0021

Incoming
C0150019
#3224
OK

INTERWEST MINING COMPANY
A SUBSIDIARY OF PACIFICORP

1407 W. North Temple, Suite 310
Salt Lake City, UT 84116

HAND DELIVERED

July 27, 2009

Daron Haddock
Environmental Manager
Division of Oil, Gas & Mining
Utah Department of Natural Resources
1594 West North Temple - Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-145801

RE: Cottonwood/Wilberg Mine Permit C/015/0019, Emery County, Utah

Dear Daron:

Enclosed is a completely endorsed original of the Cottonwood/Wilberg Mine Permit No. C/015/0019 dated July 6, 2009. A completely signed duplicate original has been sent to our Energy West Mining Company offices located in Huntington, Utah.

Should you have any questions or need any additional information, please feel free to contact Ken Fleck or Dennis Oakley of Energy West Mining Company at 435-687-4712 or 435-687-4825 (respectively) or myself at 801-220-4612.

Sincerely,

Scott M. Child
Manager, Lands & Regulatory Affairs

Enclosure

SMC\EnergyWest\DOGM 2009-02(CotWilMinePermit).doc

cc: IMC w/o encl. – C. Crane
EWMC w/encl. – E. Snow, K. Fleck, D. Oakley

FEDERAL **PERMIT** **July 6, 2009**

Permit Number C/015/0019

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
P. O. Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, C/015/0019, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
1407 West North Temple, Suite 310
Salt Lake City, Utah 84116

for the Cottonwood/Wilberg Mine. PacifiCorp is the lessee of federal coal leases U-1358, U-083066, U-040151, U-47978, UTU-044025, SL-064900 and the owner/lessee of certain fee-owned parcels. A Surety Bond is filed with the Division in the amount of $3,252,000, payable to the State of Utah, Division of Oil, Gas and Mining and the 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.

Sec. 2 **PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on the following described lands within the permit area at the Cottonwood/Wilberg Mine, situated in the state of Utah, Emery County, see Plate 1-1 in the Mining and Reclamation Plan.

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

Section 13: E1/2 SW1/4, SE1/4,
Section 24: E1/2 W1/2, E1/2, and
Section 25: N1/2 NE1/4, Beginning at the SE corner of the NE1/4 SE1/4 of Section 25, T17S, R6E, SLB&M; thence, north 160 rods; thence, west 116 rods to centerline of the Cottonwood Creek; thence, southerly along centerline of said creek to a point 84 rods west of the beginning; thence, east 84 rods to the beginning.

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

Section 15:	E1/2SW1/4, E1/2W1/2SW1/4
Section 16:	S1/2S1/2SW1/4, SW1/4SW1/4SE1/4
Section 17:	E1/2SW1/4, W1/2SW1/4, S1/2SW1/4SE1/4, S1/2SE1/4SE1/4
Section 18:	Lots 3 & 4, SE1/4,
Section 19:	All,
Section 20:	All,
Section 21:	N1/2NW1/4, SE1/4NW1/4, N1/2SW1/4NW1/4, W1/2W1/2W1/2NE1/4, SW1/4SW1/4, S1/2SE1/4, W1/2W1/2NW1/4SE1/4, E1/2SW1/4, NW1/4SW1/4, S1/2SW1/4NW1/4, NE1/4NW1/4
Section 22:	E1/2NW1/4NW/1/4, E1/2SW1/4NW1/4, E1/2NW1/4SW1/4, SE1/4NW1/4, SW1/4SW1/4, W1/2SE1/4, E1/2SW1/4, N1/2NW1/4
Section 27:	S1/2NW1/4, NW1/4NE1/4, N1/2NE1/4, SW1/4SW1/4(USFSSUP)
Section 28:	E1/2NE1/4NW1/4, S1/2NE1/4, E1/2SE1/4NW1/4, NW1/4NE1/4
Section 29:	N1/2 NW1/4, Lots 1-3,
Section 30:	N1/2NE1/4, SW1/4NE1/4, NW1/4SE1/4

Old Waste Rock Site

Northern Parcel

Beginning from the east 1/4 corner of Section 34, T17S, R7E, SLB&M;
thence, S 32° 35' 06" E, 333.34 feet;
thence, S 25° 37' 57" E, 113.14 feet;
thence, S 25° 27' 00" W, 117.42 feet;
thence, S 72° 20' 00" W, 214.90 feet;
thence, S 62° 54' 12" W, 69.67 feet;
Thence, S 54° 05' 38" W, 334.79 feet;
Thence, N 31° 22' 00" W, 421.95 feet;
thence, N 24° 13' 43" W, 219.34 feet;
thence, N 16° 11' 43" W, 669.30 feet;
thence, N 54° 04' 29" E, 168.18 feet;
thence, S 54° 11' 25" E, 887.95 feet;
to the point of beginning.

