

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

MAR 11 2014

IN RE: THE OBJECTIONS TO CANYON )  
CONCRETE SAND AND GRAVEL LTD. LLC )  
TFN 5 3/313 )  
)

Jim Ruby, Executive Secretary  
Environmental Quality Council

DOCKET NO. 14-4801

**ORDER**

On February 27, 2014 at 2:00 p.m. the Council held a scheduling conference in the above entitled matter. The Presiding Officer was Councilman Tim Flitner. Petitioners present were David and Sandra Allshouse, and David and Helen Robertson. Barbara Wilkerson was unable to attend due to a schedule conflict and late notice of the hearing. Ms. Wilkerson will continue to be considered a party in this matter. Present on behalf of the Department of Environmental Quality (Respondent) was Assistant Attorney General Andrew Kuhlman. Present on behalf of the Third Party Respondent Canyon Concrete Sand and Gravel LTD. LLC was Cindy and Ray Devries, Frank Page and legal counsel Michael Messenger. Staff present for the Council were Jim Ruby, and Joe Girardin. The hearing was recorded. No party requested a court reporter be present. All of the parties consented to a continuance of the final hearing until April 16 and 17, 2014.

**IT IS HEREBY ORDERED**

1. The Parties have until March 25, 2014, 12:00 noon to designate their witnesses both lay and expert and expert reports.
2. The Parties shall file Written Interrogatories, Requests for Production of Documents and other discovery by March 10, 2014. Responses to discovery shall be completed no later than March 21, 2014. The deadline for depositions will be April 4, 2014.

3. Hearings on any dispositive motions will be heard on the same day as the date for final hearing prior to the beginning of the final hearing. All dispositive motions shall be filed no later than 5:00 p.m. April 7, 2014 and responses shall be filed no later than April 11, 2014 at 5:00 p.m.
4. Exhibits shall be filed by each party and with the Council no later than 12:00 noon on April 10, 2014. If possible exhibits should be provided to the council in both digital and one paper copy. If it is not possible to file in digital format than the party should file 1 original and 7 paper copies of their exhibits.
5. The Petitioners shall number their exhibits using their last name and then 1,2,3,4. Mr. and Mrs. Allshouse shall file their exhibits as Allshouse 1,2,3,4 etc. Mr. and Mrs. Robertson shall number their exhibits Robertson 1,2,3,4 etc. Ms. Wilkerson shall number her exhibits Wilkerson 1,2,3,4 etc. The DEQ shall number their Exhibits DEQ 1,2,3,4 etc. Canyon Concrete shall number their exhibits Canyon 1,2,3,4 etc.
6. The Parties estimate that this matter shall take approximately 1 day to present evidence.
7. The final hearing in this matter shall commence at 9:00 a.m. on April 16, 2014. The hearing shall be held at the Northwest College Cody Center located in the Park County Building – 1501 Stampede Ave. Room CC 2201, Cody, WY 82414.

**DATED** this 11th day of March 2014.

  
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Tim Flitner, Presiding Officer  
Environmental Quality Council

## CERTIFICATE OF SERVICE

I, Tyffanne Rowan, certify that at Cheyenne, Wyoming, on the 11<sup>th</sup> day of March, 2014, I served a copy of the foregoing **ORDER** by electronic mail and by depositing copies of the same in the United States mail, postage prepaid, and addressed to the following:

David Allshouse  
Sandra Allshouse  
YoHoe Construction  
31 High Road  
Cody, WY 82414  
[yohoe@tritnet.net](mailto:yohoe@tritnet.net)

Canyon Concrete  
101 Amoretti St.  
Thermopolis WY 82443  
[devries@rtconnect.net](mailto:devries@rtconnect.net)  
[cindy.devries@outlook.com](mailto:cindy.devries@outlook.com)  
[mike@messengeroverfield.com](mailto:mike@messengeroverfield.com)

Barbara Wilkerson  
P.O. Box 2080  
Cody, WY 82414  
[oxbow@tritnet.net](mailto:oxbow@tritnet.net)

David Robertson  
Helen Robertson  
32 Road 2 ABN  
Cody, WY 82414  
[davidsr48@gmail.com](mailto:davidsr48@gmail.com)

and by electronic mail to the following:

Andrew Kuhlmann  
Asst. Attorney General  
[andrew.kuhlmann@wyo.gov](mailto:andrew.kuhlmann@wyo.gov)

Todd Parfitt  
Director, DEQ  
[Todd.Parfitt@wyo.gov](mailto:Todd.Parfitt@wyo.gov)

Nancy Nuttbrock  
LQD Administrator  
[nancy.nuttbrock@wyo.gov](mailto:nancy.nuttbrock@wyo.gov)



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Tyffanne Rowan, Office Assistant II  
Environmental Quality Council  
122 W. 25<sup>th</sup> Street  
Herschler Bldg., Rm. 1714  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134