

U. S. Department of Labor

Mine Safety and Health Administration  
100 Bluestone Road  
Mount Hope, WV 25880-1000



JAN 25 2010

Mr. Chris Blanchard  
President  
Performance Coal Company  
POB 69  
Naoma, WV 25140

Dear Mine Operator:

Subject: Approved Gas Well Permit, Section 75.1700, 30 CFR 75,  
Upper Big Branch Mine-South, I.D. No. 46-08436,  
Performance Coal Company, Montcoal, Raleigh County,  
West Virginia, Permit No. 17325-T12

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. 7708(API#-47-005-01188) located on the subject mine property. Mining must be done as shown on the attached map, and this approval is limited to development mining only. A ventilation revision is necessary to mine through gas wells.

The permit is based upon an evaluation of the projected mine plan as shown on Form OG-45 dated November 23, 2009, and is issued in accordance with provisions of Section 75.1700, 30 CFR.

Should you have any questions concerning this matter, please contact the Ventilation Department at (304) 877-3900/Ext. 142.

Sincerely,

/s/ ROBERT G. HARDMAN

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office  
Inspector  
Field Office Supervisor  
Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Initials *RLC* Date *1/25/10*  
*jm* *1/25/10* Date

U. S. Department of Labor

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100 Bluestone Road  
Mount Hope, WV 25880-1000



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Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Hardman". The signature is fluid and cursive.

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office  
Inspector  
Field Office Supervisor  
Files/nlc



# Performance Coal Company

November 24, 2009

Mr. Terry Farley  
WV Department of Environmental Protection  
Office of Miners Health Safety and Training  
1615 Washington Street, East  
Charleston, West Virginia 25311

Mr. Robert G. Hardman  
MSHA District 4  
100 Bluesfone Road  
Mount Hope, West Virginia 25880

Mr. Joe Garrett  
Dominion Natural Resources  
445 West Main Street  
Clarksburg, WV 26301

RE: Performance Coal Company -- Mine Within 200' of API 47-005-01188 (GW 7708)  
Upper Big Branch Mine  
MSHA ID: 46-08436  
State ID: U-3042-92

Dear Sir,

Performance Coal Company, Upper Big Branch Mine, is hereby requesting to mine within 200' of gas well API 47-005-01188 (GW 7708).

Enclosed in this request are the following

1. One copy of OG-45
2. One copy of the well record

If you have any question, or require further information, please call me at (304) 854-1761.

Respectfully submitted,  
Performance Coal Company

  
Performance Coal Company  
Eric Lilly, Mine Engineer

MSHA  
MOUNT HOPE, WV

DEC 16 2009.

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FORM OG-16

STATE OF WEST VIRGINIA  
OFFICE OF MINERS' HEALTH, SAFETY & TRAINING  
1615 WASHINGTON ST. EAST  
CHARLESTON, WV 25311-2126

PERMIT NUMBER: BOO-1136  
DATE: 12/16/2009

P E R M I T  
TO EXTEND MINE WORKINGS  
WITHIN THE 200 FOOT RADIUS OF OIL OR GAS WELLS

COMPANY: PERFORMANCE COAL CO.  
MINE: UBBMC MONTCOAL EAGLE MINE PERMIT NUMBER: U00304292  
SEAM: EAGLE  
DISTRICT: CROOK  
COUNTY: RALEIGH  
ADDRESS: P O BOX 69  
CITY: NAOMA, STATE: WV, ZIP: 25140

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF THE DOMINION  
NATURAL RESOURCES PLUGGED GAS WELL 7708 LOCATED ON  
THE CSX MINERALS INC FARM IN THE CROOK DISTRICT OF  
BOONE COUNTY AS SHOWN ON THE APPROVED ATTACHED  
MAP.

CONTINGENT UPON THE FOLLOWING:

1. MINING IS TO PERFORMED STRICTLY IN ACCORDANCE WITH THE MAP APPROVED BY THE DIVISION OF MINE HEALTH, SAFETY AND TRAINING HERETO.
2. A COPY OF THE PERMIT SHALL BE KEPT AT THE MINE.
3. THE PERMIT IS VOID UPON INSPECTOR'S RECOMMENDATION.
4. THE PERMIT IS NON-TRANSFERRABLE.

