

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

**IN THE MATTER OF THE APPEAL)
OF CLABAUGH RANCH, INC.)
FROM WYPDES PERMIT NO. WY0049697)**

DOCKET NO. 08-3802

FILED

SEP 12 2008

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

SCHEDULING CONFERENCE ORDER

THIS Order arises out of the scheduling conference conducted by Deborah Baumer, Hearing Examiner, Tim Flitner, Presiding Officer, and Jim Ruby Executive Secretary, for the Environmental Quality Council, on September 8, 2008.

1. Scheduling.

(a) The following schedule is set in this matter:


- (1) Expert designation and reports are due May 29, 2009.
- (2) Rebuttal expert designations and reports are due June 15, 2009.
- (3) All discovery, both written and oral, shall be completed by July 17, 2009.
- (4) Dispositive motions shall be filed and served on or before July 17, 2009.
- (5) Responses to dispositive motions shall be filed and served on or before July 31, 2009.
- (6) Oral argument on dispositive motions is set for August 10, 2009 in Casper Wyoming. The location and time of the arguments will be determined later. Each party will have ten minutes for oral argument.
- (7) Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council and served on all parties on or before September 4, 2009. At a minimum the memorandums shall identify the issues of the hearing, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the Prehearing Conference.
- (8) The pre-hearing conference is set for September 15, 2009 in Casper, Wyoming. The location and time of the conference will be determined later. The purpose of the pre-hearing conference is to:

- a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - c. Stipulation to uncontested facts;
 - d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - e. Pending motions.
- (9) Hearing is set for September 28 through October 2, 2009 in Sheridan, Wyoming. The exact location and time of the hearing will be determined later.
- (b) All documents shall be delivered to the EQC no later than 4:00 p.m. on the above referenced date. For the purposes of this order, delivery shall mean that the EQC and parties have the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made and the original is mailed at the same time.
 - (c) The parties shall file the original and 10 copies of all documents except discovery notifications with the EQC.
 - (d) Only the original notification of discovery requests, answers and expert designations needs be filed with the EQC office.

2. Objections to Scheduling Conference Order.

The parties shall have ten days from the date of service to serve and file any objections to this Scheduling Conference Order.

SO ORDERED this 12th day of September, 2008.


Tim Flitner, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

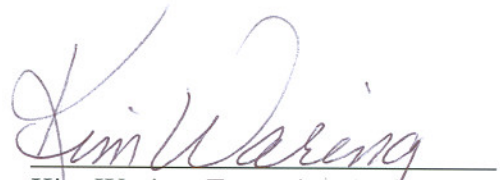
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 12th day of September, 2008, I served a copy of the foregoing SCHEDULING CONFERENCE ORDER by electronic mail to the following;

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