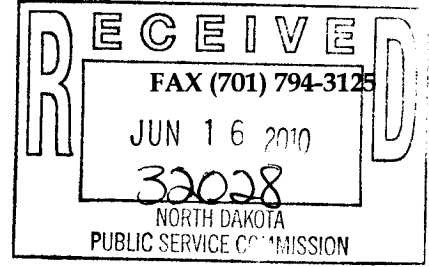


PHONE (701) 794-8734



2360 35TH AVENUE SW CENTER, ND 58530-9499
MINING LIGNITE AT THE CENTER MINE SINCE 1970



June 15, 2010

FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Affidavits of Publication

Dear Mr. Deutsch,

Enclosed with this letter are copies of the "Affidavit of Publication" notices from the Bismarck Tribune and the Center Republican for Renewal Number 2 and Revision 32 to BNCR-9702.

If you have any questions, please contact me at the Center office.

Sincerely,

Karene M. Hall
Permit Coordinator

BNI COAL LTD
2360 NW 35TH AV
CENTER ND 58530

Customer: 60001119
Phone: (701) 794-8734
Date: 05/27/2010

Date	Order #	Type	Order Amt
05/27/10	20442599	INV	4,986.00

Amount Paid: _____ CK #: _____

CREDIT CARD PAYMENT (circle one)



Card #: _____
Exp Date: _____
Signature: _____
Credit card users: Fax to 701-223-6584

Cash Amt _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
05/06/10	05/27/10	4	605380/Permit Renewel No. 2 Bismarck Tribune <i>PC - 101319</i>	597.00	Legals	4,986.00	4,986.00

Affidavit of Publication
State of North Dakota) SS County of Burleigh
Before me, a Notary Public for the State of North Dakota
personally appeared CK who being duly sworn, deposes
and says that he (she) is the Clerk of Bismarck Tribune Co.,
and that the publication(s) were made through the
Bismarck Tribune on the following dates:
5/6, 12, 20, 27 Signed [Signature]
sworn and subscribed to before me this 30th
day of JUNE 2010
Notary Public in and for the State of North Dakota

GREGORY P ZIEGLER
Notary Public
State of North Dakota
My Commission Expires July 22, 2015

Please return invoice or put order number on check. Thank You.

Remarks	Total Due: 4,986.00
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Bismarck Tribune
www.bismarcktribune.com
PO BOX 4001
LaCrosse, WI 54602-4001

