

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,

/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 (Letter Only)
Files/dac

For RR QS 9-28-07
Initials PK 9/28/07 Date

SUPERVISORY ACKNOWLEDGEMENT

U. S. Department of Labor

Mine Safety and Health Administration
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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

17325 T8

8436

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

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: 25140

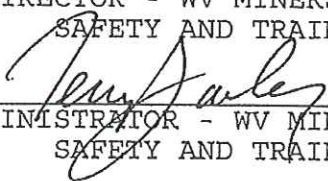
PERMISSION IS HEREBY GIVEN:

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.

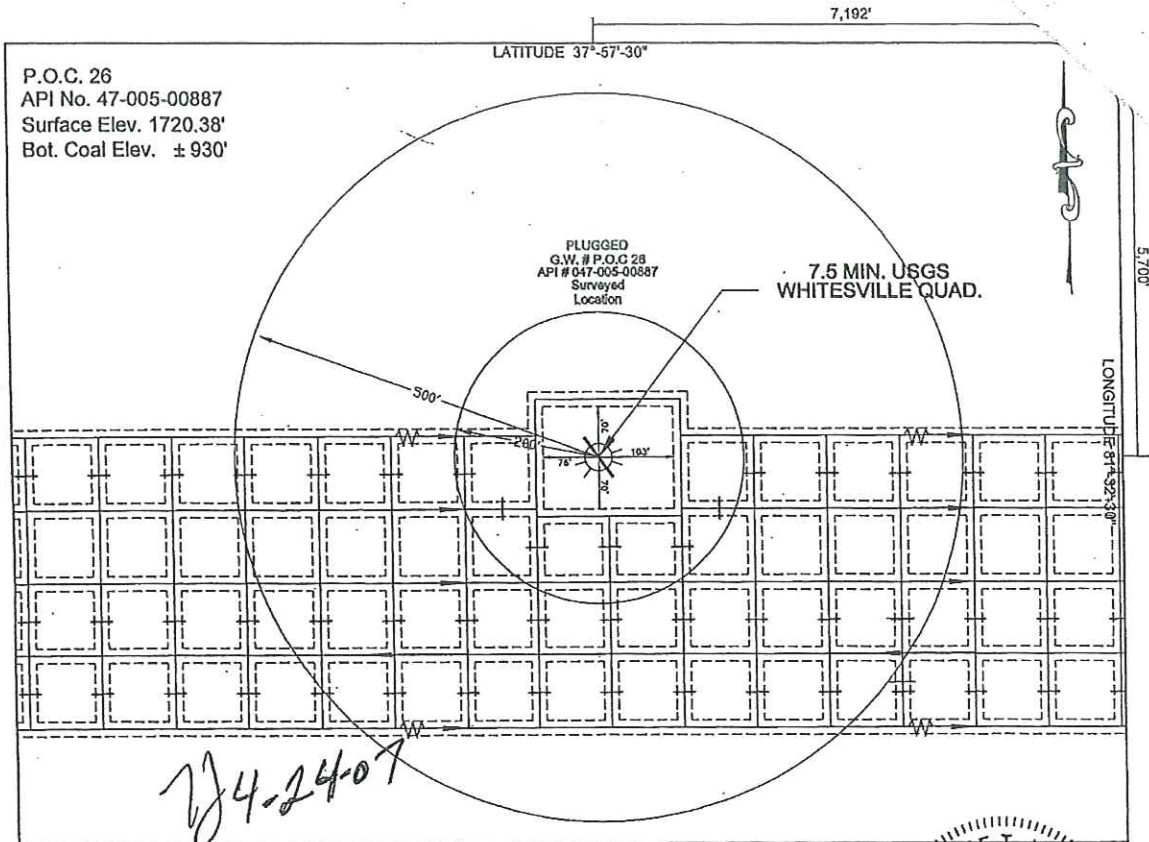
CONTIGENT UPON THE FOLLOWING:

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

ADMINISTRATOR - WV MINERS' HEALTH,
SAFETY AND TRAINING

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



P.O.C. 26
 API No. 47-005-00887
 Surface Elev. 1720.38'
 Bot. Coal Elev. ± 930'

PLUGGED
 G.W. # P.O.C. 26
 API # 047-005-00887
 Surveyed
 Location

7.5 MIN. USGS
 WHITESVILLE QUAD.

4-24-07

<p>LEGEND</p> <p>===== PROJECTED ROOMS AND ENTRIES</p> <p>----- PROJECTED EXTRACTATIONS</p> <p>☐ NO SECOND MINING</p> <p>===== ROOMS AND ENTRIES</p> <p>////// PILLAR EXTRACTATIONS</p> <p>+++++ TRACK</p> <p>◀-----▶ BELT HEAD AND TAIL</p> <p>-----> INTAKE AIR</p> <p>-----< RETURN AIR</p> <p>☒ MAIN FAN</p>		<p>File No. _____</p> <p>Drawing No. _____</p> <p>Scale 1"=200'</p> <p>Minimum degree of accuracy, 1: 7500'</p> <p>(+) Denotes location of well on United States Topographic Maps</p>	<p>GEORGE T. LEVO REGISTERED 15406 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER PLACE SEAL HERE</p>
		<p>Signed <i>George T. Levo</i></p> <p>R.P.E. 15406, L.L.S. _____</p>	

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

800-1020
4-24-07

Coal Operator's Well Number P.O.C. 26

Date: APRIL 18, 20 07

Operator's Well No. P.O.C. 26
 API Well No. 47 - 005 - 00887
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 1720.38'
 Address P.O. Box 69 Bottom of Coal ± 930'
Naoma, WV 25140 Difference ± 790.38'

MINE Upper Big Branch SECTION LBB UNIT 1 OVERBURDEN S.S./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: 1720.38 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 X / Drilling ___
 Date completed or abandoned, JULY 3, 19 55

AMOUNT OF CASING IN WELL 30' of 6 5/8", 1881' OF 8 1/4", 547' OF 10" and 33' of 13"

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 Disposal ___/
(If Gas, Production X/ Underground ___/ Storage ___/ Deep ___/ Shallow ___)

LOCATION: Elevation: 1720.38' Watershed: Unnamed Tributary of Elk Run of Big Coal River

District: Crook County: BOONE Quadrangle: Whitesville

WELL OPERATOR: New River Energy Corp. DESIGNATED AGENT: Mr. Tim Comer
Address 315 70th Street Address 315 70th 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, 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: N 4-24-07

Performance Coal Company
Coal Operator
By George Levo
Its Mining Engineer

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

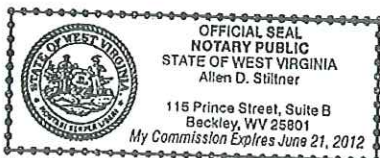
I GEORGE LEVO, being first duly sworn, deposes and says that he is Mining Engineer of the coal operator named above; that he is familiar with the facts set out both in the petition and on the accompanying maps and plans; and that the same are true.

Handwritten signature: George Levo

Subscribed and sworn to before me this APRIL 18, 20 07.

My commission expires June 21, 2012

Handwritten signature: Allen D. Stillner
Notary Public





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

Debbie Nelson 6-25-80

STATE OF WEST VIRGINIA
DEPARTMENT OF MINES
OIL AND GAS DIVISION

AFFIDAVIT OF PLUGGING AND FILLING WELL

AFFIDAVIT SHOULD BE MADE IN TRIPPLICATE, ONE COPY KEPT BY THE DEPARTMENT, ONE COPY TO BE OBTAINED BY THE WELL OPERATOR AND THE THIRD COPY (FOR STATE ARCHIVES PURPOSES) SHOULD BE KEPT BY SAID WELL OPERATOR AT THEIR RESPECTIVE ADDRESSES.

