

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

DISTRICT COURT  
SOUTH CENTRAL JUDICIAL  
DISTRICT

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AUG 09 2011

DAKOTA RESOURCE COUNCIL

Appellant

vs.

NORTH DAKOTA PUBLIC SERVICE COMMISSION  
MC LEAN COUNTY  
DEPARTMENT OF TRANSPORTATION  
NORTH DAKOTA GAME AND FISH DEPARTMENT  
FALKIRK MINING COMPANY

Appellees

PUBLIC SERVICE COMMISSION

NOTICE OF FILING OF  
THE NOTICE OF APPEAL

CASE NO. 08-10-C-02329

To: Derrick Braaten  
222 N 4TH STREET  
BISMARCK ND  
58501

Interested Parties:

Appellant:	Dakota Resource Council
Attorney for Appellant:	Derrick Braaten
Appellee:	North Dakota Public Service Commission
✓ Attorney for Appellee:	Mark Edward Gruman
Appellee:	Mc Lean County
Attorney for Appellee:	Ladd Erickson
Appellee:	Department Of Transportation
Attorney for Appellee:	Zachary B Smith
Appellee:	North Dakota Game And Fish Department
Attorney for Appellee:	Zachary B Smith
Appellee:	Falkirk Mining Company
Attorney for Appellee:	Brian Bjella
Bond Remitter:	Sarah Vogel Law Partners, P.C.

Please take notice that a Notice of Appeal, a copy of which is attached hereto, was filed in the above captioned case in the office of the Clerk of District Court, Burleigh County, North Dakota on the 5th day of August, 2011.

Dated in Bismarck, North Dakota this 5th day of August, 2011.

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Cik of Crt. Burleigh Co.

08 10 C 2329



DEBRA SIMENSON  
Clerk of Court

Copies mailed to: Derrick Braaten  
Mark Edward Gruman  
Ladd Erickson  
Zachary B Smith  
Brian Bjella  
Clerk of Supreme Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Dakota Resource Council, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 North Dakota Public Service Commission, )  
 McLean County, North Dakota )  
 Department of Transportation, North )  
 Dakota Game and Fish Department, and )  
 Falkirk Mining Company, )  
 )  
 Appellees. )

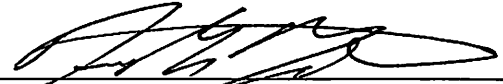
Civil No. 08-10-C-02329  
 Agency Case No. RC-08-640

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Dakota Resource Council, by and through its counsel, hereby gives notice of its appeal under N.D.C.C. § 28-27-02 to the North Dakota Supreme Court of the Order of Honorable Donald Jorgensen in this matter, dated May 31, 2011 and entered on June 2, 2011.

Dated this 5<sup>th</sup> day of August, 2011.

**BAUMSTARK BRAATEN LAW PARTNERS**  
*Attorneys for Appellant*  
 222 North 4<sup>th</sup> Street  
 Bismarck, ND 58501-4004  
 Phone: 701-221-2911  
 Fax: 701-221-5842

  
 By: Derrick Braaten (06394)

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08 10 C 2329

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Appellant's **Notice of Appeal** was served on August 5, 2011, via U.S. mail, on the following party at their last known address listed below:

ND Public Service Commission  
Mark Gruman  
600 East Boulevard, Department 408  
Bismarck, ND 58505-0480  
*Attorney for ND Public Service  
Commission*

Brian R. Bjella  
Crowley Fleck  
400 East Broadway, Suite 600  
Bismarck, ND 58501  
*Attorney for Falkirk Mining Company*

Attorney General Wayne Stenehjem  
Zachary Smith  
State Capitol  
600 E. Boulevard Ave.  
Dept. 125  
Bismarck, ND 58505  
*Attorney for North Dakota Game and  
Fish Department and North Dakota  
Department of Transportation*

Ladd Erickson  
McLean County State's Attorney  
P.O. Box 1108  
Washburn, ND 58577-1108  
*Attorney for McLean County*

Dated this 5<sup>th</sup> day of August, 2011.

  
Derrick Braaten

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