

## Hamre, John G.

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**From:** Brinkman, Zanna A.  
**Sent:** Thursday, July 22, 2021 8:59 AM  
**To:** Hamre, John G.  
**Cc:** Moos, Dean K.  
**Subject:** FW: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603  
**Attachments:** KRSB-8603 - Affidavit of Publication - Bismarck Tribune.pdf

File as:

\\coal\Mine Data\Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Permit Transfer\  
Affdvt\_publication\_BisTrib\_7-21-21

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**From:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Sent:** Wednesday, July 21, 2021 1:19 PM  
**To:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Cc:** Noel, Jesse <[jnoel@westmoreland.com](mailto:jnoel@westmoreland.com)>  
**Subject:** RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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Zanna – please see the attached affidavit of publication for KRSB-8603. I received it this afternoon!

Dicki

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**From:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Sent:** Tuesday, July 13, 2021 3:49 PM  
**To:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Subject:** RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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THANK YOU!

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**From:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Sent:** Tuesday, July 13, 2021 4:43 PM  
**To:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Cc:** Noel, Jesse <[jnoel@westmoreland.com](mailto:jnoel@westmoreland.com)>  
**Subject:** RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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It was published. I pulled this through the public notices for north Dakota.

16 RC-20-154 Filed 07/21/2021 Pages: 6  
1 Bismarck Tribune Affidavit of publication of public notice  
Westmoreland Beulah Mining LLC  
Dicki Peterson

Jill with the Tribune is sending me the affidavit so I will send it to you as soon as I receive it.

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**From:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Sent:** Tuesday, July 13, 2021 3:41 PM  
**To:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Subject:** RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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Ok. Thanks Dicki.

I just text Jesse the worst case scenario: If the transfer for 8603 did not get published in the tribune, we can still approve the two revisions and the permit renewal for 8603 on August 4th **IF** the new bond documents for WBM are correctly executed and in our office by the close of business on 7/29.

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**From:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Sent:** Tuesday, July 13, 2021 3:43 PM  
**To:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Subject:** RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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No, I have not received the affidavit. I will follow-up with the Tribune.

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**From:** Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Sent:** Tuesday, July 13, 2021 2:11 PM  
**To:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Subject:** RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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Thanks Dicki! Jesse called me about 1:45 CT and told me that KRSB-8603 transfer was only published in Beacon and KRSB-8802 transfer was only published in Tribune. I was on my way to a meeting and told Jesse I'd call him back today. I had a small panic attack and then remembered that you sent me the publication dates for the transfers and confirmation emails from the papers.

Most important question: Do you have the Bismarck Tribune affidavit for KRSB-8603?

Zanna

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**From:** Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>  
**Sent:** Tuesday, July 13, 2021 1:56 PM

To: Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>; Aberle, Scott <[saberle@westmoreland.com](mailto:saberle@westmoreland.com)>

Subject: RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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The affidavit for KRSB-8802 permit transfer.

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From: Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>

Sent: Tuesday, July 13, 2021 10:48 AM

To: Aberle, Scott <[saberle@westmoreland.com](mailto:saberle@westmoreland.com)>

Cc: Peterson, Dicki <[dpeterson@westmoreland.com](mailto:dpeterson@westmoreland.com)>

Subject: FW: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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Jesse is out of the office so I am forwarding this to the two of you

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From: Brinkman, Zanna A.

Sent: Tuesday, July 13, 2021 11:19 AM

To: Noel, Jesse <[jnoel@westmoreland.com](mailto:jnoel@westmoreland.com)>

Cc: Welch, Guy A. <[gwelch@nd.gov](mailto:gwelch@nd.gov)>

Subject: RE: Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

Jesse,

Thanks for the Rev 33 affidavits, Guy will contact you if there is a problem with those.

The attachment "Permit Transfer-Beulah Beacon.pdf 2 MB" is the Beacon affidavit for the KRSB-8603 permit transfer. The attachment "Permit Transfer-Bismarck Tribune 935 KB" is the Bismarck Tribune affidavit for the KRSB-8802 permit transfer.

There are two affidavits missing. Please email the [Bismarck Tribune affidavit for the KRSB-8603 permit transfer](#) and the [Beulah Beacon affidavit for the KRSB-8802 permit transfer](#).

