

U. S. Department of Labor

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



OCT 28 2005

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-T5

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. EAEC #14 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 19, 2005, 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,

/s/ Richard J. Kline

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

cc: Mt. Hope Field Office
Files/dac

SUPERVISORY ACKNOWLEDGEMENT
Initials *BR* Date *10-28-05*
Date *10/28/05*

U. S. Department of Labor

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Sincerely,

A handwritten signature in black ink, appearing to read "Jesse P. Cole", is written over the word "Sincerely,".

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: RAL-993
DATE: 08/30/2005

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: MARSH FORK
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 EASTERN ASSOCIATED ENERGY CORP. ABANDONED GAS WELL NO. 14 LOCATED ON THE BERWIND LAND CO. FARM IN THE MARSH FORK DISTRICT OF RALEIGH 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: EASTERN ASSOCIATED ENERGY CORP
WELL OPERATOR WELL NUMBER: EAEC 14
MINE OPERATOR WELL NUMBER: EAEC # 14

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

Tommy J. Jakes
ADMINISTRATOR - WV MINERS' HEALTH,
SAFETY AND TRAINING

CCS:
EASTERN ASSOCIATED ENERGY CORP
REGION: 4
M.S.H.A. District Office
H.S. & T. File



Date: August 19, 2005
Operator's
Well No. EAEC 14
API Well No. 47 - 081 - 0920
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: 1949.25' Watershed: Lower Big Branch of Marsh Fork of Big Coal River
District: Marsh Fork County: Raleigh Quadrangle Whitesville

WELL OPERATOR: Eastern Associated Energy Corp. DESIGNATED AGENT John Paletti
Address 501 56th Street Address 501 56th Street
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.

8.29.05

Performance Coal Company

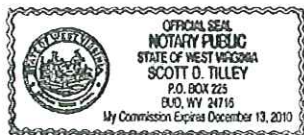
Coal Operator

By George T. Levo
Its Mining Engineer

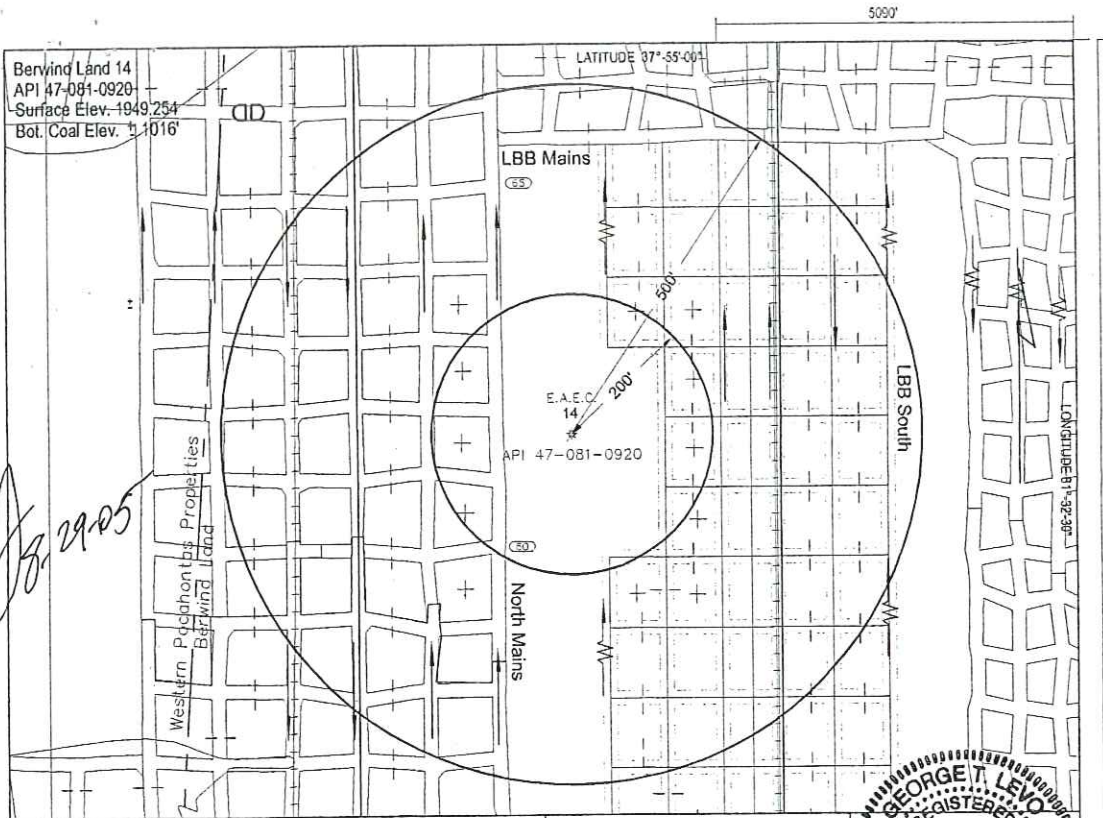
STATE OF West Virginia,
COUNTY OF Raleigh, TO WIT:

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 22nd of August, 2005
My commission expires Dec. 13th, 2010



Scott D. Tilley
Notary Public



8-29-05

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

7.5 MIN. USGS TOPO MAP LOCATION WHITESVILLE QUAD.

File No. _____
 Drawing No. _____
 Scale 1"=200'
 Minimum degree of accuracy, 1: 5000
 (+) Denotes location of well on United States Topographic Maps
 Signed *George T. Leno*
 R.P.E. 15406, L.L.S. _____



FORM OG-45
 (REVERSE)
 (08-78)
RAL-993
8-30-05

Coal Operator's Well Number E.A.E.C. #14
 Operator's Well No. Berwind #14
 API Well No. 47 - 081 - 0920
State County Permit

Date: August 19, 20 05

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

COAL OPERATOR Performance Coal Company ELEVATIONS: Surface 1949.25'
 Address P.O. Box 69 Bottom of Coal ± 1016'
Naoma, WV 25140 Difference ± 933.25

MINE Upper Big Branch SECTION LBB South OVERBURDEN 829' 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: 1949.25' Watershed: Lower Big Branch of Marsh Fork of Big Coal River
 District: Marsh Fork County: Raleigh Quadrangle: Whitesville
 Farm: Berwind Land Co. Tract: 8044 acres (Lease No. 8391)

STATUS: Active _____ Abandoned X Drilling _____
 Date completed or abandoned, June 25, 19 1999

AMOUNT OF CASING IN WELL 1187' of 4 1/2"

WR-38
04-Jun-99

API # 47- 81-00920-P

STATE OF WEST VIRGINIA
DIVISION OF ENVIRONMENTAL PROTECTION
SECTION OF OIL AND GAS

AFFIDAVIT OF PLUGGING AND FILLING WELL

AFFIDAVIT SHOULD BE 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.

Farm name: BERWIND LAND CO Operator Well No.: BERWIND LAND
LOCATION: Elevation: 1,958.00 Quadrangle: WHITESVILLE
District: MARSH FORK County: RALEIGH
Latitude: 13775 Feet South of 37 Deg. 57 Min. 30 Sec.
Longitude 5050 Feet West of 81 Deg. 32 Min. 30 Sec.

14 RECEIVED
Office of Oil and Gas
AUG 12 1999
WV Division of
Environmental Protection

Well Type: OIL _____ GAS x

Company: EASTERN AMERICAN ENERGY
501 56TH STREET
CHARLESTON WV 25304

Coal Operator PERFORMANCE COAL
or Owner P O BOX 750
DUNBAR WV 25064

Agent: John Paletti

Coal Operator BERWIND LAND COMPANY
or Owner 100 ONE VALLEY SQUARE
CHARLESTON WV 25301

Permit Issued: 06/08/99

AFFIDAVIT

Not Acceptable for Mine thru

STATE OF WEST VIRGINIA,
County of Raleigh

ss:

Bruce Garrett and Ben Parsons being first duly sworn according to law depose and say that they are experienced in the work of plugging and filling oil and gas wells and were employed by the above named well operator, and participated in the work of plugging and filling the above well, and Rodney Dillon Oil and Gas Inspector representing the Director, say that said work was commenced on the 22nd day of June, 1999, and that the well was plugged and filled in the following manner:

