

4W Ranch, 1162 Lynch Rd.  
Newcastle, WY 82701

4 September 2006

Re: Merit Energy Motion To Dismiss; Docket No. 04-3801

Jon Brady, Hearing Examiner  
Environmental Quality Council  
122 W. 25th Street  
Herschler Building, Rm. 1714  
Cheyenne, WY 82002

**FILED**

**SEP 06 2006**

Terri A. Lorenzon, Director  
Environmental Quality Council

Dear Sir,

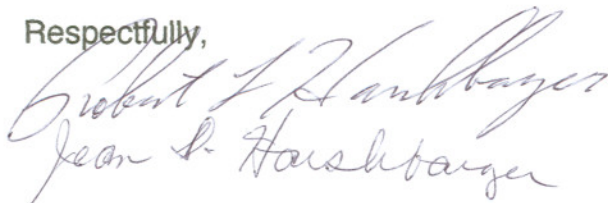
The 4W Ranch is responding to the Motion To Dismiss Petitioners' Appeal Against Merit Energy Company's NPDES Permit No 51373.

While the 4W Ranch does not agree in principle to dismissing our Appeal of Merit Energy Company's NPDES Permit No. 51373 we offer the following:

1. Merit Energy's initial application for discharge was dated January 29, 2004 and public comments were solicited in February 2004 by WQD/DEQ. The 4W Ranch submitted comments on this "New" Permit Application on 4 March 2004. Our records do not indicate that we ever received notification of issuance of Permit No. 51373 from WQD/DEQ., before or after 15 June 2004.

Therefore, because of this technicality, the 4W Ranch concurs with the Motion to Dismiss Petitioners' Appeal Against Merit Energy Company's NPDES Permit No 51373.

Respectfully,



Major Robert L. Harshbarger, USAF Retired  
Jean S. Harshbarger  
Owners/Operators 4W Ranch

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