WELL OPERATOR: DOMINION NATURAL RESOURCES  
WELL OPERATOR WELL NUMBER: 7708  
MINE OPERATOR WELL NUMBER: 7708

Ronald L. Wooten

BY:

DIRECTOR - WV MINERS' HEALTH,  
SAFETY AND TRAINING

ADMINISTRATOR - WV MINERS' HEALTH,  
SAFETY AND TRAINING

CCS:

DOMINION NATURAL RESOURCES  
REGION: 4  
M.S.H.A. District Office  
H.S. & T. File

MSHA  
MOUNT HOPE, WV

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Date: 11-23-2009  
Operator's Well Number: 7708  
API Well No: 47 - 005-01166

STATE OF WEST VIRGINIA  
OFFICE OF MINERS' HEALTH, SAFETY & TRAINING  
1015 WASHINGTON ST., E.  
CHARLESTON, WV 25311-2128  
[www.wvminersafety.org](http://www.wvminersafety.org)

**COAL OPERATOR'S PETITION TO OPERATE  
WITHIN 200 FEET OR TO MINE THROUGH A WELL**

Well Type: Oil  / Gas  / Liquid Injection  / Waste Disposal   
If Gas: Production  / Underground Storage  / Deep  / Shallow

Location: Elevation: +1480' Watershed: Brown's Branch  
District: Crook County: Boone Quadrangle: Whiteville

WELL OPERATOR: Dominion Natural Resources AGENT: Mr. Joe Garrett  
Address: Dominion Natural Resources Address: Mr. Joe Garrett  
445 West Main Street 445 West Main Street  
Clarksburg, WV 26301 Clarksburg, WV 26301

Name of Person to Receive this permit: Eric Lilly Printed Name: Eric Lilly  
Email Address: eric.lilly@measeyenergyco.com

The undersigned coal operator hereby petitions for approval to do the following

- Mine within 200 feet of said well
- Mine through said well when the same is properly plugged.

*Handwritten:* 12-16-09

On the reverse side hereof is a copy of the map and plan of the undersigned coal operator showing its projected mine workings within 200 feet of said well.

The undersigned coal operator hereby represents that it will file updates or new maps and plans with the Office of Miners' Health Safety and Training every six months, until mining within 200 feet of the well has ceased or until the well has been mined through.

Prior to the actual mining through of said well, the undersigned coal operator will submit the Form WR-35, "Well Operator's Report of Drilling, Fracturing, and/or Stimulating or Physical Change" and the Form WR-36, "Affidavit of Plugging and Filling Well", to show that the well has been properly plugged in a manner to permit safe mining through of the well.

Copies of this petition and enclosed maps and plans have been sent by registered mail to the well operator, as required by Code 22A-2-75.

