

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL, STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF) DOCKET No: 09-3803 and 09-3804
CLABAUGH RANCH, INC. REGARDING) ORDER OF CONSOLIDATION AND
PERMIT WY0039616 and WY 0039519) SCHEDULING ORDER

FILED

APR 21 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

ON THE 20TH DAY OF APRIL, 2009 at 1:00 p.m. the above entitled matters came on for scheduling conference before the presiding officer of the Council, Tim Flitner. Present were Tom Toner, counsel for the Petitioner; John Burbridge, Asst. Attorney General on behalf of the Department of Environmental Quality and Mark Ruppert on behalf of Pennaco Energy. Also present for the conference were James Ruby, Exec. Secretary for the Council and Joe Girardin the Council's paralegal.

The Parties agreed that the two matters found at Docket No.'s 09-3803 and 09-3804 may be consolidated. Therefore the two matters are hereby consolidated under the Docket Number 09-3803.

Discussion was held by the parties and the Presiding Officer and the following was agreed to by the Parties and is hereby made the Order of the Council:

1. The Petitioner shall file their Expert Reports by August 1, 2009.
2. The Respondent and Third Party Respondent shall file their Expert Reports by Sept. 1, 2009.
3. Discovery shall be concluded by November 1, 2009.
4. Any Dispositive Motions shall be filed by Dec. 1, 2009
5. Reply's to Dispositive Motions shall be filed by Dec. 15, 2009
6. Hearing on any Dispositive Motions shall be heard on January 13, 2010. The time and place will be set at a later date.
7. A prehearing conference shall be held, if necessary, on January 13, 2010 after the hearings on any dispositive motions.
8. Final Hearing on the matter shall be held on February 9, 10, and 11th, 2010. The time and place will be set at a later date.

All filings shall be made no later than 4:00 p.m. on the date set forth in this Order.

SO ORDERED this 21st Day of April, 2009.



Tim Flitner, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 21st day of April, 2009, I served a copy of the foregoing ORDER OF CONSOLIDATION AND SCHEDULING ORDER by electronic mail to the following:

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

Mark Ruppert
Holland & Hart, LLP
mruppert@hollandhart.com

John Corra
Director, DEQ
jcorra@wyo.gov

John Burbridge
Sr. Asst. Attorney General
Jburbl@state.wy.us


Kim Waring, Executive Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134