

**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 1st day of February, 2005 and that the last publication of such notice was in the issue of such newspaper dated the 22nd day of February, 2005.

*Ken G. Larson*

Ken G Larson - Publisher

Subscribed and sworn to before me this 22nd day of February, 2005.

*Linda Thayne*

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

Publication fee, \$ 309.92

**SIGNIFICANT PERMIT REVISION**

PACIFIC CORP.  
DEER CREEK MINE  
C/015/018

ENERGY WEST MINING COMPANY  
P.O. BOX 910  
HUNTINGTON, UTAH 84528

Pacific Corp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for constructing, operating, and maintaining coal mine surface facilities for its Deer Creek Mine. The facilities include, but are not limited to, a bathhouse, warehouse, water/sewer treatment, material storage, mine ventilation fan, and parking. The facilities are proposed to be constructed in Rilda Canyon near the end of Emery County Road #306 which is located approximately 8 miles west of the town of Huntington, Utah. This location is better described as a 13.1 acre site located in the S1/4NE1/4 of Section 29, and S1/4NW1/4, N1/4W1/4SW1/4 of Section 28, Township 16 South Range 7 East SLB&M.

Energy West is seeking a permit to mine within 100 feet of Emery County Road #306. This action will require a temporary restriction of use to approximately 1,820 feet of this road. The restriction period will remain in effect for the duration of the coal mining and reclamation activities at this site. The restricted use area begins approximately 1/2 miles west of the cattle guard on EC #306 and extends through the proposed facilities boundary.

This application includes a request for a variance to Utah Coal Regulation R645-301-232 (Topsoil and Subsoil Removal). This variance request is sought on the basis that it complies with the regulations from R645-302-210 through R645-302-218 (Experimental Practices Mining). The experimental practice is described in full detail within the application.

A copy of the 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 Recorder's 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 Division of Oil, Gas, and Mining address above. 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.

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