

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF  
APPLICATION FOR PERMIT  
KERR-McGEE EAST GILLETTE  
FEDERAL MINE TFN 4/243

---

STIPULATION

---

IT IS HEREBY STIPULATED by and between KERR-McGEE COAL CORPORATION and BELLE FOURCHE PIPELINE COMPANY, a Wyoming corporation, as follows:

1. Kerr-McGee Coal Corporation ("K-McG") has filed an application seeking a permit to engage in the surface mining of coal in Campbell County, Wyoming, as more particularly specified in TFN 4/243, and Belle Fourche Pipeline Company ("BFPL") has filed an objection thereto for the reason that it has a common carrier petroleum pipeline within and adjacent to the permit area.


2. K-McG represents that its proposed mining operations will have no effect upon BFPL's facilities until the year 2007, and that K-McG prefers not to address any issue connected with the presence of BFPL's facilities until the five-year permit period during which K-McG's operations would affect BFPL's facilities.

3. In order that BFPL withdraw its objection to said application, K-McG covenants that BFPL may withdraw its objection at this time and refile during a future permit application, without BFPL being affected by the passage of time, or K-McG's expenditure of money, between the date hereof and the date of such future objections, and that BFPL will not be subject to laches, estoppel, or any other legal concept based upon BFPL's lack of effort to present its position and/or contentions to any administrative body or court at any time prior to the period for public comment on the five-year permit covering operations that would affect BFPL's facilities.

4. Based upon K-McG's representations in paragraphs 2 and 3 above, BFPL hereby agrees to withdraw its objection in the captioned proceeding; Provided, however, that BFPL reserves the right to file an objection in any K-McG application proceeding or proceedings subsequent to the instant application proceeding which BFPL believes will affect BFPL's rights or facilities.

Executed by the parties hereto this 6th day of September, 1985.

KERR-McGEE COAL CORPORATION

By   
Roy R. Smith  
Vice-President, Surface Operations

ATTEST:

  
asst. Secretary

BELLE FOURCHE PIPELINE COMPANY

By   
H. A. True, III  
Vice President *msl*

ATTEST:

  
Assistant Secretary