

FILED

APR 09 2009

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

Kate M. Fox (Wy. Bar No. 5-2646)
J. Mark Stewart (Wy. Bar No. 6-4121)
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**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING**

IN THE MATTER OF THE APPEAL OF)
JOHN D. KOLTISKA, AC RANCH, INC.,)
a Wyoming Corporation, PRAIRIE DOG)
RANCH, INC. a Wyoming Statutory Close) Docket No. 09-3805
Corporation, and PRAIRIE DOG WATER)
SUPPLY COMPANY FROM WYPDES)
PERMIT NO. WY0054364)

PETITIONERS' MOTION TO CONTINUE PRE-HEARING CONFERENCE

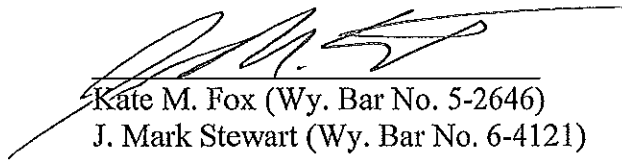
Petitioners' in the above captioned matter, by and through their counsel Kate M. Fox and J. Mark Stewart of Davis & Cannon, LLP request that the scheduling conference set for April 20, 2009 at 9:00 a.m. be continued. As grounds therefore, Petitioners' counsel state as follows:

Petitioners' counsel have a firm retreat in Sheridan, Wyoming April 19 through the evening of April 20, 2009 and are unavailable at the scheduled time. Opposing counsel were consulted April 9, 2009 to determine if they would object to continuing the pre-hearing conference. Counsel for Respondent Pennaco Energy, Inc., Mark Ruppert, does not object. Counsel for Respondent Wyoming Department of Environmental Quality, Mike Barrash, was unavailable, being out of town the week of April 3-10, 2009.

Wherefore, Petitioners request the pre-hearing conference scheduled for Monday, April 20, 2009 at 9:00 a.m. be continued. To the extent it will aid the Council and Hearing Officer, Petitioners' advise that counsel for all parties are available on Tuesday, April 21, 2009 after 9:30 a.m.

DATED this 9th day of April, 2009.

Davis & Cannon, LLP



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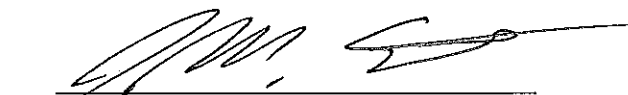
CERTIFICATE OF SERVICE

I, J. Mark Stewart, certify that on the 9th day of April, 2009 a copy of the foregoing Petitioners' Motion to Continue Pre-Hearing Conference was served via U.S. Mail and email to the following

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J. Mark Stewart