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

) Docket No. 24-1601  
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In re: Black Hills Bentonite  
Permit to Mine No. 248C  
Murphy Creek Update Area

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**PETITIONER BLACK HILLS BENTONITE, LLC’S  
MOTION FOR SUMMARY JUDGMENT**

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**COMES NOW**, Petitioner, Black Hills Bentonite, LLC (“**BHB**”), a Wyoming limited liability company, through its undersigned counsel, Kayla A. Albertson, Patrick R. Tolley, and John A. Masterson of Welborn Sullivan Meck & Tooley, P.C., and pursuant to Wyo. R. Civ. P. 56 hereby moves this Council for its order granting summary judgment in favor of BHB on all claims asserted in its *Petition to the Environmental Quality Council for Order in Lieu of Landowner Consent* filed on March 20, 2024. The basis for this *Motion for Summary Judgment* (“**Motion**”) is fully set out in the concurrently filed *Petitioner Black Hills Bentonite, LLC’s Memorandum in Support of Motion for Summary Judgment*, which clearly establishes that there is no genuine issue of material fact in dispute, and BHB is entitled to judgment as a matter of law.

**WHEREFORE**, BHB prays for the following relief:

1. That this Council grant BHB's *Motion for Summary Judgment*, finding that there are no genuine issues of material fact and that BHB is entitled to judgment as a matter of law on all claims asserted in its Petition;
2. That this Council grant BHB's *Petition to the Environmental Quality Council for Order in Lieu of Landowner Consent*;
3. That this Council base its decision solely on the written arguments and evidence, without a hearing or oral arguments on the undisputed facts; and
4. For such other and further relief as the Council deems just and proper under the circumstances.

**DATED** this 12 day of July 2024.



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Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing was served herein this 12 day of July 2024, sent via US Postal Service and Email as follows:

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