U. S. Department of Labor

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



SEP 28 2007

Mr. Chris Blanchard President Performance Coal Company P. O. Box 69 Naoma, WV 25140

Dear Mr. Blanchard:

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-T8

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. P.O.C. 26 located on the subject mine property.

The permit is based upon an evaluation of the projected mine plan as shown on Form OG-45 dated April 14, 2007, and is issued in accordance with provisions of Section 75.1700, 30 CFR.

Should you have any questions concerning this matter, please contact William L. Ross at (304) 877-3900/Ext. 142.

Sincerely,

IN MORERT G. HARDMAN

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

CC:

Mt. Hope Field Office

Inspector

Field Office Supervisor (Letter Only)

Files/dac

FOR BR TO ACKNOWLEDGEMEN
Initials OK 9/28/07 Date

U.S. Department of Labor

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Sincerely,

Robert G. Hardman

District Manager

Coal Mine Safety and Health, District 4

FORM OG-16

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

PERMIT NUMBER: BOO-1020 DATE: 04/24/2007

PERMIT 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: DISTRICT: CROOK

EAGLE

COUNTY: RALEIGH

ADDRESS: PO BOX 69 CITY:

NAOMA,

STATE: WV, ZIP: 25140

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF NEW RIVER ENERGY CORP. P.O.C. 26 ABANDONED GAS WELL LOCATED ON THE WESTERN POCAHONTAS PROPERTIES LIMITED PARTNERSHIP FARM IN THE CROOK DISTRICT OF BOONE COUNTY AS SHOWN ON THE APPROVED ATTACHED MAP.

CONTIGENT 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: NEW RIVER ENERGY CORP. WELL OPERATOR WELL NUMBER: P.O.C. 26 MINE OPERATOR WELL NUMBER: P.O.C. 26

Ronald L. Wooten

DIRECTOR - WV MINERS' HEALTH,

SAFETY AND TRAINING

Tarle ADMINISTRATOR - WV MINERS' HEALTH, SAFERY AND TRAINING

CCS:

NEW RIVER ENERGY CORP. REGION: 4 M.S.H.A. District Office H.S. & T. File

ORM - OG - 45 (Obverse) [Rev. 7-85]



Date: APRIL 18 , 2007
Operator's
Well No. P.O.C. 26
API Well No. 47 - 005 - 00887
State County Permit

STATE OF WEST VIRGINIA DEPARTMENT OF ENERGY, DIVISION OF MINES AND MINERALS

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

WELL TYPE: Oil/ Gas_X/ Liquid Injection/ Waste (If Gas, Production_X/ Underground/Stora	Disposal/ ge/Deep/Shallow /
LOCATION: Elevation: 1720.38 Watershed: Unnamed Trib	
District: Crook County: BOONE	Quadrangle: Whitesville
Address 315 70th Street Add	GENT: Mr. Tim Comer dress 315 70th Street
_Charleston, WV 25304	Charleston, WV 25304
The undersigned coal operator hereby petitions for XMine within 200 feet of said wellMine through said well when the same is prope On the reverse side hereof is a copy of the map and pl. showing its projected mine workings within 500 feet of The undersigned coal operator hereby represents the maps and plans with the Department every six months, un the well has ceased or until the well has been mined the Prior to the actual mining through of said well, the submit the Form WR-35, Well Operator's Report of Drill or Physical Change, Affidavit of Plugging and Filling that the well has been properly plugged in a manner to the well. Copies of this petition and enclosed maps and plans to the well operator, as required by Code 22A-2-75.	erly plugged. an of the undersigned coal operator said well. at it will file updated or new notice mining within 500 feet of through. The undersigned coal operator will ing, Fracturing and/or Stimulating well, and the Form WR-38, to show permit the safe mining through
M41407 By Its	Performance Coal Company Coal Operator George Levo Mining Engineer
_	
STATE OF West Virginia , COUNTY OF Roleigh , TO WIT: I GEOIRGE LEVO , being first du he is Mining Engineer of the coal operator n with the facts set out both in the petition and on the that the same are true.	ly sworn, deposes and says that amed above; that he is familiar accompanying maps and plans; and
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Slorge	Levo
Subscribed and sworn to before me thisAPRI	L 18 , 20 <u>07</u> .
My commission expires June 21, 2012 OFFICIAL SEAL	allen It thier
NOTARY PUBLIC STATE OF WEST VIRGINIA Allen D. Stillner 115 Prince Street, Suite B Beckley, WY 25801 My Commission Expires June 21, 2012	Notary Públic



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

April 20, 2007

Mr. Robert G. Hardman District Manager Mine Safety and Health Administration 100 Bluestone Road Mt. Hope, West Virginia 25880-0112

RE: Performance Coal Company - Mine Within 200' of P.O.C. No. 26 Gas Well Upper Big Branch Mine-South Federal I.D. 46-08436 State I. D. U-3042-92

Dear Mr. Hardman:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting the enclosed OG-45 form to mine within 200' of gas well, P.O.C. #26, API. 47-005-00887. A copy of this petition has been sent to the West Virginia Department of Environmental Protection for review and approval.

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

Respectfully Submitted,

Performance Coal Co.

George T. Levo Mining Engineer Debbundson 625-80

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Clay 345 - 292' - 20' Above Coal.

Clay 292 - 183' - 30' Below Coal.

Cement 183 - 100' - 20' Above Coal.

Clay 292 - 183' - 30' Below Coal.

Cement 183 - 100' - 20' Above Coal. Erected monument as described plant 1 22 inc Rule 18, 1931 Regulation. Science, Descripting application State APPAULTS. LANGUAGE TRANSPORTATION Compact RAN aball aball and the second and a The plant of the property of t e all of business trop are markets. 三, 当头面: Permanent Bridge | At 19721 - 200 above Ber on Party Certag 10 Casles | 6 500 TTER'S SEER 9128-7726 Coment 2910 - 2908 - 2008 - 2008 - 2008 - 2008 - 2008 - 2008 - 2008 - 2008 - 2008 - 20 13" Left as hitrier. Ripped 6-5/6 Casing at 25201 Personnent Bridge | At 1879, 2 30, Below Sait Sand RECEIVED 1669 - 4664 IN PARTICIPAL CONTINUES Comeni THE PERSON DESIGNATION OF THE PERSON OF THE (Continued on Lech) 13" facit as Markey.
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