

THE STATE OF WYOMING



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Mark Gordon
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Vice-Chair

Richard C. Moore, P.E.,
Secretary

Dennis M. Boal

Sara M. Flitner

Wendy S. Hutchinson, P.E.

John N. Morris

TO: All Participating Parties

FROM: The Environmental Quality Council

DATE: October 20, 2006

RE: Yates Petroleum Order Approving Settlement Agreement and Withdrawal of Appeal
Docket No. 05-3218

It has come to our attention that the above mentioned document for Docket No. 05-3218 was inadvertently signed by Mark Gordon, Chairman of the Council. Chairman Gordon recused himself from this case at the meeting and did not vote. Therefore, this document has been corrected with the signature of Jon Brady, Vice Chair.

If this has caused any difficulties, please accept our apology.

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

OCT 20 2006

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

YATES PETROLEUM CORPORATION)
105 SOUTH 4TH STREET)
ARTESIA, NM 88210)

DOCKET NO. 05-3218

WDEQ Docket No. 3795-05

ORDER APPROVING SETTLEMENT
AGREEMENT AND WITHDRAWAL OF APPEAL

This matter was brought before the Environmental Quality Council (EQC) upon Yates Petroleum Corporation's (Yates) Petition for Review, appealing Notice of Violation (NOV), Docket Number 3795-05 issued by Respondent, Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) to Yates. The DEQ and Yates, collectively the Parties, have filed a Joint Motion for Withdrawal of Appeal and Approval of Settlement Agreement in this matter. WYO. STAT. ANN. § 35-11-901(a)(ii), 16-3-107(n) and Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the Parties upon approval of the Council.

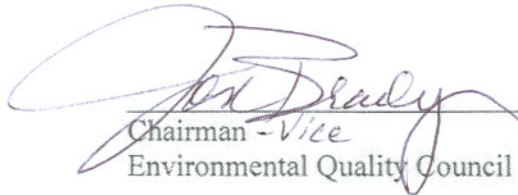
The EQC having considered the Parties Joint Motion for Withdrawal of Appeal and Approval of Settlement Agreement, and being advised in the premises, hereby enters the following Order:

ORDER APPROVING JOINT MOTION AND
STIPULATION FOR WITHDRAWAL OF APPEAL
EQC Docket Number 05-3218
Page 1 of 2

IT IS ORDERED that:

The Parties' Joint Motion for Withdrawal of Appeal and Approval of Settlement Agreement in this matter (Docket No. 05-3218) is hereby granted and Exhibit A is hereby approved and incorporated herein and shall be binding upon them, and, accordingly, the appeal in this matter is dismissed and shall not be re-filed.

DATED this 19th day of October, 2006.

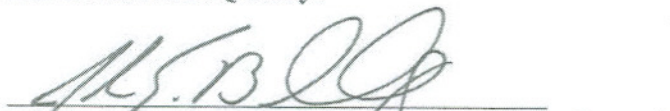

Chairman - Vice
Environmental Quality Council

APPROVED AS TO FORM:

Counsel for Yates Petroleum Corporation:


Matthew Joy
Jorden, Bischoff & Hiser, P.L.C.

**Counsel for the State of Wyoming, Department of
Environmental Quality:**


John S. Burbidge, Senior Assistant Attorney General

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 20th day of October , 2006, I served a copy of the foregoing **ORDER APPROVING SETTLEMENT AGREEMENT AND WITHDRAWAL OF APPEAL** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

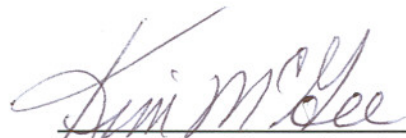
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Jenifer Scoggin
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also to the following persons via interoffice mail:

John Burbridge
Office of Attorney General
123 State Capitol
Cheyenne, WY 82002

John Wagner
Administrator
Water Quality Division
122 West 25th Street
Herschler Building
Cheyenne, WY 82002



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