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cc: Leslie
Tom
Lynn

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SECRETARY, BOARD OF
OIL, GAS & MINING

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

LIVING RIVERS, a non-profit association, Petitioner, v. DIVISION OF OIL, GAS AND MINING, Respondent, EARTH ENERGY RESOURCES, INC. Intervenor/Respondent	PRE-HEARING STIPULATION TO ORDER FOR DISCOVERY AND OTHER PRE-HEARING MATTERS Docket No. 2010-027 Cause No. M/047/0090 A

The Utah Division of Oil, Gas and Mining, (Division); Living Rivers, a non-profit association; and Earth Energy Resources, Inc., (Earth Energy), through their respective counsel hereby Stipulate to an Order allowing for limited discovery and agreeing to other pre-hearing matters as follows.

1. Disclosures and Requests for Documents.

A. By December 22, 2010 Living Rivers will provide Division and Respondents with CV's/resumes of its experts and make a request for additional documents. It is the belief of Earth

Energy and the Division that all documents that are part of the permit application and review have been made available to Living Rivers, but they will respond to any requests for additional information by January 3, 2011.

B. All parties will identify potential witnesses by December 30, 2010, with the exception of rebuttal witnesses or rebuttal experts, and agree to identify any rebuttal witnesses or experts by January 14, 2011 for Earth Energy or the Division, and by January 21, 2011 for Living Rivers.

2. Expert Reports.

A. Experts reports or pre-filed testimony of experts will be filed as follows: Living Rivers will file its pre-filed testimony by January 7, 2011; Earth Energy will file its expert reports or pre-filed testimony by January 14; and Living Rivers will be allowed to file rebuttal expert pre-filed testimony by January 21.

B. The Division's witnesses do not intend to file expert reports or pre-filed testimony and will primarily provide fact testimony about the permit review and application, but may ask to be recognized as experts in some areas regarding their opinion testimony about the mine plan or its impacts.

3. Depositions. The Division will make employees who may testify available for deposition during the week of January 10 to13, 2011. The week of January 17 to 21 will be held for taking depositions of experts subject to reasonable notice and accommodation of schedules to be agreed upon.

4. Proposed Exhibits. A preliminary list of proposed exhibits will be provided on January 17 and exhibits will be filed on January 19, 2011.

5. Hearing Procedures.

A. The hearing will proceed as follows:

a. Division will present a brief overview of the application and its review and approval;

b. Living Rivers will present its witnesses, who will summarize the pre-filed testimony and any additions and then be available for cross-examination;

c. Earth energy will present its witnesses and allow for cross-examination;

d. Division may respond with testimony subject to cross;

e. Living Rivers may respond with rebuttal testimony.

B. Closing arguments or post hearing briefs will be filed as permitted by the Board. Any post hearing briefing will be concluded by February 4, 2011

6. This Stipulation is subject to modification by the Board and to entry of an Order approving the Stipulation.

Wherefore, the parties agree to the foregoing Pre-Hearing Stipulation to an Order for Discovery and Pre-Hearing Issues by signature of its counsel as of the date shown below.

Living Rivers, Petitioner

by dated 12/20/10
Rob Dubuc, Western Resource Advocates, Attorney for Petitioner

Earth Energy Resources, Inc.

by _____ dated _____
John Davis, Holme Roberts and Owen, LLP, Attorneys
for Earth Energy Resources

Division of Oil, Gas and Mining

by _____ dated 12/20/10

Steve Alder, Assistant Utah Attorney General
Counsel for Division of Oil, Gas and Mining

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Earth Energy Resources, Inc.

by _____ dated 12/20/10
John Davis, Holme Roberts and Owen, LLP, Attorneys
for Earth Energy Resources

Division of Oil, Gas and Mining

by_____ dated _____

Steve Alder, Assistant Utah Attorney General
Counsel for Division of Oil, Gas and Mining