

FILED

AUG 19 2009

*Kim Ruby, Executive Secretary
Environmental Quality Council*

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

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| In the Matter of the Appeal of Clabaugh |) | |
| Ranch, Inc. Regarding Permit |) | Docket Nos. 09-3803 and 09-3804 |
| WY0039519 and WY0039616 |) | (consolidated Docket No. 09-3803) |
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**FINAL ORDER FOR MODIFICATION OF WYPDES PERMIT NOS.
WY0039519 AND WY0039616**

This matter was brought before the Wyoming Environmental Quality Council (Council) on Clabaugh Ranch Inc.'s (Clabaugh) Petition for review of the Wyoming Department of Environmental Quality (DEQ) renewal of WYPDES Permit Nos. WY0039616 and WY0039519 issued to Pennaco Energy, Inc. (Pennaco) on or about December 31, 2008.

Chapter 1, Section 11(a) of the DEQ Rules of Practice and Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the Council. W.S. § 35-11-112(c)(ii) authorizes the Council to order that a permit be modified.

The Council, having considered the Parties' Joint Stipulation, and any statements made by the Parties at a hearing on this Joint Stipulation,

FINDS AND ORDERS that:

1. The Parties' Joint Stipulation, including the agreed administrative modifications detailed in the Joint Stipulation, are hereby approved and are binding upon the Parties, their successors and assigns;
2. The contested December 31, 2008 renewals of WY0039519 and WY0039616 are now modified as specifically set forth in the Joint Stipulation;
3. Clabaugh's pending Petitions for review of the December 31, 2008 renewal of WYPDES Permit Nos. WY0039616 and WY0039519 are dismissed with prejudice; and

4. Each party shall bear its own costs and attorney fees through the entry of this Order.

Dated this 19 day of Aug, 2009.



Presiding Officer
Environmental Quality Council

APPROVED AS TO FORM


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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 19th day of August, 2009, I served a copy of the foregoing **FINAL ORDER FOR MODIFICATION OF WYPDES PERMIT NOS. WY0039519 AND WY0039616** by electronic mail to the following:

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