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VAN COTT, BAGLEY, CORNWALL & McCARTHY  
A Professional Corporation  
50 South Main Street, Suite 1600  
P.O. Box 45340  
Salt Lake City, Utah 84145  
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ACT/057/020  
#2

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
OPERATOR: \_\_\_\_\_

Teletype No. (801) 534-0058  
FACSIMILE COVER LETTER

**PLEASE DELIVER THE FOLLOWING PAGE(S) TO:**

NAME: PAMELA GRUBAUGH-LITTIG  
CITY/STATE: SLC, UT  
TELECOPY NO: (801) 359-3940  
CONFIRMATION NO: (801) 538-5326

**FROM:**

NAME: DENISE A. DRAGOO  
CITY/STATE: Salt Lake City, Utah  
RE: HORIZON MINING, LLC  
COMMENT: COPY OF LETTER OF OCTOBER 6, 1997, RE AFFIDAVIT OF PUBLICATION

**TOTAL NUMBER OF PAGES: 3 (INCLUDING COVER LETTER)**

DATE: October 22, 1997  
TIME: \_\_\_\_\_

**ORIGINAL WILL NOT FOLLOW**

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE**

**PHONE: (801) 532-3333, Ext. 495, Julie McKenzie**

Client Name: HORIZON

Client No.: 27697

Matter No.: 58819

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LAW OFFICES OF  
VAN COTT, BAGLEY, CORNWALL & MCCARTHY  
A PROFESSIONAL CORPORATION

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DENISE A. DRAGOO

DIRECT DIAL: (801) 237-0465  
E-Mail: ddragoo@vancott.com

ADDRESS ALL CORRESPONDENCE TO  
POST OFFICE BOX 46340  
84145-0340

October 6, 1997

**HAND DELIVERED**

Pamela Grubaugh-Littig  
Utah Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114

**RE: AFFIDAVIT OF PUBLICATION**

Dear Pam:

Enclosed as we discussed is the Affidavit of Publication confirming that notice of the transfer from Horizon Coal Corporation to Horizon Mining, LLC, was published on September 30, 1997.

Please let me know if you need anything further regarding this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:146337

Enclosure

- cc: Scott Kiscaden (with enclosure)
- Todd Kiscaden (with enclosure)
- Robert Scott (with enclosure)

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

ss.

County of Carbon,)

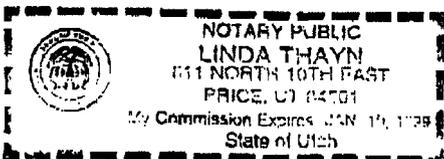
I, Kevin Ashby, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and that the first publication was on the 30th day of September, 1997 and that the last publication of such notice was in the issue of such newspaper dated the 30th day of September, 1997.

*Kevin Ashby*  
Kevin Ashby - Publisher

Subscribed and sworn to before me this 30th day of September, 1997.

*Linda Mayn*  
Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$46.56



**NOTICE**

Notice is hereby given that HORIZON COAL CORPORATION ("HCC"), permittee of the Horizon Coal Mine, has submitted an application to the Division of Oil, Gas & Mining under the provisions of R645-303-300 for transfer of Permit NO. ACT/007/020 ("Permit"), to Horizon Mining, LLC ("Horizon Mining"), whose address is P.O. Box 598, 12520 Consumer's Road, Helper, Utah 84526. Upon approval of the Permit transfer, the Permit and Permit area will be owned or controlled by Horizon Mining, LLC, a Utah limited liability company. The permit area is located in Carbon County, Utah, and is described as follows:

Township 13 South, Range 8 East, S1M, Utah

Section 8: SE1/4 SW1/4, SW1/4 NW1/4 SW1/4 SE1/4

W1/2 SW1/4 SW1/4 SE1/4,

Section 17: NW1/4 NE1/4, S1/2 NW1/4, N1/2 NW1/4 SW1/4

NE1/4 SW1/4, NW1/4 SE1/4, N1/2 SE1/4 SW1/4

N1/2 SW1/4 SE1/4, W1/2 W1/2 SW1/4 NE1/4

Containing 318 acres more or less.

Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days with:

State of Utah, Department of Natural Resources

Division of Oil, Gas & Mining

1594 West North Temple, Suite 1210

P.O. Box 145801

Salt Lake City, Utah 84114-5801

Published in the Sun Advocate September 23, 1997