

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL, STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF ) DOCKET No: 09-3803 and 09-3804  
CLABAUGH RANCH, INC. REGARDING ) ORDER OF CONSOLIDATION AND  
PERMIT WY0039616 and WY 0039519 ) SCHEDULING ORDER

**FILED**

APR 21 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

ON THE 20<sup>TH</sup> DAY OF APRIL, 2009 at 1:00 p.m. the above entitled matters came on for scheduling conference before the presiding officer of the Council, Tim Flitner. Present were Tom Toner, counsel for the Petitioner; John Burbridge, Asst. Attorney General on behalf of the Department of Environmental Quality and Mark Ruppert on behalf of Pennaco Energy. Also present for the conference were James Ruby, Exec. Secretary for the Council and Joe Girardin the Council's paralegal.

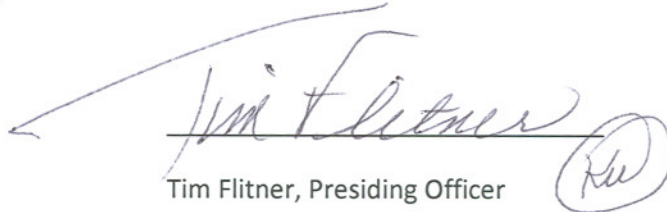
The Parties agreed that the two matters found at Docket No.'s 09-3803 and 09-3804 may be consolidated. Therefore the two matters are hereby consolidated under the Docket Number 09-3803.

Discussion was held by the parties and the Presiding Officer and the following was agreed to by the Parties and is hereby made the Order of the Council:

1. The Petitioner shall file their Expert Reports by August 1, 2009.
2. The Respondent and Third Party Respondent shall file their Expert Reports by Sept. 1, 2009.
3. Discovery shall be concluded by November 1, 2009.
4. Any Dispositive Motions shall be filed by Dec. 1, 2009
5. Reply's to Dispositive Motions shall be filed by Dec. 15, 2009
6. Hearing on any Dispositive Motions shall be heard on January 13, 2010. The time and place will be set at a later date.
7. A prehearing conference shall be held, if necessary, on January 13, 2010 after the hearings on any dispositive motions.
8. Final Hearing on the matter shall be held on February 9, 10, and 11th, 2010. The time and place will be set at a later date.

All filings shall be made no later than 4:00 p.m. on the date set forth in this Order.

SO ORDERED this 21st Day of April, 2009.



Tim Flitner, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

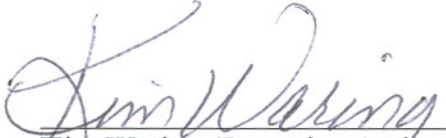
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 21<sup>st</sup> day of April, 2009, I served a copy of the foregoing ORDER OF CONSOLIDATION AND SCHEDULING ORDER by electronic mail to the following:

Tom C. Toner  
Yonkee & Toner, LLP  
[ttoner@yonkeetoner.com](mailto:ttoner@yonkeetoner.com)

Mark Ruppert  
Holland & Hart, LLP  
[mruppert@hollandhart.com](mailto:mruppert@hollandhart.com)

John Corra  
Director, DEQ  
[jcorra@wyo.gov](mailto:jcorra@wyo.gov)

John Burbridge  
Sr. Asst. Attorney General  
[Jburbl@state.wy.us](mailto:Jburbl@state.wy.us)

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