MAR 23 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-T3

This will acknowledge receipt and approval of the subject permit for extracting coal and the request to mine through gas well No. POC 2AA 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 February 21, 2005, which shows the well being plugged in accordance with the approved 101(c) Petition of Modification 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/ JESSE P. COLE

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

cc: Mt. Hope Field Office  
Files/dac
M AR 2 3 2 0 0 5

Mr. Bill Potter  
President  
Performance Coal Company  
P. O. Box 69  
Naoma, WV 25149

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. T7325-T3

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and the request to mine through gas well No. POC 2AA located on the subject mine property.

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Form OG-45 dated February 21, 2005, which shows the well being plugged in  
accordance with the approved 101(c) Petition of Modification 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  
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 25311-2125

PERMIT NUMBER: BOO-850
DATE: 03/08/2005

PERMIT
TO EXTEND MINE WORKINGS
WITHIN THE 200 FOOT RADIUS OF OIL OR GAS WELLS

COMPANY: PERFORMANCE COAL CO.
MINE: UBBMC MONTCOAL EAGLE
SEAM: EAGLE
DISTRICT: CROOK
COUNTY: RALEIGH
ADDRESS: P.O. BOX 69
CITY: NAOMA,
STATE: WV, ZIP: 25140

MINE PERMIT NUMBER: U00304292

PERMISSION IS HEREBY GIVEN:

TO MINE INTO AND THROUGH THE NORTH ENERGY CORP.'S PLUGGED GAS WELL NO. POC 2AA 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 MINES 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-TRANSFERABLE.

WELL OPERATOR: NORTH RIVER ENERGY CORP.
WELL OPERATOR WELL NUMBER: POC 2 AA
MINE OPERATOR WELL NUMBER: POC 2 AA

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

ADMINISTRATOR - WV MINERS' HEALTH, SAFETY AND TRAINING

CCS:
NORTH RIVER ENERGY CORP.
REGION: 4
M.S.H.A. District Office
H.S. & T. File
50'- SURFACE CLASS A
31' BOTTOM 13 3/4" LTS

SAT CL @ 200 - SURFACE
73 1/2' BOTTOM 9 3/4" LTS
SAT 2000 TI NO TOP
DEP 15 1/2' LBS.

18 43' BOTTOM 11 1/2" LTS
1870 - 1840 CLASS A

2920 - 2820 CLASS A

~ 3220 TOP OF DEPRESSED 2 1/4' LVB

3720 TD
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: WESTERN POCOHONTAS CORP.

LOCATION: Elevation: 1,832.00 Quadrangle: WHITESVILLE 9/31/82
District: CROCK County: BOONE
Latitude: 37 Deg. 55 Min. 0 Sec. Longitude: 81 Deg. 32 Min. 30 Sec.

Well Type: OIL ___ GAS ___ x

Company: Peake Energy, Inc.
P. O. Box 8
Ravenswood, WV 26164

Agent: Thomas S. Liberator

Coal Operator: Bethlehem Mines Corp.
Or Owner: P. O. Box 750
Dunbar, WV 25514

Coal Operator: Western Pocahontas Corp.
Or Owner: P. O. Box 2827
Huntington, WV 25722

Permit Issued: 10/07/97

Affidavit

STATE OF WEST VIRGINIA,
County of Boone ss.

being first duly sworn according to law deposite 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 the above well, and say that said work was commenced on the 10th day of November, 1997, and that the well was plugged and filled in the following manner:

| Braille Out Cement and Gel | 1123' | 1123' |
| Solid Mech Bridge Plug | 1135' | 635' |
| Thixotropic Cement | 1133' | Surface |
| Class A Cement | 635' |  |

Originally plugged 9/29/97 and re-plugged to 11/15/97 to meet coal co. requirements.

Description of monument: In Coal Cut and that the work of plugging and filling said well was completed on the 14th day of November, 1997.

And further deponents saith not.