Thanks,

**Zanna A Brinkman**

*Assistant Director Reclamation Division*

701.328.3403 • [zbrinkman@nd.gov](mailto:zbrinkman@nd.gov) • [www.psc.nd.gov](http://www.psc.nd.gov) [[psc.nd.gov](http://psc.nd.gov)] [[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)] [[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)] [[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)]

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Dakota** | Public Service Commission  
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**From:** Noel, Jesse <[jnoel@westmoreland.com](mailto:jnoel@westmoreland.com)>  
**Sent:** Monday, July 12, 2021 5:08 PM  
**To:** Welch, Guy A. <[gwelch@nd.gov](mailto:gwelch@nd.gov)>; Brinkman, Zanna A. <[zbrinkman@nd.gov](mailto:zbrinkman@nd.gov)>  
**Subject:** Affidavits for R33 and the Permit transfer; Beulah Mine, Permit KRSB 8603

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Guys,

I couldn't remember if I forwarded these to you yet or not. Attached are affidavits of publication for the Permit Transfer and R33.

Thanks,



**Westmoreland Mining LLC**

Jesse Noel, P.E.

*Director, Environmental & Regulatory Affairs*

1601 Lewis Ave., Suite 112 | Billings, MT 59102

Direct: (406) 226-2255 | Mobile: (406) 740-0242

Email: [jnoel@westmoreland.com](mailto:jnoel@westmoreland.com) | Website: [www.westmoreland.com](http://www.westmoreland.com) [[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)]

[[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)] [[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)]

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\*\*\* Proof of Publication \*\*\*

State of North Dakota )  
  ) SS:  
County of Burleigh     )

Before me, a Notary Public for the State of North Dakota personally

appeared Jim Lindsay 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:

5/29, 6/5, 12 + 19/2021

Signed Jim Lindsay

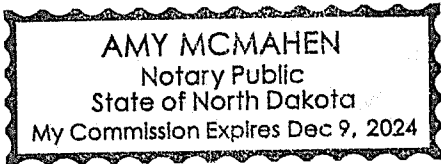
Westmoreland Mining LLC  
Scott Aberle  
PO BOX 39  
BEULAH ND 58523

ORDER NUMBER   28720

Sworn and subscribed to before me this 14<sup>th</sup> day of

July 20 21

Amy McMahen  
Notary Public in and for the State of North Dakota



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 05/29/2021, 06/05/2021, 06/12/2021, 06/19/2021

TOTAL AD COST:                   4411.60

FILED ON:                           7/3/2021

**NOTICE OF APPLICATION FOR TRANSFER, SALE OR ASSIGNMENT OF RIGHTS GRANTED UNDER AN APPROVED SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMIT**

Please take notice that WESTMORELAND BEULAH MINING LLC, PO Box 39, Beulah, ND 58523 has filed an application to the North Dakota Public Service Commission for Application for Transfer, Sale or Assignment of Rights Granted Under an Approved Surface Coal Mining and Reclamation Operations Permit.

The permit area, KRSB-8603, is located in Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 29 T143N, R88W, Mercer County, North Dakota. The precise location and boundaries of the permit area are depicted on the accompanying map.

This application for transfer, sale or assignment of rights granted under an approved surface coal mining and reclamation operations permit encompasses 3,871.7 acres in Permit KRSB-8603 issued to Dakota Westmoreland Corporation for coal excavation, mining and associated disturbance activities in support thereof.

A copy of the application for transfer, sale or assignment of rights of a surface coal mining permit is available for public inspection at the Office of the Director, Reclamation Division, Public Service Commission, 600 East Boulevard Avenue, Dept. 408, Bismarck, North Dakota and the Office of the County Auditor, Mercer County, Stanton, North Dakota. This application is available for public inspection therein during normal business hours. A DVD copy of the application may also be requested by contacting the Public Service Commission at (701) 328-2400 or ndpsc@nd.gov or by sending a written request.

Any person with an interest which may be adversely affected may file written comments, objections, or request an informal conference on the application with the North Dakota Public Service Commission within 30 days of the last publication of this notice. Any request for informal conference must include the reasons for the request.

The legal description and names of the apparent surface and subsurface mineral owners of land included with the area applied for are as follows:

Mercer County, T.143N., R.88W.

