cc: Lynn

FILED

JAN 19 2012

SECRETARY, BOARD OF OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

REQUEST OF THOMAS F. MILLER FOR AGENCY ACTION REGARDING THE DIVISION OF OIL, GAS, AND MINING'S ACTIONS CONCERNING THE VIPONT MINE, LOCATED IN SECTION 6 OF TOWNSHIP 14 NORTH, RANGE 17 WEST, SECTION 31 OF TOWNSHIP 15 NORTH, RANGE 17 WEST, AND SECTION 12, TOWNSHIP 14 NORTH, RANGE 18 WEST, IN BOX ELDER COUNTY, UTAH.	:	**STIPULATION AND JOINT MOTION TO CONTINUE HEARING** **Docket No.: 2012-001** **Cause No.: S/003/0035**

The Division of Oil, Gas, and Mining (Division) through its attorney of record Steven F. Alder, Assistant Utah Attorney General; and Petitioner, Thomas F. Miller, through his counsel Mark Hilty, of HAMILTON, MICHAELSON & HILTY, LLP;

HEREBY Stipulate and move the Board for continuance of the hearing of the above matter as follows;

1. The parties ask that the Board continue the evidentiary hearing set for January 25, 2012 and provide that the Petitioner shall file his Response to the Division's Motion to Dismiss no later than February 8, 2012 and the Division shall file a reply, if any, no later than February 15, 2012. If Petitioner elects, his Response may include filing of an Amended Request for Agency Action, without further motion or order.

2. The Board shall set the matter for hearing at its February 22, 2012 Board meeting with the provision that either party may request oral argument.

3. Upon entry of a decision by the Board on the Division's Motion to Dismiss, if the matter is not resolved by the decision, the Request shall be set for an evidentiary hearing as soon as reasonably possible.

Respectfully submitted this 19th day of January, 2012.

UTAH DIVISION OF OIL, GAS, AND MINING

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Assistant Utah Attorney General
1594 West North Temple St. #300
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THOMAS F. MILLER

Mark Hilty, Counsel for Petitioner
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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing STIPULATION AND JOINT MOTION TO CONTINUE for Docket No. 2012-001, Cause No. S/003/035 to be mailed with postage prepaid, this 20th day of January, 2012, to the following:

Mark Hilty
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