on February 17, 2009 from Clabaugh Ranch, Inc.

IT IS HEREBY ORDERED: That Tim Flitner, a member of the Council, is hereby appointed as the Presiding Officer in the above entitled matter

DATED this 24 day of February, 2009.



Dennis Boal, Chairman
Environmental Quality Council
122 W. 25th, Rm.1714
Herschler Bldg.,
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 26th day of February, 2009, I served a copy of the foregoing **ORDER APPOINTING PRESIDING OFFICER** by electronic mail to the following:

Tom C. Toner
Yonkee & Toner, LLP
ttoner@yonkeetoner.com

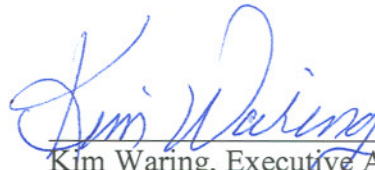
Mark Ruppert
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John Corra
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jcorra@wyo.gov

Office of Attorney General
Jburbl@state.wy.us
mbarra@state.wy.us

also by depositing the same in the United States mail and addressed to:

Pennaco Energy, Inc.
3601 Southern Drive
Gillette, WY 82718



Kim Waring, Executive Assistant
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