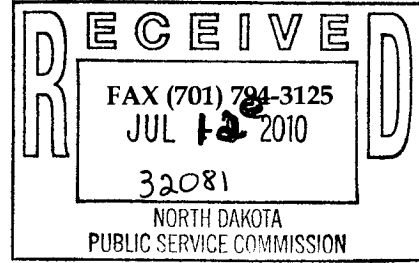


PHONE (701) 794-8734



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



July 9, 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 for Publication" notices from the Bismarck Tribune and the Center Republican for Revision 9 and Renewal 3 to Permit BNCR-9401.

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

Sincerely,

Karene M. Hall
Permit Coordinator



Classified Advertising Invoice

Bismarck Tribune

PO BOX 4001
LaCrosse, WI 54602-4001

In State 701-250-8218

Toll free 800-472-2273

BNI COAL LTD

2360 NW 35TH AV
CENTER ND 58530

Customer: 60001119

Phone: (701) 794-8734

Date: 06/09/2010

Date	Order #	Type	Order Amt
06/09/10	20445131	INV	1,962.00

Amount Paid: _____ CK # _____

CREDIT CARD PAYMENT (circle one)



Card #: _____

Exp Date: _____

Signature: _____

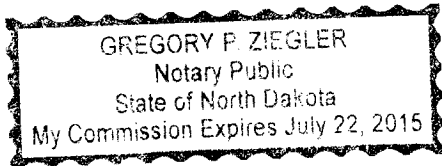
Credit card users: Fax to 701-223-6584

Cash Amt _____

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

Date	Date	Times Run	Description	Lines	Class Code	Order Amt	Net Amt Due
05/19/10	06/09/10	4	Bismarck Tribune	147.00	Legals	1,962.00	1,962.00

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
5/19, 26, 16/10 Signed Carmen Hunt
sworn and subscribed to before me this 11th
day of June 2010
Notary Public in and for the State of North Dakota



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

Remarks	Total Due: 1,962.00
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Bismarck Tribune
www.bismarcktribune.com
PO BOX 4001
LaCrosse, WI 54602-4001

Terms: PAYMENT IS DUE UPON RECEIPT OF INVOICE

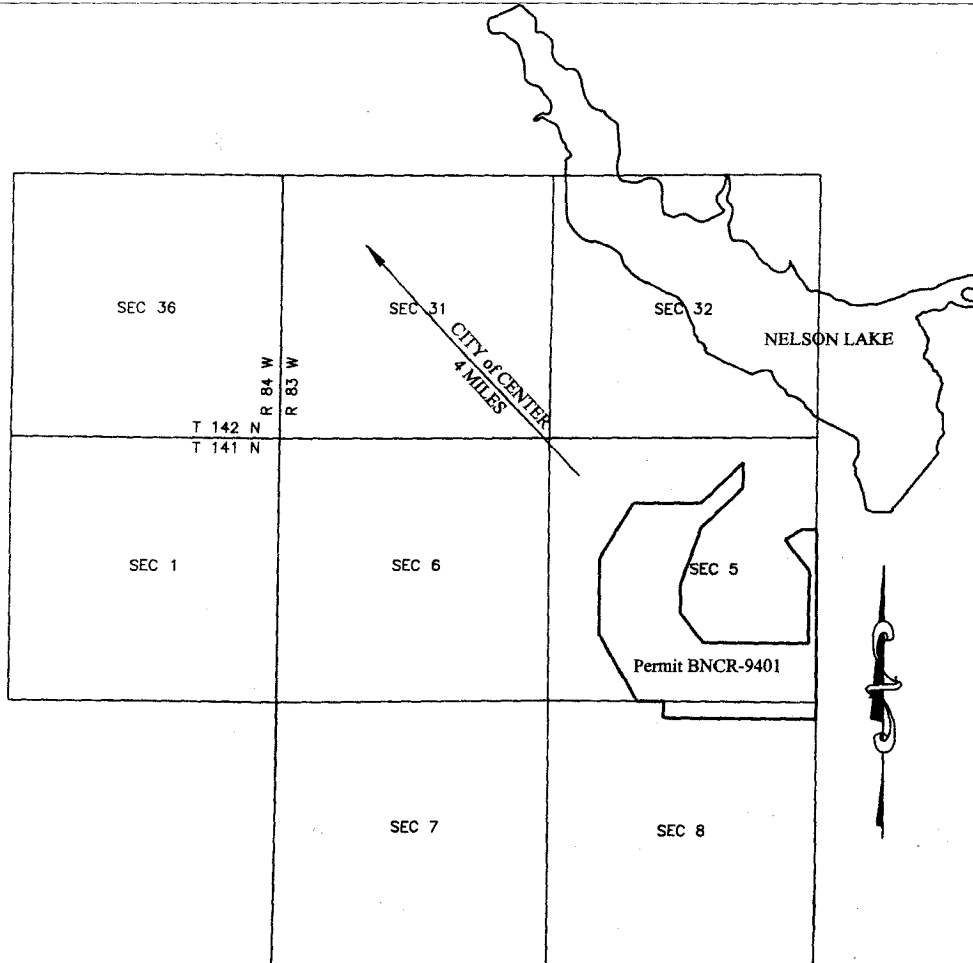
**NOTICE OF APPLICATIONS FOR A PERMIT RENEWAL AND REVISION TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION ACTIVITIES**

Please take notice that BNI Coal Ltd., 2360 35th Avenue SW, Center, ND 58530-9499 has submitted applications to the North Dakota Public Service Commission for Permit Renewal No. 3 and Revision No. 9 to Permit BNCR-9401, approved on August 16, 1995, to engage in surface coal mining and reclamation operations. The area for which a permit renewal and revision is sought includes approximately 254.70 acres in Sections 5 and 8, Township 141N, Range 83W, in Oliver County, North Dakota. This area is shown on the accompanying map and is described below. Renewal No. 3 will extend the permit term another five years until August 16, 2015. The permit revision will update the legal and financial section, reclamation and operational sections and post mining land use.

