

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

NOV 23 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE APPEAL )  
OF CLABAUGH RANCH, INC. FROM ) Docket No. 09-3806  
WYPDES PERMIT NO. WY0042102 )

**FINAL ORDER FOR MODIFICATION OF WYPDES PERMIT NO. WY0042102**

This matter was brought before the Wyoming Environmental Quality Council (Council) on Clabaugh Ranch Inc.'s (Clabaugh) Petition for review of the Wyoming Department of Environmental Quality (DEQ) major modification of the renewal of WYPDES Permit No. WY0042102 issued to Pennaco Energy, Inc. (Pennaco) on or about May 6, 2009.

Chapter 1, Section 11(a) of the DEQ Rules of Practice and Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the Council. Wyo. Stat. § 35-11-112(c)(ii) authorizes the Council to order that a permit be modified.

The Council, having considered the Parties' Joint Stipulation, and any statements made by the Parties at a hearing on this Joint Stipulation,

FINDS AND ORDERS that:

1. The Parties' Joint Stipulation, including the agreed administrative modification detailed in the Joint Stipulation, is hereby approved and is binding upon the Parties, their successors and assigns;
2. The contested May 6, 2009 major modification and renewal of WY0042102 is now modified as specifically set forth in the Joint Stipulation;
3. Clabaugh's pending Petition for review of the May 6, 2009 major modification and renewal of WYPDES Permit No. WY0042102 is dismissed with prejudice; and

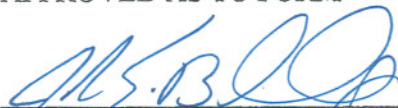
4. Each party shall bear its own costs and attorney fees through the entry of this

Order.


Dated this 22<sup>nd</sup> day of September, 2009.


  
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Presiding Officer  
Environmental Quality Council

APPROVED AS TO FORM

  
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**CERTIFICATE OF SERVICE**

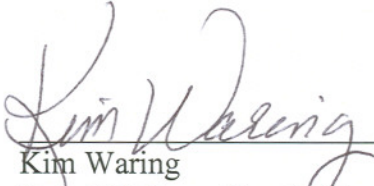
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 23<sup>rd</sup> day of November, 2009, I served a copy of the foregoing **FINAL ORDER FOR MODIFICATION OF WYPDES PERMIT NO. WY0042102** by electronic mail to the following:

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