

**State of Vermont
WATER RESOURCES BOARD**

**RE: Barden Gale and Melanie Gale Amhowitz
Docket No. CUD-99-08 (DEC #98-340.01)
(Application of Gary and Paula Warner, Colchester, Vermont)**

DISMISSAL ORDER

On May 16, 2000, Water Resources Board ("Board") Chair Gerry Gossens issued a Continuance Order of limited duration to facilitate settlement of the above-captioned matter. Based on the representations of the parties that they were near completion of settlement of this appeal, the Chair established a deadline of May 31, 2000, by which the parties would either file a Stipulation in the form of a proposed decision or the Appellant would file a Motion to Dismiss based on a request to withdraw appeal.

The parties to this proceeding are Gale and Melanie Amhowitz ("Appellants"), Gary and Paula Warner ("Applicants"), and the Agency of Natural Resources ("ANR").

On May 31, 2000, counsel for the Appellants filed a Motion to Dismiss ("Motion") based on a request to withdraw their appeal. The motion indicated that all parties to the appeal consent to waive oral argument and a decision containing findings of fact and conclusions of law in response to the Motion. See Board Procedural Rules 24 and 34(A). On June 2, 2000, the Applicants and ANR filed letters confirming that they supported the Motion and waived oral argument and a written decision with findings of fact and conclusions of law.

The Board considered the Motion in deliberations on June 5, 2000. The Board concluded that dismissal of this matter is not contrary to law and is consistent with the Board's power to allow informal disposition of contested case matters. 3 V.S.A. § 809(d).

Accordingly, the Motion is granted and it is hereby ordered that:

1. Docket No, CUD-99-08 is hereby dismissed;
2. DEC #98-340.01 is binding and remains in full force and effect; and
3. Jurisdiction is returned to the ANR

Dated at Montpelier, Vermont this 6th day of June, 2000.

WATER RESOURCES BOARD



Gerry Gossens, Chair

Concurring:
David J. Blythe, Barbara S. Farr, Jane Potvin, and John D.E. Roberts