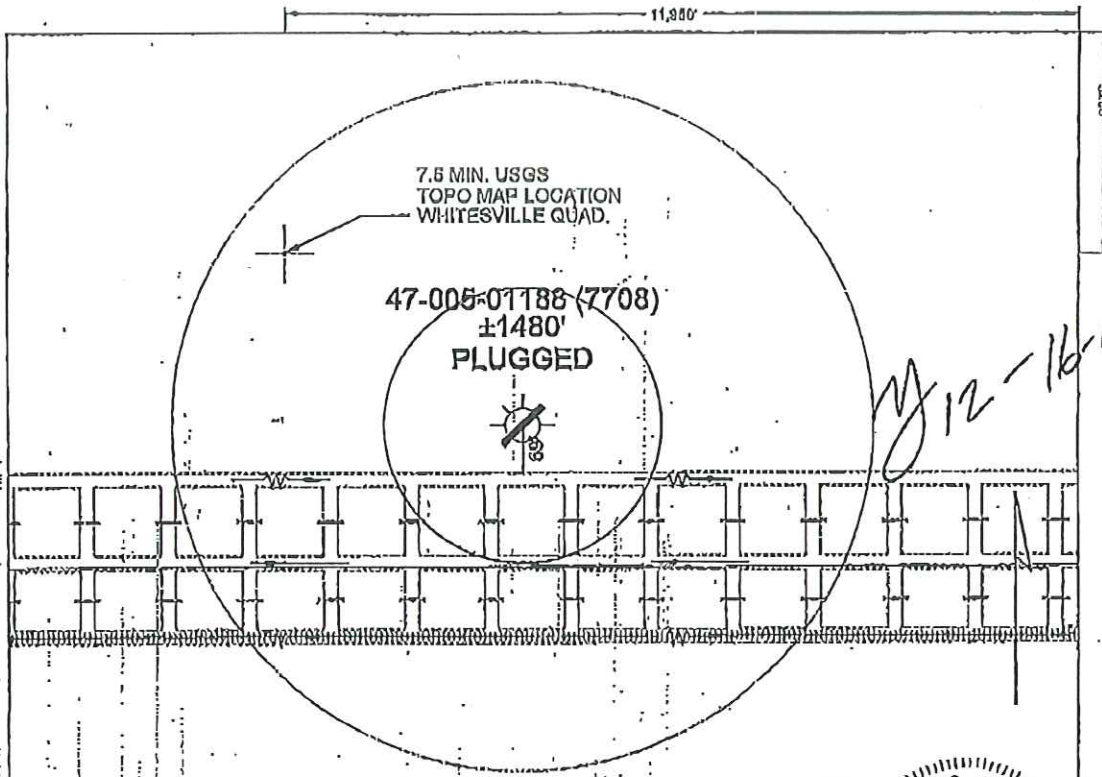
Performance Coal Company  
Coal Operator

By: Eric Lilly Printed Name: Eric Lilly  
Title: MINE ENGINEER Email: eric.lilly@measeyenergyco.com

STATE OF WEST VIRGINIA COUNTY OF RALEIGH TO WIT: DANNY L. LACORD II being first duly sworn, deposes and says that he is MINE ENGINEER of the coal operator named above; that he is familiar with the facts set out both in the petition and on the accompanying maps and plans; and that the same are true. Subscribed and sworn before me this NOV 23 day of 2009. My commission expires: OCTOBER 22ND 2013

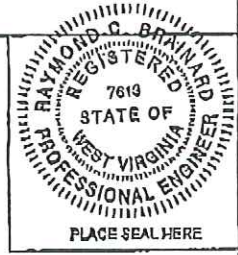


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| LEGEND |                             |
|--------|-----------------------------|
|        | PROJECTED ROOMS AND ENTRIES |
|        | PROJECTED EXTRactions       |
|        | NO SECOND MINING            |
|        | ROOMS AND ENTRIES           |
|        | PILLAR EXTRactions          |
|        | TRACK                       |
|        | BELT HEAD AND TAIL          |
|        | INTAKE AIR                  |
|        | RETURN AIR                  |
|        | MAIN FAN                    |

File No. \_\_\_\_\_  
 Drawing No. \_\_\_\_\_  
 Scale: 1"=200'  
 Minimum degree of accuracy: 1:10000  
 (\*) Don't use location of well on United States Topographic Maps  
 Sign: Raymond C. Brannard  
 R.P.E. # 1013 L.L.S. \_\_\_\_\_



*800-11316  
12-16-09*

altitude: 37° 156' 157" Longitude: 81° 137' 127"

Date: 11-23-2009

Coal Operator's Well No. 7708

Operator's Well No: 7708

AP Well No: 47 - 005 - 01188

West Virginia Permit No.: U-3042-92

COAL OPERATOR'S PLAN TO EXTEND MINE WORKINGS  
WITHIN 200 FEET OF A WELL

COAL OPERATOR Performance Coal Company ELEVATIONS: Surface: ±1480'  
 Address: Po Box 69 Naoma, WV 25140 Bottom of Coal: ± 770  
 Difference: ± 710'