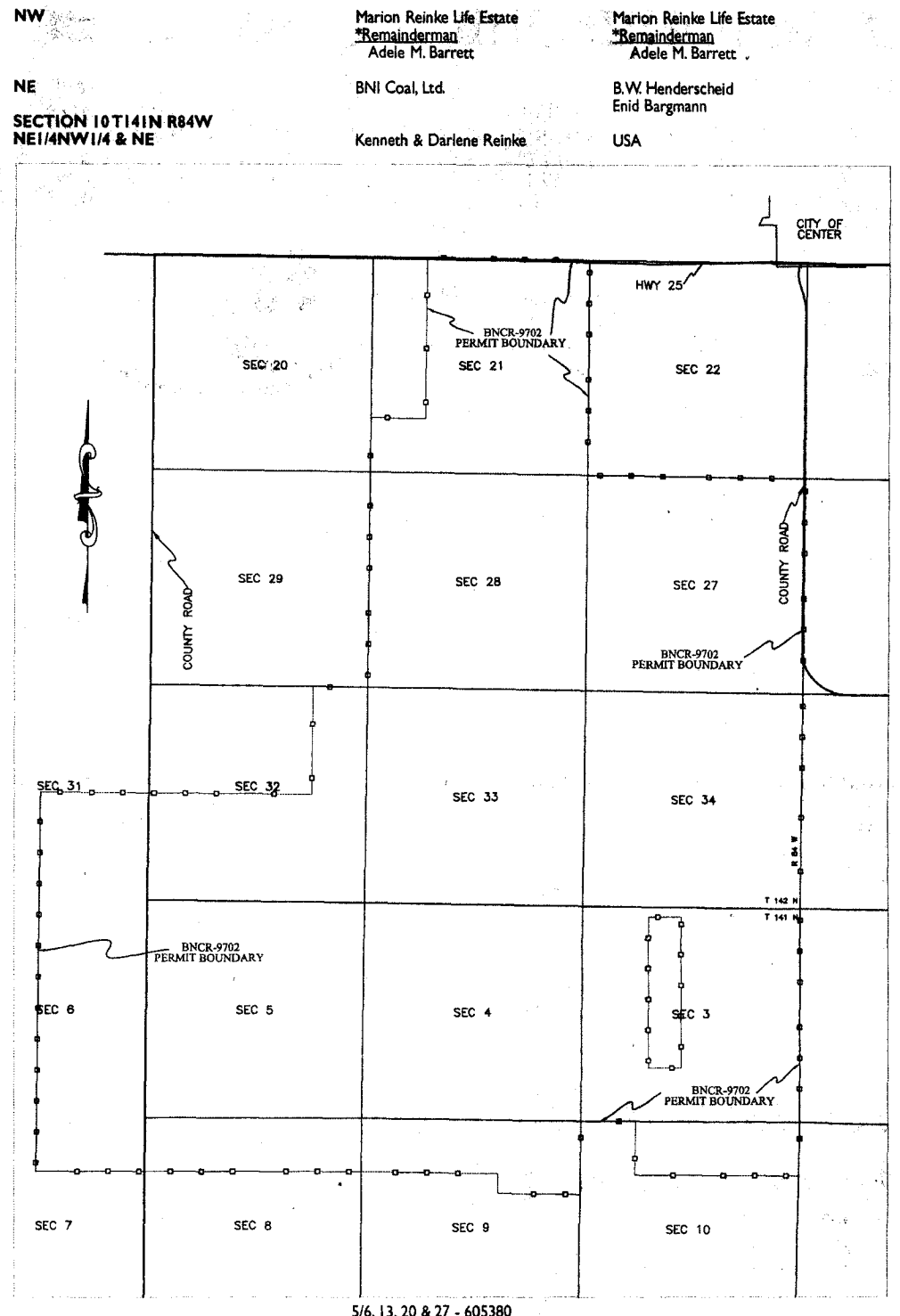
NOTICE OF APPLICATION FOR A RENEWAL AND A REVISION OF A PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES.

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, North Dakota 58530-9499 has submitted an application to the North Dakota Public Service Commission for Permit Renewal No. 2 and Permit Revision No. 32 to BNCR-9702, approved on August 2, 2000, to engage in surface coal mining and reclamation operations. The area for which a permit renewal and revision is sought includes approximately 6,342 acres in parts of Sections 21, 27, 28, 31, 32, 33 and 34 T142N R84W and parts of Sections 3, 4, 5, 6, 7, 8, 9 and 10 T141N R84W. This area is in Oliver County, North Dakota and is shown on the accompanying map. Renewal No. 2 will extend the permit term another five years for coal removal until August 2, 2015. The permit revision will update the legal and financial section, reclamation, operational and wildlife monitoring plans.

