

**U. S. Department of Labor**

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



SEP 11 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-T9

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. #18A 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 August 8, 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,

*W* 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/dac

SUPERVISORY ACKNOWLEDGEMENT  
Initials RR  
Date 9.7.07

**U. S. Department of Labor**

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Sincerely,

A handwritten signature in cursive script that reads "Robert G. Hardman".

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

STATE OF WEST VIRGINIA  
OFFICE OF MINERS' HEALTH, SAFETY & TRAINING  
FORM OG-16

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

PERMIT NUMBER: BOO-1027  
DATE: 08/17/2007

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: SHERMAN  
COUNTY: RALEIGH  
ADDRESS: PO BOX 69  
CITY: NAOMA, STATE: WV, ZIP: 25140

PERMISSION IS HEREBY GIVEN:

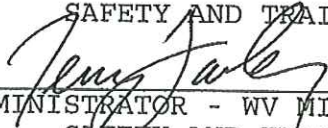
TO MINE WITHIN A 200 FOOT RADIUS OF NEW RIVER  
ENERGY CORP. WELL NO. EUNICE #18A ABANDONED GAS  
WELL LOCATED ON THE WESTERN POCAHONTAS PROPERTIES  
FARM IN THE SHERMAN DISTRICT OF BOONE COUNTY AS  
SHOWN ON THE APPROVED ATTACHED MAP.

CONTIGENT UPON THE FOLLOWING:

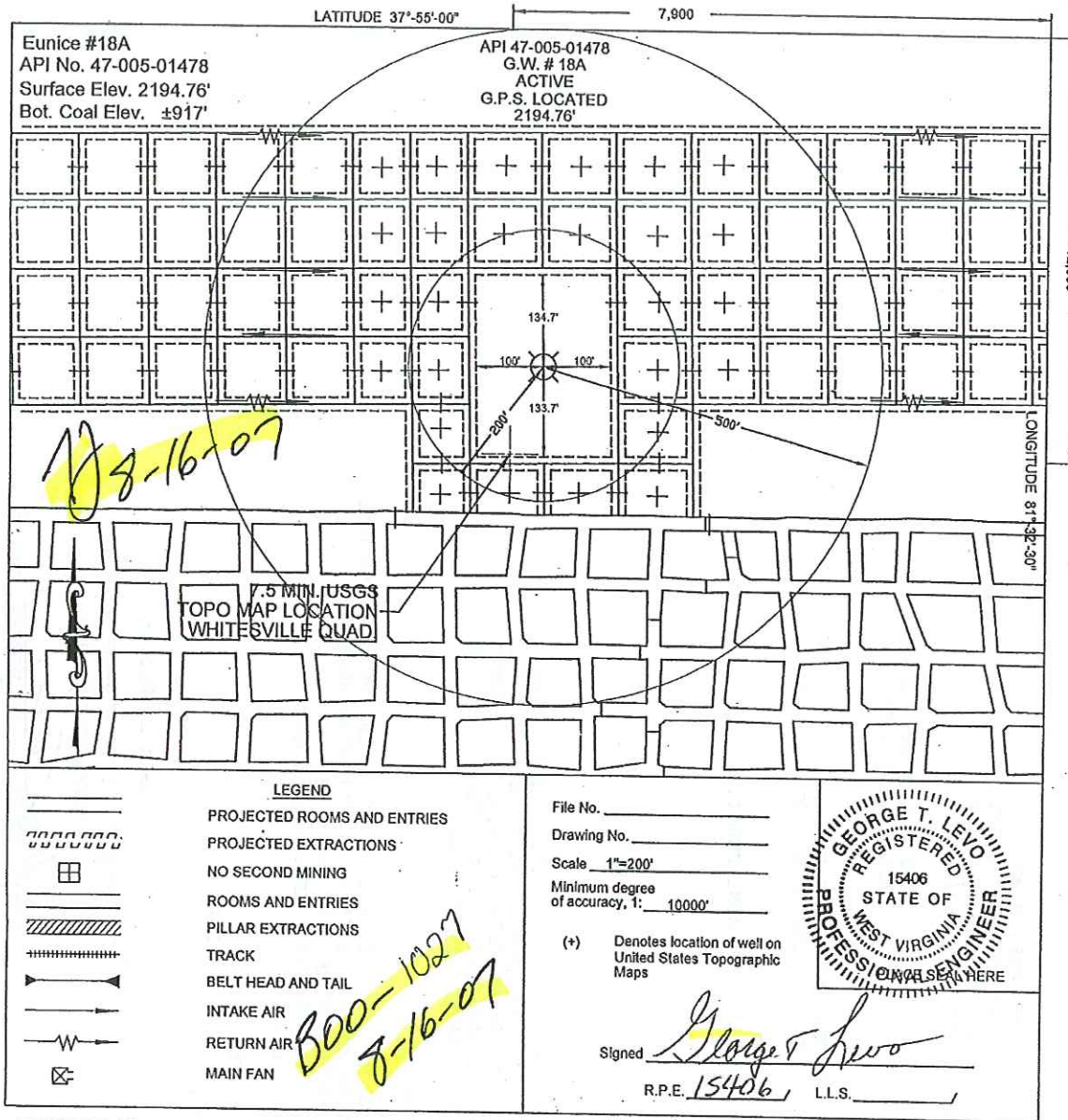
1. MINING IS TO PERFORMED STRICTLY IN ACCORDANCE WITH THE MAP APPROVED BY THE DIVISION OF MINE HEALTH, SAFETY AND TRAINING HERETO.
2. A COPY OF THE PERMIT SHALL BE KEPT AT THE MINE.
3. THE PERMIT IS VOID UPON INSPECTOR'S RECOMMENDATION.
4. THE PERMIT IS NON-TRANSFERRABLE.

