MAR 30 2009
ATTORNEY GENERAL'S OFFICE
Ecology Division

RECEIVED
in King County Superior Court Clerk's Office
MAR 27 2009
Cashier Section
Superior Court Clerk

Honorable Richard Eadie

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

APPEALS OF PHASE I MUNICIPAL STORMWATER PERMIT PCHB Nos. 07-021, 026, 027, 028, 029, 030 & 030 APPEALS OF PHASE II MUNICIPAL STORMWATER PERMIT PCHB Nos. 07-022 & 023 Condition S-4	NO. 08-2-30969-0 **STIPULATION AND ORDER OF DISMISSAL**

I. STIPULATION

Appellants Puget Sound Energy and PacifiCorp ("Appellants") and Respondent, Department of Ecology ("Respondent), by and through their respective undersigned counsel of record, hereby stipulate that all claims of Appellants in the above-captioned case shall be DISMISSED with prejudice and without costs or attorneys' fees to either party.

///

///

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

COPY

DATED: ~~February~~ March 6, 2009

RIDDELL WILLIAMS P.S.

By _____
Loren R. Dunn, WSBA #17135
Blake Marks-Dias, WSBA #28169
Attorneys for Puget Sound Energy and PacifiCorp

WASHINGTON STATE OFFICE OF ATTORNEY GENERAL

By _____
Ronald Lavigne, WSBA #18550
Attorneys for Department of Ecology

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

II. ORDER

THIS MATTER having come before the court on the above stipulation, IT IS HEREBY ORDERED that all claims of Appellants in the above-captioned case shall be, and hereby are, DISMISSED with prejudice. Each party shall bear its own costs and attorneys' fees.

DONE this ____ day of MAR 2 7 2009, 2009.

NANCY BRADBURN JOHNSON

Superior Court Judge

Presented by:

RIDDELL WILLIAMS P.S.

By _____
Loren R. Dunn, WSBA #17135
Blake Marks-Dias, WSBA #28169
Attorneys for Puget Sound Energy and PacifiCorp

Approved as to Form; Notice of Presentation Waived

WASHINGTON STATE OFFICE OF ATTORNEY GENERAL

By _____
Ronald Lavigne, WSBA #18550
Attorneys for Department of Ecology

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Certificate of Service

I, Donna Hammonds, an employee of Riddell Williams P.S., declare under penalty of perjury that on the date noted below, I caused to be served upon the below-listed party, via the method listed below, a true and correct copy of the foregoing pleading.

