

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

In the Matter of the Appeal )  
Of Permit No. WY0051772 )  
Fidelity Exploration )  
& Production Co. )

APR 28 2006

Docket No. 05-3804 Terri A. Lorenzon, Director  
Environmental Quality Council

**CASE UPDATE AND REQUEST FOR STAY OF RESPONSE TO APPEAL BY  
THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

The Department of Environmental Quality (DEQ), by and through its attorney, John S. Burbridge, Senior Assistant Attorney General, informs the EQC of the current status of the above captioned matter and hereby requests that a response in the matter be stayed for the following reasons:

1. This matter has been discussed with Mary A. Throne, attorney for Fidelity Exploration & Production Co. (Appellant). The issues contained in the appeal have been nearly resolved to the satisfaction of the Appellant and additional modifications to the permit are pending and have been agreed to in principle.
2. The agreed resolution between the DEQ and Appellant requires a major modification of the permit and, as such, Appellant has agreed to file additional paperwork with the DEQ. As a result, public notice had to be completed before issuance of the new permit and its conditions could occur.
3. Public notice has passed and the permit is to issue after routing for signature scheduled for April 28, 2006. Once the permit is in Fidelity's possession, the parties

will be filing a joint motion to dismiss this matter.


4. As a result of the pending resolution of this Appeal, the DEQ and Appellant mutually request that this matter and response by the DEQ be stayed until completion of the permit process as agreed to by the DEQ and Appellant.
5. With this request, the parties request that the Environmental Quality Council (ECQ) set a new deadline for a case status report to be filed with the EQC approximately ninety (90) days from the date of this filing.

DATED THIS 28<sup>th</sup> day of April, 2006

FOR THE DEPARTMENT OF  
ENVIRONMENTAL QUALITY

  
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John S. Burbridge  
Senior Assistant Attorney General  
123 Capitol Avenue  
Cheyenne, Wyoming 82002  
307-777-7841

FOR FIDELITY EXPLORATION  
& PRODUCTION CO.

  
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Mary A. Throne  
Hickey & Evans, LLP  
1800 Carey Avenue, Suite 700  
P.O. Box 467  
Cheyenne, Wyoming 82003-0467  
307-634-1525

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