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LEGAL DESCRIPTION	SURFACE OWNER (S)	COAL OWNERS
SECTION 21 T142N R84W ENTIRE SECTION	Patricia Pella Melvin K. Arthur Yonne Langseth Jeanette Lange Virginia Miller Jacqueline Gullickson	Patricia Pella Melvin K. Arthur Yonne Langseth Jeanette Lange Virginia Miller Jacqueline Gullickson Gen'l Council-Assembly of God ND Council-Assembly of God
SECTION 28 T142N R84W W	BNI Coal, Ltd.	USA
NE Less NE1/4NE1/4	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd. ND State Land Department
NE1/4NE1/4	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd. ND State Land Department
SE1/4 Less NE1/4SE1/4	BNI Coal, Ltd.	Lucille Bobb
NE1/4SE1/4	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd.
SECTION 27 T142N R84W ENTIRE SECTION	BNI Coal, Ltd.	Katherine Himmelspach Betty Staigle Diane Wilkens Kathleen Mosbrucker BNI Coal, Ltd. Clement Bobb
SECTION 31 T142N R84W SE	Kenneth Barnhardt Helen Pfleger Dennis Barnhardt	Kenneth Barnhardt Helen Pfleger Dennis Barnhardt Joanne Trinkle Karen O. Van Amburg
SECTION 32 T142N R84W NW1/4SW1/4	Brenda Schwalbe Phyllis Vandenburg John Yantzer Howard Skager Nathan Skager Jardene Moss Karla Walter Claudene Pickett	USA
S Less NW SW	Tom & Kathleen Lipp	Tom & Kathleen Lipp Marshall & Winston, Inc. Hancock Enterprises Fortin Enterprises, Inc.
E NE	Arnold Torgerson Brenda Schwalbe Eugene Yantzer John Yantzer Arlis Muth	Same as surface ownership
SECTION 33 T142N R84W NW1/4, S1/2, NE1/4NE1/4, and SW1/4NE1/4	BNI Coal, Ltd.	Clement Bobb Diane Wilkens Betty Staigle Kathleen Mosbrucker Katherine Himmelspach BNI Coal, Ltd. John Bobb, Jr.
SE1/4NE1/4 and NW1/4NE1/4	BNI Coal, Ltd.	Lucille Bobb Clement Bobb Diane Wilkens Betty Staigle Kathleen Mosbrucker Katherine Himmelspach BNI Coal, Ltd.
SECTION 34 T142N R84W W1/2NW1/4	BNI Coal, Ltd.	Linda Ash Thomas J. Dresser, Sr.
E1/2NW1/4, NE 1/4 and N1/2SE1/4	BNI Coal, Ltd.	USA
SW	BNI Coal, Ltd.	Larry & Mary Dresser
SE1/4SE1/4	BNI Coal, Ltd.	Paul Ash, Dean Ash & Theresa Ash c/o Linda Ash Laura Ann Dresser Tammy Snyder Tom Dresser, Jr.
SW1/4SE1/4	BNI Coal, Ltd.	Tom Dresser, Jr. Laura Ann Dresser Tammy Snyder
SECTION 6 T141N R84W NE 1/4	Wilbert & Marie Mosbrucker	Wilbert & Marie Mosbrucker Lyle Mosbrucker Ken Mosbrucker Laverne Huck Life Estate <u>*Remaindermen:</u> Rachelle Markel Raynee Morrell Rayette Fasching Raydene Zimmerman Raylynn Huck Melvin Geiger
SE	Wilbert & Marie Mosbrucker	USA
SECTION 5 T141N R84W W 1/2	Wilbert & Marie Mosbrucker	Kenneth Mosbrucker Laverne Huck Life Estate <u>*Remaindermen:</u> Rachelle Markel Raynee Morrell Rayette Fasching Raydene Zimmerman Raylynn Huck Wilbert & Marie Mosbrucker Lyle Mosbrucker Melvin Geiger Joanne Trinkle Karen O. Van Amburg North Central Oil Corp. Huston Huffman & Co.
NE	Thomas & Kathleen Lipp	Thomas & Kathleen Lipp Marshall & Winston, Inc. Hancock Enterprises Fortin Enterprises
SE	Wilbert & Marie Mosbrucker	Wilbert & Marie Mosbrucker Lyle Mosbrucker Kenneth Mosbrucker Laverne Huck Life Estate <u>*Remaindermen:</u> Rachelle Markel Raynee Morrell Rayette Fasching Raydene Zimmerman Raylynn Huck Melvin Geiger
SECTION 4 T141N R84W N1/2	BNI Coal, Ltd.	B.W. Henderscheid



NW
Marion Reinke Life Estate
*Remainderman
Adele M. Barrett
BNI Coal, Ltd.
Kenneth & Darlene Reinke

Marion Reinke Life Estate
*Remainderman
Adele M. Barrett
B.W. Henderscheid
Enid Bargmann
USA

SECTION 34 T142N R84W
W1/2NW1/4

BNI Coal, Ltd.

