

U. S. Department of Labor

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



DEC 15 2004

Mr. Bill Potter
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Potter:

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-T2

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. POC 19A 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 September 15, 2004, 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,

Jesse P. Cole

Jesse P. Cole
District Manager
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office (3 encl.)
Files/dac

SUPERVISORY ACKNOWLEDGEMENT
Initials *BR* Date *12/14/04*
Initials *PK* Date *12/15/04*

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Sincerely,

A handwritten signature in black ink, appearing to read "Jesse P. Cole". The signature is written in a cursive style with a large initial "J" and "C".

Jesse P. Cole
District Manager
Coal Mine Safety and Health, District 4

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

PERMIT NUMBER: BOO-831
DATE: 11/05/2004

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: PO BOX 69
CITY: NAOMA, STATE: WV, ZIP: 251400000

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF NEW RIVER ENERGY'S ACTIVE GAS WELL # POC 19A LOCATED ON THE WESTERN POCAHONTAS FARM IN THE CROOK DISTRICT OF BOONE COUNTY AS SHOWN ON THE APPROVED ATTACHED MAP.

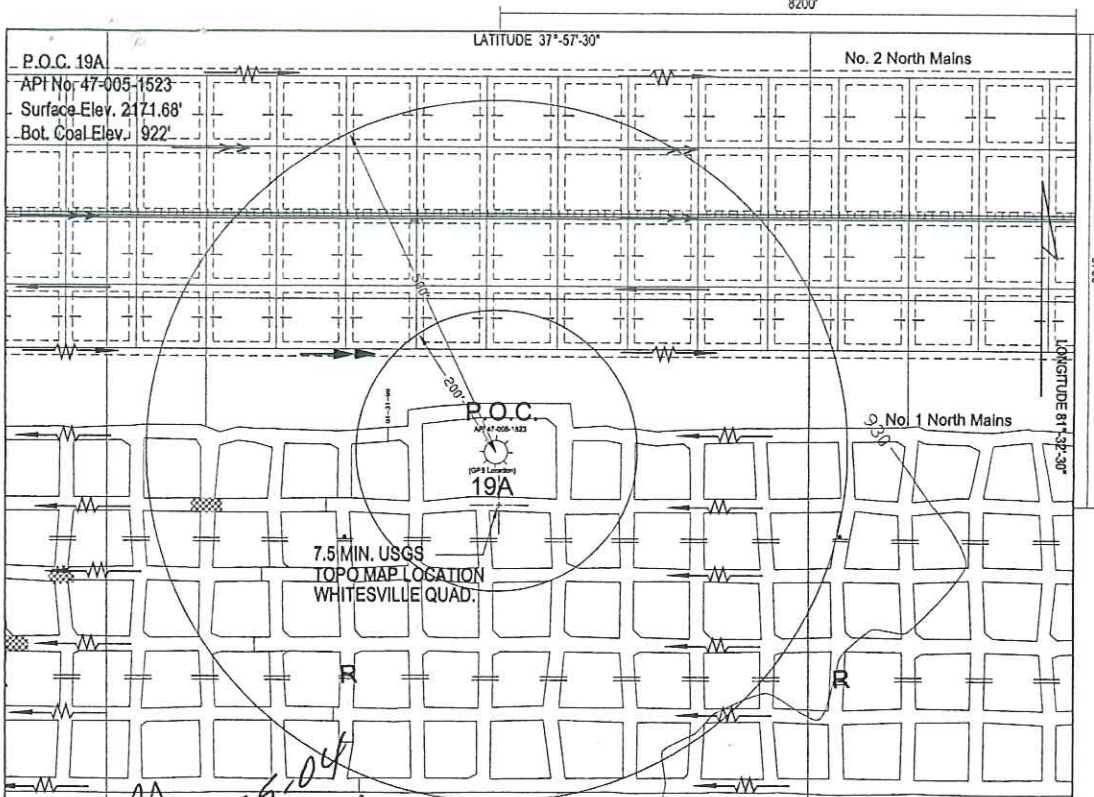
CONTIGENT UPON THE FOLLOWING:

