

FILED

JUN 08 2010

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

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

IN THE MATTER OF:)
Mullinax Concrete Services Co.) Docket No. 09-4602 and 10-4601
Limited Mining Operation)
Applications)
TFN 5 4/123 and TFN 5 4/ 117)

**JOINT STIPULATION FOR WITHDRAWAL
AND VOLUNTARY DISMISSAL OF APPEAL WITHOUT PREJUDICE**

Comes now the Petitioner, Mullinax Concrete Services Company ("Mullinax"), and the Department of Environmental Quality/Land Quality Division ("DEQ/LQD") (collectively, the Parties), pursuant to the DEQ/LQD Rules of Practice & Procedure and Rule 41(a)(ii) of the Wyoming Rules of Civil Procedure, and hereby file this Joint Stipulation for Withdrawal and Voluntary Dismissal of Appeal without prejudice. Mullinax and the DEQ/LQD are the only Parties to this appeal.

Mullinax filed application for Limited Mining Operations ("LMO") on or about August 12, 2009 (TFN 5 4/117) and September 15, 2009 (5 4/123). The DEQ/LQD denied TFN 5 4/117 on January 21, 2010 and TFN 5 4/123 on September 17, 2009.

Mullinax filed its Petition for Review and Request for Hearing, for TFN 5 4/117 on February 8, 2010, appealing the DEQ/LQD's denial of Mullinax's LMO application 5 4/117. Mullinax filed its Petition for Review and Request for Hearing, for TFN 5 4/123 on November 3, 2009, appealing the DEQ/LQD's denial of Mullinax's LMO application 5 4/123. The DEQ/LQD filed a Response for TFN 5 4/117 on March 15, 2010. The DEQ/LQD filed a Response for TFN 5 4/123 on February 18, 2010. The Parties entered onto a settlement agreement to resolve all issues on appeal in lieu of litigation on May 21, 2010.

Chapter II, Section 14 of the DEQ/LQD Rules of Practice and Procedure provides that the Wyoming Rules of Practice and Procedure are applicable to matters before the Environmental Quality Council ("EQC"). Rule 41(a)(ii), Wyo.

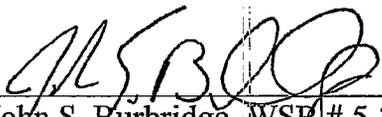
R. Civ. P. provides for voluntary dismissal of action by stipulation of the parties. The parties now jointly stipulate to the withdrawal and voluntary dismissal of this appeal before the EQC prior to hearing.

Each party shall bear its own costs and attorney fees incurred through the filing of this Joint Stipulation with the EQC.

DATED this 21st day of May, 2010.

FOR THE DEQ/LQD:

By:

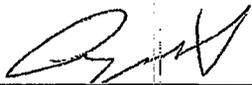


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6-7-10
Date

FOR MULLINAX CONCRETE SERVICES CO., INC.:

By:



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05/24/10
Date