

**APR 29 2011**

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

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

<b>IN THE MATTER OF:</b>	)	
<b>James Pace</b>	)	<b>DOCKET NO. 10-3207A</b>
<b>P.O. Box 575</b>	)	
<b>Douglas, WY 82633</b>	)	
	)	<b>PREHEARING ORDER</b>
<b>And</b>	)	
	)	
<b>Peter J. Moore and Bonnie Smith Moore</b>	)	
<b>103 Hwy. 59</b>	)	
<b>Douglas, WY 82633</b>	)	

The above entitled matter came on for preconference hearing on April 29, 2011 at 9:30 a.m. Present were Harry Bondi on behalf of the Moores, James Hardee on behalf of Pace, Mike Barrash on behalf of the DEQ and James Ruby and Joe Girardin, staff for the Council. The hearing was transcribed by a court reporter.

The final hearing shall proceed as follows:

The Parties will have 5 minutes for opening. Pace will go first followed by the Moores and then the DEQ.

The DEQ bears the burden of proof in this matter.

The DEQ will present its case first. Each witness called by the DEQ will be subject to cross examination. The Moores will cross first and Pace will cross second. The DEQ will then have an opportunity for redirect.

Once the DEQ has rested the Moores will put on their case followed Pace. All of the parties' witnesses will be subject to cross.

Pace will cross first on the Moores' witnesses and the DEQ will cross second. Then Pace will have a chance for redirect.

The Moores will cross first on Pace's witnesses and the DEQ you will go second. Pace will then have a chance for redirect.

There will not be any opportunity for recross by any of the parties.

After all evidence is submitted each party will receive 5 minutes for a closing argument. The order of closing will be the same as the order for the opening.

The Parties have stipulated to the following facts contained within the DEQ prehearing


memorandum under the heading UNCONTESTED FACTS: Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 23, 25, 26, 27, 28, 29, and 30. The Parties did not stipulate to paragraphs 14, 20, 22, 24 or 31 contained in the DEQ's prehearing memorandum under the heading UNCONTESTED FACTS.

The Parties stipulated to foundation for all of the EXHIBITS except for the DEQ Exhibit #21.

The Parties did not disclose the need for any pretrial motions.

The Parties are hereby Ordered bound by these stipulations unless within 3 days of receipt of this Order the party objects to this Order.

SO ORDERED THIS 29<sup>th</sup> day of April, 2011

  
Tom Coverdale, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 29<sup>th</sup> day of April, 2011, I served a copy of the foregoing **PREHEARING ORDER** by electronic mail to the following:

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

John Wagner, Administrator  
DEQ Water Quality Division  
[jwagner@wyo.gov](mailto:jwagner@wyo.gov)

Asst. Attorney General  
Mike Barrash  
[mbarra@state.wy.us](mailto:mbarra@state.wy.us)

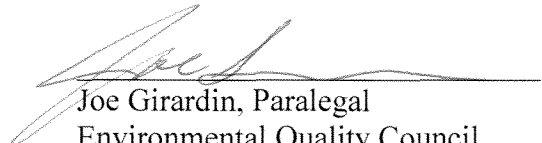
also by depositing the same in the United States mail addressed to:

James J. Pace  
P.O. Box 575  
Douglas, WY 82633

Peter J. Moore and Bonnie Smith Moore  
103 Hwy. 59  
Douglas, WY 82633

Harry G. Bondi, No. 5-1354  
Harry G. Bondi Law Offices, P.C.  
143 South Center Street  
Casper, WY 82601  
307-266-4425

James Hardee  
Attorney at Law  
900 South Grant  
Douglas, WY 82633



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