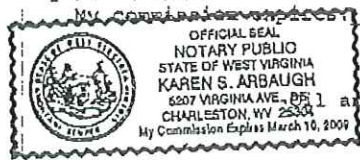
J 8-22-03

TYPE	FROM	TO	PIPE REMOVED	LEFT
Class A - 41 sxs	3608	3074	2402 of 4-1/2	1187 of 4-1/2
Class A - 28 sxs	2200	2100	3432 of 1-1/2	
CRP	1220			
REC - 108 sxs	1184	784		
Class A - 297 sxs	784	surface		

Description of monument: 4-1/2" with API
and that the work of plugging and filling said well was completed on the 25th day of June, 1999.

And further deponents saith not.

Sworn and subscribe before me this 20th day of July, 1999



Bruce Garrett
Ben Parsons
Rodney Dillon
Notary Public

Whitesville 5



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

August 19, 2005

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 EAEC 14 Gas Well
Upper Big Branch Mine-South
Federal I.D. 46-08436
State I. D. U-3042-92

Dear Mr. Cole:

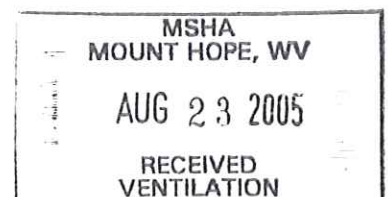
Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting the enclosed OG-45 form to mine within 200' of gas well, EAEC 14, API. 47-081-0920. A copy of this petition has been sent to the West Virginia Department of Environmental Protection for review and approval.

This well has been plugged to 101C specs and a copy of the plugging affidavit has been included for informational purposes. Previous approval has been given to mine within 96' of subject well. Current projections show proposed mining within 120' 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



3/17/99
Area of
Protection
17-99
Committee
of Oil & Gas

03-SEP-91
API # 47- 81-00920

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

Well Operator's Report of Well Work

Farm name: BERWIND OIL & GAS Operator Well No.: EDISTO/BER 14

LOCATION: Elevation: 1958.00 Quadrangle: WHITESVILLE

District: MARSH FORK County: RALEIGH
Latitude: 13775 Feet South of 37 Deg. 57 Min. 30 Sec.
Longitude: 5050 Feet West of 81 Deg. 32 Min. 30 Sec.

Company: EASTERN AMERICAN ENERGY CORP.
P. O. BOX N
GLENNVILLE, WV 26351-0000

Agent: DONALD C. SUPCOE

Inspector: RODNEY G. DYLLON
Permit Issued: 09-03-91
Well work Commenced: 10-10-91
Well work Completed: 10-24-91
Verbal Plugging
Permission granted on
Rotary Cable Rim
Total Depth (feet) 3260'
Fresh water depths (ft) 900'
Salt water depths (ft) None

Casing	Used in	Left	Cement
Tubing	Drilling	in Well	Fill Up
Size			
13-3/8"	222'	222'	250 sxs
9-5/8"	1091.40'	1091.40'	425 sxs
4-1/2"		3730.40'	200 sxs
1-1/2"		3392'	

Is coal being mined in area (Y/N)?
Coal depths (ft): 0'-41', 58'-60', 112'-119', (137'-144' openhole), 144'-150', 225'-235', 428'-435', 612'-615', 673'-675', 728'-734', 913'-923'

OPEN FLOW DATA (Commingle)

Producing formation Lower Weir Upper Weir Big Lings Pay zone depth (ft) 3268'
 Gas Initial open flow 750 MCF/d Oil Initial open flow N/A Bbl/d
 Final open flow 698 MCF/d Final open flow N/A Bbl/d
 Time of open flow between initial and final tests 15 hours
 Static rock Pressure 650 psid (surface pressure) after 24 hours

Second producing formation Pay zone depth (ft)
 Gas Initial open flow MCF/d Oil Initial open flow Bbl/d
 Final open flow MCF/d Final open flow Bbl/d
 Time of open flow between initial and final tests hours
 Static rock Pressure psid (surface pressure) after hours

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

Reviewed TMG
Recorded

Ronald L. Rech - sig
For: EASTERN AMERICAN ENERGY CORP.

