

Bell, Deb

From: Talvitie, Marcia
Sent: Wednesday, August 18, 2010 3:05 PM
To: Cramer, Johanna
Cc: Brown, Sandy
Subject: FW: Section 2.03
Attachments: 2.03 Legal 18AUG10.pdf

Johanna,

Because of the confusion in Section 2.03 regarding dates, etc., I had WFC eliminate the titles and dates for the Board members in 2.03.4(3)(a) – the way I read the Rules, name and address is all that's required for (a), and the other info shows up in (b). Does this look okay to you?

Marcia

From: Ben Langenfeld [<mailto:ben@lewicki.biz>]
Sent: Wednesday, August 18, 2010 8:33 AM
To: Talvitie, Marcia
Cc: 'Ross Gubka'
Subject: Section 2.03

Marcia

I deleted the lines in part 2.03.4(3)(a) as you requested. The list just shows the members of the board with addresses, no positions or start dates.

Let me know if there is anything else.

Ben Langenfeld, Project Engineer
Greg Lewicki and Associates
office: (720) 842-5321
cell: (303) 960-5613
fax: (303) 346-6934

Section 2.03

Legal, Financial, Compliance and Related Information

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Map 2.03.4-1--Surface Ownership and Lease

Map 2.03.4-2 -Oil, Gas and Coal Ownership and Lease Map

Section 2.03

Legal, Financial, Compliance and Related Information

Western Fuels Colorado, A Limited Liability Company (WFC) is renewing Permit No. C-81-008. WFC's New Horizon 1 & 2 Mine is the old Peabody Coal Company Nucla & Nucla East Mine which operated under the same permit. This old Peabody Nucla mine area (the New Horizon 1 mine area) is undergoing final reclamation. Bond was released on 215.5 acres of the New Horizon 1 mine area in the Spring of 2002. WFC assumes that bonding responsibility on the remaining 98.62 acres of NH1 land until such time as bond is released.

This application is intended to apply only to the New Horizon 2 (formerly Nucla East) mine area. Descriptions of environmental baseline data, mining and reclamation plans contained in this application are limited to the New Horizon 2 mine area. The New Horizon 1 area is not addressed in this application. It is undergoing reclamation and there will be no further disturbances at New Horizon 1. There will be minor activity at the New Horizon 1 area to meet bond release requirements (general caretaking activities), but no mining or other disturbances. No New Horizon 2 activity will affect New Horizon 1. All CC ditch activities are located at New Horizon 2. Therefore the New Horizon 1 area is not addressed in this permit renewal. Reclamation commitments for the New Horizon 1 area are contained in a separate document entitled Reclamation Plan.

The statements below are intended to address the requirements of Section 2.03 of the regulations of the Office of Mined Land Reclamation Board for Coal Mining.

2.03.4(2)(a) Identification of Permit Applicant

Western Fuels-Colorado, LLC
P.O. Box 628
Nucla, CO 81424
(970) 864-2165
Employer I.D. 84-1195998

2.03.4(2)(b) Applicant's Resident Agent

Western Fuels Association, Inc.
P.O. Box 33424
Denver, CO 80233
(303) 450-9976
Employer I.D.: 45-6038480

2.03.4(2)(c) Person who will pay abandoned mine reclamation fee:

Western Fuels-Colorado, A Limited Liability Company
New Horizon Mine
P.O. Box 628
Nucla, CO 81424
(970) 864-2165

2.03.4(3)(a) Person controlling the Applicant

Western Fuels-Colorado, A Limited Liability Company is controlled by a Board of Managers. The members of the Board also serve as the company's officers. Board members are as follows:

Mr. Jack Finnerty
P.O. Box 186
Wheatland, WY 82201

Mr. Wayne Connell
Star Route 1, Box 30
Mountainair, NM 87036

Mr Jim Soehner
38566 County Road 13
Wray, CO 80758

Mr. Rick Gordon
P.O. Box 518
Simla, CO 80835

Mr. Bill Bird
Box 1497, Auto Route West
Roswell, NM 88201

2.03.4(3)(b) Relationship of the controlling persons to the applicant:

Mr. Jack Finnerty	-	President
Mr. Rick Gordon	-	Vice President
Mr. Jim Soehner	-	Secretary
Mr. Bill Bird	-	Treasurer
Mr. Wayne Connell	-	Board Member

Owners: Tri-State Generation and Transmission Association, Inc. : 99%
Western Fuels Association, Inc. : 1%

Tri-State is controlled by a Board of Directors. The persons controlling are as follows:

Chairman:

Rick Gordon
P.O. Box 518
Simla, CO 80835
November 1994

Vice Chairman:

Tony Casados, Jr.
P.O. Box 186
Tierra Amarilla, NM 87575
1984

Secretary:

Jim Soehner
38566 County Road 13
Wray, CO 80758
1991

Treasurer:

