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Of Environmental Quality

FILED
JUL 28 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING**

**IN THE MATTER OF THE OBJECTION)
TO THE MINE PERMIT OF)
McMurry Ready Mix Company, Permit #739)
TFN 5 2/110)**

Docket No. 10-4801

**JOINT MOTION AND AGREEMENT FOR WITHDRAWAL OF OBJECTION AND
WAIVER OF OBJECTION TO NEWBERRYS TIMELY FILING
OF RENEWAL OF OBJECTION**


The Department of Environmental Quality, Land Quality Division ("Division"), through the Office of the Attorney General, Mike and Cheryl Newberry ("Newberry"), and McMurry Ready Mix Company ("McMurry"), by and through its attorney, Harriet M. Hageman, (collectively "Parties") and hereby jointly file this motion. In support of this motion, as evidenced by the signatures below, the Parties agree as follows:

1. The Newberrys request and direct that their objection currently before the Environmental Quality Council in the above captioned matter be withdrawn.
2. The Parties agree to work diligently to resolve the issues raised in Newberry's objection through revisions to permit #739 proposed to be issued pursuant to permit amendment application TFN 5 2/110.
3. In the event the issues raised by the objections in this matter cannot be resolved by the

Parties, the Division and McMurry waive any objection they may have to the timeliness of a re-filing by the Newberrys of their current objections in this matter, so long as Newberrys file their objection within 30 days after settlement negotiations have ceased.

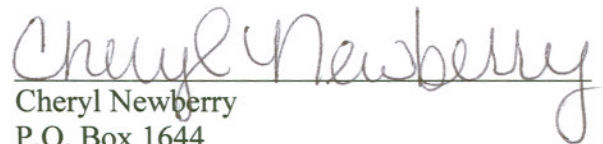
DATED this 28th day of July, 2010

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY:



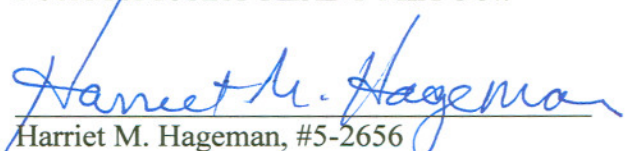
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FOR THE NEWBERRYS:



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