

# STATE OF NORTH DAKOTA

## PUBLIC SERVICE COMMISSION

Coteau Properties Company  
Revision No. 40, Permit NACT-9501  
Approval

Case No. RC-13-775

### REVISION OF PERMIT TO ENGAGE IN SURFACE COAL MINING AND RECLAMATION OPERATIONS

September 25, 2013

Based on the application for **Revision Number 40 to Permit Number NACT-9501 received August 29, 2013**, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on August 29, 2013, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. The 39.98 acres being deleted from the permit as part of this revision have not been affected by the applicant. Inspections of this area were conducted by Commission staff to verify that these lands were not disturbed by the Coteau Properties Company and,
3. The Commission's findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

**Revision Number 40 to Permit Number NACT-9501 is hereby granted to The Coteau Properties Company to delete 39.98 acres located in the SW1/4 of Section 34, T146N, R88W, in Mercer County that were not affected by surface coal mining and reclamation operations as described in the permit revision application received August 29, 2013.**

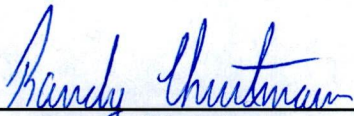
The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be an insignificant alteration to the previously approved permit. (Attached is a copy of the metes and bounds description of land being deleted in the permit area.)

**LOCATION**

<b>MINE</b>	<b>ADDRESS</b>	<b>ACRES</b>	<b>Sec.</b>	<b>Twp.</b>	<b>Range</b>	<b>County</b>
Freedom	Beulah, ND	-39.98	34	146N	88W	Mercer

**-39.98 acres - Total Area Deleted**

**PUBLIC SERVICE COMMISSION**

  
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**Randy Christmann**  
Commissioner

  
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**Brian P. Kalk**  
Chairman

  
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**Julie Fedorchak**  
Commissioner

**Permit NACT-9501 Revision No. 40 Metes & Bounds of Deleted Acres:**

A tract of land being the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 34, T146N, R88W, 5<sup>th</sup> P.M., Mercer County, North Dakota, described as follows:

Beginning at the south  $\frac{1}{4}$  corner of said Section; thence N01-03-36 E a distance of 2639.89 feet, on the north-south  $\frac{1}{4}$  line to the center  $\frac{1}{4}$  corner of said Section; thence N 88-54-30 W a distance of 659.78 feet, on the east-west  $\frac{1}{4}$  line to the C-E-W  $\frac{1}{64}$  corner of said Section; thence S 01-03-28 W a distance of 2640.02 feet, on the north-south  $\frac{1}{64}$  line to the E-W  $\frac{1}{64}$  corner on the south line of said Section; thence S 88-55-12 E a distance of 659.68 feet, on the south line to the south  $\frac{1}{4}$  corner of said Section, being the point of beginning.

Said tract contains 39.98 acres.

All bearings and distances are based on the North Dakota State Plane Coordinate System, South Zone, 1927 N. A. D.