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State of Utah

**Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

JOHN R. BAZA
Division Director

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Outgoing
C0150018
#3651
R

February 3, 2011

Kenneth S. Fleck, Manager of Geology and Environmental Affairs
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Subject: Five-Year Permit Renewal, Deer Creek Mine, Energy West Mining
Company, C/015/0018, Task #3651, Outgoing File

Dear Mr. Fleck:

The permit renewal for the Deer Creek Mine is approved. Enclosed are two (2) copies of the renewed permanent program permit for the Deer Creek Mine.

Please have both permits signed by the designated signatory authority and return one signed copy to the Division.

Also approved are the updated bond calculations submitted with this application. Enclosed is a copy for incorporation into your Mine Reclamation Plan.

If you have any questions, please call me.

Sincerely,

John R. Baza
Director

JRB/sqs
Enclosures
cc: Kenneth Walker, OSM, WRCC
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**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT RENEWAL**

**Deer Creek Mine
PacifiCorp
C/015/0018
Permit Renewal
Emery County, Utah**

February 3, 2011

- * Administrative Overview
- * Permitting Chronology
- * Permit Renewal Findings
- * Permit
- * Publication Notice
- * AVS Compliance Memo

ADMINISTRATIVE OVERVIEW

PacifiCorp
Deer Creek Mine
C/015/0018

February 3, 2011

Background

The original permit for the Deer Creek Mine was issued February 7, 1986 for approximately 14,620 acres. The mining plan for Federal leases SL-064607, SL-064621, SL-064900, SL-070645, U-1358, U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-014275, U-024319, and U-47979 was approved on October 11, 1985 for the Deer Creek Mine. A Waste Rock Storage Facility was added September 1988. The permit was successively renewed on February 7, 1991, 1996, 2001, and 2006. A reclamation surety bond in the amount of \$4,113,000 is currently posted for reclamation at the Deer Creek Mine, escalated through 2013.

The January 8, 1993 mining plan approval (IBC-1) added 120 acres of coal (80 acres in a portion of Lease No. U-47977 and 40 acres in a portion of Lease No. SL-050862). The July 22, 1993 mining plan approval (IBC-2) added 160 acres (80 acres in a portion of Lease U-47977 and 80 acres in a portion of Lease SL-050862).

PacifiCorp submitted on June 27, 1994 as an incidental boundary change (IBC-3) to include development mining only in U-06039, U-47977, and SL-050862 (approximately 100,000 tons). Included in the revised application was longwall mining the Second, Third and Fourth East panels and development mining in the Third North Mains and the Sixth East Gate. Longwall mining proceeded in areas that were previously approved as incidental boundary changes with mining plan approval dates of January 8, 1993 (IBC-1) and July 22, 1993 (IBC-2). Entry development mining in the Third North Mains and the Sixth East Gates entailed about 40 acres beyond the currently approved permit boundary in Leases U-06039, U-47977 and SL-050862. IBC-3 was approved July 28, 1994.

The surface facilities associated with the Rilda Canyon Lease extension (fan) were approved as a significant revision to the Deer Creek Mine permit on July 31, 1995.

PacifiCorp submitted an application for the North Rilda Area (which included Federal Leases U-24317, U-2810, U-06039, SL-051221 and fee coal), for a total of 1960 acres on February 4, 1997. This application was approved on July 15, 1997, which brought the total permitted area of the Deer Creek Mine to approximately 18,706 acres.

In order to access the Mill Fork lease, PacifiCorp acquired a lease modification to lease

U-06039. This modification, consisting of 65.7 acres, was added to the Deer Creek permit on August 14, 2002 as an incidental boundary change.

PacifiCorp submitted an application for the Mill Fork Lease (State Lease ML-48258), to the Division of Oil, Gas and Mining on October 29, 2001. The coal tract as described in the lease contains 5,562.82 acres, more or less. This represented about 64 million tons of minable coal to be produced over the life of the mine in this area. Approval on March 5, 2003 for mining in the SITLA Mill Fork lease added 5, 562.82 acres to the Deer Creek Mine. This mining is conducted in the Blind Canyon and Hiawatha seams. No mining plan approval was required due to the lease exchange agreement associated with the creation of the Grand Staircase Escalante National Monument.

The application to add facilities in Rilda Canyon for the Deer Creek Mine was submitted on November 4, 2003. This proposal was withdrawn on December 9, 2004. A new plan was resubmitted on December 21, 2004 and was determined administratively complete on January 28, 2005. No comments were received.

