

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

FILED

JUN 29 2007

IN THE MATTER OF THE APPEAL AND REVIEW OF)
THE DECISION REGARDING THE PROPOSED)
WYOMING POLLUTANT DISCHARGE ELIMINATION)
SYSTEM (WYPDES) PERMIT WY0052761)
(YATES-NEMESIS POD), DATED DECEMBER 17, 2005)

File No. 06-3802
Terr. A. Lorenzon, Director
Environmental Quality Council

STIPULATION TO DISMISS WITHOUT PREJUDICE

COME NOW the Parties, Tear Drop Cattle Company, Inc. (Tear Drop), by and through its undersigned attorney, Tom C. Toner of Yonkee & Toner, LLP, Yates Petroleum Corporation (Yates), by and through its undersigned attorney, Matthew Joy of Jordan Bischoff & Hiser, PLC, and the State of Wyoming, by and through its undersigned attorney, John S. Burbridge of the Wyoming's Attorney General's Office (collectively, the Parties), and stipulate to the dismissal of the above captioned matter without prejudice. The reasons are set forth herein.

1. On January 27, 2006, Tear Drop filed a Petition for Review, Notice of Appeal and Request for Contested Case Hearing objecting to Department of Environmental Quality's issuance of Wyoming Pollution Discharge Elimination System Permit, permit number WY0052761.
2. On March 29, 2006, Yates, as the permittee, moved to intervene in the appeal of the permit. The Environmental Quality Council granted Yates' Motion to Intervene on April 6, 2006.
3. On March 16, 2007, the Environmental Quality Council issued a Scheduling Order. The Scheduling Order set the hearing in this matter for November 26 – 28, 2007.

4. The permit at issue expires on December 31, 2007.
5. The Parties have conferred and, based on the fact that the permit expires approximately thirty-three days after the hearing, believe that proceeding forward with this matter is not in the interest of judicial economy or efficiency and will not provide the parties with an appropriate resolution.

For the foregoing reasons, the Parties stipulate to the dismissal of the above-captioned matter without prejudice.

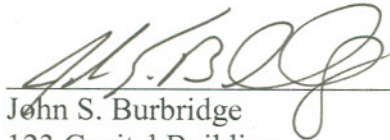
DATED this 29th day of June, 2007.



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