Southern Parcel

Beginning at point S 32° 35' 06" E, 582.18 feet from the east 1/4 corner of Section 34, T17S, R7E, SLB&M;
thence, S 32° 35' 06" E, 1296.31 feet;
thence, S 55° 31' 08" W, 411.69 feet;
thence, N 48° 03' 42" W, 656.18 feet;
thence, N 46° 38' 41" W, 472.77 feet;
thence, N 37° 57' 15" W, 229.19 feet;

thence, N 31° 22' 00" W, 90.38 feet;
thence, S 72° 32' 03" E, 65.63 feet;
thence, N 50° 27' 20" E, 295.51 feet;
thence, N 69° 41' 04" E, 398.55 feet;
to the point of beginning.

Both parcels containing 34.56 acres, more or less.

New Waste Rock Site

Beginning at point N 82° 39' 28" W, 809.58 feet, from the east 1/4 corner of Section 34, T17S, R7E, SLB&M;
thence, S 74° 09' 46" W, 246.23 feet;
thence, S 27° 14' 28" W, 647.59 feet;
thence, S 46° 59' 05" W, 165.64 feet;
thence, S 76° 41' 51" W, 264.72 feet;
thence, N 72° 09' 12" W, 670.20 feet;
thence, S 06° 10' 47" W, 105.57 feet;
thence, S 23° 08' 12" W, 35.27 feet;
thence, S 36° 59' 41" W, 71.59 feet;
thence, S 40° 44' 45" W, 114.04 feet;
thence, S 23° 37' 34" W, 93.77 feet;
thence, S 60° 40' 32" W, 113.86 feet;
thence, S 05° 17' 52" E, 108.19 feet;
thence, S 23° 20' 37" E, 105.29 feet;
thence, S 24° 38' 51" W, 61.70 feet;
thence, S 31° 19' 19" E, 129.90 feet;
thence, S 29° 19' 58" E, 80.45 feet;
thence, S 24° 11' 44" E, 104.97 feet;
thence, S 47° 47' 54" E, 168.95 feet;
thence, S 40° 17' 54" E, 87.31 feet;
thence, S 17° 50' 49" W, 43.32 feet;
thence, S 72° 11' 49" E, 213.13 feet;
thence, S 78° 08' 28" E, 287.64 feet;
thence, N 11° 43' 23" E, 86.24 feet;
thence, N 73° 40' 14" E, 120.87 feet;
thence, N 17° 04' 33" E, 74.31 feet;
thence, N 14° 20' 36" W, 65.70 feet;
thence, N 17° 05' 06" E, 75.21 feet;
thence, N 09° 13' 24" W, 65.92 feet;
thence, N 12° 54' 35" W, 99.73 feet;
thence, N 02° 44' 30" W, 82.47 feet;
thence, N 08° 32' 17" W, 85.51 feet;
thence, N 01° 39' 36" W, 104.82 feet;
thence, N 17° 50' 48" E, 218.03 feet;

thence, N 76° 41' 51" E, 353.88 feet;
thence, N 27° 14' 28" E, 629.52 feet;
thence, N 50° 42' 06" E, 123.74 feet;
thence, N 74° 09' 48" E, 113.70 feet;
thence, N 15° 50' 13" W, 150.00 feet;
to the point of beginning. Containing 25.85 acres, more or less.

Leach Field

Beginning S 52° 06' 48" W, 1664.59 feet from the NE corner of Sections 34, T17S, R7E, SLB&M;
thence, S 15° 23' 50" E, 193.05 feet;
thence, N 69° 13' 28" W, 354.72 feet;
thence, N 14° 04' 20" W, 185.61 feet;
thence, N 29° 53' 51" E, 488.38 feet;
thence, N 00° 47' 31" E, 474.97 feet;
thence, E 30 feet;
thence, S 00° 47' 31" W, 421.50 feet;
thence, S 04° 55' 10" E, 598.80 feet;
to the point of beginning. Containing 3.7 acres, more or less.

The Cottonwood/Wilberg permit area contains the areas described herein. The area within the boundary is approximately 4,128.43 acres. The total disturbed area at the mine is currently 62.24 acres. The disturbance is distributed as follows:

Mine Site:	20.46 acres
Old Waste Rock Site:	15.62 acres (Phase III release pending)
New Waste Rock Site:	17.44 acres
Leach Field:	3.70 acres
Miller Canyon Portals:	0.02 acres
Cottonwood Fan Portal:	5.0 acres

This legal description is for the permit area of the Cottonwood/Wilberg Mine. 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 July 6, 2014.

Sec. 5 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, the Division. 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 on those lands specifically designated as within the permit area on the operator's 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 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. 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 is a special condition associated with this permitting actions 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: John R. Baza

Date: 7/6/09

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

Cindy A. Crane

Authorized Representative of the Permittee

By: CINDY A. CRANE

Date: 7/27/09

Attachment A

SPECIAL CONDITION

1. PacifiCorp will submit water quality data for the Cottonwood/Wilberg Mine in an electronic format through the Electronic Data Input website, http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi.

O:\015019.CWW\FINAL\PERMIT\2009PermitRenewal\07062009renewedpermit.DOC