The Title V review team met with PacifiCorp on March 26, 2005 and PacifiCorp resubmitted on April 1, 2005. The Division review was sent on May 10, 2005 and a response was received on June 2 and 13, 2005. The state permit was issued on July 27, 2005.

A letter of concurrence was signed by the Forest Service for the mining plan approval on December 1, 2005 and the mining plan was signed by the Department of Interior Assistant Secretary of Lands and Minerals on December 21, 2005.

On June 1, 2006 PacifiCorp submitted an amendment to include the Mill Fork West Extension Tract LBA/Federal Lease UTU-84285 to the Deer Creek Mine permit boundary. This lease tract for 213.57 acres was issued by the Bureau of Land Management on November 1, 2006. The proposal to add 213.57 acres was approved by the Division on January 19, 2007 and received federal mine plan approval on March 22, 2007. This brought the total mine acreage to approximately 19,937 acres.

The renewal application encompasses the same area as currently permitted and proposes to renew the permit for an additional 5 year term.

Public Notice

PacifiCorp made application to the Division of Oil Gas and Mining for a five-year permit renewal for the Deer Creek Mine on October 11, 2010. This renewal encompasses the same permit area and disturbance as currently approved in the permit. The renewal application was determined administratively complete October 20, 2010. Public notice for this permit renewal was published in the Emery County Progress on October 26, November 2, 9, and 16, 2010. The comment period ended on December 16, 2010 with no comments received.

Recommendation for Approval

The Division made the decision on February 3, 2011 to approve the permit renewal for five years based on the fact that:

1. The terms and conditions of the existing permit are being satisfactorily met. The mining and reclamation plan was initially approved by the Division on February 7, 1986. All requisite updates have been submitted, analyzed and approved by the Division to demonstrate that PacifiCorp's Deer Creek Mine mining and reclamation plan meets the regulatory requirements of the State Program.
2. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program. Monthly compliance inspections have confirmed that the environmental protection standards of the State Program are being met. There are no outstanding violations at this mine site.
3. The renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. There are no permit conditions or regulatory requirements that would affect PacifiCorp's ability to continue to operate on the existing permit area.
4. The operator has provided evidence of having liability insurance and a performance bond that will be in effect for the operation and will continue in full force and effect.
5. The permit is conditioned with the requirements to:
 - If during entry development, sustained quantities of groundwater are encountered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must monitor these flows for quality and quantity under the approved baseline parameters. PacifiCorp will notify the Division within 24 hours prior to initiation of monitoring.

PacifiCorp will submit water quality data for the Deer Creek Mine in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>

PERMITTING CHRONOLOGY

PacifiCorp
Deer Creek Mine
C/015/0018

February 3, 2011

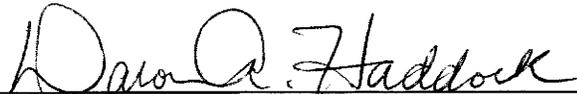
October 11, 2010	PacifiCorp submits permit renewal application for the Deer Creek Mine.
October 20, 2010	Division issues Determination of Completeness for permit renewal.
October 20, 2010	Permit renewal completeness determination sent to applicable state, federal, and county agencies.
October 26, and November 2, 9, 16, 2010	Public notice for permit renewal for the Deer Creek Mine published in the <u>Emery County Progress</u> for four consecutive weeks.
December 16, 2010	End of public comment period. No comments received.
February 3, 2011	Permit is renewed effective, February 7, 2011 with two special conditions.

PERMIT RENEWAL FINDINGS

PacifiCorp
Deer Creek Mine
C/015/0018

February 3, 2011

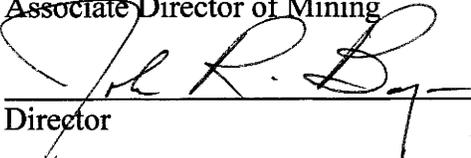
1. The permit renewal term will not exceed the original permit term of five years. (R645-303-234).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program. (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program. There are no permit conditions or regulatory requirements that would affect PacifiCorp's ability to continue to operate on the existing permit area. (R645-303-233.130).
5. The operator has provided evidence of maintaining liability insurance in full effect (Issued by Associated Electric & Gas Insurance Services Limited X0720A1A10) (R645-303-233.140).
6. The operator has a reclamation surety on file with the Division and has provided evidence that the surety will remain in full effect. (Travelers Casualty and Surety Company of America in the amount of \$4,113,000.) (R645-303-233.150).
7. The operator has submitted all updated information as required by the Division through this permit term. (R645-303-233.160).



