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OCT 2 9 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. <u>09-3805</u>
Corporation, and PRAIRIE DOG WATER)	
SUPPLY COMPANY FROM WYPDES)	
PERMIT NO. WY0054364)	

PETITIONERS' RESPONSE TO PENNACO'S ANNEX OF UNDISPUTED FACTS

Petitioners John D. Koltiska, AC Ranch, Inc., Prairie Dog Ranch, Inc. and Prairie Dog Water Supply Company respectfully submit their response to Pennaco's Annex of Undisputed Facts.

Unless otherwise admitted in Petitioners' Response to Pennaco's Motion to Dismiss and Petitioners' Response to Pennaco's Motion for Summary Judgment and to Strike Expert Testimony, Petitioners dispute Pennaco's "undisputed facts," particularly those listed in paragraphs 9, 11, 12, and 17.

Dated this 30 day of October, 2009.

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CERTIFICATE OF SERVICE

I certify that on the day of October, 2009, I served a true and correct copy of the foregoing by hand delivery to:

Chairman Environmental Quality Council 122 West 25th Street Herschler Building, Room 1714 Cheyenne, WY 82002

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