WELL OPERATOR: NEW RIVER ENERGY CORP.  
WELL OPERATOR WELL NUMBER: EUNICE #18A  
MINE OPERATOR WELL NUMBER: 18A

Ronald L. Wooten

BY: \_\_\_\_\_  
DIRECTOR - WV MINERS' HEALTH,  
SAFETY AND TRAINING  
  
ADMINISTRATOR - WV MINERS' HEALTH,  
SAFETY AND TRAINING

CCS:  
NEW RIVER ENERGY CORP.  
REGION: 4



FORM, OG-44  
 (REVERSE)  
 [08-78]

Coal Operator's Well Number 18A

Date: August 8, 20 07

Operator's Well No. Eunice #18A  
 API Well No. 47 - 005 - 01478  
State County Permit

**NOTICE BY COAL OPERATOR OF INTENTION  
 TO EXTEND MINE WORKING WITHIN 200 FEET OF WELL**

COAL OPERATOR Performace Coal Company ELEVATIONS: Surface 2194.76'  
 Address P.O. Box 69 Bottom of Coal ±917'  
Naoma, WV 25140 Difference ±1277.76'

MINE Upper Big Branch SECTION Unit 2 OVERBURDEN SS/Shale 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: 2194.76' Watershed: Unnamed Tributary of Elk Run  
 District: Sherman County: Boone Quadrangle: Whitesville  
 Farm: Western Pocahontas Properties Tract: 2702.07 acres (Lease No. \_\_\_\_\_)

STATUS: Active \_\_\_ / Abandoned X / Drilling \_\_\_  
 Date completed or abandoned, October, 22nd, 19 88

AMOUNT OF CASING IN WELL 13 - 3/8" (252"), 9 - 5/8" (1141"), 7" (2314"), 4 - 1/2" (3952")

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



Date: August 8, 2007  
Operator's Eunice #18A  
Well No. Eunice #18A  
API Well No. 47 - 005 - 01478  
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 Disposal \_\_\_/  
(If Gas, Production X/ Underground \_\_\_/ Storage \_\_\_/ Deep \_\_\_/ Shallow \_\_\_/

LOCATION: Elevation: 2194.76' Watershed: Unnamed Tributary of Big Coal River

District: Sherman County: Boone Quadrangle: Whitesville

WELL OPERATOR: New River Energy Corp. DESIGNATED AGENT: Mr. Timothy E. Comer  
Address 315 70th St. SE Address 315 70th St. SE  
Charleston, WV 25304 Charleston, WV 25304

The undersigned coal operator hereby petitions for leave to do the following:

X Mine within 200 feet of said well.

\_\_\_ Mine through said well when the same is properly plugged.

On the reverse side hereof is a copy of the map and plan of the undersigned coal operator showing its projected mine workings within 500 feet of said well.

The undersigned coal operator hereby represents that it will file updated or new maps and plans with the Department every six months, until mining within 500 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, Affidavit of Plugging and Filling Well, and the Form WR-38, to show that the well has been properly plugged in a manner to permit the safe mining through 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.

*Handwritten signature: J 8-16-07*

Performance Coal Company  
Coal Operator  
By GEORGE T. LEVO  
Its Mining Engineer

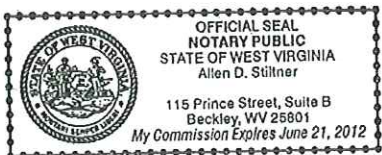
STATE OF West Virginia,  
COUNTY OF Raleigh, TO WIT:

I George T. Levo, being first duly sworn, deposes and says that he is Mining 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.

George T. Levo

Subscribed and sworn to before me this August 8, 2007.  
My commission expires June, 21st 2012

Allen D. Stillner  
Notary Public





# Performance Coal Company

P.O. Box 69

Naoma, WV 25140

17325 T9

August 9, 2007

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 Bluestone Road  
Mount Hope, West Virginia 25880

Mr. Timothy E. Comer  
New River Energy Corp.  
351 70<sup>th</sup> St. SE  
Charleston, West Virginia 25304

RE: Performance Coal Company – Mine Within 200' of API 47-005-01478 Gas Well No. POC 18A  
Upper Big Branch Mine  
MSHA ID: 46-08436  
State ID: U-3042-92

Dear Mr. Comer:

Enclosed please find a copy of Performance Coal Company's Upper Branch South Mine, ID U-3042-92, Montcoal, West Virginia, petition form OG-45 that has been submitted to the West Virginia Department of Environmental Protection for mining within 200' of New River Energy's Well No. POC 18A, API #47-005-1478. If you have any questions or comments, please call me at 304-854-1761.

Respectfully,

Performance Coal Co.  
George T. Levo  
Mining Engineer

MSHA  
MOUNT HOPE, WV  
AUG 10 2007  
RECEIVED  
VENTILATION