

July 16, 1997

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

Attention: Mr. Paul Baker

**Re: Permit Boundary Encroachment, Des-Bee-Dove Haul Road Amendment,  
PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Emery County, Utah.**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, submit an amendment to the permit to cover an encroachment instituted by a third party, namely Texaco Exploration and Production Inc.

### Introduction

An inadvertent encroachment of Texaco's drill hole pad "U" # 2-49 within PacifiCorp's permitted R/W along the Des-Bee-Dove haul road has occurred. During a routine inspection by Energy West, a discovery was made that portions of the pad and mud pit are within the permitted R/W of Energy West's haul road. Texaco was made aware of this situation through PacifiCorp's legal department. The Division of Oil, Gas and Mining was made aware of the problem by phone contact to Lowell Braxton.

Issues of the encroachment were discussed during an onsite meeting with Richard Northrup of "Energy West" and Ron Wirth of Texaco on June 2, 1997. A decision to have Texaco provide legal survey information and mapping of the area in question was agreed upon. Later that same day, Paul Baker of the Division arrived for an onsite quarterly inspection. Arrangements were made for Ron Wirth and Paul Baker to meet onsite and review the situation. The meeting took place and an evaluation by the Division confirmed action should be taken by Texaco to provide survey data that would corroborate encroachment probabilities.

A letter of explanation, with a drawing received July 14, 1997 from Texaco, depicts the encroachment area and provides a legal description surrounding the encroachment onto PacifiCorp's Des-Bee-Dove haul road R/W. A copy of this letter and drawing are enclosed for your information.

Permit Drawing #CM-10584-DS, Plate 5-1, sheet 11 of 38, will be revised to reflect Texaco's

Huntington Office:  
(801) 687-9821  
Fax (801) 687-2695  
Purchasing Fax (801) 687-9092

Deer Creek Mine:  
(801) 381-2317  
Fax (801) 381-2285

Cottonwood Mine:  
(801) 748-2319  
Fax (801) 748-2380

certified survey information.

### **Biology**

As noted in the letter, Texaco will provide reclamation of the affected area within the R/W when the well site is completed. Energy West has previously provided Texaco with the seed mix and interim revegetation methods as outlined in the permit. Energy West will also follow-up with documentation that the proper mix and methods are used at the time reclamation work begins for this area.

### **Soils**

Top soil was removed from the area before excavation of the pit was started and stockpiled within the well site area. When reclamation begins, topsoil will be replaced at a depth of 6". No record of the quantity of excavated soil was determined by Texaco. As noted on the drawing provided by Texaco, total area of encroachment is only 0.102 acres more or less.

**Engineering, Hydrology and Geology Sections have not been addressed due to the fact they are not applicable to this amendment. Texaco as the third party is accepting cost of the interim work to be accomplished. Reclamation costs are not addressed due to the small integral portion in question.**

In our determination, there is nothing within the permit text that will need to be revised, added or changed due to this amendment.

If there are any questions or concerns related to this amendment please call Richard Northrup at 687-4822 or Charles Semborski at 687-4720.

Sincerely,



Richard Northrup  
Env. Eng. Dept.

cc: Blake Webster  
Carl Pollastro  
Barbara Adams (File)  
Ron Wirth (Texaco)

# APPLICATION FOR PERMIT CHANGE

Title of Change: Des - Bee - Dove Haul Road  
Permit Boundary Encroachment

Permit Number: ACT/015/017

Mine: Des-Bee-Dove

Permittee: PacifiCorp

Description, include reason for change and timing required to implement:

Amendment to the permit to cover an encroachment by Texaco within the permitted R/W along the Des-Bee-Dove Haul Road

