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Confidential  
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 Expandable  
Refer to Record No 0038 Date 9/10/2008  
In C10070011, 2008, Incoming  
For additional information

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

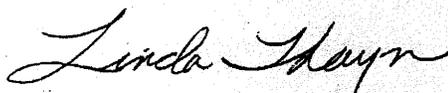
ss.

County of Carbon,)

I, Richard Shaw, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and the first publication was on the 27th day of December, 2007, and that the last publication of such notice was in the issue of such newspaper dated the 10th day of January, 2008.

  
Richard Shaw - Publisher

Subscribed and sworn to before me this 10th day of January, 2008.



Notary Public My commission expires January 10, 2007 Residing at Price, Utah

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**PUBLIC NOTICE**

Application for Phase I Bond Release for Refuse Pile 2, Slurry Pond 4 and Slurry Pond 5 Main Cell

Hiawatha Coal Company  
Hiawatha Mine Complex  
Permit C/007/011, issued March 14, 2007  
Carbon County, Utah

Hiawatha Coal Company, P.O. Box 1202, Huntington, UT 84528, has completed Phase I of the approved reclamation plan for approximately 95.9 acres of land related to Refuse Pile 2, and Slurry Ponds 4 and 5. The Phase I bond release application is based on completing the demolition, backfilling, grading, and drainage control requirements in accordance with the approved reclamation plan. The reclamation work applicable to this bond release was completed in the fall of 2000.

In accordance with the requirements of R645-301-880, of the State of Utah R645-Coal Mining Rules, notice is hereby given to the general public and all affected land owners that Hiawatha Coal Company is applying for partial release of the performance bond posted for this operation.

The Letter of Credit posted for the Hiawatha Mine Complex is \$2,800,000. Hiawatha Coal company is seeking Phase I release of \$1,220,000 from the calculated bond amount for reclamation activities completed in and around the town of Hiawatha.

The Slurry Ponds, Refuse Pile, and demolished structures are located on the Hiawatha and Poison Spring Bench, Utah, U.S. Geological Survey 7.5 minute quadrangle maps. This reclamation land is located in and around the town of Hiawatha on the following described lands:

- Township 15 South, Range 9 East, S1, E8M, Utah
- Section 26: Portions of the SW 1/4 SW 1/4
- Section 27: Portions of the SE 1/4 SE 1/4
- Section 34: Portions of the NE 1/4 NE 1/4
- Section 35: Portions of the W 1/2 NW 1/4

The Utah Division of Oil, Gas and Mining will now evaluate the proposal to determine whether it meets all the criteria of the Permanent Program Performance Standards according to the requirements of the Utah Coal Mining Rules.

Written comments, objections and requests for public hearing or informal conference on this proposal may be addressed to:

Utah Coal Program  
Utah Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

Closing dates for submission of such comments, objections, and requests for public hearing or informal conference on this proposal must be submitted by February 10, 2008

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