

0046

One Utah Center  
201 South Main Street, Suite 2100  
Salt Lake City, UT 84111  
(801) 220-4140 - FAX (801) 220-4725



A Subsidiary of PacifiCorp

**HAND DELIVERED**

September 29, 2005

*Fireproof  
C/015/0017*

Ms. Pamela Grubaugh-Littig  
Permit Supervisor  
**Division of Oil, Gas & Mining**  
**Utah Department of Natural Resources**  
1594 West North Temple - Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-145801

**RE: Des-Bee-Dove Mine Permit C/015/0017, Emery County, Utah**

Dear Pam:

Enclosed is a completely endorsed original of the Des-Bee-Dove Mine Permit No. C/015/0017 dated August 29, 2005. A completely signed duplicate original has been sent to our Energy West Mining Company offices located in Huntington, Utah.

Should you have any questions or need any additional information, please feel free to contact Chuck Semborski of Energy West Mining Company at 435-687-4720 or myself at 801-220-4612.

Sincerely,

Scott M. Child  
Manager, Lands & Regulatory Affairs

Enclosure

SMC\EnergyWest\DOGM 2005-04.doc

cc: IMC - D.W. Jense, B. King, N. Getzelman, C. Pollastro  
EWMC w/encl. - D. Johnson, C. Semborski, D. Oakley

RECEIVED

SEP 29 2005

DIV. OF OIL, GAS & MINING

**FEDERAL**

**August 29, 2005**

**PERMIT  
C/015/0017**

**STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple  
Salt Lake City, Utah 84114-1203  
(801) 538-5340**

This permit, C/015/0017, is for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**PacifiCorp  
One Utah Center  
Suite 2100  
201 South Main Street  
Salt Lake City, Utah 84111**

for the Des-Bee-Dove Mine. A Surety Bond is filed with the Division in the amount of \$1,837,712, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct reclamation activities on the described property, subject to all applicable conditions, laws and regulations. The permit area, about 154.86 acres, is shown on the Des-Bee-Dove Mine Permit Area Boundary Map. The approximate description is:

T17S, R7E, S.L.B.&M

Sec 25: NW1/4 SW1/4, N1/2 SW1/4 SW1/4;

Sec 26: E1/2SW1/4NE1/4, W1/2SE1/4NE1/4, NE1/4SE1/4;

**Sediment Pond:**

Beginning at a point 259.41 feet West and 123.74 feet North of the East 1/4 corner of Section 35, T17S. R7E., SLM and intersecting the Des-Bee-Dove Emery County Road No. 412;

thence S 61 43' E, 127.70 feet  
thence S 51 13' E, 459.78 feet  
thence S 60 43' E, 163.50 feet  
thence S 3 43' E, 213.14 feet;  
thence N 64 47' E, 278.44 feet;  
thence N 22 17' E, 249.11 feet;  
thence N 44 13' W, 217.52 feet;  
thence N 2 47' E, 431.98 feet;  
thence N 10 13' W, 194.24 feet;  
thence N 6 13' E, 231.03 feet;  
thence N 51 13' E, 154.75 feet;  
thence N 7 13' E, 230.85 feet;  
thence N 39 13' W, 188.61 feet;  
thence N 13 48' 40" W, 1030.83 feet;  
thence N 40 36' 49" W, 46.42 feet;  
thence S 88 27' 37" W, 100.39 feet;  
thence N 61 03' 40" W, 163.27 feet,  
thence W, 79.30 feet,  
thence S 0 08' W, 517.82 feet

thence S 13 48' 40" E, 454.63 feet;  
thence S 60 37' 19" E, 640.87 feet;  
thence S 7 13' W, 189.18 feet;  
thence S 51 13' W, 155.25 feet;  
thence S 6 13' W, 258.97 feet;  
thence S 10 13' E, 195.76 feet;  
thence S 2 47' W, 448.02 feet;  
thence S 44 13' E, 206.48 feet;  
thence S 22 17' W, 196.89 feet;  
thence S 64 47' W, 185.56 feet;  
thence N 3 43' W, 166.86 feet;  
thence N 60 43' W, 186.50 feet;  
thence N 51 13' W, 460.22 feet;  
thence N 61 43' W, 132.30 feet;  
thence S 28 16' 51" W, 50.00 feet;  
to point of beginning. (13.88 acres more or less.)

**Remote Portals:**

BLM Right of Way UTU-53809, relinquished 8/22/04; No Right of Entry  
Beehive Portal Breakout (BLM Right-of-Way Expired 5/25/01; No Right of Entry)

A 20 ft. X 20 ft. area beginning at the SW corner of Section 13, T17S. R7E., SLM, to a point 292 feet, bearing N59°34'26"E. 0.01 acres, more or less.

**Deseret Portal Breakout:**

A 20 ft. X 20 ft. area beginning at the SE corner of Section 14, T17S, R7E., SLM, to a point 1,798 feet, bearing N49°20'41"W. 0.01 acres, more or less.

**Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

**Sec. 4 PERMIT TERM** - This permit expires on August 30, 2010.

**Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, Division. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13 {e} and R645-303-300.

**Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
- (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

**Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

**Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
- (b) immediate implementation of measures necessary to comply; and
- (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

**Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

**Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

**Sec. 12 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

**Sec. 13 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

**Sec. 14 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 15 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

**Sec. 16 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.

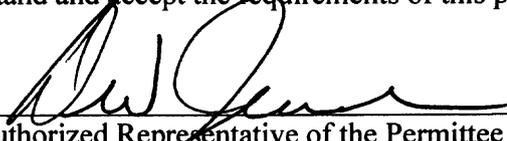
**Sec. 17 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

Federal  
C/015/0017  
August 29, 2005

The above conditions (Secs. 1-17) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any new regulations.

THE STATE OF UTAH  
  
\_\_\_\_\_  
John R. Baza  
Division of Oil, Gas and Mining  
Date: 8/30/05

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

  
\_\_\_\_\_  
Authorized Representative of the Permittee  
Date: 9/29/05

**ATTACHMENT A**  
**SPECIAL CONDITION**

1. PacifiCorp will submit water quality data for the Des-Bee-Dove Mine in an electronic format through the Electronic Data Input web site, <http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi>.
2. PacifiCorp may not dispose of asphalt within the Manti – La Sal National Forest Boundary.

RECEIVED  
MAY 20 2005

DIV. OF OIL, GAS & MINING

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

ss.

County of Emery,)

I, Ken Larson, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, 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 4 (Four) consecutive issues, and that the first publication was on the 17th day of May, 2005 and that the last publication of such notice was in the issue of such newspaper dated the 7th day of June, 2005.

*Ken G. Larson*

Ken G Larson - Publisher

Subscribed and sworn to before me this 7th day of June, 2005.

*Linda Mayn*

Notary Public My commission expires January 10, 2007 Residing at Price, Utah

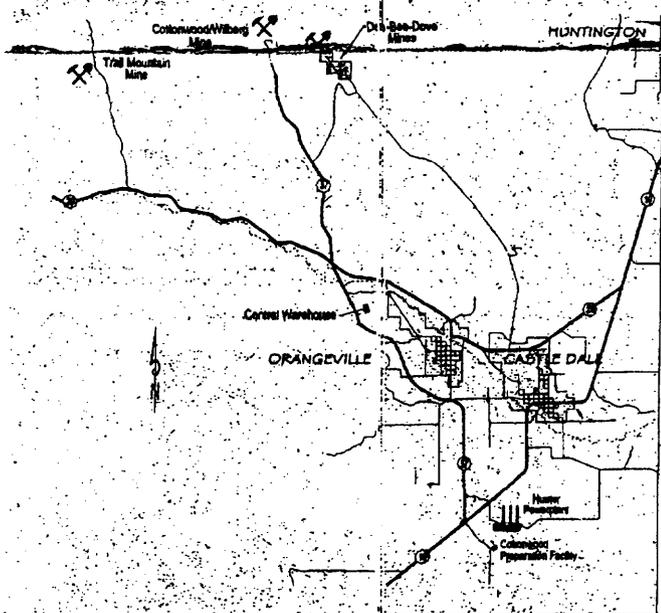
Publication fee, \$405.28

**PERMIT RENEWAL APPLICATION**

**PACIFICORP  
DES-BEE-DOVE MINE  
C/015/017**

**ENERGY WEST MINING COMPANY  
P.O. BOX 2110  
HUNTINGTON, UTAH 84528**

PacificCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for a permit renewal of the Des-Bee-Dove Mine solely for the purposes of conducting reclamation activities. Final reclamation has been conducted in most areas of the mine and will continue this year. All reclamation is planned to be completed in 2005. The permit area encompasses approximately 154 acres as located on the area map below:



A surety bond is filed with the Division of Oil, Gas and Mining in the amount of \$1,837,712.00, and is payable to the State of Utah, Division of Oil, Gas and Mining (DOG M), and the Office of Surface Mining Reclamation and Enforcement (OSM).

A copy of the permit renewal application may be examined at the office of the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801 and also at the Records Office located in the Emery County Courthouse in Castle Dale, Utah. Written comments, objections, or requests for an informal conference may be submitted to the Salt Lake City address. Said comments must be submitted thirty (30) days from the date of the last publication of this notice. This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977 and State and Federal regulations promulgated pursuant to said Act.

Published in the Emery County Progress May 17, 24, 31 and June 7, 2005.



**State of Utah**

**Department of  
Natural Resources**

MICHAEL R. STYLER  
*Executive Director*

**Division of  
Oil, Gas & Mining**

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

August 29, 2005

TO: Internal File

FROM: Pamela Grubaugh-Littig, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, PacifiCorp, Des  
Bee Dove Mine, C/015/0017

As of the writing of this memo, there are no NOV's or CO's which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of PacifiCorp. PacifiCorp does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The Applicant Violator System (AVS) did not contain any information that would deny approval of this permitting action. (See attached, dated August 29, 2005).

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Application Evaluation Report Applicant Violator System 29-Aug-2005 11:59:30

State : UT Permit No : ACT015017                      Appl No : ACT015017  
Permittee : 108521( PACIFICORP )                      Segno : 5  
Applicant : 108521( PACIFICORP )

USMPE: Comments/Analysis: Date : 29-Aug-2005 Mode : VIEW

SRA: Comments/Analysis: Date : 29-Aug-2005 Mode : UPDATE

SAVE(F5)            DELETE(F8)  
PRV\_SCR(F3)        QUIT(F4)    CHOICES(F10)