

4. On September 27, 2016, Brook Mining Company and Padlock Ranch Company entered into a Confidential Surface Use Agreement.

5. On September 27, 2016, Padlock Ranch Company signed a Form 8, Surface Landowner's Consent, attached hereto as Exhibit 1.

6. Counsel for Brook has conferred with counsel for Padlock, and counsel for Padlock does not oppose this Motion.

7. Brook and Padlock will bear their respective attorneys' fees and costs.

WHEREFORE, Brook Mining Company respectfully requests this Council enter an order dismissing is Request for an Order in Lieu of Consent as to Padlock Ranch Company. A proposed form of Order is attached for the Council's convenience.

DATED: October 5, 2016.



Thomas L. Sansonetti (Wyo. State Bar # 43354)
Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)
Jeffrey S. Pope (Wyo. State Bar # 7-4859)
HOLLAND & HART LLP
2515 Warren Avenue, Suite 450
P.O. Box 1347
Cheyenne, WY 82003-1347
Telephone: (307) 778-4200
tlsansonetti@hollandhart.com
insutphin@hollandhart.com
jspope@hollandhart.com

ATTORNEYS FOR PETITIONER
BROOK MINING COMPANY, LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2016, I served a true and correct copy of the foregoing by United States mail, postage prepaid and addressed to the following:

Haultain Corbett
50 East Loucks Street
Suite 110
PO Drawer 5059
Sheridan, WY 82801-5059
hal@lonabaugh.com

Lynnette J. Boomgaarden
Crowley Fleck, PLLP
237 Storey Boulevard, Suite 110
Cheyenne, WY 82009
lboomgaarden@crowleyfleck.com



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