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8 Petitioner
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FILED this 29th day of
September AD 2009
at 2:12 o'clock P. M.
MONTANA BOARD OF
ENVIRONMENTAL REVIEW
by: M. Crabb

10 **BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA**

11 **IN THE MATTER OF:**
12 **VIOLATION OF THE MONTANA**
13 **UNDERGROUND STORAGE TANK ACT**
14 **BY STOCKTON OIL COMPANY AT**
15 **SOCO EXPRESS #10, YELLOWSTONE**
COUNTY, MONTANA [FACILITY ID 56-
04951; FID #1775, DOCKET NO. UST-09-
04]

CASE NO. BER 2009-14 UST

16 **STIPULATION TO DISMISS**
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18 The Montana Department of Environmental Quality, by counsel, and Petitioner, Stockton
19 Oil Company, hereby stipulate pursuant Rule 41(a)(ii) of the Montana Rules of Civil Procedure
20 that they have settled their differences by administrative order on consent and that this contested
21 case shall be dismissed with prejudice, each party to bear its own costs.

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23 Respectfully submitted this 29th day of September, 2009.
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DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: Jane B. Amdahl
Jane B. Amdahl, Attorney

STOCKTON OIL COMPANY

BY: Mykel Stockton
Mykel Stockton, President

Certificate of Service

I hereby certify that on the 29th day of September, 2009, I sent a true and correct copy of the foregoing Stipulation to Dismiss through Interdepartmental Delivery Service to Hearing Examiner Katherine J. Orr.

Jane B. Amdahl

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14 **COUNTY, MONTANA [FACILITY ID 56-**
15 **04951; FID #1775, DOCKET NO. UST-09-**
16 **04]**

CASE NO. BER 2009-14 UST

17 **DISMISSAL ORDER**

18 The parties have filed a Stipulation pursuant to Rule 41(a), M.R.Civ.P., and finding that
19 the parties have settled their differences by means of an Administrative Order on Consent and
20 that they have agreed that this matter should be dismissed with prejudice, as provided in the
21 parties' Stipulation and for good cause appearing:

22 IT IS HEREBY ORDERED THAT this appeal is dismissed with prejudice. Each party
23 shall bear its own costs.

24 DATED this _____ day of _____, 2009.

BOARD OF ENVIRONMENTAL REVIEW

By: _____
JOSEPH W. RUSSELL, M.P.H.
Chairman

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