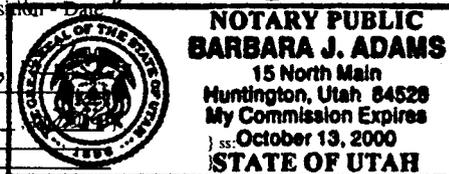
- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.               |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 2. Change in the size of the Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.            |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 4. Will permit change include operations in hydrologic basins other than currently approved?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 6. Does permit change require or include public notice publication?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 7. Permit change as a result of a Violation? Violation # _____   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 8. Permit change as a result of a Division Order? D.O.# _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 9. Permit change as a result of other laws or regulations? Explain: _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 10. Does permit change require or include ownership, control, right-of-entry, or compliance information?                                 |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 11. Does the permit change affect the surface landowner or change the post mining land use?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does permit change require or include collection and reporting of any baseline information?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area?                                |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 14. Does permit change require or include soil removal, storage or placement?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 15. Does permit change require or include vegetation monitoring, removal or revegetation activities?                                     |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Does permit change require or include construction, modification, or removal of surface facilities?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 17. Does permit change require or include water monitoring, sediment or drainage control measures?                                       |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 18. Does permit change require or include certified designs, maps, or calculations?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 19. Does permit change require or include underground design or mine sequence and timing?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does permit change require or include subsidence control or monitoring?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?                           |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Is this permit change coal exploration activity <input type="checkbox"/> inside <input type="checkbox"/> outside of the permit area? |

**Attach 7 complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.**

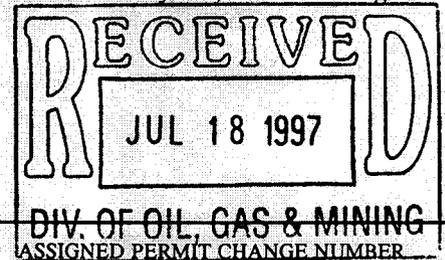
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein.

Richard Anthony Ewing - 7-16-97  
 Signed - Name - Position - Date

Subscribed and sworn to before me this 16 day of July  
Barbara J. Adams  
 Notary Public  
 My Commission Expires: 10-13  
 Attest: STATE OF  
 COUNTY OF \_\_\_\_\_



Received by Oil, Gas & Mining







Texaco Exploration and Production Inc

3300 N Butler  
Farmington NM 87401

July 10, 1997

Mr. Chuck Semborski  
Geology and Environmental Supervisor  
Energy West Mining Co.  
PO Box 310  
Huntington, Utah 84528

RE: DES-BEE-DOVE HAUL ROAD - State of Utah 2-49 Well

Dear Mr. Semborski:

Texaco Exploration and Production Inc. has staked and constructed a well pad in the SE/4 of Sec2. T18S R7E. The well pad was staked and constructed with the understanding that the well pad would remain outside the marked boundary of your DES-BEE-DOVE HAUL ROAD. Texaco misunderstood the meaning of the signs in place along the haul road which read, "PERIMETER - Do Not Disturb." Texaco's intentions were to place the entire well pad outside of the permitted area.

After staking the location and completing the onsite review with DOGM, Texaco proceeded with the construction of the location as it was staked. Following the construction of the location it was immediately brought to Texaco's attention that the new well pad was within the permitted boundary. This was to Texaco's surprise, as we had made the effort to stay outside of the marked perimeter, knowing this was the edge of the permitted area for you mining operations. With further review and surveying it was shown that the new disturbance was actually located within the permitted boundary. The attached survey shows the actual disturbed area within the permitted boundary.

After completion of the well Texaco plans to provide reclamation efforts for the disturbed areas within the permitted boundary. Texaco will recontour and seed the area with previously defined seed mix.

Thank you for your assistance and cooperation in this matter. If you have any further questions or comments please contact Mr. Ron Wirth at (801) 748-5395.

