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JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
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

Outgoing
C0150019
3224
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July 6, 2009

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, Cottonwood/Wilberg Mine, PacifiCorp, C/015/0019,
Outgoing File

Dear Mr. Fleck:

The permit renewal for the Cottonwood/Wilberg Mine is approved. Enclosed are two (2) copies of the renewed permanent program mining and reclamation permit for the Cottonwood/Wilberg Mine.

Please read the permit to be sure you understand the requirements, then have both copies signed by the appropriate PacifiCorp representative and return one to the Division.

If you have any questions, please call Daron Haddock at (801) 538-5325 or myself at (801) 538-5334.

Sincerely,


John R. Baza
Director

Enclosures

cc: Jim Fulton (OSM)
Scott Child (IMC)

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**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT RENEWAL**

PacifiCorp
Cottonwood/Wilberg Mine
C/015/0019
Emery County, Utah

July 6, 2009

CONTENTS

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ADMINISTRATIVE OVERVIEW

PacifiCorp
Cottonwood/Wilberg Mine
Five-Year Permit Renewal
C/015/0019
Emery County, Utah

July 6, 2009

BACKGROUND

The Cottonwood/Wilberg Mine is located approximately eight miles northwest of Orangeville, Utah on the east side of the Wasatch Plateau Coal Field. The permit area currently encompasses 4128.43 acres comprised of federal coal leases and privately owned holdings.

This mine was in operation prior to the enactment of SMCRA and the initial permanent program permit was issued to Utah Power and Light Company on July 6, 1984. This permit was subsequently renewed on July 6, 1989, July 6, 1994, July 6, 1999, and July 6, 2004. The mine has been in temporary cessation since May of 2001.

PERMIT RENEWAL

PacifiCorp applied to the Division of Oil Gas and Mining for a five-year permit renewal for the Cottonwood/Wilberg Mine on March 9, 2009. This renewal encompasses a permit area somewhat reduced from that approved in the permit issued July 6, 2004, due to lease relinquishments. In October of 2006 the permit area was reduced from 6886.88 acres as a result of a leases of 2758.45 acres being released. The current permit area, which is the area being renewed, comprises 4128.43 acres and the current disturbed area is 62.24 acres.

The application for permit renewal was received on March 9, 2009, which was at least 120 days prior to permit renewal. The renewal application was determined administratively complete on March 16, 2009. Public notice for this permit renewal was published in the Emery County Progress on March 31, April 7, 14 and 21, 2009.

There were two outstanding violations identified by the AVS linked to Cottonwood/Wilberg Mine through an officer of MidAmerican Energy Holdings Company, Paul Leighton. On March 19, 2009, the Division Permit Supervisor, Daron Haddock, contacted Scott Childs of PacifiCorp and requested information that would help clear up the outstanding violations. In response the Division received correspondence from the office of John Kirkham, (law office of Stoel Rives).

ANALYSIS

The permit renewal application was received at least 120 days prior to the permit renewal date. All notices were published as required. The public comment period ended on May 20, 2009. Only one comment was received, which was from the U. S. Forest Service. They expressed no objection to the renewal.

The outstanding violations identified in the AVS system were investigated and additional information was provided to the Division by the law firm of Stoel Rives. Upon review of the information a finding was made that there is no ownership and control link that connects Paul Leighton to the nonpayment of AML fees that were the subject of the violations. PacifiCorp has successfully rebutted the relationship of Paul Leighton to the offending companies. An AVS check run on June 30, 2009 showed no outstanding violations linked to PacifiCorp.

RECOMMENDATION

Approval for this permit renewal is recommended.

PERMITTING CHRONOLOGY

PacifiCorp
Cottonwood/Wilberg Mine
Permit Renewal
C/015/0019
Emery County, Utah

July 6, 2009

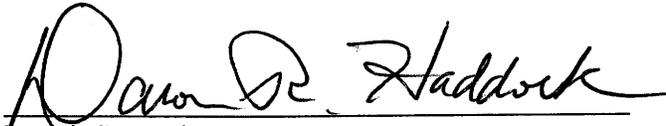
- March 9, 2009 PacifiCorp submitted a permit renewal application.
- March 16, 2009 The Division notified the Applicant of Determination of Administrative Completeness of permit renewal application. Notification of the Determination of Administrative Completeness was also provided to governmental agencies and other entities with an interest in the permit area with a request for comment by April 30, 2009.
- March 19, 2009 The Division contacts PacifiCorp (Scott Childs) regarding two outstanding violations identified by the AVS and asks for information that would help clear up the AVS problem.
- March 31, April 7, 14, and 21, 2009 Public notice for permit renewal for the Cottonwood/Wilberg Mine published in the Emery County Progress.
- March 23, 2009 The Division receives a letter from the U. S. Forest Service indicating that they have no objection to the permit renewal.
- June 2, 2009 The Division receives correspondence from the law office of Stoel Rives, which addresses the outstanding AVS violations.
- June 22, 2009 The Division issues a finding of No Ownership and Control Link for the outstanding AVS violations, which clears the AVS problems.
- June 30, 2009 An AVS check shows no violations retrieved by the system (memo dated July 1, 2009).
- July 6, 2009 The permit is renewed.

