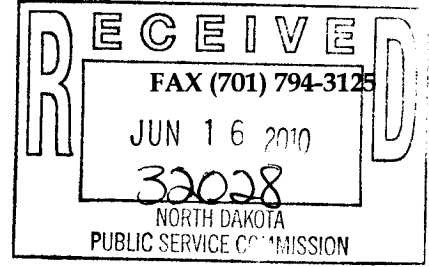


PHONE (701) 794-8734



2360 35<sup>TH</sup> 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

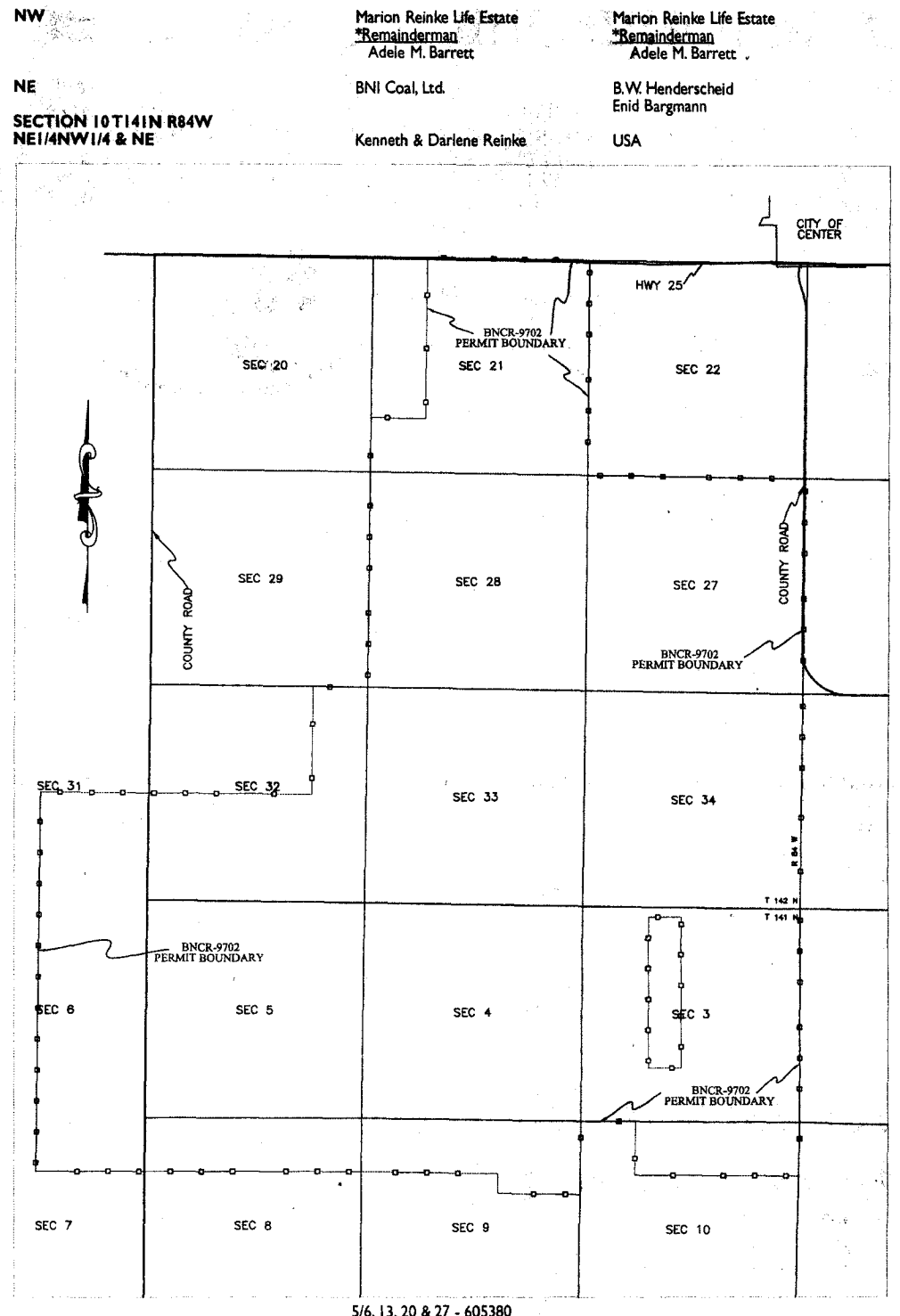
**NOTICE OF APPLICATION FOR A RENEWAL AND A REVISION OF A PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES.**

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.