Sincerely,

Robert F. Schaffitzel  
Production Engineer  
Farmington Operating Unit

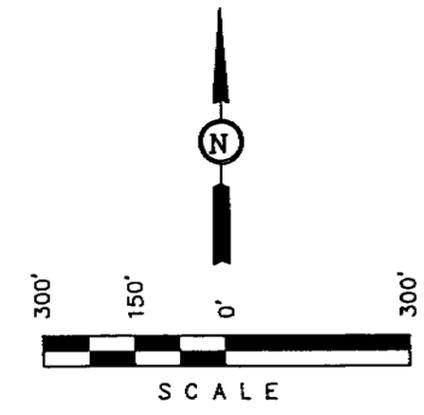
Attachment

cc: Paul Baker - DOGM

TEXACO EXPLR. & PROD., INC.

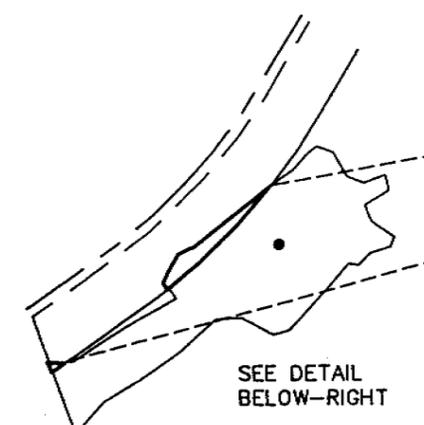
**DAMAGE AREA INSIDE  
RIGHT-OF-WAY**

(For STATE OF UTAH "U" #2-49)  
LOCATED IN  
SECTION 2, T18S, R7E, S.L.B.&M.  
EMERY COUNTY, UTAH



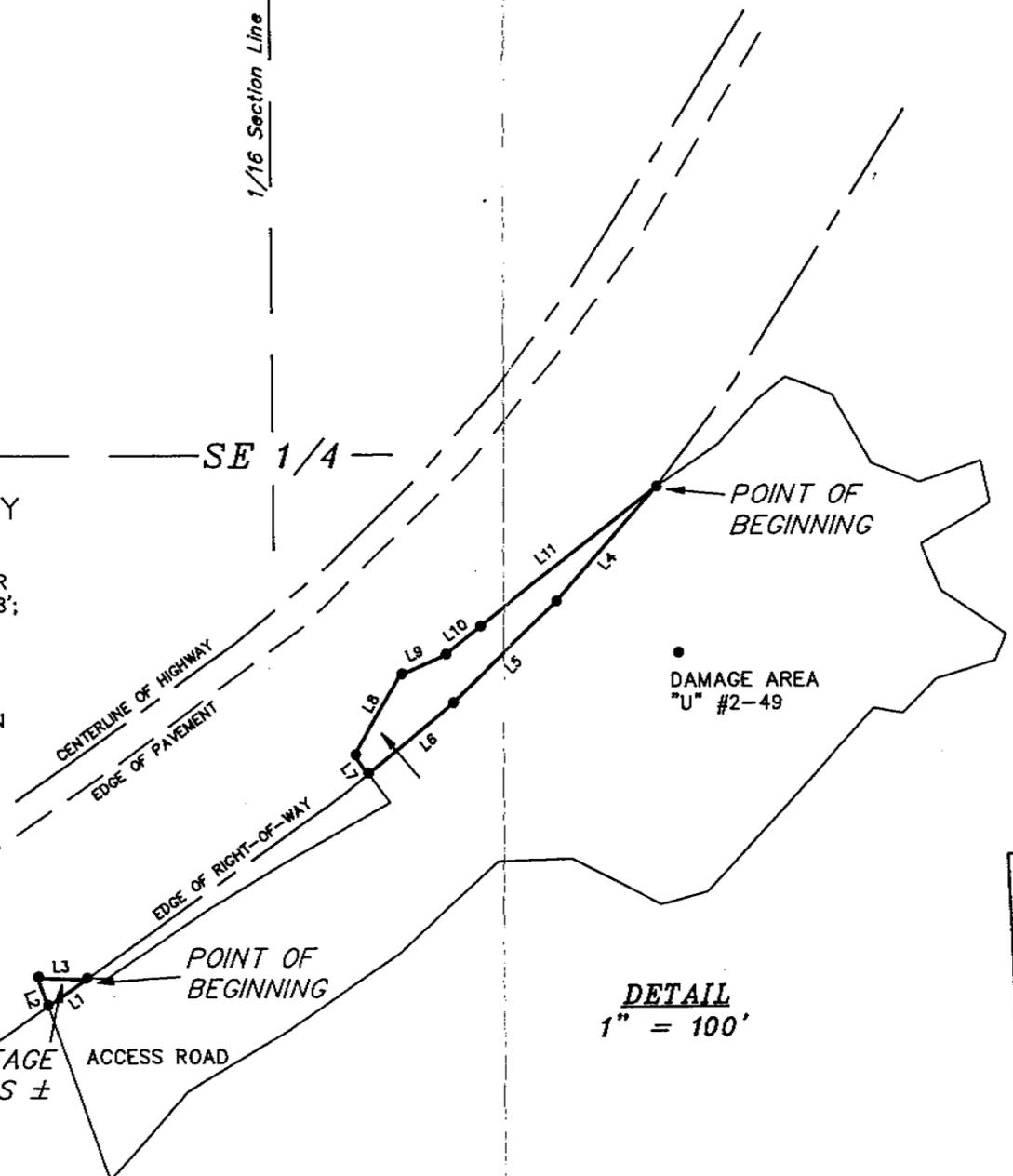
LINE	DIRECTION	DISTANCE
L1	S55°16'56"W	28.20'
L2	N19°17'02"W	17.78'
L3	S88°33'52"E	29.06'
L4	S41°05'36"W	89.67'
L5	S45°51'27"W	86.58'
L6	S50°41'29"W	65.46'
L7	N35°43'30"W	13.46'
L8	N30°12'07"E	55.02'
L9	N66°23'40"E	29.22'
L10	N50°55'24"E	26.46'
L11	N51°44'10"E	133.20'