MINE Upper Big Branch SECTION 1 Section & LW OVERBURDEN Sandstone COAL SEAM Eagle  
 ROOF Shale BOTTOM Shale

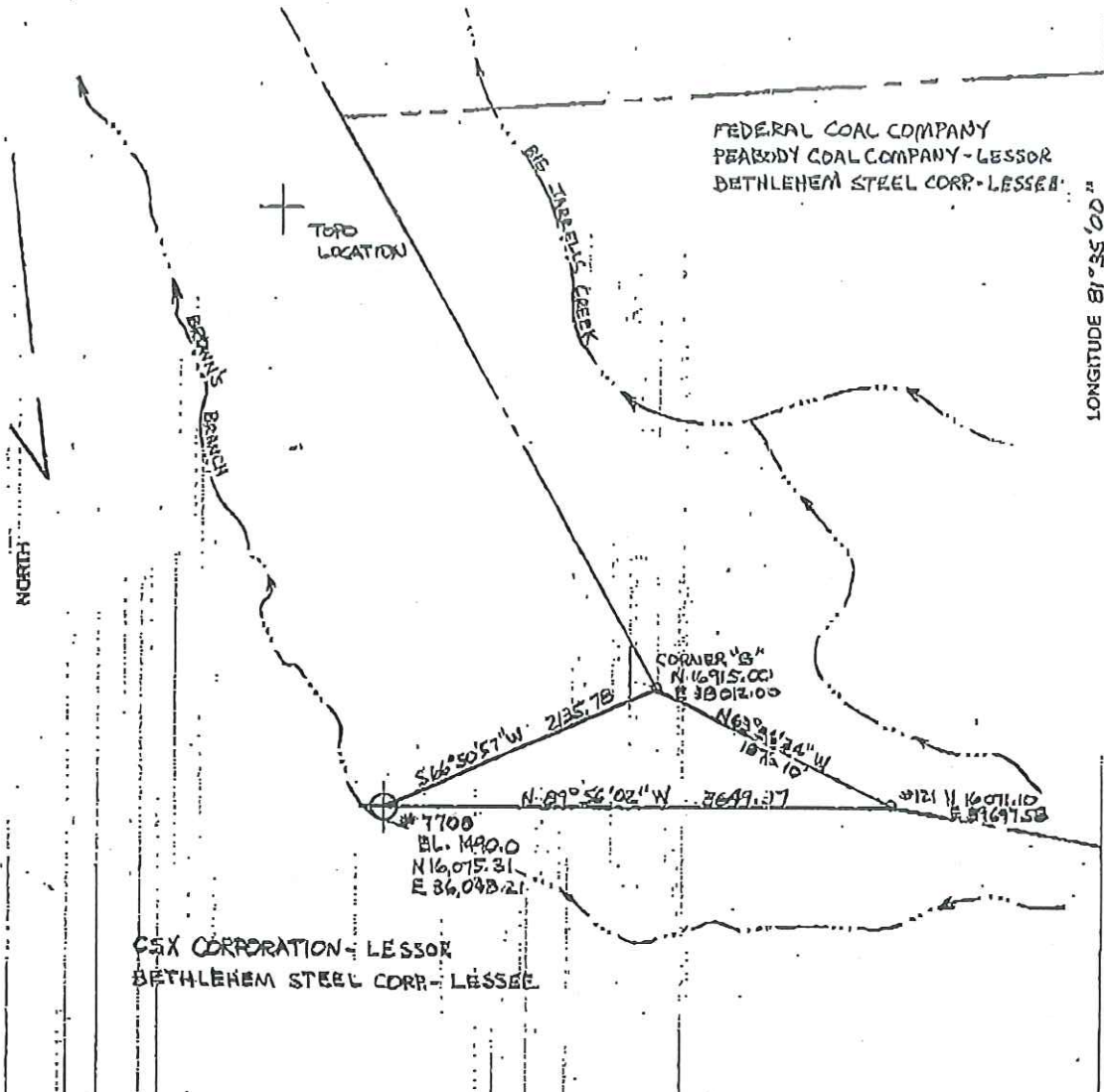
Well Type: Oil \_\_\_\_\_ / Gas X / Liquid Injection \_\_\_\_\_ / Waste Disposal \_\_\_\_\_  
 (If Gas Production X / Underground Storage \_\_\_\_\_ / Deep \_\_\_\_\_ / Shallow \_\_\_\_\_)

