

**FILED**

**JUL 10 2009**

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

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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 )  
Corporation, and PRAIRIE DOG WATER )  
SUPPLY COMPANY FROM WYPDES )  
PERMIT NO. WY0054364 )

Docket No. 09-3805

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**STIPULATED MOTION TO AMEND SCHEDULING ORDER**

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JOHN D. KOLTISKA, AC RANCH INC., PRAIRIE DOG RANCH, INC., AND  
PRAIRIE DOG WATER SUPPLY COMPANY, herewith move the Environmental  
Quality Council to amend the Scheduling Order entered in the above captioned action.  
As grounds therefore, Petitioners state as follows:

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  
setting the deadline for all non-expert written and oral discovery be completed by July 1,  
2009, that Petitioners file their Expert Designations by July 17, 2009 and that the Third  
Party Respondents (Pennaco) file their Expert Designations by August 14, 2009.

The parties have worked diligently and cooperatively to comply with the Scheduling Order. Non-expert written and oral discovery has been propounded and completed. Depositions of the Petitioners' representative and of Respondent's (WDEQ) representatives were taken, respectively, on June 18, 2009 and on June 23 and 24, 2009. Transcripts of Respondent's representatives' depositions were delivered in electronic format to the parties on July 8 and July 9, 2009. These materials are necessary for Petitioners' experts to prepare their reports and opinions and the Petitioners, therefore, require additional time in which to designate experts.

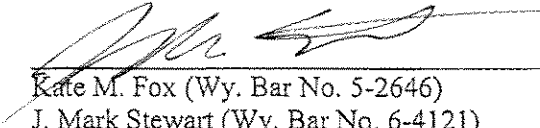
The Parties have consulted and agree that Petitioners' expert designations may be extended to July 22, 2009, and Respondents' expert designation deadline may be extended to August 18, 2009 without prejudice to the parties or effect on any other deadline in the Scheduling Order. Petitioners agree to reduce commensurately the time in which they will respond to written discovery propounded on Petitioners' experts.

Therefore, Petitioners request that the Scheduling Order be amended as follows:

1. The Petitioner shall file their Expert Designation and Reports by July 22, 2009.
2. The Respondent and Third Party Respondent shall file Expert Designation and Reports by August 18, 2009.


The Parties have conferred and Respondent and Third Party Respondent stipulate to this motion as evidenced by counsels' signatures below. A proposed order granting this motion and amending the Scheduling Order is attached hereto.

Dated this 9<sup>th</sup> day of July, 2009.




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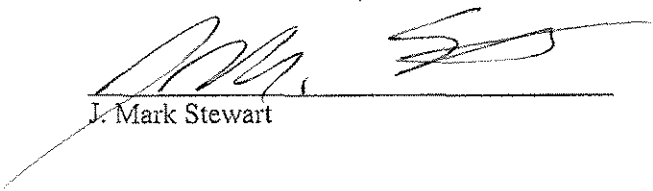
CERTIFICATE OF SERVICE

I certify that on the ~~16~~<sup>17</sup> day of July, 2009, I served a true and correct copy of the foregoing by email and U.S. Mail to:

Chairman Environmental Quality Council  
122 West 25<sup>th</sup> Street  
Herschler Building, Room 1714  
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