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FILED
MAY 14 2009
Jim Ruby, Executive Secretary
Environmental Quality Council

**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)

STIPULATED MOTION FOR LEAVE TO AMEND PETITION

JOHN D. KOLTISKA, AC RANCH INC., PRAIRIE DOG RANCH, INC., AND PRAIRIE DOG WATER SUPPLY COMPANY, pursuant to Wy. R. Civ. P. 15 move the Environmental Quality Council for leave to file an amended petition in the above captioned matter. As grounds therefore, Protestants state as follows:

On January 6, 2009, with the approval of the Administrator of WDEQ/WQD and the Director of WDEQ, WYPDES Permit No. WY0054364 was issued to Pennaco Energy, Inc. (Pennaco). On March 5, 2009, Petitioners filed their petition requesting that the Council reverse the decision to issue permit WY0054364.

On April 21, 2009, a prehearing conference was held before the presiding Officer for the Council, Dennis Boal. The Council issued its scheduling order on April 23, 2009.

Written discovery pursuant to the scheduling order was initiated by the Petitioners on April 28, 2009. WDEQ and Pennaco served written discovery requests on Petitioners on April 30 and May 4, 2009.

On April 29, 2009, with the approval of the Administrator of WDEQ/WQD and the Director of WDEQ, WYPDES Permit No. WY0054364 (the Permit), was issued to Pennaco Energy, Inc. (Pennaco), modifying the permit issued on January 6, 2009. Specifically, the Permit eliminated Outfall 001 into Wildcat Creek, which was identified in Petitioners' Petition of March 5, 2009. In the interest of judicial economy, the Parties

request that this matter be subject to the Scheduling Order of April 23, 2009 issued in this matter. The only changes proposed to the petition are to amend the date of issuance of the modified permit and to eliminate reference to Outfall 001. Protestants' Amended Petition is attached with these proposed amendments shown in strikeout and bold text.

Protestants and Respondents have conferred and Respondents stipulate to this motion.

Dated this 14th day of May, 2009.



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CERTIFICATE OF SERVICE

I certify that on the 14th day of May, 2009, I served a true and correct copy of the foregoing by U.S. registered mail, return receipt requested, postage prepaid and addressed to:

Chairman Environmental Quality Council
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