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ENERGY WEST MINING COMPANY
A SUBSIDIARY OF PACIFICORP

Energy West Mining Company
P. O. Box 310
15 No Main Street
Huntington, UT 84528

October 29, 2009

Mr. Darron Haddock
Permit Supervisor
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Dear Mr. Haddock:

I am enclosing for submittal the 3rd.. Quarter 2009 Engineering Inspection Reports for Cottonwood/Wilberg/Des Bee Dove Waste Rock Site and the old Waste Rock Site. Also, the Deer Creek Waste Rock Site and Elk Canyon/Original Site are enclosed.

Sincerely,

John Christensen, P.E.
Sr. Construction Engineer

Encls.

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DIV. OF OIL, GAS & MINING

| INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE | | | Page 1 of 1 |
|---|---|---|---|
| **Permit Number** | ACT/015/018 | **Report Date** | Sept. 25, 2009 |
| **Mine Name** | Deer Creek | | |
| **Company Name** | Energy West Mining Company | | |
| **Excess Spoil Pile or Refuse Pile I.D.** | **Pile Name** | ELK CANYON/ORIGINAL SITE | |
| | **Pile Number** | | |
| | **MSHA ID Number** | 1211-UT-09-00121-01 | |
| **Inspection Date** | Sept. 17, 2009 | | |
| **Inspected By** | John Christensen/Rick Cullum | | |
| **Reason for Inspection** (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction) | 2009 3rd Quarter Inspection | | |
| | **Attachments to Report?** XNo Yes | | |

## Field Evaluation

**Foundation preparation, including the removal of all organic material and topsoil.**

The construction of both sites have been complete for some time in excess of 18 years. The foundations appear to be stable.

**Placement of underdrains and protective filter systems.**

None

**Installation of final surface drainage systems.**

The slopes of both sites have no rills, gullies or sloughage present.

**Placement and compaction of fill materials.**

No fill material is being placed at either site, since both are at their designed capacity. The Elk Canyon site contains approximately 24,000 $yd^3$ original site 90,000 yd3 of fill material.

**Final grading and revegetation of fill.**

The sites are at capacity. The final grades are established and are re-vegetated.

**Appearances of instability, structural weakness, and other hazardous conditions.**

None were observed.

**Other Comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period.**

There was a small amount coal stored at the Elk Canyon pad at the time of inspection.

**Certification Statement** I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; that the fill structure has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

**By:** John Christensen, Sr. Construction Engineer

(Full Name and Title)

**Signature:** _____ **Date:**

**P.E. Number & State:** 165651, Utah

LICENSED PROFESSIONAL ENGINEER
JOHN CHRISTENSEN
No. 165651
STATE OF UTAH

| INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE | | | Page 1 of 1 |
|---|---|---|---|
| **Permit Number** | ACT/015/0017/ACT/015/019 | **Report Date** | Sept. 25, 2009 |
| **Mine Name** | Cottonwood/Wilberg/Des-Bee-Dove | | |
| **Company Name** | Energy West Mining Company | | |
| **Excess Spoil Pile or Refuse Pile Identification** | **Pile Name** | Old Waste Rock Site | |
| | **Pile Number** | | |
| | **MSHA ID Number** | | |
| **Inspection Date** | Sept. 2, 2009 | | |
| **Inspected By** | John Christensen/Rick Cullum | | |
| **Reason for Inspection** (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction) | | 2009 Third Quarter Inspection | |
| | | **Attachments to Report?** | **X No** **Yes** |

## Field Evaluation

**Foundation preparation, including the removal of all organic material and topsoil.**
Constructed according to plan.

**Placement of underdrains and protective filter systems.**
Not applicable.

**Installation of final surface drainage systems.**
All surfaces are at their final configuration and drainage established.

**Placement and compaction of fill materials.**
This site is complete and at capacity.

**Final grading and revegetation of fill.**
Site is complete and vegetation has been established.

**Appearances of instability, structural weakness, and other hazardous conditions.**
None observed.

**Other Comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period.**

There hasn't been any changes at the site since the last inspection.

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**By:** John Christensen, Sr. Construction Engineer
(Full Name and Title)

**Signature:** John Christensen **Date:** 10/28/09

**P.E. Number & State:** 165651, Utah

LICENSED PROFESSIONAL ENGINEER
JOHN CHRISTENSEN
No. 165651
STATE OF UTAH

| INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE | | | Page 1 of 1 |
|---|---|---|---|
| **Permit Number** | ACT/015/017/ACT/015/019 | **Report Date** | Sept. 25, 2009 |
| **Mine Name** | Cottonwood/Wilberg/Des-Bee-Dove/Trail Mountain | | |
| **Company Name** | Energy West Mining Company | | |
| **Excess Spoil Pile or Refuse Pile I.D.** | **Pile Name** | Cottonwood Waste Rock Site | |
| | **Pile Number** | | |
| | **MSHA ID Number** | 1211-UT-09-01211-03 | |
| **Inspection Date** | Sept.2, 2009 | | |
| **Inspected By** | John Christensen/Rick Cullum | | |
| **Reason for Inspection** (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction) | 2009 3rd Quarter Inspection | | |
| | **Attachments to Report?** x No Yes | | |

**Field Evaluation**

**Foundation preparation, including the removal of all organic material and topsoil.**

Foundation was prepared according to the approved plan.