Any person whose interests are or may be adversely affected by the proposed action has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections, requests for informal conferences and petitions should be sent to the Public Service Commission, 600 East Boulevard, Bismarck, ND 58505-0480 within 30 days after the final date of publication of this notice. A copy of the permit application is available for inspection at the Office of the Auditor, Oliver County Courthouse, Center, ND 58530 and the Office of the Director of the Reclamation Division, Public Service Commission, 600 East Boulevard Avenue, Bismarck, ND 58505-0480.

The legal description and names of the apparent surface and mineral (coal) owners of the land in the permit area that will be affected by the revised plans are as follows:

LEGAL DESCRIPTION	SURFACE OWNER (S)	COAL OWNERS
<b>SECTION 21 T142N R84W ENTIRE SECTION</b>	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
<b>SECTION 28 T142N R84W W</b>	BNI Coal, Ltd.	USA
<b>NE Less NE1/4NE1/4</b>	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd. ND State Land Department
<b>NE1/4NE1/4</b>	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd. ND State Land Department
<b>SE1/4 Less NE1/4SE1/4</b>	BNI Coal, Ltd.	Lucille Bobb
<b>NE1/4SE1/4</b>	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd.
<b>SECTION 27 T142N R84W ENTIRE SECTION</b>	BNI Coal, Ltd.	Katherine Himmelspach Betty Staigle Diane Wilkens Kathleen Mosbrucker BNI Coal, Ltd. Clement Bobb
<b>SECTION 31 T142N R84W SE</b>	Kenneth Barnhardt Helen Pfleger Dennis Barnhardt	Kenneth Barnhardt Helen Pfleger Dennis Barnhardt Joanne Trinkle Karen O. Van Amburg
<b>SECTION 32 T142N R84W NW1/4SW1/4</b>	Brenda Schwalbe Phyllis Vandenburg John Yantzer Howard Skager Nathan Skager Jardene Moss Karla Walter Claudene Pickett	USA
<b>S Less NW SW</b>	Tom & Kathleen Lipp	Tom & Kathleen Lipp Marshall & Winston, Inc. Hancock Enterprises Fortin Enterprises, Inc.
<b>E NE</b>	Arnold Torgerson Brenda Schwalbe Eugene Yantzer John Yantzer Arlis Muth	Same as surface ownership
<b>SECTION 33 T142N R84W NW1/4, S1/2, NE1/4NE1/4, and SW1/4NE1/4</b>	BNI Coal, Ltd.	Clement Bobb Diane Wilkens Betty Staigle Kathleen Mosbrucker Katherine Himmelspach BNI Coal, Ltd. John Bobb, Jr.
<b>SE1/4NE1/4 and NW1/4NE1/4</b>	BNI Coal, Ltd.	Lucille Bobb Clement Bobb Diane Wilkens Betty Staigle Kathleen Mosbrucker Katherine Himmelspach BNI Coal, Ltd.
<b>SECTION 34 T142N R84W W1/2NW1/4</b>	BNI Coal, Ltd.	Linda Ash Thomas J. Dresser, Sr.
<b>E1/2NW1/4, NE 1/4 and N1/2SE1/4</b>	BNI Coal, Ltd.	USA
<b>SW</b>	BNI Coal, Ltd.	Larry & Mary Dresser
<b>SE1/4SE1/4</b>	BNI Coal, Ltd.	Paul Ash, Dean Ash & Theresa Ash c/o Linda Ash Laura Ann Dresser Tammy Snyder Tom Dresser, Jr.
<b>SW1/4SE1/4</b>	BNI Coal, Ltd.	Tom Dresser, Jr. Laura Ann Dresser Tammy Snyder
<b>SECTION 6 T141N R84W NE 1/4</b>	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
<b>SE</b>	Wilbert & Marie Mosbrucker	USA
<b>SECTION 5 T141N R84W W 1/2</b>	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.
<b>NE</b>	Thomas & Kathleen Lipp	Thomas & Kathleen Lipp Marshall & Winston, Inc. Hancock Enterprises Fortin Enterprises
<b>SE</b>	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
<b>SECTION 4 T141N R84W N1/2</b>	BNI Coal, Ltd.	B.W. Henderscheid



5/6, 13, 20 & 27 - 605380

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

L OCS

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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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

E1/4  
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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