Sworn and subscribe before me this 22nd day of December, 1997

Oil and Gas Inspector:

My commission expires: 12/31/2000

Notary Public
March 26, 1998

Tim Greene
Division of Environmental Protection
#10 McFunkin Road
Nitro, WV 25143-2506

Dear Tim,

Please find enclosed plugging affidavits for the following wells:

<table>
<thead>
<tr>
<th>Well Name</th>
<th>Number</th>
<th>API</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eunice</td>
<td>8A</td>
<td>5-01436-P</td>
</tr>
<tr>
<td>Eunice</td>
<td>7A</td>
<td>5-01522-P</td>
</tr>
<tr>
<td>Eunice</td>
<td>3A</td>
<td>5-01420-P</td>
</tr>
<tr>
<td>Eunice</td>
<td>2A</td>
<td>5-01383-P</td>
</tr>
<tr>
<td>*Eunice</td>
<td>2AA</td>
<td>5-01383-P</td>
</tr>
</tbody>
</table>

*Eunice 2AA was the original Eunice 2A which was plugged on 09/21/82, after casing was lost in the 6 ¾ hole. The drilling rig was skidded and a new hole was drilled. The original "2AA" was re-plugged to 1135' to satisfy coal operator who had purchased the well.

Please call me at our Ravenswood Office with any questions.

Sincerely,

Jon Ullom
Drilling Supervisor

cc: Richard Campbell

Enclosures

JAU/pld
TO: Mike Milam  
FROM: Tim Comer  
DATE: February 25, 2003  
SUBJECT: WELL 047-005-01383 (Eunice #2 – Peake)

Per our earlier discussion today, this is the wellsite with two wellbores. During drilling, Peake lost a string of 4 1/2" downhole, plugged back, skidded the drill rig over and drilled a new well.

I plugged these on Peake’s permit in 1997, using Arrow Well Services. Both bores were plugged to 101-C specs. The “abandoned” well was the one furthest downstream, and the “producing” well was upstream.

I am enclosing copies of my design sketches and the deviation surveys for both bores, and the WR-38 for the “producing” well. I think that, because Peake was the permittee, no WR-38 was filed for the “abandoned” well. However, Mike Wine, who supervised the work for Arrow and signed the WR-38, now manages GasSearch’s service rigs and does work for us.

The “abandoned” well was plugged as shown on the design sketch. If you need any further documentation (i.e., a WR-38 for the other bore), give me a call.

Cc: Allen Pettrey
COAL OPERATOR'S PLAN TO OPERATE
WITHIN 200 FEET OF MINE THROUGH A WELL

COAL OPERATOR
Performance Coal Company
Address: P.O. Box 69
Naoma, WV 25140

MINE
Upper Big Branch
SECTION
Longwall # 19
OVERBURDEN
S/S/H
COAL SEAM
Eagle

ROOF
Shale

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

LOCATION:
Elevation: 1900.06
Valuedized: James Creek of West Fork of Little Coal River
District: Crook
County: Boone
Quadrangle: Whitesville
Form: Western Poconos (Proprietors) Limited Partnership
Tract: 2357
acres (Lease No. 20)

STATUS:
Active / Abandoned / Drilling
Date completed or abandoned: September 20, 1982

AMOUNT OF CASING IN WELL
30' (20°), 760' (9 5/8°), 1843.7' (17°), & 1933' (4 1/2°)

Date: February 21, 1985
Operator's
Well No.: P.O.C. 2 (Abandoned)
API Well No.: 47-005-1383

Operator's
Well No.: P.O.C. 2
API Well No.: 47-005-1383

Certified and/or Notarized:
R. E. L.
15408
STATE OF
WEST VIRGINIA
B.B. MURPHY
STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY, DIVISION OF MINES AND MINERALS

COAL OPERATOR'S PETITION TO OPERATE
WITHIN 200 FEET OF 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: 1390.06'  
Watershed: James Creek of West Fork of Little Coal River

District: Creek / County: Boone Quadrangle Whitesville

WELL OPERATOR: North River Energy Corp
DESIGNATED AGENT: Tim Comer

Address: P.O. Box 1867
Charleston, WV 25327

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

___ 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 HK-35, "Well Operator's Report of Drilling, Fracturing and/or Stimulating
or Physical Changes," and the Form HK-30, "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.

Performance Coal Company
Coal Operator

By: __________________________
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 ___February 21___, 2005.

My commission expires __June 21, 2012__

[Signature]
Notary Public

[Seal]