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DEC 08 2008

*Jim Ruby, Executive Secretary
Environmental Quality Council*

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

)
IN THE MATTER OF THE APPEAL)
OF CLABAUGH RANCH, INC. FROM)
WYPDES PERMIT NO. WY0048917)
_____)

Docket No. 07-3801

**FINAL ORDER FOR MODIFICATIONS OF WYPDES PERMIT
NO. WY0048917 AND DISMISSAL OF PETITION FOR REVIEW**

This matter was brought before the Wyoming Department of Environmental Quality Council (“EQC”) on Clabaugh Ranch Inc.’s (“Clabaugh”) Petition for Review of the Wyoming Department of Environmental Quality (“DEQ”), Water Quality Division’s issuance on May 9, 2007 of a Renewal of WYPDES Permit No. WY0048917 authorizing Pennaco Energy Inc. (“Pennaco”) to discharge water produced from its coal bed methane operations into tributaries of Twenty Mile Creek above the Clabaugh ranch. Clabaugh, Pennaco, and the DEQ are the only parties in this contested case.

Chapter I, 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. Wyoming Statute section 35-11-112(c)(ii) authorizes the Council to order that any permit be modified as drafted by DEQ.

The Council having considered the parties’ Joint Stipulation, including Attachment “A” thereto, and statements at the pre-hearing conference on August 29, 2007,

IT IS ORDERED that:

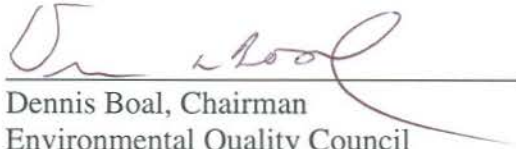
1. The parties' Joint Stipulation, including Attachment "A" thereto (Draft WY0048917 Modification), is hereby approved and is binding upon the parties, their successors and assigns;

2. The contested Renewal of WYPDES Permit No. WY0048917 is hereby further modified and superseded as specifically set forth in Attachment "A";

3. Clabaugh's pending Petition for Review of the contested Renewal of WYPDES Permit No. WY0048917 is hereby dismissed; and

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

DATED this 2 day of ^{December}~~November~~, 2008.


Dennis Boal, Chairman
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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 9th day of December, 2008, I served a copy of the foregoing **ORDER** by electronic mail to the following;

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