Location: Elevation: ±1480' Watershed: Brown's Branch  
 District: Crook County: Boone Quadrangle: Whitesville  
 Farm: CSX Minerals, Inc. Tract: \_\_\_\_\_ acres (Lease No. \_\_\_\_\_)

STATUS: Active \_\_\_\_\_ / Abandoned \_\_\_\_\_ / Drilling \_\_\_\_\_ / Plugged X  
 Date completed or abandoned: Oct. 29th 1986

AMOUNT OF CASING IN WELL: 7" (794'), 8 5/8" (785'), & 10 3/4" (104')

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(+) DENOTES LOCATION OF WELL ON UNITED STATES TOPOGRAPHIC MAPS

FILE NO. \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_  
 SCALE 1" = 1000'  
 MINIMUM DEGREE OF ACCURACY: 1/32500  
 PROVEN SOURCE OF ELEVATION: \_\_\_\_\_

I THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAN IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND SHOWS ALL THE INFORMATION, REQUIRED BY LAW AND THE REGULATIONS ISSUED AND PRESCRIBED BY THE DEPARTMENT OF ENERGY.  
 (SIGNED) Steven A. Richards  
 P.E. 8061 L.L.S.



**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ENERGY  
**OIL AND GAS DIVISION**

DATE 10/9 19 86  
 OPERATOR'S WELL NO. 7708  
 API WELL NO. \_\_\_\_\_

WELL TYPE: OIL \_\_\_\_\_ GAS X LIQUID INJECTION \_\_\_\_\_ WASTE DISPOSAL \_\_\_\_\_  
 (IF "GAS") PRODUCTION \_\_\_\_\_ STORAGE \_\_\_\_\_ DEEP \_\_\_\_\_ SHALLOW X

LOCATION: ELEVATION 1475 WATER SHED: BROWN'S BRANCH plugged- 11/9/1986  
 DISTRICT CRDOK COUNTY BOONE

QUADRANGLE WHITESVILLE

SURFACE OWNER CSX CORPORATION ACREAGE \_\_\_\_\_  
 OIL & GAS ROYALTY OWNER BETHENERGY MINES INC. LEASE ACREAGE \_\_\_\_\_  
 LEASE NO. \_\_\_\_\_

PROPOSED WORK: DRILL \_\_\_\_\_ CONVERT \_\_\_\_\_ DRILL DEEPER \_\_\_\_\_ REDRILL \_\_\_\_\_ FRACTURE OR STIMULATE \_\_\_\_\_ PLUG OFF OLD FORMATION \_\_\_\_\_ PERFORATE NEW FORMATION \_\_\_\_\_ OTHER PHYSICAL CHANGE IN WELL (SPECIFY) \_\_\_\_\_

PLUG AND ABANDON X CLEAN OUT AND REPLUG \_\_\_\_\_  
 TARGET FORMATION \_\_\_\_\_ ESTIMATED DEPTH 3185'  
 WELL OPERATOR BETHENERGY MINES INC. DESIGNATED AGENT T.T. BRISKY  
 ADDRESS 7012 MacCorkle Ave. S.E. ADDRESS 7012 MacCorkle Ave. S.E.  
CHARLESTON, WV. CHARLESTON, WV.