Permit Supervisor



Associate Director of Mining



Director

FEDERAL

**PERMIT
C/015/0018**

February 7, 2011

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, suite 1210
Salt Lake City, Utah 84114-1210
(801) 538-5340**

This permit, C/015/0018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**PacifiCorp
201 South Main Street
Salt Lake City, Utah 84140-0021
(801) 220-4618**

for the Deer Creek Mine. A Surety Bond is filed with the Division in the amount of \$4,113,000, payable to the State of Utah, Division of Oil, Gas and Mining and the United States Department of Interior, 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 and the R645 regulations.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct coal mining and reclamation operations, on the following lands as described in the approved application, situated in the state of Utah, Emery County:

Township 16 South, Range 6 East, SLB&M Emery County, Utah

Section 1: SE $\frac{1}{4}$.
Section 10: E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 11: All.
Section 12: All.
Section 13: All.
Section 14: All.
Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$.
Section 22: Lots 1, 2, 3, 4, 5, 6, 7, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 23: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.
Section 24: N $\frac{1}{2}$.
Section 25: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 16 South, Range 7 East, SLB&M Emery County, Utah

- Section 5: Beginning at a point S 02° 40'40" E, 145.00 feet from the west 1/4 corner of Section 5, thence East, 235.00 feet; thence South, 330.00 feet; thence S 48° 48' 00" W, 138.00 feet; thence S 20° 00' 00" W, 133.00 feet; thence South, 45.00 feet; thence S 45° 00' 00" W, 78.42 feet; thence N 02° 40' 40" W, 647.03 feet to the point of beginning. Said area contains 2.41 acres, more or less.
- Section 6: Lots 5,6,7,8, S½SE¼.
- Section 7: All.
- Section 18: Lots 1, 2, NE¼.
- Section 19: Lots 2-3, W½SW¼NE¼, SE¼.
- Section 20: E½E½SW¼NW¼, SE¼NW¼, S½NE¼, S½.
- Section 21: S½N½, S½.
- Section 22: SW¼NW¼, SW¼.
- Section 27: SW¼.
- Section 28: W½, N½ NE¼, SE¼.
- Section 29: All.
- Section 30: E½, Lot 4.
- Section 32: All.
- Section 33: All.
- Section 34: W½NE¼SW¼, S½S½, W½NW¼, W½E½NW¼, NW¼SW¼.

Township 17 South, Range 6 East, SLB&M Emery County, Utah

- Section 1: Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
- Section 12: E½W½, E½.
- Section 13: E½W½, E½.
- Section 24: E½W½, E½.
- Section 25: N½NE¼,
Beginning at the Southeast corner of the NE¼ of the SE¼ of Section 25; thence N 160 rods: thence W 116 rods, more or less, to the center line of Cottonwood Creek; thence in a Southerly direction along the center line of said Cottonwood Creek to a point 84 rods, more or less, W of the beginning; thence E 84 rods, more or less, to the point of beginning. Containing 100 acres, more or less of fee lands.

Township 17 South, Range 7 East, SLB&M Emery County, Utah

- Section 1: Beginning at a point S 0° 22' E, 142.4 feet from the SW corner of NW¼ of Section 1, T17S, R7E, SLB&M; thence, N 49° 53' 23" E, 2395.4 feet; thence, S 40° 10' 42" E, 101.94 feet; thence, S 49° 52' 03" W, 2481.12 feet; thence, N 0° 22' W, 276.25 feet to the point of beginning. 5.6 acres more or less. (Beltline Corridor)
- Section 2: SE¼ (SULA #1382), within the SE¼SE¼SW¼ (BLM ROW - U52401).

- Section 3: Lots 1 - 8, 10 - 12, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 4: All.
Section 5: All.
Section 6: All.
Section 7: Lots 1-4, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Section 9: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 10: NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$.
Section 11: N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Section 14: W $\frac{1}{2}$ NW $\frac{1}{4}$.
Section 15: NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$.
Section 16: S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 17: NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 18: All.
Section 19: All.
Section 20: All.
Section 21: NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 22: E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 27: N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 28: N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.
Section 30: Lots 1, 5, 6, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 17 South, Range 8 East, SLB&M Emery County, Utah

