

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

FILED

AUG 07 2009

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

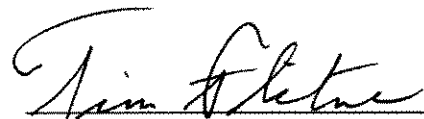
DOCKET NO. 08-3802
ORDER

Jim Ruby, Executive Secretary
Environmental Quality Council


On the 31st day of July 2009, Mr. Pat Crank, counsel for the permittee filed a Motion entitled LANCE OIL AND GAS COMPANY'S MOTION TO RETURN INADVERTENTLY PRODUCED ATTORNEY-CLIENT PRIVILEGED MATERIAL. The Presiding Officer, Tim Flitner, having reviewed the Motion finds that Deb Baumer of the Office of Administrative Hearings should be appointed as the Hearing Officer on this Motion. That Ms. Baumer shall review the referenced material, the facts leading up to the disclosure of the material and the law regarding waiver of privilege. FURTHER, that Ms. Baumer shall provide to the Council a recommended Finding of Fact, Conclusion of Law and Order for the Council's consideration.

The parties will be given the opportunity to provide Ms. Baumer written material of stipulated or argued facts regarding the disclosure of the material and any legal memorandum providing legal precedent to support the parties position.

SO ORDERED, this 7th day of August 2009.



Tim Flitner, Presiding Officer
Member of the EQC


Exec. Sec.

CERTIFICATE OF SERVICE

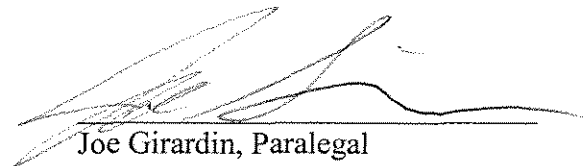
I, Joe Giorardin, certify that at Cheyenne, Wyoming, on the 7th day of August, 2009, I served a copy of the foregoing **ORDER** by electronic mail to the following;

Tom C. Toner
Yonkee & Toner, LLP
ttoner@yonkeetoner.com

John Burbridge
Office of Attorney General
Jburbl@state.wy.us

John Corra
Director, DEQ
jcorra@wyo.gov

Patrick J. Crank
Speight, McCue & Crank, P.C.
pcrank@speightmccue.com



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