Lou Costello
7780 Highway 135
Gunnison, CO 81230
April 1999

Ass't. Secretary:

Wayne L. Child
9816 Child Road
Cheyenne, WY 82009
1983

Ass't. Secretary:

Bill Bird
Box 1497, HC 30
Roswell, NM 88201
2004

Executive Committee:

Jack Finnerty
P.O. Box 186
Wheatland, WY 82201

Robert Baca
HC 74, Box 451
Pecos, NM 87552
2009

Leo Brekel
Route 1, 9373 County Road 81
Fleming, CO 80728
2003

Wayne Cobb
HC 75, Box 32
Merriman, NE 69218
1989

Richard Clifton
P.O. Box 174
Centennial, WY 82055
2009

Harry Goff
1824 Eastlawn Avenue
Durango, CO 81301
2003

Jack Hammond
P.O. Box 26
Lance Creek, WY 82222
2005

William Mollenkopf
13840 Road 29
Dolores, CO 81323
2009

Executive Committee:

Stuart Morgan
9720 Road 54
Dalton, NE 69131-8212
2007

Jimmy Bason
Star Route Box 88
Hillsboro, NM 88042
2008

Matt Brown
1287 Owl Creek Road
Thermopolis, WY 82443
April 2010

Marshall Collins
16990 6450 Road
Montrose, CO 81401
2008

Tom Holgerson
P.O. Box 268
Rye, CO 81069
2008

Leroy Anaya
904 N. 6th Street
Socorro, NM 87801
January 2010

Ralph Hilyard
60870 County Road 13
Mitchell, NE 69357
May 2002

Thaine Michie
4164 Arrowhead Road
La Porte, CO 80535
2009

Executive Committee:

Gary Merrifield
19256A County Road 343
Buena Vista, CO 81211
April 1992

Robert Bledsoe
Box 435
Hugo, CO 80821
July 1998

Ross Caldwell
P. O. Box 423
Winter Park, CO 80482
2009

Wayne Connell
HC 75, Box 30
Mountainair, NM 87036
2000

David Salazar
P. O. Box 1052
Española, NM 87532
2009

Ron Hagan
76475 Road 338
Madrid, NE 69150
2007

Hal Keeler
4555 Solano Rd. SE
Deming, NM 88030
June 1997

Charles Monk
855 Lane 10
Lovell, WY 82431
April 2002

James "Wes" Perrin
P.O. Box 1522
Telluride, CO 81435
2009

Douglas Pryce
1720 Gross Dam Road
Golden, CO 80403
2002

Gary Rinker
9 Rinker Road
Clayton, NM 88415
2007

Arthur Rodarte
P.O. Box 132
Ojo Caliente, NM 88415
2008

Claudio Romero
HC 77, Box 62
Seboyeta, NM 87014
June 2001

Brian Schlagel
15645 Headlight Road
Strasburg, CO 80136
2005

Gerald Seward
2146 La Mesa Drive
Raton, NM 87740
2008

J. H. Sheridan
P. O. Box 1213
Meeker, CO 81641
2009

Kevin Stuart
Route 1, Box 337
Bayard, NE 69334
2005

Jerry Thompson
1396 Road 19
Powell, WY 82435
2007

Jerry Underwood
7000 Valley Road
Alliance, NE 69301
1990

Scott Wolfe
6628 County Road 101 N
Monte Vista, CO 81144
2008

F.E. "Wally" Wolski
3771 Road 42
Yoder, WY 82244-8839
May 2001

Bill Wright
47818 Road X
Walsh, CO 81090-9712
April 1994

Principal Office of
Corporation:
1100 West 116th Avenue
Denver, Colorado 80234

2.03.4(3)(c) The title of the person's position and the date position was assumed

Western Fuels-Colorado Officers

Mr. Jack Finnerty	-	President	3/17/2010
Mr. Rick Gordon	-	Vice President	5/12/2010
Mr. Jim Soehner	-	Secretary	Nov 2005
Mr. Wayne Connell	-	Board Member	Oct 2004
Mr. Bill Bird	-	Treasurer	Nov 2005

2.03.4(3)(d) Not Applicable

2.03.4(3)(e) Not Applicable

2.03.4(4)(a) Other mining operations controlled by the persons associated with the applicant

Western Fuels - Wyoming, Inc.
P.O. Box 33424
Denver CO 80233
(303) 450-9976
Name of Operation - Dry Fork Mine
Employer ID No.: 52-1619390
Wyoming DEQ Permit No.: 599T-3
MSHA Number - 4801429
Date of issuance of MSHA No.: 4/23/86

Trapper Mining Company
P.O. Box 187
Craig, CO 81625
(303)824-4401
Name of Operation: Trapper Mine
Employer I.D. No.: 94-2785879
Colorado OMLR Permit No.: C-81-010
MSHA No.: 0502838
Date of Issuance of Permit No.: 2/9/76