1/4 Section Line  
Sec. 2  
1/4 Section Line  
1/16 Section Line  
1/16 Section Line



**DAMAGE AREA ON EXISTING HIGHWAY RIGHT-OF-WAY**

BEGINNING AT A POINT IN THE NW 1/4 SE 1/4 OF SECTION 2, T18S, R7E, S.L.B.&M. WHICH BEARS S80°07'24"W 2194.33' FROM THE EAST 1/4 CORNER OF SAID SECTION 2, THENCE S41°05'36"W 89.67'; THENCE S45°51'27"W 86.58'; THENCE S50°41'29"W 65.46'; THENCE N35°43'30"W 13.46'; THENCE N30°12'07"E 55.02'; THENCE N66°23'40"E 29.22'; THENCE N50°55'24"E 26.46'; THENCE N51°44'10"E 133.20' TO THE POINT OF BEGINNING. ALSO BEGINNING AT A POINT IN THE NW 1/4 SE 1/4 OF SAID SECTION 2 WHICH BEARS S75°05'13"W 2591.38' FROM THE EAST 1/4 CORNER OF SAID SECTION 2, THENCE S55°16'56"W 28.20'; THENCE N19°17'02"W 17.78'; THENCE S88°33'52"E 29.06' TO THE POINT OF BEGINNING. BASIS OF BEARINGS IS THE WEST LINE OF THE SW 1/4 OF SAID SECTION 2 WHICH IS ASSUMED FROM G.L.O. INFORMATION TO BEAR N00°05'W. CONTAINS 0.102 ACRES MORE OR LESS.



