

**FILED**

**NOV 30 2009**

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

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

In the Matter of the Appeal of Powder )  
River Basin Resource Council, ) Docket No. 09-3801  
Bernadette Barlow Bernadette Barlow )  
Trust, William L. Barlow Trust and )  
Eric Barlow from WYPDES Permit )  
No. WY0051268 )

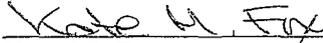
**STIPULATED MOTION TO DISMISS WITH PREJUDICE**

Powder River Basin Resource Council, Bernadette Barlow Bernadette Barlow Trust, William L. Barlow Trust, and Eric Barlow (Petitioners); Department of Environmental Quality (DEQ); and Williams Production RMT Co. (Williams), by and through their respective counsel, jointly move the Environmental Quality Council (Council) to enter an Order dismissing the above-captioned appeal with prejudice, with each party to pay their or its own attorneys' fees and costs. As grounds for this motion, the undersigned represent to this Council as follows:

1. WYPDES Permit No. WY0051268 terminated automatically on November 16, 2009, pursuant to Williams' request;
2. As a result, no further case or controversy exists as between the parties; and
3. Dismissal with prejudice is appropriate, with each of the undersigned to pay their or its own attorneys' fees and costs incurred.

WHEREFORE, Petitioners, DEQ, and Williams, by and through their respective counsel, stipulate and move that the above captioned matter be dismissed with prejudice. A proposed form of Order is attached.

Respectfully submitted November 25<sup>th</sup>, 2009.



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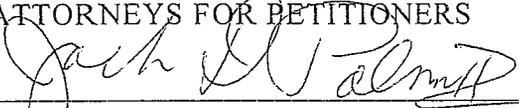


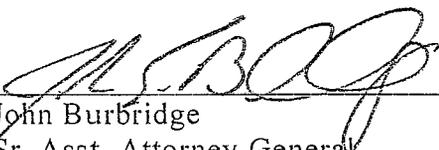
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ORDER OF DISMISSAL WITH PREJUDICE  
APPROVED AS TO FORM:

  
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