

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

AUG 28 2008

IN THE MATTER OF THE APPEAL)
OF CLABAUGH RANCH, INC.)
FROM WYPDES PERMIT NO. WY0051985)

Docket No. 08-380)
Jim Ruby, Executive Secretary
Environmental Quality Council

STIPULATED MOTION TO DISMISS WITHOUT PREJUDICE

The Parties to the above-captioned matter hereby stipulate as follows:


1. This appeal was filed by Clabaugh Ranch, Inc., challenging the Wyoming Department of Environmental Quality's ("DEQ") issuance of a modification to WYPDES Permit No. WY0051985, held by Petro-Canada Resources (USA) Inc.
2. Permit No. WY0051985 is scheduled to expire on December 31, 2008.
3. The Parties have conferred and agree that, given the Environmental Quality Council's ("EQC") docket and the time necessary time to prepare for this matter, it will not be reasonably possible for the EQC to hear or decide this matter prior to the scheduled expiration of the permit term.
4. Petro-Canada has filed an application to renew Permit No. WY0051985 and that application has not yet been acted upon by the DEQ.
5. The DEQ has agreed to provide counsel for Clabaugh Ranch, Inc. a copy of the DEQ's draft permit for the renewal of Permit No. WY0051985 and, if the renewal permit is issued, to provide counsel for Clabaugh Ranch, Inc. a copy of the issued permit promptly after its issuance.
6. Because this matter cannot reasonably be acted upon before the scheduled expiration date of the permit, the parties believe that proceeding forward with scheduling and other proceedings in this matter would be an inefficient use of the parties' and the EQC's time and resources.
7. For these reasons, the parties agree that this appeal may be dismissed without prejudice with each party to bear its own costs, expenses and attorneys fees. If Clabaugh Ranch, Inc. later determines that it desires to appeal the renewal of this permit, the dismissal of this appeal shall not affect any such appeal, or any defense of Petro-Canada or the DEQ to any such appeal, nor shall this stipulation or dismissal affect any rights of Petro-Canada under the appealed Permit No. WY0051985 or Wyoming statutes and regulations.

WHEREFORE, the parties jointly stipulate to dismiss this matter without prejudice and request that the EQC enter an order consistent with this stipulated motion, with each party to bear its own costs, expenses and attorneys fees.

RESPECTFULLY SUBMITTED this ____ day of August, 2008.


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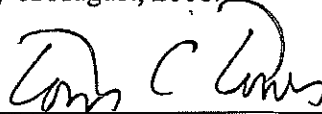


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CERTIFICATE OF SERVICE

I, Keith Burron, do certify that on this 28th day of August, I served a true, full and correct copy of the foregoing Stipulated Motion to Dismiss by depositing the same in the US Mail, First Class, Postage Prepaid, and addressed as follows:

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