

FILED

APR 01 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

ORDER

A short pre-hearing conference will be held in this matter to discuss time frame for discovery, possible hearing dates and time needed for the Parties to present their case. The conference will be conducted on Monday, April 20, 2009 at 1:00 p.m. via telephone conference call. The parties should provide the EQC office with a telephone number where they can be reached for the pre-hearing on or before April 15, 2009. Failure to appear at the pre-hearing conference may result in dismissal from this case.

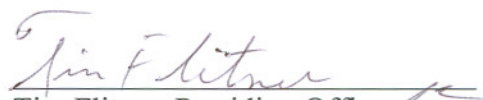
In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the Parties should equally pay the costs of the transcript.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

1. The Parties shall appear for a short pre-hearing conference in this matter that will be conducted on Monday, April 20, 2009 at 1:00 p.m. via telephone conference call. The parties shall inform the EQC office of a telephone number where they can be reached for the pre-hearing on or before April 15, 2009. Failure to appear at the pre-hearing conference will result in dismissal from this case.
2. If the Parties have not filed a waiver on or before April 15, 2009 a court reporter will transcribe the hearing.
3. Each party shall assume one third of the cost of the transcript and court reporter.

DATED this 15th day of April, 2009.


Tim Flitner, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

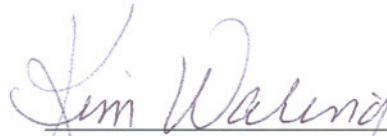
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 1st day of April, 2009, I served a copy of the foregoing **ORDER** by electronic mail to the following:

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

Mark Ruppert
Holland & Hart, LLP
mruppert@hollandhart.com

John Corra
Director, DEQ
jcorra@wyo.gov

Office of Attorney General
Jburb1@state.wy.us
mbarra@state.wy.us



Kim Waring, Executive Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134