SECTION	LOCATION	SURFACE OWNER(S)	COAL OWNER(S)
14	S½NW¼	Otter Tail Power Company Northern Municipal Power Agency Northwestern Corporation Montana-Dakota Utilities Co.	United States of America Gary Murray Armon & Peggy J. Wolff Family Mineral Trust Phyllis O-Neil Lydia Stoppler Daryl E. Zimmerman Robert A. Keogh Robert A. Keogh Mineral Trust Faye Keogh Rev. Trust Claire C. Schwalbe
15	NW¼	Otter Tail Power Company Northern Municipal Power Agency Northwestern Corporation Montana-Dakota Utilities Co.	
15	NE¼	Westmoreland Beulah Mining LLC Otter Tail Power Co. Northern Municipal Power Agency Northwestern Corporation Montana-Dakota Utilities Co.	Robert A. Keogh Robert A. Keogh Mineral Trust Faye Keogh Rev. Trust Claire C. Schwalbe
15	S½	Faye Keogh Revocable Trust	Robert A. Keogh Robert A. Keogh Mineral Trust Faye Keogh Rev. Trust Claire C. Schwalbe
16	N½	State of North Dakota	State of North Dakota
16	SW¼	Joan Miller Sharon Winkler	State of North Dakota Joan Miller Sharon Winkler
16	SE¼	Ronald & Janice Gunsch Janice & Marvin Sigman Sylvia & Dalton Zeiszler	Ronald Gunsch Janice Sigman Sylvia Zeiszler
17	S½	Faye Keogh Revocable Trust	State of North Dakota Robert A. Keogh Robert A. Keogh Mineral Trust Faye Keogh Rev. Trust Claire C. Schwalbe
17	N½	Claire C. Schwalbe	Robert A. Keogh Robert A. Keogh Mineral Trust Faye Keogh Rev. Trust Claire C. Schwalbe
18	SE¼	Donald & Claire Schwalbe	Donald & Claire Schwalbe State of North Dakota
19	N½	Casey and Julie Voigt Casey and Julie Voigt *Subject to Contract for Deed from: Shawn and Maria Voigt, Karmen and Craig Eslinger, Donalda Voight, and Kenneth Voight	Patience M & Calvin K Saylor Casey and Julie Voigt Kari & Michael Trappen Karmen and Craig Eslinger Dean Voigt Donalda Voight Kenneth Voigt Shawn & Maria Voigt
20	NE¼NE¼	Westmoreland Beulah Mining LLC	United States of America
NW¼NW¼ S½ N½ N½ S½			
20	NE¼NW¼	Westmoreland Beulah Mining LLC	Westmoreland Beulah Mining LLC
20	NW¼NE¼	Ronald & Janice Gunsch Janice & Marvin Sigman Sylvia & Dalton Zeiszler	Ronald Gunsch Janice Sigman Sylvia Zeiszler
20	S½ S½	Westmoreland Beulah Mining LLC	Westmoreland Beulah Mining LLC State of North Dakota
21	N½	Joan Miller Sharon Winkler	Joan Miller Sharon Winkler
21	S½	Wilfred Fetch Angeline Braun Cary Unterseher	Wilfred Fetch Angeline Braun Cary Unterseher
22	NE¼	Terence Schmidt	United States of America
22	NW¼	Ronald & Janice Gunsch Janice & Marvin Sigman Sylvia & Dalton Zeiszler Vergene Christianson	United States of America
22	SE¼	Ronald & Janice Gunsch	United States of America
22	E½SW¼	Rita Schmidt	United States of America
22	W½SW¼	Bonniita Schmidt Debra (Schmidt) Hoerer Darla (Schmidt) Ratzak Gene Schmidt	
23	NW¼	Candida (Schmidt) Rhoades Terence Schmidt	United States of America Terence Schmidt Tammy Schmidt
23	SW¼	Terence Schmidt	Julia K. Allison Carl Bauer John Bauer Joan Brown Karen P. Dietz Margianna L. Hunt Nancy Weigel Jensen Kathy M. Leber Karen M Weigel Kathleen McCrary Susan McCrary Cheryl McFadden David M. Pantermuehl John Pantermuehl Roland M. Pantermuehl Barbara Ann Teed Eugene Arnold Weigel Janice P Zeigler
29	N½	Lyle & Patricia Winkler	Lyle & Patricia Winkler

