

FILED

JUL 31 2009

**Jim Ruby, Executive Secretary
Environmental Quality Council**

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

**IN THE MATTER OF THE APPEAL)
OF CLABAUGH RANCH, INC.)
FROM WYPDES PERMIT NO. WY0049697)**

Docket No. 08-3802

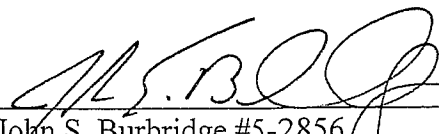
**DEPARTMENT OF ENVIRONMENTAL QUALITY/WATER
QUALITY DIVISION'S OPPOSITION TO CLABAUGH RANCH, INC'S
MOTION FOR SUMMARY JUDGMENT.**

The Department of Environmental Quality (DEQ)/ Water Quality Division (WQD) by and through its attorney, John S. Burbridge, Senior Assistant Attorney General, hereby submits its Opposition to Clabaugh Ranch, Inc.'s (Petitioner) Motion for Summary Judgment and states to the Environmental Quality Council (EQC) the following:

1. Petitioner's motion fails to set forth that there are no genuine issues as to any material fact.

WHEREFORE: for the reasons set forth in the Memorandum in Support of the Department of Environmental Quality/Water Quality Division's Opposition to Petitioner's Motion for Summary Judgment, the DEQ/WQD respectfully requests the Environmental Quality Council to deny Petitioner's Motion for Summary Judgment.

DATED this 31st day of July, 2009.



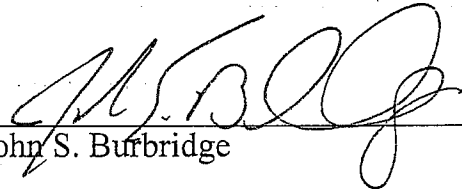
John S. Burbridge #5-2856
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307-777-7823

CERTIFICATE OF SERVICE

I, John S. Burbridge, certify that on this 31st day of July, 2009 the foregoing DEPARTMENT OF ENVIRONMENTAL QUALITY/WATER QUALITY DIVISION'S OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT was served by United States Mail, postage prepaid, as follows:

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