

FILED

OCT 18 2007

Terri A. Lorenzon, Director
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
THE STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF)
CLABAUGH RANCH, INC.)
FROM WYPDES PERMIT NO. WY0048917)

Docket No. 07-3801

RESPONSE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality(DEQ)/Water Quality Division (WQD) by and through its attorney, John S. Burbidge, Senior Assistant Attorney General, hereby responds to Clabaugh Ranch, Inc's. (Clabaugh) appeal of WYPDES Permit No. WY0048917, issued by the DEQ/WQD and states to the Environmental Quality Council (EQC) the following:

1. The DEQ admits the information contained in paragraph 1 of Clabaugh's appeal.
2. The DEQ admits the information contained in paragraph 2 of Clabaugh's appeal.
3. The DEQ admits the information contained in paragraph 3(a) of Clabaugh's appeal.
4. The DEQ admits the information contained in paragraph 3(b) of Clabaugh's appeal.
5. The DEQ admits the information contained in paragraph 3(c) of Clabaugh's appeal.

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6. The DEQ admits that the outfalls are located up drainage from Clabaugh's ranch but denies the remainder of the information contained in paragraph 3(d) of Clabaugh's appeal.

7. The DEQ admits that discharge water may reach Clabaugh's ranch. The DEQ can not admit or deny whether discharge water will pass through Clabaugh's ranch for several miles as alleged in paragraph 3(e) of Clabaugh's appeal.

8. The DEQ admits that discharge water may reach Clabaugh's ranch. The DEQ is without sufficient knowledge to be able to either admit or deny whether discharge water will pass through areas of Clabaugh's ranch that serve as important grazing pastures of livestock as alleged in paragraph 3(f) of Clabaugh's appeal.

9. The DEQ denies the information contained in paragraph 3(g) of Clabaugh's appeal.

10. The DEQ denies the information contained in paragraph 3(h) of Clabaugh's appeal.

11. The DEQ denies the information contained in paragraph 3(i) of Clabaugh's appeal.

12. The DEQ denies the information contained in paragraph 3(j) of Clabaugh's appeal.

13. The DEQ denies the information contained in paragraph 3(k) of Clabaugh's appeal.

14. The DEQ denies the information contained in paragraph 3(l) of Clabaugh's appeal.

15. The DEQ denies the information contained in paragraph 3(m) of Clabaugh's appeal.

16. The DEQ denies the information contained in paragraph 3(n) of Clabaugh's appeal.

17. The DEQ denies the information contained in paragraph 3(o) of Clabaugh's appeal.

18. The DEQ denies the information contained in paragraph 3(p) of Clabaugh's appeal.

19. The DEQ denies the information contained in paragraph 3(q) of Clabaugh's appeal.

20. The DEQ denies the information contained in paragraph 3(r) of Clabaugh's appeal.

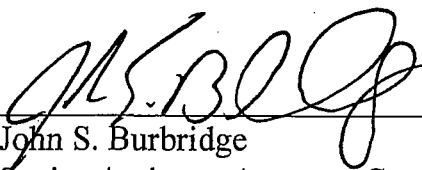
21. The DEQ denies the information contained in paragraph 3(s) of Clabaugh's appeal.

22. The DEQ denies each and every allegation not specifically admitted to in this response.

WHEREFORE, the DEQ prays that the Environmental Quality Council enter an ORDER affirming the issuance of WYPDES Permit No. WY0048917.

DATED this 18th day of October, 2007.

FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY

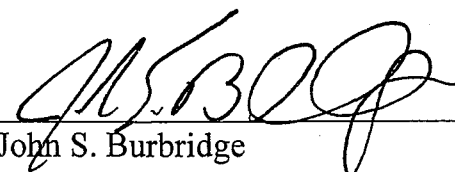


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CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that the foregoing Response was served by US. Mail, postage prepaid, and addressed correctly, to the following people on the 18th day of October, 2007:

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319 W. Dow Street
P.O. Box 6288
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John S. Burbridge