



P.O. Box 310
15 North Main Street
Huntington, Utah 84528

December 6, 2006

Utah Coal Program
Utah Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

*Spending
C/015/0017 OK
#2714*

Re Deficiency Response for Phase III Bond Release for 2.52 Acres of Industrial Post Mining Land Use, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2625

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby responds to the October 26, 2006 deficiencies listed by the Division. On August 21, 2006, Energy West submitted an application for Phase III bond release for a 2.52 acre area within the Des-Bee-Dove Mine permit boundary. This bond release action was initiated by the interest of XTO Energy Inc. to drill a gas well within the current mine disturbed area.

Energy West has adequately responded to the deficiencies. These responses are attached with this document. All changes made are changes to the August 21, 2006 application. The required C1 form is attached. Upon approval of Phase III bond release of the area, Energy West will amend the appropriate sections of the Des-Bee-Dove Mining and Reclamation Plan. If there are any questions or concerns with any part of this submittal please contact Dennis Oakley at (435) 687-4825.

Sincerely,

Charles Semborski
Manager of Exploration and Geology

Encl C1 form
Deficiency response document
Amended pages to the Phase III bond release application
Public notice
Bond release application map
(New Attachment) Notarized statement

RECEIVED

DEC 11 2006

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: PacifiCorp

Mine: Des Bee Dove Mine

Permit Number: C/015/0017

Title: Deficiency Response for Phase III Bond Release for 2.52 Acres of Industrial Post Mining Land Use, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2625

Description, Include reason for application and timing required to implement:

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: 2.52 increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

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.

Charles A. Semborski
Print Name

Charles A. Semborski
Sign Name, Position, Date
Geology/Permitting Supervisor 12-06-06

Subscribed and sworn to before me this 11 day of December, 2006

[Signature]
Notary Public

My commission Expires: 11/23, 2008 } ss:
Attest: State of UTAH }
County of EMERY



RECEIVED

DEC 11 2006

DIV. OF OIL, GAS & MINING

For Office Use Only:	Assigned Tracking Number:	Received by Oil, Gas & Mining
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Form DOGM- C1 (Revised March 12, 2002)

The following responses to deficiencies are formatted as found in the technical analysis document. They are broken down into logical section headings similar to the R645 regulations. In each section, the regulation number along with the associated deficiency is followed by the Permittee's italicized response.

R645-301-521.163, The Permittee must include in the bond release package revised maps that show the area for which Phase III bond release is sought. The Permittee must also update all maps in the MRP that show the disturbed/bonded area in and around the pump house. [whw]

The map included in the Phase III bond release package has been amended to better delineate the 2.52 acre bond release area. When Phase III bond release for this area is approved, the maps in the Mining and Reclamation Plan will be updated to show the areas released.

R645-301-880.120, The Permittee must submit proof of publication of the bond public notice for bond release. [whw]

A copy of the affidavit of publication of the public notice for the bond release is included with this deficiency response package. Please include the affidavit of publication behind the attachment entitled "Proposed Newspaper Advertisement" in the August 21, 2006 application.

R645-301-880.130, The Permittee must include a notarized statement that certifies all applicable reclamation activities have been accomplished in accordance with the requirements of the Act, the regulatory program, and the approved reclamation plan. [whw]

The notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the Act is included with this deficiency response document. Please attach notarized statement and attachment cover to the August 21, 2006 application. This application now includes the following attachments:

- *Proposed Letter to Interested Parties*
- *Proposed Newspaper Advertisement*
- *Legal Description of Permit Area - Current and Proposed*
- *Bond Release Application Maps*
- *Historical Use Document*
- *Achievement Demonstration for Post Mining Land Use*
Application for a Permit to Drill
Vegetation Cover Estimates
- *Notarized Statement (NEW)*

R645-301-880.310, The Phase I bond release application indicates that 1.56 acres were reclaimed at the pumphouse, but currently, the Permittee indicates there are 1.62 acres associated with the pumphouse reclamation, please explain the discrepancy. [pwb]

