

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

NOV 23 2009

IN THE MATTER OF THE APPEAL )  
OF CLABAUGH RANCH, INC. FROM ) Docket No. 09-3806  
WYPDES PERMIT NO. WY0042102 )

Jim Ruby, Executive Secretary  
Environmental Quality Council

**FINAL ORDER FOR MODIFICATION OF WYPDES PERMIT NO. WY0042102**

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) major modification of the renewal of WYPDES Permit No. WY0042102 issued to Pennaco Energy, Inc. (Pennaco) on or about May 6, 2009.

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. Wyo. Stat. § 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 modification detailed in the Joint Stipulation, is hereby approved and is binding upon the Parties, their successors and assigns;
2. The contested May 6, 2009 major modification and renewal of WY0042102 is now modified as specifically set forth in the Joint Stipulation;
3. Clabaugh's pending Petition for review of the May 6, 2009 major modification and renewal of WYPDES Permit No. WY0042102 is dismissed with prejudice; and

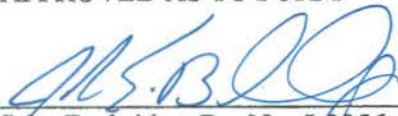
4. Each party shall bear its own costs and attorney fees through the entry of this

Order.

Dated this 22<sup>nd</sup> day of September, 2009.

  
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Presiding Officer  
Environmental Quality Council

APPROVED AS TO FORM

  
\_\_\_\_\_  
John Burbridge, Bar No. 5-2856  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002  
jburbl@state.wy.us

ATTORNEYS FOR WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

  
\_\_\_\_\_  
Tom C. Toner, Bar No. 5-1319  
Yonkee & Toner, LLC  
319 W. Dow St.  
P. O. Box 6288  
Sheridan, WY 82801-1688  
Telephone: (307) 674-7451  
Facsimile: (307) 672-6250  
ttoner@yonkeetoner.com  
ATTORNEYS FOR CLABAUGH RANCH, INC.

  
\_\_\_\_\_  
Mark R. Ruppert, P.C., Bar No. 6-3593  
Matt J. Kelly, Bar No. 6-4278  
HOLLAND & HART LLP  
P. O. Box 1347  
Cheyenne, WY 82003-1347  
Telephone: (307) 778-4200  
Facsimile: (307) 778-8175  
ATTORNEYS FOR PENNACO ENERGY, INC.

## CERTIFICATE OF SERVICE

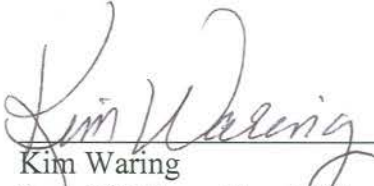
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 23<sup>rd</sup> day of November, 2009, I served a copy of the foregoing **FINAL ORDER FOR MODIFICATION OF WYPDES PERMIT NO. WY0042102** by electronic mail to the following:

Tom C. Toner  
Yonkee & Toner, LLP  
[ttoner@yonkeetoner.com](mailto:ttoner@yonkeetoner.com)

John Corra  
Director, DEQ  
[jcorra@wyo.gov](mailto:jcorra@wyo.gov)

Attorney General's Office  
[Jburbl@state.wy.us](mailto:Jburbl@state.wy.us)

Mark Ruppert  
Matt Kelly  
Holland & Hart, LLP  
[mruppert@hollandhart.com](mailto:mruppert@hollandhart.com)

  
\_\_\_\_\_  
Kim Waring  
Sen. Off. Supp. Specialist  
Environmental Quality Council  
122 W. 25<sup>th</sup>, Rm. 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134