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*Attorney for Proposed Respondent-Intervenor  
 State of Montana*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF WYOMING

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PENNACO ENERGY, INC.,	)	
MARATHON OIL COMPANY, and	)	Cause No. 06-CV-0100-B
DEVON ENERGY CORPORATION,	)	
Petitioners,	)	
	)	
State of Wyoming	)	
Petitioner/Intervenors,	)	
	)	
v.	)	<b>STATE OF MONTANA MOTION</b>
	)	<b>TO INTERVENE AS</b>
	)	<b>DEFENDANT AS A MATTER</b>
UNITED STATES ENVIRONMENTAL	)	<b>OF RIGHT, OR</b>
PROTECTION AGENCY, and ROBERT	)	<b>ALTERNATIVELY,</b>
ROBERTS in his official capacity as	)	<b>PERMISSIVELY</b>
REGIONAL ADMINISTRATOR,	)	
REGION 8, UNITED STATES	)	
ENVIRONMENTAL PROTECTION	)	
AGENCY,	)	
Respondents.	)	

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Pursuant to Fed. R. Civ. P. 24(a), the State of Montana, by and through Gay Woodhouse and the undersigned attorneys of record, hereby respectfully moves to intervene as a Defendant as a matter of right in the above captioned action. In the alternative, Montana moves for permissive intervention on behalf of the Defendant United States Environmental Protection Agency, pursuant to Rule 24(b). In support of its motion Montana states that it is a sovereign state of the United States, and Montana's water quality standards are in issue herein. Montana's interest in protecting its sovereign right to promulgate and enforce water quality standards is such that the disposition of the action will as a practical matter impair or impede Montana's ability to protect that interest. Its interests as a state government are not adequately represented by existing parties. In further support of its motion Montana respectfully submits the following brief in support.

Pursuant to Rule 7(b)(1)(A) of the Local Civil Rules for the United States District Court for the District of Wyoming, undersigned counsel Assistant Attorney General Sarah Bond has conferred by telephone with Petitioners' counsel Brent K. Kunz, Esq., who indicated that Petitioners do not object to Montana's motion to intervene. Undersigned counsel Special Assistant Attorney General Claudia L. Massman has conferred by telephone with Counsel for the United States Environmental Protection Agency, Mr. Alan Greenberg, who indicated that the Environmental Protection Agency has no position with respect to the Montana's Motion to Intervene as a Defendant. Undersigned counsel Sarah Bond has conferred with Intervenor State of Wyoming, Senior Special Assistant Attorney General

Vicci Colgan, who indicated Intervenor/Petitioner, Wyoming has no objection to Montana's intervention.

Respectfully submitted this \_\_\_\_\_ day of June, 2006.

GAY WOODHOUSE  
Gay Woodhouse Law Office, P.C.

MIKE McGRATH  
Montana Attorney General

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SARAH BOND  
Assistant Attorney General

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CLAUDIA MASSMAN  
Special Assistant Attorney General  
for the State of Montana

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, 2006, an accurate copy of the foregoing State of Montana Motion to Intervene as Defendant as a Matter of Right, or Alternatively, Permissively was served on the following persons by the following means:

- \_\_\_\_\_ CM/ECF
- \_\_\_\_\_ Hand Delivery
- \_\_\_\_\_ Mail
- \_\_\_\_\_ Overnight Delivery Service
- \_\_\_\_\_ Fax
- \_\_\_\_\_ E-mail

- |   |  |   |   |
|---|--|---|---|
| 1 | Clerk, U.S. District Court   | 4 | John C. Martin<br>Duane A. Siler<br>Susan M. Mathiascheck<br>Patton Boggs, LLP<br>2550 M Street NW<br>Washington, DC 20037      |
| 2 | Patrick J. Crank<br>Wyoming Attorney General<br>Jay A. Jerde<br>Deputy Attorney General<br>Vicci Colgan<br>Senior Assistant AG<br>123 Capitol Building<br>Cheyenne, WY 82002 | 5 | Alan D. Greenburg<br>Department of Justice<br>Env. & Natural Resources Div.<br>1961 Stout Street, 8th Floor<br>Denver, CO 80294 |
| 3 | Brent R. Kunz<br>Hathaway & Kunz, P.C.<br>2515 Warren Ave, Ste 500<br>Cheyenne, WY 82003   | 6 | Nicholas Vassallo<br>US Attorney's Office<br>P.O. Box 668<br>Cheyenne, WY 82003-0668  |

DATED: \_\_\_\_\_

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