The reclamation plan for the Pumphouse area is the only location where a disturbed area size of 1.56 acres is mentioned. All other correspondences, bond applications, emails, and discussions describe the area as being 1.62 acres or a rounded figure of that size. On page 9 of 13 in the July 10, 2006 deficiency response submittal of the Phase I bond release application, under the section titled "Changes in Disturbed Boundary" these area discrepancies are discussed. The Pumphouse area was reclaimed in 1999. At that time the technology was limited. The process of delineating the disturbed area was to sketch in free-hand using a contour map. Today, we use a high resolution, low altitude photography that is corrected to produce contours. We are able to trace the disturbed boundaries using these photographs with very high accuracy. With this enhanced technology, we have delineated the Pumphouse area as being 1.62 acres.

PacifiCorp
Energy West Mining Company
Des-Bee-Dove Mine

Deficiency Response for Phase III Bond
Release for 2.52 Acres of Industrial Post
Mining Land Use, PacifiCorp, Des-Bee-
Dove Mine, C/015/0017, Task ID #2625

Public Notice

Replace attachment in August 21, 2006 application with new
attachment entitled "Newspaper Advertisement"

PacifiCorp
Energy West Mining Company
Des Bee Dove Mine
C/015/0017

**Phase III Bond Release
Application**

Newspaper Advertisement

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Richard Shaw, 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 12th day of September, 2006 and that the last publication of such notice was in the issue of such newspaper dated the 3rd day of October, 2006.

Richard Shaw

Richard Shaw - Publisher

Subscribed and sworn to before me this 3rd day of October, 2006.

Linda Thayne

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

Publication fee, \$ 572.16



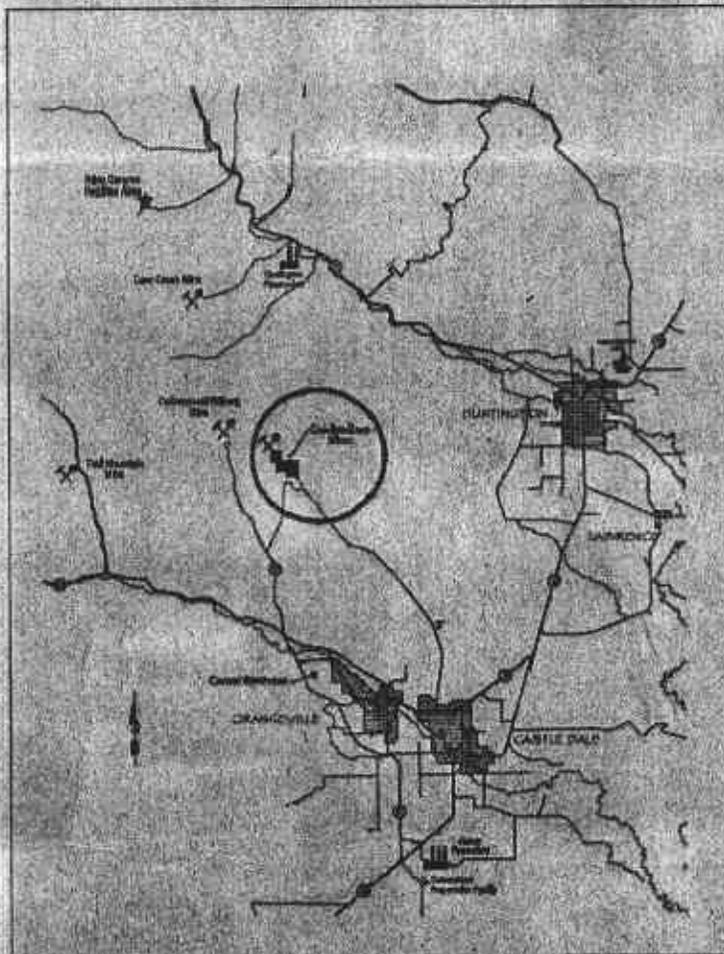
NOTICE

PacifiCorp
Des Bee Dove Mine
C/015/0017
(Permit Approved August 2005)

Phase III Bond Release Application

Energy West Mining Company
PO. Box 310
Huntington, Utah 84528

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for Phase III bond release for a portion of the Des Bee Dove Mine site. The said area, located within the N1/4SW1/4SW1/4 of Section 25, Township 17 South, Range 7 East, SLBM. The total acreage proposed for release is approximately 2.52 acres and is located as shown in the illustration.