- Section 6: Beginning 10 feet South of the NE corner of Section 6, T17S, R8E, SLB&M; thence, S 89° 52' 00" W, 1272.000 feet; thence, S 0° 08' 00" E, 600.000 feet; thence, S 83° 28' 43" E, 302.035 feet; thence, S 72° 54' 35" E, 314.083 feet; thence, S 63° 06' 41" E, 224.508 feet; thence, S 48° 18' 17" E, 268.404 feet; thence, S 20° 06' 29" W, 1066.848 feet; thence, S 39° 24' 03" W, 855.358 feet; thence, S 41° 10' 40" E, 100 feet; thence, N 43° 39' 42" E, 1635.000 feet; thence, N 31° 02' 18" E, 412.959 feet; thence, N 22° 58' 45" E, 1310.908 feet; thence, N 89° 40' 41" W, 740.000 feet; to the point of beginning. 31.92 acres more or less. (Waste Rock Site)

The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- 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 February 7, 2016.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Division Director. 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 coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the approved plan 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 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 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. 14 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. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit area in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 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 of Oil, Gas, and Mining. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) 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 regulations.

THE STATE OF UTAH

By: 
Date: 2/3/11

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

Authorized Representative of Permittee

Date: _____

Attachment A

SPECIAL CONDITIONS

1. If during entry development, sustained quantities of groundwater are encountered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must monitor these flows for quality and quantity under the approved baseline parameters. PacifiCorp will notify the Division within 24 hours prior to initiation of monitoring.
2. PacifiCorp will submit water quality data for the Deer Creek Mine in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

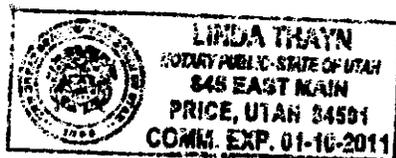
I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com webwsite; the first publication was on the 26th day of October, 2010, and that the last publication of such notice was in the issue of such newspaper dated the 16th day of November, 2010.

Richard Shaw - Publisher

Subscribed and sworn to before me this 16th day of November, 2010.

Notary Public My commission expires January 10, 2011 Residing at Price, Utah

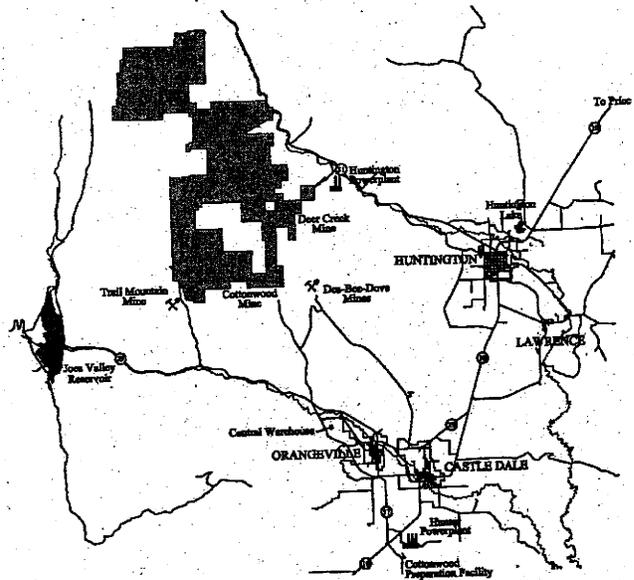
Publication fee, \$ 430.12



**PACIFICORP
DEER CREEK MINE
C/015/0018
PERMIT RENEWAL APPLICATION**

Energy West Mining Company
P.O. 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 a permit renewal of the Deer Creek Mine for the purposes of conducting mining and reclamation activities. The permit area encompasses approximately 19,937 acres as located on the area map below.



A surety bond for \$4,113,000 is filed with the Division of Oil, Gas and Mining and is payable to the State of Utah, Division of Oil, Gas and Mining (DOGM), 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 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.

Published in the Emery County Progress October 26 and November 2, 9 and 16, 2010.



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

January 25, 2011

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings – Deer Creek Mine, Energy West Mining Company, C/015/0018, Task ID #3651

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 Energy West Mining Company. Energy West Mining Company does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

O:\015018.DER\PERMIT\2011\510C.DOC

Permit Evaluation

Permit Number	ACT015018
Permitee Name	108521 Pacificorp
Date of Evaluation	1/25/2011 5:40:27 PM
Requested Individual	suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 45