LONGITUDE 81°35'00"

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Location Brook Mountain District Putnam County West Va. State West Va.  
 Date started April 25, 1929 First work done May 21, 1929 Initial rock pressure 360# (24hr)  
 Commented April 25, 1929 Rig Godfr. Completed May 2, 1929  
 Drilling Commenced May 21, 1929 Drilling Completed January 18, 1930  
 Contractor C. H. Hago Drilling Contractor E. R. Cameron  
 Foreman James Rea; Paul Hamilton Torpedo, L. D 10  
 Inspector J. McInnott; R. Kiddy Number of Quarts         

| FORMATION     | TOP  | BOTTOM | Water Found Depth | Oil or Gas Depth Found | OPEN FLOW | ROLE  | REMARKS  |
|---------------|------|--------|-------------------|------------------------|-----------|-------|--|
| Coal          | 705  | 710    |                   |                        |           |       | See other side of sheet for first part of Record |
| Slate         | 710  | 715    |                   |                        |           |       |  |
| Lime          | 715  | 995    |                   |                        |           |       |  |
| Sand          | 995  | 1883   | 1466              |                        |           |       | Hole full  |
| Lime          | 1883 | 1893   |                   |                        |           |       |  |
| Slate         | 1893 | 1898   |                   |                        |           |       |  |
| Red Rock      | 1898 | 1899   |                   |                        |           |       |  |
| Sand          | 1899 | 1929   |                   |                        |           |       |  |
| Slate         | 1929 | 1930   |                   |                        |           |       |  |
| Lime          | 1930 | 1960   |                   |                        |           |       |  |
| L. Lime       | 1960 | 2094   |                   |                        |           |       |  |
| Maxton Sand   | 2094 | 2233   | S. L. at 2199'    | 2199'                  | .8" Water | in 2" |  |
| Lime          | 2233 | 2269   |                   |                        |           |       |  |
| Maxton Sand   | 2269 | 2492   |                   |                        |           |       |  |
| Slate         | 2492 | 2495   |                   |                        |           |       |  |
| Lime          | 2495 | 2550   |                   |                        |           |       |  |
| Penncil Cave  | 2550 | 2552   |                   |                        |           |       |  |
| Lime          | 2552 | 2570   |                   |                        |           |       |  |
| Penncil Cave  | 2570 | 2575   |                   |                        |           |       |  |
| Lime          | 2575 | 2583   | S. L. at 2612'    |                        |           |       |  |
| Penncil Cave  | 2583 | 2585   |                   |                        |           |       |  |
| Big Lime      | 2585 | 2820   | S. L. at 2664'    | 2723'                  | .2" Water | in 2" |  |
| Injun Sand    | 2820 | 2861   | S. L. at 2802'    | 2802'                  | to 2806'  |       | 1.4" Hg in 2" (S. L. at 2802')                   |
| Slate & Shell | 2861 | 2954   |                   |                        |           |       |  |
| Sand          | 2954 | 3095   |                   |                        |           |       |  |
| Lime Shells   | 3095 | 3183   | S. L.             |                        |           |       | 3.8" Water in 2" - when tubed 4'                 |

| TOTAL DEPTH              |                | ELEVATION |               | PACKER RECORD |                                |
|--------------------------|----------------|-----------|---------------|---------------|--------------------------------|
| 3183                     |                | 1473      |               |               |                                |
| YUBING AND CASING RECORD |                |           |               |               |                                |
| Size                     | Casing to Well |           | Packer Casing |               | Remarks                        |
|                          | Feet           | In.       | Feet          | In.           |                                |
| 13"                      | 42             | -         | 42            | -             | 2" x 6-5/8" Hook Wall<br>x 16" |
| 10"                      | 530            | -         | 530           | -             |                                |
| 8"                       | 2035           | -         | 2035          | -             |                                |
| 6-5/8"                   | 2622           | -         | 2622          | -             |                                |
| 4"                       | 3221           | -         | 3221          | -             | (Or. Lengths)                  |

NOTE - If 10' casing cemented, so state, and at what depth.

If more than two strings of casing are left in hole give reasons for leaving additional strings.  
 3-1/4" casing left in well to protect ~~rock~~ coal

\* Within 5' of each measurement take with steel line.  
 \* If water is found write "W" before the number if necessary with depth.  
 \* See the measurements about to read of Top and Bottom of Pebbly Coal and all the pebbly sands.  
 \* Under Remarks note if any of principal sands are not found and if any pebbly sands are found.  
 \* If any coal is found in hole or in drift, give depth, also state line measurements of Top and Bottom and nature of coal.  
 \* Note if water found in hole or well.