The proposed Phase III bond release area includes the Pumphouse area, a 1.62 acre area reclaimed in 1999, and the main access road, a 0.90 acre area reclaimed in 2003.

Recently, XTO Energy Inc. has expressed interest in constructing a gas well and mud pit within this area. Since Energy West will have no control over construction or operational activities of the gas well, they wish to forfeit their reclamation responsibilities and receive a release of liability of the area.

Currently, 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). No reduction of bond is being requested pertaining to this action, however, a Phase I Bond Release Application for the mine site has been submitted and is pending approval.

A copy of the Phase III 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. Written comments, objections, or requests for a public hearing and 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.

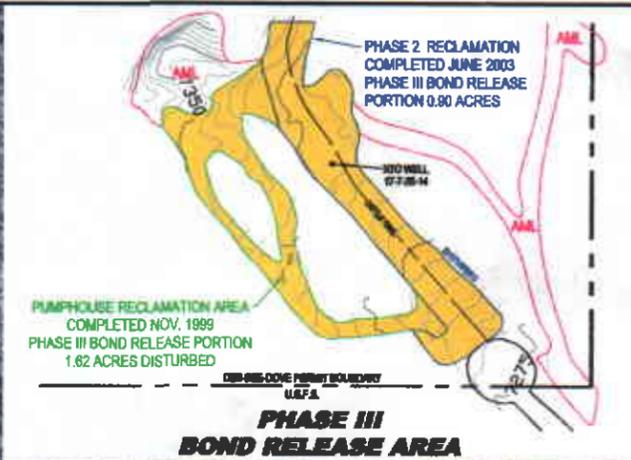
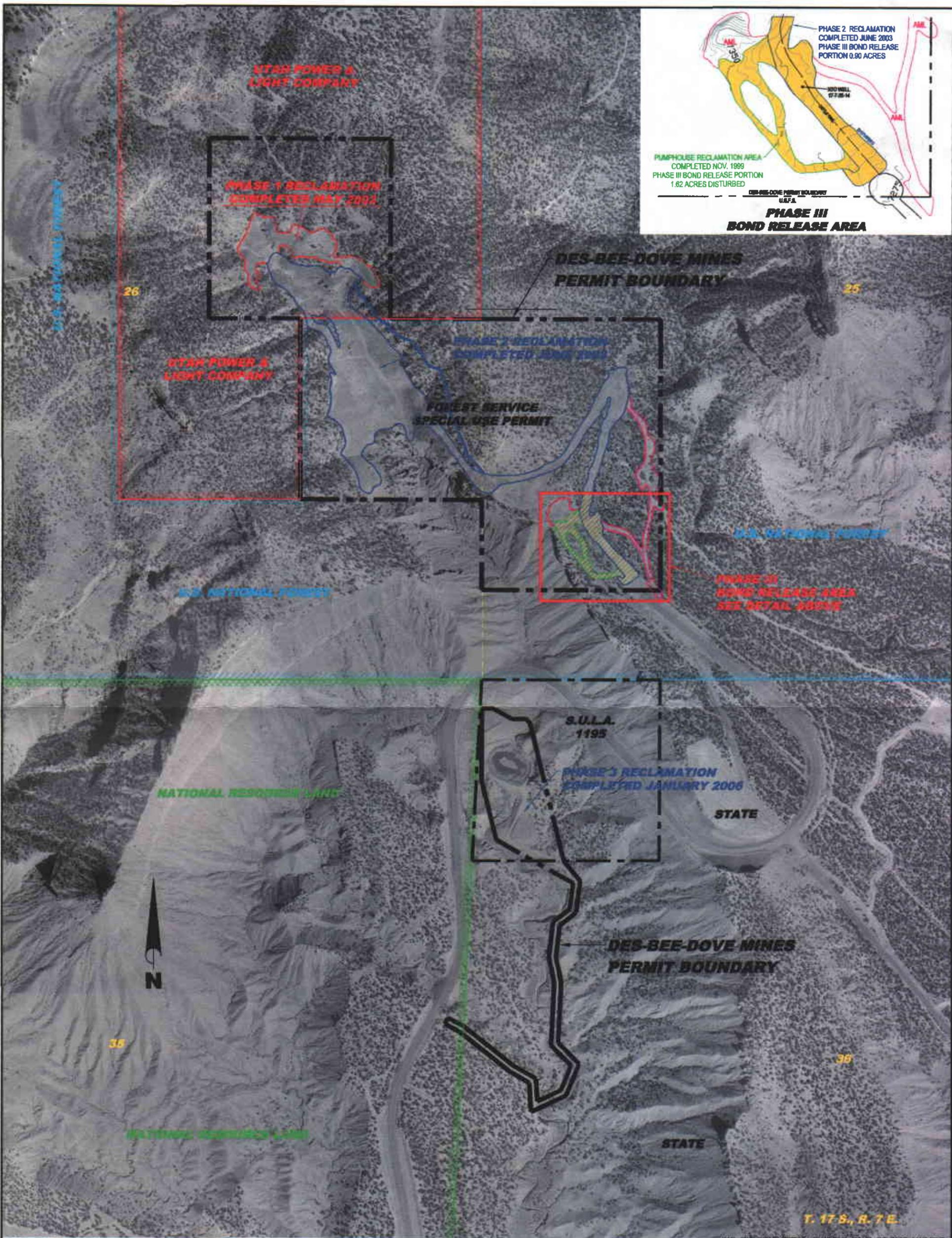
Published in the Emery County Progress September 12, 19, 26 and October 3, 2006