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
WELL OPERATOR WELL NUMBER: POC 19A
MINE OPERATOR WELL NUMBER: POC 19A

BY: Way Conway
DIRECTOR - WV MINERS' HEALTH,
SAFETY AND TRAINING
Terry Faulkner
ADMINISTRATOR - WV MINERS' HEALTH,
SAFETY AND TRAINING

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



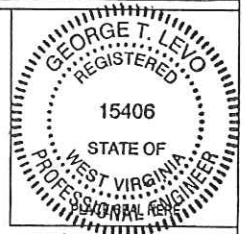
10-25-04

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: 7500'

(*) Denotes location of well on United States Topographic Maps

Signed George T. Levo
 R.P.E. 15406, L.L.S. _____



FORM OG-45 (REVERSE) (08-78)

B00-831
 11-5-04 u-3042-92

Coal Operator's Well Number P.O.C. 19A
 Date: September 15, 20 04
 Operator's Well No. P.O.C. 19A
 API Well No. 47 - 005 - 1523
State County Permit

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

COAL OPERATOR Performance Coal Company ELEVATIONS: Surface 2171.68'
 Address P.O. Box 69 Bottom of Coal ± 922'
Naoma, WV 25140 Difference ± 1249.68'

MINE Upper Big Branch SECTION No. 2 North Mains OVERBURDEN S.S./Shale COAL SEAM Eagle
 ROOF Shale BOTTOM Shale

WELL TYPE: Oil Gas Liquid Injection Waste Disposal
 (If "Gas", Production Underground storage Deep Shallow)

LOCATION: Elevation: 2171.68 Watershed: Unnamed Tributary of Elk Run of Big Coal River
 District: Crook County: Boone Quadrangle: Whitesville
 Farm: Western Pocahontas Properties Limited Partnership Tract: 2702 acres (Lease No. _____)

STATUS: Active Abandoned Drilling
 Date completed or abandoned, September 9, 19 90

AMOUNT OF CASING IN WELL 3968' of 4 1/2", 1669' of 7", 1102 of 9 5/8", and 21' of 12 3/4"



Date: October, 11 2004
Operator's
Well No. P.O.C. 19A
API Well No. 47 - 005 - 1523
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: 2171.68' Watershed: Unnamed Tributary of Elk Run of
ig Coal River

District: Crook County: Boone Quadrangle Whitesville

WELL OPERATOR: New River Energy Corp. DESIGNATED AGENT 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", and the Form WR-38, "Affidavit of Plugging and Filling Well", to show that the well has been properly plugged in a manner to permit the 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.

10-25-04

Performance Coal Company

Coal Operator

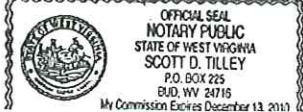
By George T. Levo
Its Mining Engineer

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

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.

Subscribed and sworn to before me this 11th of October, 2004

My commission expires December 13th, 2010



Scott D. Tilley
Notary Public

DATE: 03-Jan-91
API # 47,5-01523

State of West Virginia
DEPARTMENT OF ENERGY
Division of Oil and Gas

RECEIVED
Division of Energy

JAN 09 91

Well Operator's Report of Well Work

Well Name: WESTERN POCAHONTAS PROP.

Operator's Well No: EUNICE 19-A

Elevation: 2153.03

Quadrangle: WHITESVILLE

District: CROOK
Latitude: 6650
Longitude: 8200

County: BOONE
Feet South of 37 Deg. 57 Min. 30 Sec.
Feet West of 81 Deg. 32 Min. 30 Sec.