**Placement of underdrains and protective filter systems.**

Not applicable.

**Installation of final surface drainage systems.**

The out slopes of the containment berms are at their final configuration and have been revegetated. The inlet ditch to the pond has been lined with rip rap and is extended as the pile changes elevation.

**Placement and compaction of fill materials.**

The Trail Mountain Mine has ceased production. Mine refuse will no longer be haul to this site. The site will remain active to accommodate future pond cleanings at Trail Mountain and Cottonwood Mines.

**Final grading and revegetation of fill.**

The outslopes of each containment/lift berm have had final grading and vegetation completed.

**Appearances of instability, structural weakness, and other hazardous conditions.**

None seen.

**Other Comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period.**

The total storage capacity of the site is a 784,000 cubic yards. The elevation of the current lift varies with the required drainage slope. The surveyed elevation at the center of the active lift is 6,803.31 ft. The final design elevation will be 6,850 ft. The entire site is approximately 36% capacity. The useable area of the present lift is approximately 97%.

**Certification Statement**

LICENSED PROFESSIONAL ENGINEER JOHN CHRISTENSEN No. 165651 STATE OF UTAH

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**By:** John Christensen, Sr. Construction Engineer
(Full Name and Title)

**Signature:** _____ **Date:** 10/28/09

**P.E. Number & State:** 165651, Utah

| INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE | | | Page 1 of 2 |
|---|---|---|---|
| **Permit Number** | ACT/015/018 | **Report Date** | Sept. 25, 2009 |
| **Mine Name** | Deer Creek | | |
| **Company Name** | Energy West Mining Company | | |
| **Excess Spoil Pile or Refuse Pile Identification** | **Pile Name** | Waste Rock Disposal Site | |
| | **Pile Number** | | |
| | **MSHA ID Number** | 1211-UT-09-00121-02 | |
| **Inspection Date** | Sept. 17, 2009 | | |
| **Inspected By** | John Christensen/Rick Cullum | | |
| **Reason for Inspection** (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction) | 2009 Third Quarter Inspection | | |
| | **Attachments to Report? X No Yes** | | |

## Field Evaluation

**1.Foundation preparation, including the removal of all organic material and topsoil.**

All construction was done according to the permitted, professional engineered design specifications.

**2.Placement of underdrains and protective filter systems.**

An underdrain was installed when the site was constructed in 1989. The drain had a small amount of flow coming through it at the time of the inspection.

**3.Installation of final surface drainage systems.**

All interim slopes are maintained at their proper grade. The final slopes are surveyed to assure they are correct. Also the two final designed rip-rap ditches were installed as per the permitted plan and are extended as more lifts are added.

**4.Placement and compaction of fill materials.**

The Upper site (Cell 1) was leveled in June 2008. Trash and extraneous material are removed from the piles shortly after they are placed.

**5.Final grading and revegetation of fill.**

See No. 3.
The sub-soil berm surrounding the site was seeded shortly after construction. The total capacity of Phase I is 468,215 yd3, this includes both cells 1 and 2.

6. Appearances of instability, structural weakness, and other hazardous conditions.

No weakness or instabilities are evident at this time.

7. Other Comments.

Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period.

| CELL | ELEVATION * | DESIGN ELEV. | CAPACITY** |
|---|---|---|---|
| 1 (Upper, northern) | 6362.61 | 6369.2 | 84.8% |
| 2 (Lower, southern) | 6334.62 | 6369.2 | 37.3% |

*The elevations are taken on top of the last compacted lift. The elevation of the dumped piles will not be surveyed until the active lift is compacted and leveled. The survey location is approximately the center of each cell.

** The capacity is based on the last survey elevation compared to available height of waste rock in each cell. To figure the available height an approximate elevation of the original ground was determined based on pre-construction ground contours. The capacity will be updated when a new elevation is survey. The capacity is not based on material hauled to site, as described below.

The reason for slight decreased in elevation noted in the previous reports was some material had been removed off the top of the center of the cell and used for separation berms to contain the Deer Creek Mine sediment pond cleanings.

As of August 1, 2009 there was 5,569.83 $yd^3$ of material hauled YTD. This estimate is based on invoices from the trucking company of truckloads hauled to the site. Each truckload is assumed to be full at 15 tons and a density of 88 pcf. This estimate could lag actual haul dates by 1 to 3 months, depending of invoicing and accounting.

**Certification Statement**

LICENSED PROFESSIONAL ENGINEER
JOHN CHRISTENSEN
No. 165651
STATE OF UTAH

Cert. Stamp

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**By:** John Christensen, Sr. Construction Engineer
(Full Name and Title)

**Signature:** John Christensen **Date:** 10/28/09

**P.E. Number & State:** 165651, Utah