Linda Ash
Thomas J. Dresser, Sr.

E1/2NW1/4, NE 1/4 and
N1/2SE1/4

BNI Coal, Ltd.

USA

SW

BNI Coal, Ltd.

Larry & Mary Dresser

SE1/4SE1/4

BNI Coal, Ltd.

Paul Ash, Dean Ash &
Theresa Ash c/o Linda Ash
Laura Ann Dresser
Tammy Snyder
Tom Dresser, Jr.

SW1/4SE1/4

BNI Coal, Ltd.

Tom Dresser, Jr.
Laura Ann Dresser
Tammy Snyder

SECTION 6 T141N R84W
NE 1/4

Wilbert & Marie Mosbrucker

Wilbert & Marie Mosbrucker
Lyle Mosbrucker
Ken Mosbrucker
Laverne Huck Life Estate
*Remaindermen:
Rachelle Markel
Raynee Morrell
Rayette Fasching
Raydene Zimmerman
Raylynn Huck
Melvin Geiger

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SE

Wilbert & Marie Mosbrucker

USA

SECTION 5 T141N R84W
W 1/2

Wilbert & Marie Mosbrucker

Kenneth Mosbrucker
Laverne Huck Life Estate
*Remaindermen:
Rachelle Markel
Raynee Morrell
Rayette Fasching
Raydene Zimmerman
Raylynn Huck
Wilbert & Marie Mosbrucker
Lyle Mosbrucker
Melvin Geiger
Joanne Trinkle
Karen O. Van Amburg
North Central Oil Corp.
Huston Huffman & Co.

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SES

NE

Thomas & Kathleen Lipp

Thomas & Kathleen Lipp
Marshall & Winston, Inc.
Hancock Enterprises
Fortin Enterprises

SE

Wilbert & Marie Mosbrucker

Wilbert & Marie Mosbrucker
Lyle Mosbrucker
Kenneth Mosbrucker
Laverne Huck Life Estate
*Remaindermen:
Rachelle Markel
Raynee Morrell
Rayette Fasching
Raydene Zimmerman
Raylynn Huck
Melvin Geiger

SECTION 4 T141N R84W
N1/2

BNI Coal, Ltd.

B.W. Henderscheid

S1/2

BNI Coal, Ltd.

B.W. Henderscheid
Enid Bargmann

SECTION 3 T141N R84W
ENTIRE SECTION

Minnkota Power Cooperative

B.W. Henderscheid
Enid Bargmann

SECTION 7 T141N R84W
E 1/2

Keith Dahl

Keith Dahl
Ralph Mosbrucker

SECTION 8 T141N R84W
NW 1/4

Helen Pfleger
Dennis Barnhardt
Kenneth Barnhardt

Helen Pfleger
Dennis Barnhardt
Kenneth Barnhardt
BNI Coal, Ltd.

NE

Kenneth J. Mosbrucker

Kenneth J. Mosbrucker
Lyle Mosbrucker
Laverne Huck Life Estate
*Remaindermen:
Rachelle Markel
Raynee Morrell
Rayette Fasching
Raydene Zimmerman
Raylynn Huck
Melvin Geiger
Wilbert & Marie Mosbrucker

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SECTION 9 T141N R84W

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
COUNTY OF Oliver)

I SHELLEY CHASE, being first duly sworn, on my own oath,
say, that I am the bookkeeper of the Center Republican
, a weekly newspaper of general circulation,
published in the city of Center, that the advertisement
headed:

BNI-CENTER MINE CR-APPLICATION FOR PERMIT RENEWAL/LEGAL

a printed copy of which is here annexed, was published in
the regular and entire issue of said newspaper during the
period and time of publication, and that the notice was
published in the newspaper proper, and not in a supplement,

for 4 consecutive week 05/27/2010 to wit:

Column Inches 83.25	\$5.41	\$450.38	05/06/2010
Column Inches 83.25	\$5.41	\$450.38	05/13/2010
Column Inches 83.25	\$5.41	\$450.38	05/20/2010
Column Inches 83.25	\$5.41	\$450.38	05/27/2010

Notary Fee \$1.00 Total Cost of Legal \$1,802.52

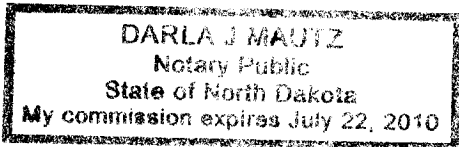
Shelley Chase

Subscribed and sworn to before me this 2nd day of
June A.D. 2010.