By: Ronald L. Rech, Regional Drilling Manager
March 12 1997

Whitesville 5

AMERICAN
BUREAU
VIC 5 J YAP
NORTH HOLE, WV
WV

47-081-0920

RAL-920

DETAILS OF PERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ETC.

Stage One

Lower Weir/Upper Weir: 20 holes (3463.5'-3610.5'); Fraced w/energized water (250 scf/bbl); 35 lb. gal/1000gals., 50,000 lb. 20/40 sand, 500 gals. 15% HCl acid and 195,300 scf of N2

Stage Two

Big Lime: 12 holes (3268'-3276'); acidized w/3000 gals. of 15% HCl acid; 90 bbls. of 30 lbs/gal. gel and N2 at 200 scf/bbl.

WELL LOG

FORMATION	COLOR	HARD OR SOFT	TOP FEET	BOTTOM FEET	REMARKS Including indication of all fresh and salt water, coal, oil and gas
Coal			0	4	
Sand			4	58	
Coal			58	60	
Sand, Shale			60	117	
Coal			117	119	
Sand, Shale			119	137	
*Open hole			137	144	
Coal			144	150	
Sand, Shale			150	225	
Coal			225	235	
Sand, Shale			235	428	
Coal			428	435	
Sand, Shale			435	455	
Sand "White"			455	525	
Shale			525	612	
Coal			612	615	
Shale			615	673	
Coal			673	675	
Shale			675	728	
Coal			728	734	
Shale			734	913	
Coal			913	923	Damp at 900'
Shale			923	1329	
Sand, Shale			1329	1360	
Shale			1360	1405	No show of gas
Sand, Shale			1405	1465	
Shale "Black"			1465	1507	
Sand "White"			1507	1580	
Shale			1580	1584	
Sand "Grey"			1584	1605	
Shale			1605	1645	
Sand, Shale			1645	1705	
Sand			1705	2043	No show of gas
Shale			2043	2065	
Sand "White"			2065	2250	
Shale			2250	2275	
Sand, Shale			2275	2335	
Shale			2335	2420	
Limestone			2420	2456	No show of gas
Sand, Red Rock			2456	2515	
Sand			2515	2947	Odor of gas
Shale			2947	2961	
Little Lime			2961	3024	
Shale			3024	3045	
Big Lime "White"			3045	3355	2/10 thru 2" w/H2O
Big Injun			3355	3395	2/10 thru 2" w/H2O
Shale			3395	3445	2/10 thru 2" w/H2O
✓Weir			3445	3624	2/10 thru 2" w/H2O



WR-38
04-Jun-99

API # 47- 81-00920-P

STATE OF WEST VIRGINIA
DIVISION OF ENVIRONMENTAL PROTECTION
SECTION OF OIL AND GAS

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RECEIVED
Office of Oil and Gas
AUG 12 1999
WV Division of
Environmental Protection

Well Type: OIL _____ GAS x

Company: EASTERN AMERICAN ENERGY
501 56TH STREET
CHARLESTON WV 25304

Coal Operator PERFORMANCE COAL
or Owner P O BOX 750
DUNBAR WV 25064

Agent: John Paletti

Coal Operator BERWIND LAND COMPANY
or Owner 100 ONE VALLEY SQUARE
CHARLESTON WV 25301

Permit Issued: 06/08/99

AFFIDAVIT

STATE OF WEST VIRGINIA,
County of Raleigh ss:

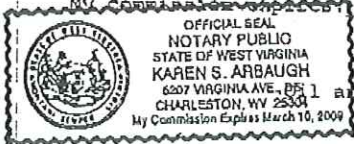
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TYPE	FROM	TO	PIPE REMOVED	LEFT
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CIRP	1220			
RFC - 108 sxs	1184	784		
Class A - 297 sxs	784	surface		

Description of monument: 4-1/2" with API
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And further deponents saith not.

Sworn and subscribe before me this 20th day of July, 1999
My Commission Expires 03/10/09



Bruce Garrett
Ben Parsons
Rodney Dillon
Notary Public
Rodney Dillon

Whitesville 5

RECEIVED
AUG 12 1999
WV DIVISION OF ENVIRONMENTAL PROTECTION