PERMIT RENEWAL FINDINGS

PacifiCorp
Cottonwood/Wilberg Mine
C/015/0019
Emery County, Utah

July 6, 2009

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 (R645-303-233.130).
5. The operator has provided evidence of maintaining liability insurance in full effect (Associated Electric and Gas Insurances Services Limited, Policy X0720A1A08)(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, Bond Number 103771497 in the amount of \$3,252,000) (R645-303-233.150).
7. To date, the operator has submitted updated information as required by the Division through this permit term. (R645-233.160).



Permit Supervisor



Associate Director of Mining



Director

FEDERAL

PERMIT
C/015/0019

July 6, 2009

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
One Utah Center
201 South Main, Suite. 2000
Salt Lake City, Utah 84140-0021

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: E1/2NW1/4NW1/4, E1/2SW1/4NW1/4, E1/2NW1/4SW1/4,
SE1/4NW1/4, SW1/4SW1/4, W1/2NE1/4, E1/2SW1/4, NE1/2NW1/4
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 38° 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° 56' 15" W, 149.72 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
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: _____

J. R. Bayne

Date: _____

7/6/09

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

**Authorized Representative of
the Permittee**

By: _____

Date: _____

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>.

FEDERAL

PERMIT
C/015/0019

July 6, 2009

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

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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: E1/2NW1/4NW1/4, E1/2SW1/4NW1/4, E1/2NW1/4SW1/4,
SE1/4NW1/4, SW1/4SW1/4, W1/2NE1/4, E1/2SW1/4, NE1/2NW1/4
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 38° 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

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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° 56' 15" W, 149.72 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
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. Bay
Date: 7/6/09

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

**Authorized Representative of
the Permittee**

By: _____

Date: _____

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>.

**COTTWOOD/WILBERG MINE
C/015/0019**

PERMIT RENEWAL APPLICATION

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 that the first publication was on the 31st day of March, 2009 and that the last publication of such notice was in the issue of such newspaper dated the 21st day of April, 2009.



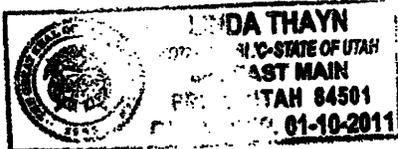
Richard Shaw - Publisher

Subscribed and sworn to before me this 21st day of April, 2009.



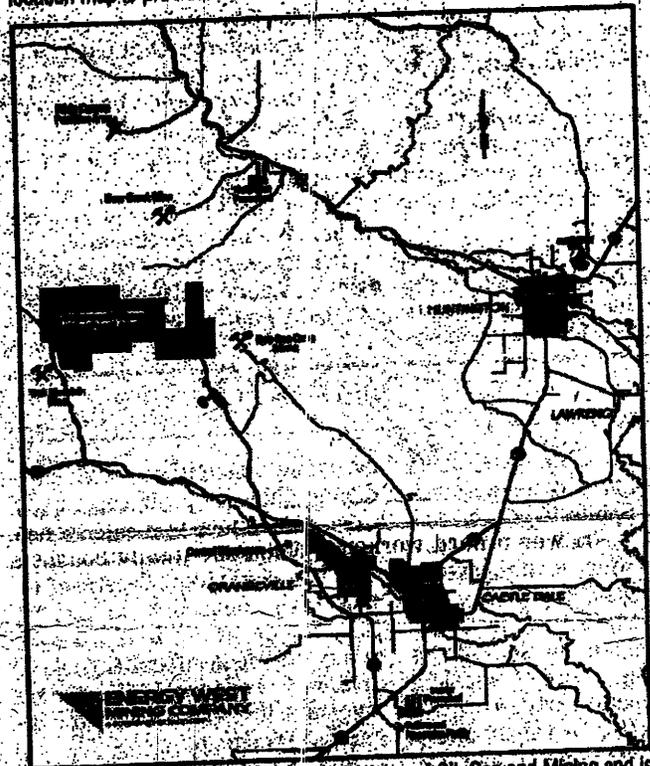
Notary Public My commission expires January 10, 2011 Residing at Price, Utah

Publication fee, \$ 500.64



Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

PacificCorp, by and through its wholly-owned subsidiary, Energy West Mining Company (A Energy West@) as mine operator, hereby submits an application for a permit renewal of the Cottowood/Wilberg Mine for the purposes of conducting underground coal mining and related surface activities. The mine is currently in temporary cessation and has been since May, 2001. The permit area encompasses approximately 4,128.43 acres located in Township 17 South, Range 6 East, in the portions of Sections 13, 24, and 25; Township 17 South, Range 7 East, in the portions of Sections 15 through 18, 21, 22, 27 through 30, and 34, and totaling encompassing all of Sections 19 and 20. The total disturbed area of the mine is 92.24 acres. Contact the address above for detailed locations information. For convenience, a general location map is provided below.