COAL OPERATOR OR OWNER: Western Pocahontas Corporation
 ADDRESS: Box 509, Huntington, West Virginia

NAME OF WELL OPERATOR: Western Pocahontas Corporation
 COMPLETE ADDRESS: Box 509, Huntington, West Virginia

DATE: July 18, 1955

WELL AND LOCATION: Sherman District Boone County

NAME OF PROPERTY OWNER: Evance Lande Farm

ADDRESS: Evance Lande

WELL No. 6 - (Serial No. 26)

STATE INSPECTOR SUPERVISING PLUGGING

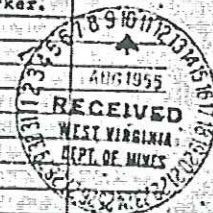
AFFIDAVIT

STATE OF WEST VIRGINIA,

County of KANAWHA

D. B. Amick and Jack Wade
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 Charleston Drilling Company, well operator, and participated in the work of plugging and filling the above well, that said work was commenced on the 3rd day of July, 1955, and that the well was plugged and filled in the following manner:

SAND OR LIME RECORD FOSSILS	FILLING MATERIAL	PLUGS USED	CASING	
			SIZE AND DEPTH	NO. OF COUPLERS
Permanent Bridge	At 3592' - 20' above Berea			
Cement	3592 - 3582	6-5/8 Casing	2820	30'
Stone	3582 - 3577			
Clay	3577 - 2910	10" Casing	490	57'
Cement	2910 - 2900			
Stone	2900 - 2890	13" Left as Marker.		
Ripped 6-5/8 Casing	at 2820'			
Clay	2820 - 2700			
Cement	2700 - 2670			
Permanent Bridge	At 1879' - 30' Below Salt Sand			
Cement	1879 - 1859			
Stone	1869 - 1864			
Clay	1864 - 1490			
Cement	1490 - 1480			
Stone	1480 - 1475			
COAL BEAMS				
NAME:	<u>(Continued on back)</u>	DESCRIPTION OF MONUMENT		
NAME:		<u>13" Left as Marker.</u>		
NAME:		<u>Western Pocahontas Corporation</u>		
NAME:		<u>Well No. 26</u>		
NAME:		<u>7-15-55</u>		



and that the work of plugging and filling said well was completed on the 15th day of July, 1955

And further deponents saith not.

Sworn to and subscribed before me this 1st day of August, 1955

My commission expires: July 29 - 1964

D. B. Amick
Jack Wade
James H. Joyce
Notary Public
Permit No. 500-887

Debbie Nelson 6-26-80

WESTERN PACIFIC COAST
MINING COMPANY

Permanent Bridge	At 636'	30' Below Coal.
Cement	636 - 583'	20' Above Coal.
Clay	583 - 510'	30' Below Coal.
Ripped 10" Casing	At 490'	
Cement	510 - 457'	20' Above Coal.
Clay	457 - 413'	30' Below Coal.
Cement	413 - 360'	20' Above Coal.
Clay	360 - 345'	30' Below Coal.
Cement	345 - 292'	20' Above Coal.
Clay	292 - 183'	30' Below Coal.
Cement	183 - 100'	20' Above Coal.
Clay	100'	to surface.

Erected monument as described

Rule 18, 1931 Regulation.

Permanent Bridge	At 636'	30' Below Coal.
Cement	636 - 583'	20' Above Coal.
Clay	583 - 510'	30' Below Coal.
Ripped 10" Casing	At 490'	
Cement	510 - 457'	20' Above Coal.
Clay	457 - 413'	30' Below Coal.
Cement	413 - 360'	20' Above Coal.
Clay	360 - 345'	30' Below Coal.
Cement	345 - 292'	20' Above Coal.
Clay	292 - 183'	30' Below Coal.
Cement	183 - 100'	20' Above Coal.
Clay	100'	to surface.

Western Pacific Coast Mining Company
Well No. 20
1-11-32

And further documents shall be
placed in and retained in the
office of the company.