TOTAL ACREAGE  
0.006 ACRES ±

**DETAIL**  
1" = 100'

**RECEIVED**  
JUL 18 1997  
DIV. OF OIL, GAS & MINING

**CERTIFICATE**  
THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE UNDER MY PERSONAL SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
ROBERT E. DRYDEN  
REGISTERED SURVEYOR  
REGISTRATION NO. 181319  
STATE OF UTAH

**UNTAH ENGINEERING & LAND SURVEYING**  
85 SOUTH - 200 EAST • (801) 789-1017  
VERNAL, UTAH - 84078

SW Cor. Sec. 2 Brass Cap  
Computed Corner  
Section Line  
N89°59'09"E - 2665.16' (Meas.)

N89°41'10"E - 2659.91' (Meas.)

Section Line  
Brass Cap  
N00°10'01"E - 2662.12' (Meas.)  
Brass Cap

△ = COMPUTED CORNER. (Not Set)    ▲ = SECTION CORNERS LOCATED.

SCALE	1" = 300' OR AS SHOWN	DATE	6-19-97
PARTY	B.B. D.R.    C.B.T.	REFERENCES	G.L.O. PLAT
WEATHER	WARM	FILE	4 1 0 0 9

H. Arnold Wagner  
Date Position Assumed  
5/10/95

Controller and Assistant Secretary of PacifiCorp  
201 South Main, Suite 700  
Salt Lake City, Utah 84140

Richard D. Westerberg  
Date Position Assumed  
5/10/95

2484 Washington Blvd. Suite 400  
Ogden, Utah 84401

**SUPERSEDED**  
EFFECTIVE:  
SEP 06 1996  
DIVISION OIL, GAS AND MINING

**RECEIVED**  
SEP 23 1996  
DIV. OF OIL, GAS & MINING

**INCORPORATED**  
EFFECTIVE:  
SEP 06 1996  
910B  
UTAH DIVISION OIL, GAS & MINING

Revised 9/19/96  
1-8

DIRECTORS OF PACIFICORP

Frederick W. Buckman  
700 NE Multnomah, Suite 1600  
Portland, OR 97232-4116  
Date Position Assumed 2/9/94

Don M. Wheeler  
Wheeler Machinery  
4901 West 2100 South  
Salt Lake City, Utah 84120  
Date Position Assumed 1/11/89

Verl R. Topham  
201 South Main, Suite 2300  
Salt Lake City, Utah 84140  
Date Position Assumed 5/27/94

Kathryn A. Braun  
Western Digital Corporation  
8105 Irvine Center Drive  
Irvine, California 92718  
Date Position Assumed 11/9/94

Peter I. Wold  
Wold Oil & Gas Co.  
139 West Second St. P O Box 114  
Casper, Wyoming 82602  
Date Position Assumed 5/9/95

C. Todd Conover  
3 Polo Field Land  
Denver, CO. 80202  
Date Position Assumed 8/21/91

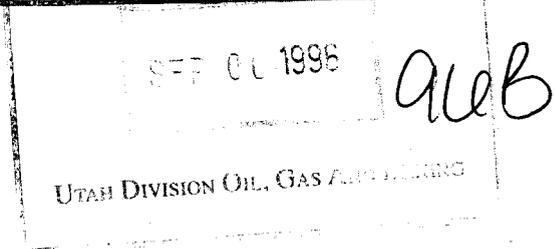
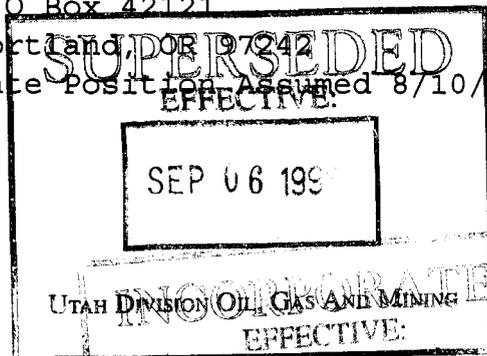
Keith R. McKennon  
Chairman of the Board  
825 NE Multnomah, Suite 1055  
Portland, OR 97232  
Date Position Assumed 2/9/94

Richard C. Edgley  
Church of Jesus Christ of  
Latter-Day Saints  
50 East North Temple  
Salt Lake City UT 84150  
Date Position Assumed 10/14/87