A surety bond is filed with the Division of Oil, Gas and Mining and is payable to the State of Utah, Division of Oil, Gas and Mining (DOG M), and the Office of Surface Mining Reclamation and Enforcement (OSM).

A copy of this 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 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.

Published in the Emery County Progress March 31, April 7, 14 and 21, 2009.

RECEIVED

JUN 18 2009

DIV. OF OIL, GAS & MINING



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
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

July 1, 2009

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510c Findings, Energy West Mining Company, Cottonwood/Wilberg Mine, C/015/0019

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

Attached is the findings evaluation from the Applicant Violator System (AVS), dated June 30, 2009.

Attachment: (OSM-AVS Evaluation)
O:\015019.CWW\FINAL\PERMIT\2009\PermitRenewal\AVS memo.doc



Permit Evaluation

Permit Number ACT015019
 Permittee Name 108521 Pacificorp
 Date of Evaluation 6/30/2009 12:08:41 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 OFI

Entities: 69

- 148179 Scottish Power Plc - ()
- 113118 Nancy Wilgenbusch - (Director)
- 133653 Nolan E Karras - (Director)
- 144992 Vicky Bailey - (Director)
- 148176 Scottish Power Na1 Ltd - (Subsidiary Company)
- 148175 Na Gen Partnership - (Subsidiary Company)
- 125564 Pacificorp Holdings Inc - (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)
- 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)
- 158524 William J Fehrman - (President)
- 158525 Brent E Gale - (Director)
- 158527 Mark C Moench - (Director)
- 158527 Mark C Moench - (Secretary)
- 158538 A Robert Lasich - (Director)
- 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)
- 248434 Douglas K Stuver - (Chief Financial Officer)
- 248434 Douglas K Stuver - (Senior Vice President)
- 124840 Bruce N Williams - (Treasurer)
- 148191 David Thomas Nish - (Chief Financial Officer)
- 148191 David Thomas Nish - (Director)
- 150146 Ian M Russell - (Director)
- 150146 Ian M Russell - (President)
- 150240 Andrew P Haller - (Director)
- 150240 Andrew P Haller - (General Counsel)
- 150240 Andrew P Haller - (Secretary)
- 150240 Andrew P Haller - (Senior Vice President)
- 151619 Larry O Martin - (Assistant Secretary)
- 151620 Tanya S Sacks - (Assistant Treasurer)
- 152670 James R Stanley - (Director)
- 152670 James R Stanley - (General Counsel)
- 152670 James R Stanley - (Senior Vice President)
- 152797 Jeffery B Erb - (Assistant Secretary)
- 153874 Richard D Peach - (Chief Financial Officer)
- 153874 Richard D Peach - (Senior Vice President)

----148190 Andrew Ross Mitchell - (Director)
 ----148190 Andrew Ross Mitchell - (Secretary)
 ----148191 David Thomas Nish - (Director)
 ----148192 Rupert James Stanley - (Director)
 ----150146 Ian M Russell - (Director)
 ----148177 Scottish Power Na2 Ltd - (Subsidiary Company)
 ----148175 Na Gen Partnership - (Subsidiary Company)
 ----125564 Pacificorp Holdings Inc - (Subsidiary Company)
 ----108521 Pacificorp - (Subsidiary Company)
 ----118430 Energy West Mining Co - (Subsidiary Company)
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 ----148190 Andrew Ross Mitchell - (Secretary)
 ----148191 David Thomas Nish - (Director)
 ----148192 Rupert James Stanley - (Director)
 ----150146 Ian M Russell - (Director)
 ----148184 Charles Andrew Berry - (Director)
 ----148187 Peter Lewis Gregson - (Director)
 ----148191 David Thomas Nish - (Chief Financial Officer)
 ----148191 David Thomas Nish - (Director)
 ----150146 Ian M Russell - (Chief Executive Officer)
 ----150146 Ian M Russell - (Director)
 ----150233 Charles Miller Smith - (Chairman of the Board)
 ----150233 Charles Miller Smith - (Director)
 ----152794 Euan Baird - (Director)
 ----153876 Nicholas C Rose - (Director)
 ----153985 Donald H Brydon - (Director)
 ----154238 Simon Jonathan Lowth - (Director)
 ----154239 Judith A Johanson - (Director)
 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 Gnyman - (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)
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- 158523 John Diesing Jr - (Senior 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)
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- 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