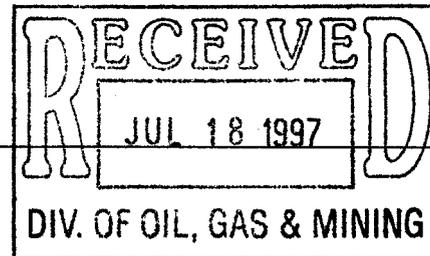


0013



July 16, 1997

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

Attention: Mr. Paul Baker

**Re: Permit Boundary Encroachment, Des-Bee-Dove Haul Road Amendment, PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Emery County, Utah.**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, submit an amendment to the permit to cover an encroachment instituted by a third party, namely Texaco Exploration and Production Inc.

### Introduction

An inadvertent encroachment of Texaco's drill hole pad "U" # 2-49 within PacifiCorp's permitted R/W along the Des-Bee-Dove haul road has occurred. During a routine inspection by Energy West, a discovery was made that portions of the pad and mud pit are within the permitted R/W of Energy West's haul road. Texaco was made aware of this situation through PacifiCorp's legal department. The Division of Oil, Gas and Mining was made aware of the problem by phone contact to Lowell Braxton.

Issues of the encroachment were discussed during an onsite meeting with Richard Northrup of "Energy West" and Ron Wirth of Texaco on June 2, 1997. A decision to have Texaco provide legal survey information and mapping of the area in question was agreed upon. Later that same day, Paul Baker of the Division arrived for an onsite quarterly inspection. Arrangements were made for Ron Wirth and Paul Baker to meet onsite and review the situation. The meeting took place and an evaluation by the Division confirmed action should be taken by Texaco to provide survey data that would corroborate encroachment probabilities.

A letter of explanation, with a drawing received July 14, 1997 from Texaco, depicts the encroachment area and provides a legal description surrounding the encroachment onto PacifiCorp's Des-Bee-Dove haul road R/W. A copy of this letter and drawing are enclosed for your information.

Permit Drawing #CM-10584-DS, Plate 5-1, sheet 11 of 38, will be revised to reflect Texaco's

Huntington Office:  
(801) 687-9821  
Fax (801) 687-2695  
Purchasing Fax (801) 687-9092

Deer Creek Mine:  
(801) 381-2317  
Fax (801) 381-2285

Cottonwood Mine:  
(801) 748-2319  
Fax (801) 748-2380

certified survey information.

**Biology**

As noted in the letter, Texaco will provide reclamation of the affected area within the R/W when the well site is completed. Energy West has previously provided Texaco with the seed mix and interim revegetation methods as outlined in the permit. Energy West will also follow-up with documentation that the proper mix and methods are used at the time reclamation work begins for this area.

**Soils**

Top soil was removed from the area before excavation of the pit was started and stockpiled within the well site area. When reclamation begins, topsoil will be replaced at a depth of 6". No record of the quantity of excavated soil was determined by Texaco. As noted on the drawing provided by Texaco, total area of encroachment is only 0.102 acres more or less.

**Engineering, Hydrology and Geology Sections have not been addressed due to the fact they are not applicable to this amendment. Texaco as the third party is accepting cost of the interim work to be accomplished. Reclamation costs are not addressed due to the small integral portion in question.**

In our determination, there is nothing within the permit text that will need to be revised, added or changed due to this amendment.

If there are any questions or concerns related to this amendment please call Richard Northrup at 687-4822 or Charles Semborski at 687-4720.

Sincerely,



Richard Northrup  
Env. Eng. Dept.