Nancy Wilgenbusch  
President  
Marylhurst College  
Marylhurst, OR 97036  
Date Position Assumed 10/8/86

Nolan E. Karras  
Investment Management &  
Research, Inc.  
4695 South 11900 West #3  
Roy, UT 84067  
Date Position Assumed 2/17/93

Robert G. Miller  
P O Box 42121  
Portland, OR 97242  
Date Position Assumed 8/10/94



RESIGNED/RETIRED OFFICERS

Stanley K. Hathaway  
Hathaway, Speight, Kunz & Trautwein  
P O Box 1208  
Cheyenne, WY 82003-1208  
**Retired 8/10/94**

John C. Hampton  
Hampton Resources, Inc.  
9400 SW Barnes RD.  
Suite 400  
Portland, OR 97725  
**Retired 2/14/96**

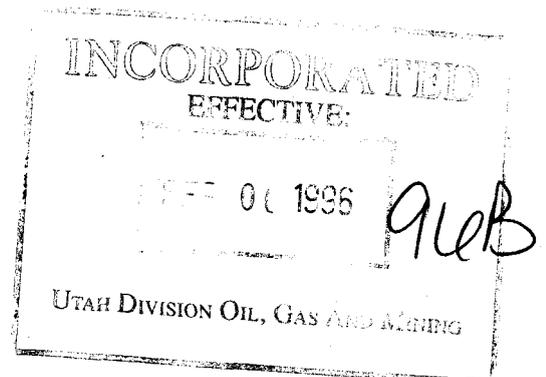
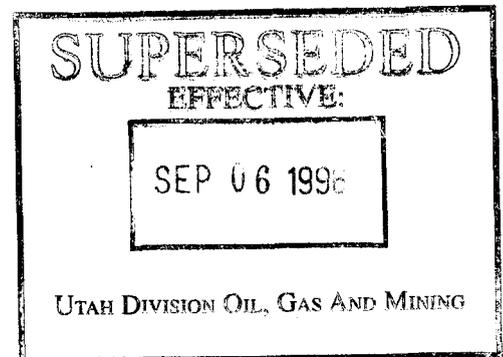
C. M. Bishop Jr.  
Pendleton Woolen Mills  
P O box 3030  
Portland, OR 97208  
**Retired 02/09/95**

A. M. Gleason  
700 NE Multnomah, Suite 1600  
Portland, OR 97232-4116  
**Resigned 05/01/95**

William J. Glasgow  
Senior Vice President  
700 NE Multnomah, Suite 1600  
Portland, OR 97232-4116  
**Resigned 2/28/95**

Harry Haycock  
Senior Vice President  
PacifiCorp  
One Utah Center  
201 South Main, Suite 2300  
Salt Lake City, UT 84140-0021  
**Resigned 6/94**

Stan M. Marks  
Vice President  
700 NE Multnomah, Suite 1600  
Portland, OR 97232-4116  
**Resigned 8/1/94**



Revised 8/30/96

The following federal coal leases, upon which the applicant bases his right to perform coal mining in the permit area, have all been subleased or assigned to

PacifiCorp:

**Lease No. SI-064900**  
**Issued to Cyrus Wilberg 2/3/45**

**Section 22**                      **SE1/4SW1/4, SW1/4SE1/4,  
NE1/4SW1/4, NW1/4SE1/4**

**Township 17 South, Range 7 East, SLM, Utah,  
containing 160 acres**

**Lease No. U-1358**  
**Issued to Castle Valley Mining Co. 8/1/67**

**Section 22**                      **S1/2NW1/4, W1/2SW1/4  
E1/2SE1/4**

**Section 27**                      **E1/2NE1/4**

**Township 17 South, Range 7 East, SLM, Utah,  
containing 320 acres**

**Lease No. SL-070645, U-02292**  
**Issued to Clara Howard Miller 4/1/52**

**Section 4**                      **SW1/4SE1/4, S1/2SW1/4**

**Section 5**                      **SE1/4SW1/4, S1/2SE1/4**

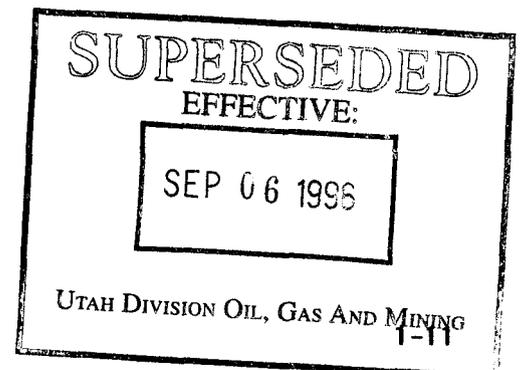
**Section 8**                      **E1/2, E1/2W1/2**

**Section 9**                      **All**

**Section 10**                     **W1/2**

**Section 15**                    **N1/2**

**Section 16**                    **N1/2**



Section 17

NE1/4, E1/2NW1/4

Township 17 South, Range 7 East, SLM, Utah,  
containing 2560 acres

Lease No. U-084923

Issued to Malcolm N. McKinnon 8/1/64

Section 4

Lots 2, 3, 4, 5, 6, 7,  
10, 11, 12, NW1/4SE1/4,  
N1/2SW1/4

Section 5

Lots 1 thru 12, N1/2S1/2,  
SW1/4SW1/4

Section 6

Lots 1 thru 11, SE1/4

Section 7

Lots 1 thru 4, E1/2

Section 8

W1/2W1/2

Section 18

Lots 1 and 2, N1/2

Section 17

N1/2NW1/4

Township 17 South, Range 7 East, SLM, Utah,  
containing 2252.42 acres

Lease No. U-084924

Issued to Malcolm N. McKinnon 8/1/64

Section 1

Lots 1, 2, 3, S1/2NE1/4  
SE1/4NW1/4, E1/2SW1/4,  
SE1/4

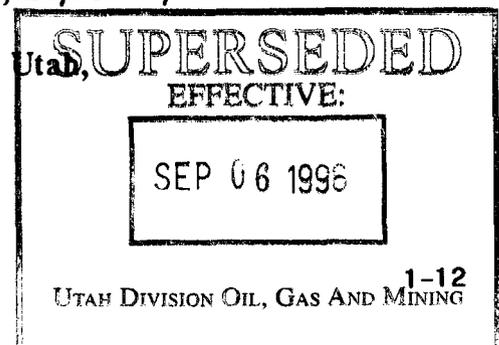
Section 12

E1/2, E1/2W1/2

Section 13

NE1/4, E1/2NW1/4

Township 17 South, Range 6 East, SLM, Utah,  
containing 1211.48 acres



**Lease No. U-083066**  
**Issued to Cooperative Security Corp. 3/1/62**

Section 13	E1/2SW1/4, SE1/4
Section 24	E1/2W1/2, E1/2
Section 25	N1/2NE1/4

**Township 17 South, Range 6 East, SLM, Utah**

Section 17	SW1/4, W1/2SE1/4
Section 18	Lots 3 and 4, SE1/4
Section 19	Lots 1, 2, 3, 4, E1/2
Section 20	W1/2, W1/2E1/2
Section 29	NW1/4NE1/4, N1/2NW1/4
Section 30	Lots 1, 2, 3, N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4

**Township 17 South, Range 7 East, SLM, Utah,**  
**containing 2485 acres**

**Lease No. U-040151**  
**Issued to Cooperative Security Corp. 3/1/62**

Section 15	SW1/4
Section 16	S1/2
Section 17	E1/2SE1/4
Section 20	E1/2E1/2
Section 21	All
Section 22	N1/2NW1/4
Section 27	N1/2NW1/4