Any person whose interests are or may be adversely affected by the proposed applications has the right to file written comments, objections or request an informal conference with the North Dakota Public Service Commission. Written comments, objections or requests for informal conferences should be sent to the ND Public Service Commission, 600 E Boulevard Avenue, Dept. 408, Bismarck, ND 58505 within 30 days after the last date of publication of this notice. Copies of the applications are available for inspection at the Oliver County Auditor's office located in the Oliver County Courthouse, Center, North Dakota 58530 and the Director's office, Reclamation Division, North Dakota Public Service Commission, 13th Floor State Capitol Building, Bismarck, North Dakota 58505.

The legal description and names of the apparent surface and mineral (coal) owners of the land in the permit area are as follows:

<u>LEGAL DESCRIPTION</u>	<u>SURFACE OWNER</u>	<u>COAL OWNER</u>
Section 5 T141N R83W N 1/2 and SW 1/4	Minnkota Power Cooperative	Great Northern Properties
SE 1/4	Minnkota Power Cooperative	Minnkota Power Cooperative
Section 8 T141N R83W NW 1/4	Larry & Virginia Schmidt	Loretta Tabor Linda Borlaug Johnnie Kautzman Donna Barnhardt Frank Schmidt Breen Associates Albert Goering Wiser Oil Co. Security Oil & Realty Sabine Corporation Pacific Ent. ABC Crp. Walter Duncan, Inc. D.E. & O.J. Stucky Dale R. Saxvik & Matt Lawrence
Section 8 T141N R83W NE1/4NE1/4	Delphine Vetter Danita Deichert David H. Erhardt Doretta Bornemann Dean P. Erhardt	USA
NW1/4NE1/4 & S1/2NE1/4	Delphine Vetter Danita Deichert David H. Erhardt Doretta Bornemann Dean P. Erhardt	Same as Surface



AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)
)
SS
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-APP RENEWAL PERMIT BNC R-9401/LEGAL/PO 101465

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 06/10/2010 to wit:

Table with 4 columns: Column Inches, Price per inch, Total Price, and Date. Rows show 27.75 inch columns for dates 05/20/2010, 05/27/2010, 06/03/2010, and 06/10/2010.

Notary Fee \$1.00 Total Cost of Legal \$601.52

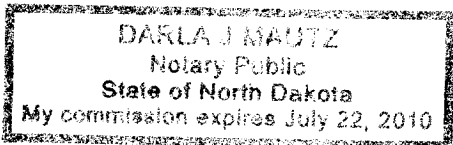
Signature of Shelley Chase

Subscribed and sworn to before me this 17th day of June A.D. 2010

(Seal) Darla J. Mautz

Notary Public, State of North Dakota

My Commission Expires



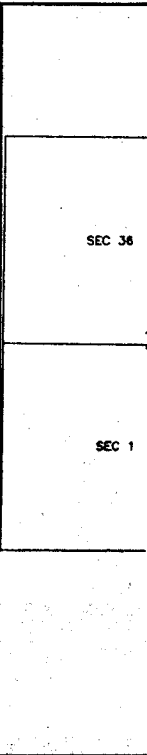
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The legal description and names of the apparent surface follows:

Table with 2 columns: LEGAL DESCRIPTION and SURFACE OWNER. Rows include Section 5 T141N R83W N 1/2 and SW 1/4 (Minnkota Power C), SE 1/4 (Minnkota Power C), and Section 8 T141N R83W NW 1/4 (Larry & Virginia S).



and time of publication, and that the notice was in the newspaper proper, and not in a supplement,

consecutive week 06/10/2010 to wit:

pages 27.75	\$5.41	\$150.13	05/20/2010
pages 27.75	\$5.41	\$150.13	05/27/2010
pages 27.75	\$5.41	\$150.13	06/03/2010
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Fee \$1.00 Total Cost of Legal \$601.52

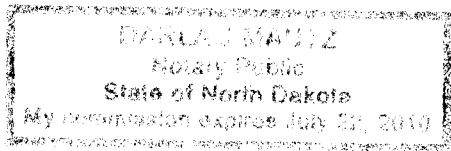
[Signature]

and sworn to before me this 17th day of _____ A.D. 2010

[Signature]

Notary Public, State of North Dakota

Commission Expires _____



A PERMIT RENEWAL AND REVISION TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION ACTIVITIES

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Section 8 T141N R83W NE1/4NE1/4	Delphine Vetter Danita Deichert David H. Erhardt Doretta Bornemann	USA