(Seal) *Darla J. Mautz*

Notary Public, State of North Dakota

My Commission Expires



PUBLIC NOTICES

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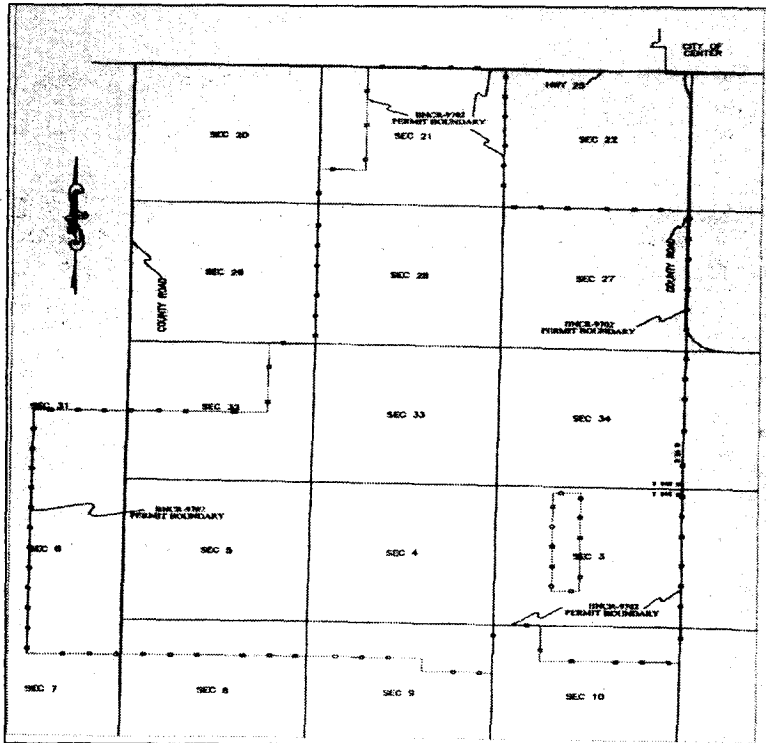
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by the

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E1/2NW1/4, NE 1/4 and LEGAL DESCRIPTION	BNI Coal, Ltd. * SURFACE OWNER (S)	USA COAL OWNERS

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PUBLIC NOTICES

N1/2SE1/4

SW 1/4

SE1/4SE1/4

SW1/4SE1/4

SECTION 6 T141N R84W
NE 1/4

SE 1/4

SECTION 5 T141N R84W
W 1/2

NE 1/4

SE 1/4

SECTION 4 T141N R84W
N1/2

S1/2

SECTION 3 T141N R84W
ENTIRE SECTION

SECTION 7 T141N R84W
E 1/2

SECTION 8 T141N R84W
NW 1/4

NE 1/4

SECTION 9 T141N R84W
NW 1/4

NE 1/4

SECTION 10 T141N R84W
NE1/4NW1/4 & NE 1/4

BNI Coal, Ltd.

BNI Coal, Ltd.

BNI Coal, Ltd.

Wilbert & Marie Mosbrucker

Wilbert & Marie Mosbrucker

Wilbert & Marie Mosbrucker

Thomas & Kathleen Lipp

Wilbert & Marie Mosbrucker

BNI Coal, Ltd.

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Minnkota Power Cooperative

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B.W. Henderscheid

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Enid Bargmann

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Raylynn Huck
Melvin Geiger
Wilbert & Marie Mosbrucker

Marion Reinke Life Estate
*Remainderman
Adele M. Barrett

B.W. Henderscheid
Enid Bargmann


USA

(05-06-10-05-13-10-05-20-10-05-27-10)



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