PacifiCorp
Energy West Mining Company
Des-Bee-Dove Mine

Deficiency Response for Phase III Bond Release for 2.52 Acres of Industrial Post Mining Land Use, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #2625

Bond Release Application Map

Replace map in August 21, 2006 application behind attachment entitled "Bond Release Application Map" with new map



DATE OF AERIAL PHOTOGRAPH SEPTEMBER 2005

CAD FILE NAME/DIRTY: PHASE III BOND RELEASE MAP.DWG

LEGEND

- DES-BEE-DOVE MINES PERMIT AREA**
- U.S. NATIONAL FOREST**
- UTAH POWER & LIGHT COMPANY**
- NATIONAL RESOURCE LAND**



NOTE:
AREA PROPOSED FOR PHASE III BOND RELEASE EQUALS 2.52 ACRES

ENERGY WEST MINING COMPANY
 A SUBSIDIARY OF PACIFICORP

**DES-BEE-DOVE MINES
 PHASE III BOND RELEASE
 AERIAL PHOTOGRAPH**

DRAWN BY:	K. LARSEN	DRAWING #:
SCALE:	AS NOTED	SHEET	1 OF 1
DATE:	DECEMBER 6, 2006	REV.	

PacifiCorp

Energy West Mining Company

Des-Bee-Dove Mine

Deficiency Response for Phase III Bond
Release for 2.52 Acres of Industrial Post
Mining Land Use, PacifiCorp, Des-Bee-
Dove Mine, C/015/0017, Task ID #2625

Notarized Statement

Add new attachment entitled "Notarized Statement"

PacifiCorp
Energy West Mining Company
Des Bee Dove Mine
C/015/0017

**Phase III Bond Release
Application**

Notarized Statement

PacifiCorp
Energy West Mining Company
Des Bee Dove Mine
C/015/0017

Phase III Bond Release on Approximately 2.52 Acres of Land Related to the Access Road and Pumphouse Area

I hereby certify, to the best of my knowledge and belief, that all the information contained in this request is true and correct and that all applicable reclamation activities have been accomplished in accordance with the requirements of the Act, the regulatory program, and the approved reclamation plan.

CHARLES A. SEMBORSKI

Print Name
Charles A. Semborski, MANAGER OF EXPLORATION & GEOLOGY 12/6/06

Signature, Position, Date

Subscribed and sworn to before me this 6th day of DEC, 2006.

[Signature]

Notary Public



My Commission Expires: 11/23, 2006

Attest: State of UTAH
County of EMERY