Service List

Party	Delivery
Pollution Control Hearings Board for the State of Washington Environmental Hearings Office 4224 - 6th Avenue SE Rowe Six, BLDG. 2 Lacey WA, 98504-0903	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Washington State Department of Ecology Headquarters Office 300 Desmond Drive SE Lacey, WA 98503	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Ronald L. Lavigne Thomas J. Young Assistant Attorney General Washington State Office of Attorney General P.O. Box 40117 Olympia, WA 98504-0117 RonaldL@ATG.WA.GOV TomY@ATG.WA.GOV ecyolyef@atg.wa.gov NicoleH2@atg.wa.gov TrishD@atg.wa.gov (360) 586-6770 Fax: (360) 586-6760 *Attorneys for Respondent Department of Ecology*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Party	Delivery
Tad H. Shimazu Williams, Kastner & Gibbs PLLC Two Union Square, Suite 4100 Seattle, WA 98101-2380 P.O. Box 21926 Seattle, WA 98111-3926 tshimazu@williamskastner.com (206) 628-6600 Fax: (206) 628-6611 *Attorneys for Appellant Pierce County Public Works and Utilities Department (PCHB No. 07-026)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Doug Mosich Assistant City Attorney Tacoma City Attorney's Office Civil Division 747 Market Street, Room 1120 Tacoma, WA 98405-3767 DMOSICH@ci.tacoma.wa.us (253) 591-5885 Fax: (253) 591-5755 *Attorney for Appellant City of Tacoma (PCHB No. 07-027)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Stephen J. Tan Tanya Barnett Cascadia Law Group PLLC 1201 Third Avenue, Suite 320 Seattle, WA 98101 stan@cascadialaw.com tbarnett@cascadialaw.com 206) 292-6300 Fax: (206) 292-6301 *Attorneys for Appellant The Port of Seattle (PCHB No. 07-028)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Party	Delivery
Carolyn A. Lake Goodstein Law Group PLLC 1001 Pacific Avenue, Suite 400 Tacoma, WA 98402 clake@goodsteinlaw.com (253) 779-4000 Fax: (253) 779-4411 *Attorney for Intervenor Port of Tacoma*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
John R. Moffat Assistant Chief, Civil Division Snohomish County Prosecuting Attorney Admin East 7th Floor, M/S 504 3000 Rockefeller Ave. Everett, WA 98201-4060 Phone: (425) 388.6385 Fax: (425) 388.6333 E-mail: jmoffat@co.snohomish.wa.us *Attorneys for Appellants Snohomish County (PCHB No. 07-029)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Rodney D. Swanson Clark County Department of Public Works P.O. Box 5000 Vancouver, WA 98666-5000 1013 Franklin Street Vancouver, WA 98660-3039 rod.swanson@clark.wa.gov (360) 397-2478 Fax: (360) 397-2184 *Attorney for Appellant Clark County, Washington (PCHB No. 07-030)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Party	Delivery
Jan Hasselman Todd True EarthJustice 705 2nd Ave Ste 203 Seattle, WA 98104-1711 jhasselman@earthjustice.org ttrue@earthjustice.org (206) 343-7340 Fax: (206) 343-1526 *Attorneys for Appellants Puget Soundkeeper Alliance; People for Puget Sound (PCHB No. 07-021)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Richard Smith Smith & Lowney, PLLC 2317 E John St Seattle, WA 98112-5412 rasmith@igc.com (206) 860-2883 Fax: (206) 860-4187 *Attorneys for Appellants Puget Soundkeeper Alliance; People for Puget Sound (PCHB No. 07-021)*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Theresa R. Wagner Assistant City Attorney Seattle City Attorney's Office P.O. Box 94769 600 Fourth Avenue, 4th Floor Seattle, WA 98124-4769 theresa.wagner@seattle.gov (206) 684-8200 Fax: (206) 684-8284 *Attorney for Intervenor City of Seattle*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Party	Delivery
Joseph B. Rochelle Senior Deputy Prosecuting Attorney King County Prosecutor's Office Civil Division Natural Resources Section 900 King County Administration Building 500 Fourth Avenue Seattle, WA 98104 joe.rochelle@metrokc.gov (206) 296-8820 Fax: (206) 296-0415 *Attorney for Intervenor King County*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Stephen Klasinski Assistant Attorney General Attorney General's Office P.O. Box 40113 Olympia, WA 98504-0113 stephenk@atg.wa.gov tpcef@atg.wa.gov MelissaM3@atg.wa.gov CharlieA@atg.wa.gov (360) 753-6126 Fax: (360) 586-6847 *Attorney for Proposed Intervenor Washington State Department of Transportation*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Susan Ridgley Senior Port Counsel Port of Seattle Legal Department 2711 Alaskan Way, Pier 69 P.O. Box 1209 Seattle, WA 98111 ridgley.s@portseattle.org (206) 728-3416 Fax: (206) 728-3205 *Attorney for Port of Seattle*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Party	Delivery
Lori A. Terry Foster Pepper PLLC 1111 3rd Ave Ste 3400 Seattle, WA 98101-3299 terrl@foster.com (206) 447-8892 Fax: (206) 749-2092 *Attorneys for Appellant Coalition of Governmental Entities*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
James A. Tupper, Jr. Brad Doll Tupper Mack Brower PLLC 2025 1st Ave Ste 1100 Seattle, WA 98121-2100 tupper@tuppermackbrower.com bdoll@tuppermackbrower.com (206) 493-2317 Fax: (206) 493-2310	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Wayne D. Tanaka Greg A. Rubstello 2100 Westlake Ctr Twr 1601 5th Ave Seattle, WA 98101-3621 wtanaka@omwlaw.com grubstello@omwlaw.com (206) 447-7000 Fax: (206) 447-0215	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail
Daniel L. Gibson Whatcom County Prosecutors Office 311 Grand Ave Bellingham, WA 98225-4048 dgibson@co.whatcom.wa.us (360) 676-6784 Fax: (360) 738-2532 *Attorneys for Whatcom County*	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

Party	Delivery
John Ray Nelson Foster Pepper PLLC 422 W Riverside Ave Ste 1310 Spokane , WA 99201-0302 nelsj@foster.com (509) 777-1604 Fax: (866) 749-9343	☐ Hand Delivery ☐ Electronic Mail ☐ Facsimile ☒ U.S. Mail

Dated this 10th day of March, 2009.

Donna Hammonds

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600