FILED

JAN 2 6 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.	**ORDER CONTINING HEARING** **Docket No.: 2012-001** **Cause No.: S/003/035**

The Board of Oil, Gas and Mining, pursuant to the Stipulation and Joint Motion to Continue Hearing filed in this matter, by 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, and for good cause appearing;

DOES HEREBY ORDER:

1. The evidentiary hearing set for January 25, 2012 in the above entitled matter is continued until February 22, 2012 at which time the Board will consider the Division's Motion to Dismiss with the provision that either party may request oral argument;

2. 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; and

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.

DATED this 26th day of January, 2012.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

James T. Jensen

James T. Jensen, Chairman
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing ORDER CONTINUING HEARING for Docket No. 2012-001, Cause No. S/003/035 to be mailed with postage prepaid, this 27Th day of January, 2012, to the following:

Mark Hilty
Hamilton, Michaelson & Hilty, LLP
1303 – 12th Avenue Road
PO Box 65
Nampa, Idaho 83653-0065

Michael S. Johnson
Assistant Attorneys General
Utah Board of Oil, Gas & Mining
1594 West North Temple, Suite 300
Salt Lake City, UT 84116
[Via Email]

Steven F. Alder
Assistant Attorneys General
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 300
Salt Lake City, UT 84116
[Via Email]

Thomas F. Miller
1116 N. Frontage Rd.
Deer Lodge, MT 59722

Mark Wilson
NorthStar Energy LLC
12935 South West Bayshore Drive, Ste 355
Traverse City, MI 49684

Julie Ann Carter