Approved by  
*John D. Smith*  
 Foreman

505-1188

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 MOUNT HOPE, WV  
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FORM NR-28  
(Affidavit of Plugging)

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENERGY  
OIL AND GAS WELLS DIVISION

STATE OF WEST VIRGINIA

APR 19 1996

WV Division of  
Environmental Protection

AFFIDAVIT OF PLUGGING AND FILLING WELL

AFFIDAVIT SHOULD BE MADE IN TRIPLICATE, one copy mailed to the Division, one copy to be retained by the Well Operator and the third copy (and extra copies if required) should be mailed to each coal operator at their respective addresses.

BathEnergy Mines, Inc.  
Coal Operator or Owner  
7012 MacCorkle Ave. S.E., Charleston, WV  
Address 25304

BathEnergy Mines, Inc.  
Name of Well Operator  
7012 MacCorkle Ave., S.E., Charleston, WV  
Complete Address 25304  
November 07, 1986

BathEnergy Mines, Inc.  
Coal Operator or Owner  
7012 MacCorkle Ave. S.E., Charleston, WV  
Address 25304

WELL AND LOCATION  
Creek \_\_\_\_\_ District \_\_\_\_\_  
Boone County

C S X Mineral, Inc.  
Lease or Property Owner  
P. O. Box 2827, Huntington, WV 25727  
Address

WELL NO. 7708  
C S X Mineral, Inc. Farm

STATE INSPECTOR SUPERVISING PLUGGING Jerry Holcomb, Route 2, Box 159, Hamlin, WV 25523

AFFIDAVIT

STATE OF WEST VIRGINIA,  
County of Harrison

Calvin C. Lofton and George Gore

being first duly sworn according to law depone and say that they are experienced in the work of plugging and filling oil and gas wells and were employed by BathEnergy Mines Inc. well operator, and participated in the work of plugging and filling the above well, that said work was commenced on the 29th day of October 1986 and that the well was plugged and filled in the following manner:

12-16-09

| Sand or Zone Record<br>Formation  | Filling Material     | Plugs Used                                       |  | Casing |     |
|---|----------------------|--|--|--------|-----|
|   |                      | Size & Kind                                      |  | CSO    | CSO |
| Cleaned out wellbore to   | 3,169 feet.          |  |  |        |     |
| Pulled 1,818 feet of 7 inch casing, left 794 feet in well.                            |                      |  |  |        |     |
| Pulled 1,250 feet of 8 5/8 inch casing, left 785 feet in well.                        |                      |  |  |        |     |
| Pulled 426 feet of 10 3/4 inch casing, left 104 feet in well.                         |                      |  |  |        |     |
| Cut 10 3/4 inch casing in coal at 506, 508, 512, 522, 524, 526 and 528 feet.          |                      |  |  |        |     |
| Cemented hole from 3,169 feet to surface solid.                                       |                      |  |  |        |     |
| Used 1,000 gallons mud flush, 460 sacks of poz mix and 400 sacks of expanding cement. |                      |  |  |        |     |
| Coal Seams:   |                      | Description of Monument                          |  |        |     |
| (Name) Pittsburgh   | 506 feet to 528 feet | 5 feet of 4 1/2 inch casing with plaque attached |  |        |     |
| (Name)  |                      | BathEnergy 7708                                  |  |        |     |
| (Name)  |                      | 47-005-1188-P                                    |  |        |     |

and that the work of plugging and filling said well was completed on the 7th day of November, 1986

And further deponents saith not.

Sworn to and subscribed before me this 7th day of November, 1986

Calvin C. Lofton  
George Gore

Notary Public

My commission expires:  
September 08, 1988

MSHA  
MOUNT HOPE, WV

Permit No. 47-005-1188-P DEC 16 2009

WV file 4

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