158506 Berkshire Hathaway Inc - ()
 ---104006 Walter Scott Jr - (Director)
 ---154396 Thomas S Murphy - (Director)
 ---158507 Warren E Buffett - (Chairman of the Board)
 ---158507 Warren E Buffett - (Chief Executive Officer)
 ---158508 Charles T Munger - (Chairman of the Board)
 ---158509 Marc D Hamburg - (Corporate Officer)
 ---158509 Marc D Hamburg - (Vice President)
 ---158511 Howard G Buffett - (Director)
 ---158513 William H Gates Iii - (Director)
 ---158514 David S Gottesman - (Director)
 ---158515 Charlotte Guyman - (Director)
 ---158516 Donald R Keough - (Director)
 ---158517 Ronald L Olson - (Director)
 ---158518 Midamerican Energy Holdings Co - (Subsidiary Company)
 -----104006 Walter Scott Jr - (Director)
 -----129287 Paul J Leighton - (Vice President)
 -----158507 Warren E Buffett - (Director)
 -----158509 Marc D Hamburg - (Director)
 -----158519 Gregory E Abel - (Chief Operations Officer)
 -----158519 Gregory E Abel - (Director)
 -----158519 Gregory E Abel - (President)
 -----158520 David L Sokol - (Chairman of the Board)
 -----158521 Douglas L Anderson - (General Counsel)
 -----158521 Douglas L Anderson - (Secretary)
 -----158521 Douglas L Anderson - (Senior Vice President)
 -----158522 Patrick J Goodman - (Chief Financial Officer)
 -----158522 Patrick J Goodman - (Senior Vice President)
 -----158523 John Diesing Jr - (Vice President)
 -----158524 William J Fehrman - (Senior Vice President)
 -----158525 Brent E Gale - (Senior Vice President)
 -----158528 Maureen E Sammon - (Corporate Officer)
 -----158528 Maureen E Sammon - (Senior Vice President)
 -----158529 Steven R Evans - (Vice President)
 -----158530 Brian K Hankel - (Treasurer)
 -----158530 Brian K Hankel - (Vice President)
 -----158531 Wayne F Irmiter - (Controller)
 -----158531 Wayne F Irmiter - (Vice President)
 -----158532 Jonathan W Weisgall - (Vice President)
 -----158533 Russell H White - (Vice President)
 -----158534 Cathy S Woollums - (Vice President)
 -----158541 Ppw Holdings Llc - (Subsidiary Company)
 -----108521 Pacificorp - (Subsidiary Company)
 -----118430 Energy West Mining Co - (Subsidiary Company)
 -----124840 Bruce N Williams - (Treasurer)
 -----151620 Tanya S Sacks - (Assistant Treasurer)
 -----152797 Jeffery B Erb - (Assistant Secretary)
 -----158538 A Robert Lasich - (Director)
 -----158538 A Robert Lasich - (President)
 -----247622 Dean S Brockbank - (General Counsel)
 -----247622 Dean S Brockbank - (Secretary)
 -----247622 Dean S Brockbank - (Vice President)
 -----124840 Bruce N Williams - (Treasurer)
 -----124840 Bruce N Williams - (Vice President)
 -----147401 A Richard Walje - (Director)

- 147401 A Richard Walje - (President)
- 152797 Jeffery B Erb - (Assistant Secretary)
- 158519 Gregory E Abel - (Chairman of the Board)
- 158519 Gregory E Abel - (Chief Executive Officer)
- 158519 Gregory E Abel - (Director)
- 158521 Douglas L Anderson - (Director)
- 158522 Patrick J Goodman - (Director)
- 158525 Brent E Gale - (Director)
- 158527 Mark C Moench - (Director)
- 158527 Mark C Moench - (Secretary)
- 158538 A Robert Lasich - (Director)
- 158538 A Robert Lasich - (President)
- 247556 Patrick J Reiten - (Director)
- 247556 Patrick J Reiten - (President)
- 247558 Natalie L Hocken - (Director)
- 247558 Natalie L Hocken - (General Counsel)
- 247558 Natalie L Hocken - (Vice President)
- 247622 Dean S Brockbank - (General Counsel)
- 247622 Dean S Brockbank - (Vice President)
- 248434 Douglas K Stuver - (Chief Financial Officer)
- 248434 Douglas K Stuver - (Senior Vice President)
- 158519 Gregory E Abel - (President)
- 158529 Steven R Evans - (Vice President)
- 158530 Brian K Hankel - (Treasurer)
- 158530 Brian K Hankel - (Vice President)
- 158531 Wayne F Irmiter - (Controller)
- 158531 Wayne F Irmiter - (Vice President)
- 158535 Mitchell F Ludwin - (Secretary)
- 158535 Mitchell F Ludwin - (Vice President)
- 158537 James C Galt - (Assistant Treasurer)
- 248433 Mitchell L Pirnie - (Corporate Officer)
- 248433 Mitchell L Pirnie - (Vice President)
- 248432 Susan Decker - (Director)

Narrative