#  

$$
\begin{array}{ll}
\text { IN THE MATTER OF THE APPEAL } \\
\text { OF PENNACO ENERGY, INC. OF } \\
\text { CONDITIONS IN RENEWAL OF } \\
\text { WYPDES PERMIT NO. WY0040797 }
\end{array}
$$ CONDITIONS IN RENEWAL OF ) Docket No. 09-3601

$$
\begin{aligned}
& \text { JAN } 122010 \\
& \text { Jim Ruby, Executive Secretary } \\
& \text { Environmental Quality Council }
\end{aligned}
$$

## JOINT STIPULATION TO DISMISS APPEAL

Petitioner Pennaco Energy, Inc. (Pennaco) and Respondent Wyoming Department of Environmental Quality (DEQ) hereby stipulate to dismissal with prejudice of the appeal of WYPDES renewal permit WY0040797 issued to Pennaco on December 31, 2008. Pennaco and DEQ are the only parties in this case. This dismissal is without prejudice to Pennaco's right to seek review in a new proceeding of any subsequent modification of the permit. Each party will bear its own costs in this matter.

Respectfully submitted,

ATTORNEYS FOR PENNACO:


Brent R. Kunz (Bar No. 5-1193)
HATHAWAY \& KUNZ, P.C.
2515 Warren Ave., Suite 500
P.O. Box 1208

Cheyenne, Wyoming 82003
(307) 634-7723

ATTORNEY FOR DEQ:


Peter K. Michael (Bar No. 5-2309)
Sr. Assistant Attorney General
123 State Capitol Building
Cheyenne, Wyoming 82002
(307) 777-6946

January 11, 2010

