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March 31, 2005

Hand Delivered

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

*McComing*  
*c/015/0099*  
*c/015/0017*  
*c/015/0018*  
*c/015/0019*

**Re: Response to Deficiencies from Division on the Legal and Financial Information, for the Cottonwood/Wilberg Mine, C/015/019, Deer Creek Mine, C/015/018, and Des Bee Dove Mine C/015/017, and Trail Mountain Mine C/015/009, Emery County, Utah, Task #2047.**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits updated information for the supplemental volume entitled "Supplemental Volume, Legal and Financial Information". This information is in response to the deficiencies that were received from the Division on December 29, 2004. The deficiencies were the result of the October 4, 2004 submittal of BLM lease relinquishment decision documents for the Supplemental Volume 1 - Phase I, II, and III Lease Relinquishment Information. As the deficiencies only required updating lease information in Appendix C of the Legal and Financial Volume, the entire volume needed updated to reflect current information.

Included with this submittal are seven (7) complete copies for Division review. C1/C2 forms are also included. If there are any questions or concerns regarding the submitted information, please feel free to contact myself at (435) 687-4720 or Dennis Oakley at (435) 687-4825.

Sincerely,  
  
 Chuck Semborski  
 Geology/Permitting Supervisor

cc Doug Johnson (EWMC)  
 Scott Child (IMC)  
 File

Attachment: C1/C2 Forms  
 Deficiency Responses  
 Supplemental Volume, Legal and Financial Information  
 Text Section, entire section  
 Appendix A, Officer and Director lists  
 Appendix C, Underground Right of Entry Information  
 Appendix D, NOV Information  
 Appendix E, Certificates of Liability  
 Appendix G, Permit Boundary Description  
 Cottonwood Permit, Volume 3, Plate 1-1, Coal Ownership, Plate 1-2, Surface Ownership, Plate 1-3, Permit Area Map  
 Deer Creek Permit, Volume 4, Plate 1-1, Coal Ownership, Plate 1-2, Surface Ownership  
 Des Bee Dove Permit, Volume 3, Plate 1-1, Coal Ownership, Plate 1-2, Surface Ownership

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APR 01 2005

DIV. OF OIL, GAS & MINING

Huntington Office:  
 (435) 687-9821  
 Fax (435) 687-2695  
 Purchasing Fax (435) 687-9092

Deer Creek Mine:  
 (435) 687-2317  
 Fax (435) 687-2285

Trail Mountain Mine:  
 (435) 748-2140  
 Fax (435) 748-5125

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

**Permittee:** PacifiCorp

**Mine:** Cottonwood, Deer Creek, Des Bee Dove, Trail Mountain Mines **Permit Number:** C/015/019, et al

**Title:** Response to Deficiencies from Division on the Legal and Financial Information, Task ID #2047

**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: CTW 2,157.77 - DC 995.36  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)

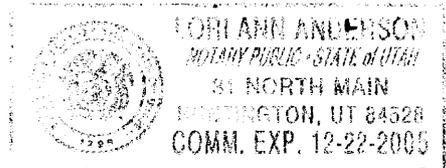
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Charles A. Semborski  
Print Name

Charles D. Gull Geology/Permitting Supervisor 3-31-05  
Sign Name, Position, Date

Subscribed and sworn to before me this 31 day of March, 2005

Lori Ann Anderson  
Notary Public



My commission Expires: 12/22, 2005  
Attest: State of Utah ) ss:  
County of Emery

<b>For Office Use Only:</b>	<b>Assigned Tracking Number:</b>	<b>Received by Oil, Gas &amp; Mining</b>  <div style="font-size: 2em; font-weight: bold; margin: 0;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin: 5px 0;">APR 01 2005</div> <div style="font-weight: bold; margin: 0;">DIV. OF OIL, GAS &amp; MINING</div>
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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.

**R645-301-301-114**, The Permittee needs to update the Underground Right-of-Entry Information with Cited Surface and Subsurface Ownership information in Appendix C of the Legal and Financial Volume to include the February and June 2004 lease relinquishments.

*Appendix C in the Supplemental Volume, Legal and Financial Information has been updated to include all current Underground Right of Entry Information. This submittal includes a completely reformatted table. The table is in an Excel format to provide a more accurate accounting of acreages. We hope this format will be easier for the Division to review.*

*Not only has Appendix C been updated, the following sections have also been updated to show the most current information:*

- ▶ *Legal and Financial text section*
- ▶ *Appendix A, Officer and Director lists*
- ▶ *Appendix C, Underground Right of Entry Information*
- ▶ *Appendix D, NOV Information*
- ▶ *Appendix E, Certificates of Liability*
- ▶ *Appendix G, Permit Boundary Description*
- ▶ *Cottonwood Permit, Volume 3, Plate 1-1, Coal Ownership, Plate 1-2, Surface Ownership, Plate 1-3, Permit Area Map*
- ▶ *Deer Creek Permit, Volume 4, Plate 1-1, Coal Ownership, Plate 1-2, Surface Ownership*
- ▶ *Des Bee Dove Permit, Volume 3, Plate 1-1, Coal Ownership, Plate 1-2, Surface Ownership*

*When the above information is approved, all maps that show the permit or lease boundary in each respective permit will be amended.*

**R645-301-121.200**, The Permittee needs to reconcile the acreage figures for lease U-47978 in Appendix C of the Legal and Financial Volume with the information in the BLM lease relinquishment documents.

*All acreage figures have been reconciled for all permits.*

**R645-301-121.200**, The Permittee needs to update total acreage figures in Appendix C of the Legal and Financial Volume for the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mines.

*All acreage figures have been reconciled for all permits.*

**R645-301-521.131**, Plate 1-1 needs to be updated to show all lease relinquishments.

*Refer to deficiency R645-301-114 above for explanation.*