Company: PEAKE OPERATING COMPANY
1401 CHARLESTON NAT'L PLAZA
CHARLESTON, WV 25301

Contact: Thomas S. Liberatore

Inspector: Jerry Holcomb
Permit Issued: 08/10/90
Work Commenced: 09/10/90
Work Completed: 09/19/90
Ball Plugging
Permit granted on: N/A
Cable Rig
Cable Depth (feet): 4006'
Fresh water depths (ft): None

Casing & Tubing	Used in Drilling	Left in Well	Cement Fill Up Cu. Ft.
12 3/4"	21'	21'	
9-5/8"	1102'	1102'	360 Skts.
7"	1669'	1669'	275 Skts.
4 1/2"	3968'	3968'	70 Skts.

Surface water depths (ft) 1960, 2375
Coal being mined in area (Y/N)? N
Oil depths (ft): Open Mines 147-149
485-493

FLOW DATA

Producing formation Weir Pay zone depth (ft) 3814-3848
Gas: Initial open flow 28 Mcf/d Oil: Initial open flow 0 bbl/c
Final open flow 788 Mcf/d Final open flow 0 bbl/c
Time of open flow between initial and final tests _____ Hours
Static rock Pressure 650 psig (surface pressure) after 18 Hours

Second producing formation _____ Pay zone depth (ft) _____
Gas: Initial open flow _____ Mcf/d Oil: Initial open flow 0 bbl/c
Final open flow _____ Mcf/d Final open flow 0 bbl/c
Time of open flow between initial and final tests _____ Hours
Static rock Pressure _____ psig (surface pressure) after _____ Hours

NOTE: ON BACK OF THIS FORM PUT THE FOLLOWING: 1). DETAILS OF PERFORATED LOGS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ETC. 2). THE WELL LOG SHEET IS A SYSTEMATIC DETAILED GEOLOGIC RECORD OF ALL FORMATIONS, INCLUDING COAL ENCOUNTERED BY THE WELL BORE.

For: Thomas S. Liberatore
PEAKE OPERATING COMPANY

By: Thomas S. Liberatore/Operations Man.
Date: 1-8-91

TAIL OF PERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ET
 rforated Weir from 3218' to 3242' - 32 holes. Treated with 75 Q. foam frac,
 bbls./min., 500 gal acid, 60,000# 20/40 sand, 666,000 SCFN , 312 bbls. water
 P. 2035#, ATP 1920#, ISIP 1600#, 15 min. SIP 1280#.

WELL LOG

FORMATION TYPE	TOP FEET	BASE FEET	REMARKS (water coal, oil, gas)
nd and Shale	0	1182	
ndy Shale	1182	1631	<u>Fresh Water</u>
aley Sand	1631	1825	None encounter
nd	1825	1920	
ndy Shale	1920	2011	
nd w/ Shale Stringers	2011	2511	<u>Salt Water</u>
ndy Shale	2511	2543	@ 1960, 2375
ale	2543	2571	
is Lime	2571	2601	
ndy Shale	2601	2692	
Maxton Sand	2692	2723	
ale	2723	2773	<u>Gas Checks</u>
Maxton Sand	2773	2812	2839 TSTG
ndy Shale	2812	2880	3131 TSTG
Maxton Sand	2880	2956	3400 36 MCFD
nd and Shale	2956	3297	3570 33m
g Lime	3297	3622	3610 TSTG
nd and Shale	3622	3788	3819 28m
ir Sand	3788	3860	TD 30m
ale	3860	TD	
			<u>Coal Seams</u>
			<u>Open Mines</u>
			147-149
			485-493
	DTD	4006'KB	
	LTD	Not measured -	
		Hole bridged	

TOPS FROM ELECTRIC LOGS



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

October 12, 2004

Mr. Jesse P. Cole
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. 19A Gas Well
Upper Big Branch Mine-South
Federal I.D. 46-08436
State I. D. U-3042-92

Dear Mr. Cole:

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. #19A, API. 47-005-1523. A copy of this petition has been sent to the West Virginia Department of Environmental Protection for review and approval.

Performance Coal had received previously, permission to mine within 48' of the subject well. Current mine projections will mine within 145' of this well.

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