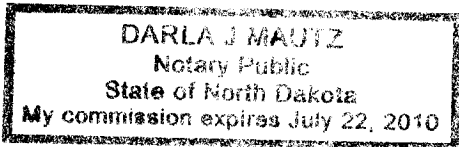
*Shelley Chase*

Subscribed and sworn to before me this 2<sup>nd</sup> 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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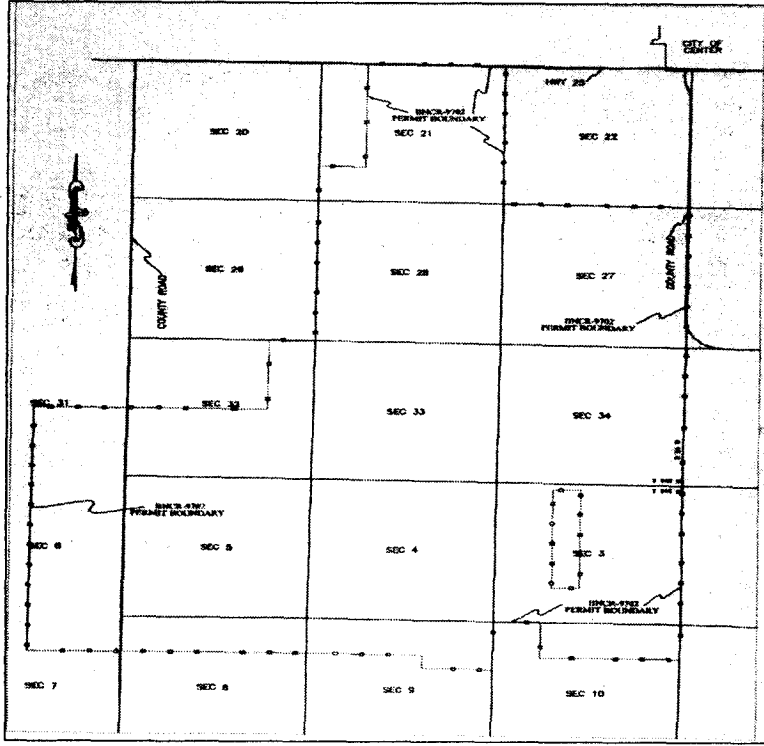
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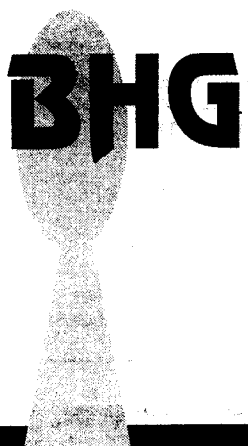
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SECTION 28 T142N R84W W 1/2	BNI Coal, Ltd.	USA
NE 1/4 Less NE1/4NE1/4	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd. ND State Land Department
NE1/4NE1/4	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd. ND State Land Department
SE1/4 Less NE1/4SE1/4	BNI Coal, Ltd.	Lucille Bobb BNI Coal, Ltd.
NE1/4SE1/4	BNI Coal, Ltd.	John Bobb, Jr. BNI Coal, Ltd.
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SECTION 31 T142N R84W SE 1/4	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 1/2 Less NW 1/4SW 1/4	Tom & Kathleen Lipp	Tom & Kathleen Lipp Marshall & Winston, Inc. Hancock Enterprises Fortin Enterprises, Inc.
E 1/2 NE 1/4	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 LEGAL DESCRIPTION	BNI Coal, Ltd. * SURFACE OWNER (S)	USA COAL OWNERS

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# PUBLIC NOTICES


N1/2SE1/4		
SW 1/4	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
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SE 1/4	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.
NE 1/4	Thomas & Kathleen Lipp	Thomas & Kathleen Lipp Marshall & Winston, Inc. Hancock Enterprises Fortin Enterprises
SE 1/4	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 Pflieger Dennis Barnhardt Kenneth Barnhardt	Helen Pflieger Dennis Barnhardt Kenneth Barnhardt BNI Coal, Ltd.
NE 1/4	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
SECTION 9 T141N R84W NW 1/4	Marion Reinke Life Estate *Remainderman Adele M. Barrett	Marion Reinke Life Estate *Remainderman Adele M. Barrett
NE 1/4	BNI Coal, Ltd.	B.W. Henderscheid Enid Bargmann
SECTION 10 T141N R84W NE1/4NW1/4 & NE 1/4	Kenneth & Darlene Reinke	USA

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



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