

FILED

JAN 23 2006

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

**Terri A. Lorenzon, Director
Environmental Quality Council**

IN THE MATTER OF THE APPEAL)
OF THE COPPERLEAF CHAPTER 23) Docket No. 05-3805
SUBDIVISION APPLICATION, #05-S-052)

DEQ'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO APPEAL

Respondent, Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), moves the Wyoming Environmental Quality Council (Council) for an extension until March 1, 2006 of the time for filing an answer to Petitioners' (the "Northfork Group") Petition for Review / Request for Hearing (Petition) in the above-captioned matter before the Council. The grounds for this motion are as follows:

1. Petitioners filed their Petition with the Council on November 9, 2005.
2. The DEQ Rules of Practice and Procedure, Chapter I, Section 3(b) (Initiation of Proceedings) states that all persons requesting a hearing or protesting a permit shall file two copies of a written petition directed to and served upon both the Chairman of the Council and the Director of the Department.
3. The DEQ Rules of Practice and Procedure, Chapter I, Section 1 (Authority) states that these rules are promulgated as authorized by the Wyoming Administrative Procedure Act (WAPA) and the Wyoming Environmental Quality Act (WEQA).
4. The WEQA, WYO. STAT. ANN. § 35-11-103(a)(i), defines "Department" to mean the Department of Environmental Quality.
5. The WEQA, WYO. STAT. ANN. § 35-11-103(a)(iii), defines "Director" to mean the Director of the Department of Environmental Quality.

6. As reflected by the Certificate of Service for their Petition dated November 8, 2005 (**copy attached**), Petitioners did not serve a copy of their Petition on the Director of the Department of Environmental Quality.

7. By Order dated and filed January 10, 2006, the Council ordered the DEQ/WQD to file a response to Petitioners' appeal in this matter on or before January 30, 2006.

8. By similar Orders, also dated and filed January 10, 2006, the Council ordered the DEQ/WQD to file responses in five other, unrelated matters on or before January 30, 2006.

9. Respondent DEQ/WQD did not actually receive a copy of the Petition until DEQ's counsel obtained one from the Council after getting a copy of the Council's January 10th Order on or about January 12, 2006.

10. In addition to responding to the Council's five other January 10th Orders by January 30th, DEQ's counsel will have to prepare in advance to move to another office building at the beginning of February.

11. The DEQ Rules of Practice and Procedure, Chapter I, Section 10(b) (Time) states that the Council may grant extensions of time for good cause shown.

[INTENTIONALLY LEFT BLANK]

WHEREFORE, Respondent DEQ respectfully requests that the Council order the time for filing DEQ's answer to the Petition in this matter be extended for thirty (30) days, from January 30, 2006 until March 1, 2006.

DATED this 23rd day of January, 2006.



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CERTIFICATE OF SERVICE

True and correct copies of the foregoing DEQ'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO APPEAL, were served by United States mail, first class postage prepaid, this 23rd day of January, 2006, addressed as follows:

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