- cc: Blake Webster  
Carl Pollastro  
Barbara Adams (File)  
Ron Wirth (Texaco)

# APPLICATION FOR PERMIT CHANGE

Title of Change: Des-Bee-Dove Haul Road  
Permit Boundary Encroachment

Permit Number: ACT/015/017

Mine: Des-Bee-Dove

Permittee: PacifiCorp

Description, include reason for change and timing required to implement:

Amendment to the permit to cover an encroachment by Texaco within the permitted R/W along the Des-Bee-Dove Haul Road

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.               |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 2. Change in the size of the Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.            |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 4. Will permit change include operations in hydrologic basins other than currently approved?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 6. Does permit change require or include public notice publication?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 7. Permit change as a result of a Violation? Violation # _____   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 8. Permit change as a result of a Division Order? D.O.# _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 9. Permit change as a result of other laws or regulations? Explain: _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 10. Does permit change require or include ownership, control, right-of-entry, or compliance information?                                 |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 11. Does the permit change affect the surface landowner or change the post mining land use?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does permit change require or include collection and reporting of any baseline information?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area?                                |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 14. Does permit change require or include soil removal, storage or placement?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 15. Does permit change require or include vegetation monitoring, removal or revegetation activities?                                     |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Does permit change require or include construction, modification, or removal of surface facilities?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 17. Does permit change require or include water monitoring, sediment or drainage control measures?                                       |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 18. Does permit change require or include certified designs, maps, or calculations?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 19. Does permit change require or include underground design or mine sequence and timing?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does permit change require or include subsidence control or monitoring?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?                           |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Is this permit change coal exploration activity <input type="checkbox"/> inside <input type="checkbox"/> outside of the permit area? |

**Attach 7 complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.**

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein.

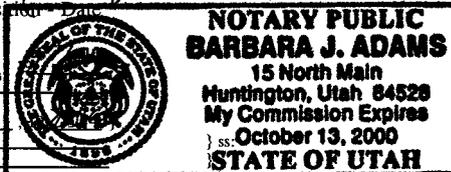
Richard Northrup Cowley - 7-16-97  
 Signed - Name - Position - Date

Subscribed and sworn to before me this 16 day of July

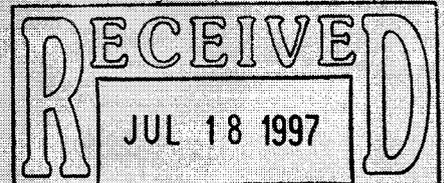
My Commission Expires: \_\_\_\_\_  
 Attest: STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

Notary Public

10-13



Received by Oil, Gas & Mining



DIV. OF OIL, GAS & MINING  
 ASSIGNED PERMIT CHANGE NUMBER \_\_\_\_\_





Texaco Exploration and Production Inc

3300 N Butler  
Farmington NM 87401

July 10, 1997

Mr. Chuck Semborski  
Geology and Environmental Supervisor  
Energy West Mining Co.  
PO Box 310  
Huntington, Utah 84528

RE: DES-BEE-DOVE HAUL ROAD - State of Utah 2-49 Well

Dear Mr. Semborski:

Texaco Exploration and Production Inc. has staked and constructed a well pad in the SE/4 of Sec2. T18S R7E. The well pad was staked and constructed with the understanding that the well pad would remain outside the marked boundary of your DES-BEE-DOVE HAUL ROAD. Texaco misunderstood the meaning of the signs in place along the haul road which read, "PERIMETER - Do Not Disturb." Texaco's intentions were to place the entire well pad outside of the permitted area.

After staking the location and completing the onsite review with DOGM, Texaco proceeded with the construction of the location as it was staked. Following the construction of the location it was immediately brought to Texaco's attention that the new well pad was within the permitted boundary. This was to Texaco's surprise, as we had made the effort to stay outside of the marked perimeter, knowing this was the edge of the permitted area for you mining operations. With further review and surveying it was shown that the new disturbance was actually located within the permitted boundary. The attached survey shows the actual disturbed area within the permitted boundary.

After completion of the well Texaco plans to provide reclamation efforts for the disturbed areas within the permitted boundary. Texaco will recontour and seed the area with previously defined seed mix.

Thank you for your assistance and cooperation in this matter. If you have any further questions or comments please contact Mr. Ron Wirth at (801) 748-5395.

Sincerely,

Robert F. Schaffitzel  
Production Engineer  
Farmington Operating Unit

Attachment

cc: Paul Baker - DOGM