FILED

MAY 10 2006

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2006

IN THE SUPREME COURT
STATE OF WYOMING
FILED

MAY - 3 2006

JUDY PACHECO, CLERK
by DEPUTY

No. 06-85

NORTHFORK CITIZENS FOR RESPONSIBLE DEVELOPMENT and DAVID JAMISON, an individual,	)
Appellants (Petitioners),	)
v.	)
PARK COUNTY BOARD OF COUNTY COMMISSIONERS,	)
Appellee (Respondent).	)

ORDER DISMISSING APPEAL

This matter came before the Court upon appellee's "Motion to Dismiss Appeal," filed herein April 19, 2006. After review of the motion, the materials attached thereto, appellants' response, and the additional documents submitted by the appellee, this Court finds that this appeal should be dismissed. Pursuant to Wyo.Stat.Ann. § 16-3-114 and W.R.A.P. 12.01, an "aggrieved party" is entitled to judicial review of a "final decision of an agency in a contested case" or of "other agency action or inaction." In the additional documents submitted by appellee, it is apparent that appellee intends to hold a contested case hearing on July 12, 2006. Thus, it appears this matter is a contested case proceeding. In such a proceeding, mandatory review is available only upon a final decision, consistent with Wyo.Stat.Ann. § 16-3-114 and W.R.A.P. 12.01. There being no final decision, this Court finds that this appeal should be dismissed. This Court does note the circumstances surrounding the appellee's decision to conduct a contested case hearing. Thus, should the appellee decline to hold a contested case hearing, this Court will entertain a petition to reinstate this appeal, regardless of the 15-day deadline contained in W.R.A.P. 15. It is, therefore,

ORDERED that the captioned appeal be, and hereby is, dismissed.

DATED this 3RD day of May, 2006.

BY THE COURT:

William U. Hill

WILLIAM U. HILL
Chief Justice