2.03.4(4)(b) Not applicable

2.03.4(5) Not applicable

2.03.4(6)(a) Legal or Equitable Owners of Record of Surface Coal to be Mined

Surface Ownership (Numbers correspond to designations on Map 2.03.4-1)

1. Benson, Carl N. and Theresa L.
4101 E Ashler Hills
Cave Creek, Arizona 85331
2. Board of County Commissioners of the County of Montrose
P.O. Box 1289
Montrose, Colorado 81401
3. Board of County Commissioners of the County of San Miguel
P.O. Box 1170
Telluride, Colorado 81435
4. Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215
6. Garvey and Co.
P.O. Box 413
Nucla, Colorado 81424
7. Garvey, Stanley D. and Blinn, Jacqueline, E.
P.O. Box 413
Nucla, Colorado 81424
9. Dirk Richards
P.O. Box 153
Nucla, Colorado 81424
10. Murphy, Lucy R., Murphy, Diana L., and Foley, Claudia M.
19 Bacus Ave
Durango, Colorado 81301
11. Nygren, Donna
P.O. Box 163
Nucla, Colorado 81424
12. Western Fuels-Colorado, LLC
P.O. Box 33424
Denver, CO 80233
1100 W. 116th Avenue
Westminster, Colorado 80234

13. San Miguel Power Association
P.O. Box 817
Nucla, Colorado 81424
(303) 452-6111
14. Piel, Ron & Lorraine
P.O. Box 905
Nucla, Colorado 81424
15. Goforth, Lester
P.O. Box 541
Nucla, Colorado 81424
16. Melvin and LeeAnn Staats
P.O. Box 10
Nucla, Colorado 81424
18. Moore, Michael & JoAnn
P.O. Box 326
Nucla, Colorado 81424
20. Burbridge, Ward E. & Alma E.
P.O. Box 92
Nucla, Colorado 81424
21. Nucla Sanitation District
P.O. Box 817
Nucla, Colorado 81424
22. Nucla Cemetery
P.O. Box 546
Nucla, Colorado 81424
24. Barber, Diana
P.O. Box 418
Nucla, Colorado 81424
25. Ashburn, Robert E & Heinz Margaret
P.O. Box 475
Nucla, Colorado 81424
26. VanKirkwood III, George
P.O. Box 70
Camp Verde, Arizona 86322
27. Staats, Cheryl
P.O. Box 852
Nucla, Colorado 81424

28. Grierson, Jay & Michelle
P.O. Box 277
Nucla, Colorado, 81424
29. Bjerk, Don & Shelly
P.O. Box 218
Nucla, Colorado 81424
30. Allen, Rod & Patty
P.O. Box 207
Nucla, Colorado 81424
31. Kelley, Alvin E. & Patricia A.
P.O. Box 592
Nucla, Colorado 81424
32. Wilson Family Trust 1-3-92
P.O. Box 6668
Nucla, Colorado 81424
33. Wilson, Malcom
P.O. Box 6668
Nucla, Colorado 81424
34. Steward, Lois I.
P.O. Box
Nucla, Colorado 81424
35. Newell, Helen
P.O. Box 325
Nucla, Colorado 81424
36. Fulbright, Elda Jo
P.O. Box
Nucla, Colorado 81424
37. Flowers, Charles F. & Clara V.
P.O. Box 531
Nucla, Colorado 81424
38. Church, Sylvia
P.O. Box
Nucla, Colorado 81424
39. Moyer, Dan al & Lavonne Jerrine
P.O. Box 91
Nucla, Colorado 81424

41. Benson, Carl (Bud) and Theresa L..
4101 E Ashler Hills
Cave Creek, AZ 85331
42. Antoinette Rosella Lloyd
P.O. Box 578
2435 S 25 Road
Cedaredge, Colorado 81413
- Marry Ruth Bolender
1537 Rush Road
Eagle, Idaho 83616
- Winona Mae Cressler
P.O. Box 593
373 East 4th Street
Nucla, Colorado 81424
- Harry Curtis Lloyd
11432 Jones Road
Berrien Springs, Michigan 49103-9659
43. Morgan, Frank and Mary Lou
P.O. Box 4
Nucla, Colorado 81424
44. Patty Morgan
P.O. Box 336
Nucla, Colorado 81424
- 45A Johnson, James K. and Ruth E.
P.O. Box 607
Nucla, Colorado 81424
- 45B Johnson, James K. and Ruth E.
P.O. Box 607
Nucla, Colorado 81424
46. Enstrom, Herbert
P.O. Box 354
Nucla, Colorado 81424
47. Wilcox, David L.
P.O. Box 125
Nucla, Colorado 81424

48. Patsy Marie Tucker Family Revocable Trust
P.O. Box 826
Nucla, Colorado 81424
49. Sell, Roderick & Shirley M.
P.O. Box 461
Nucla, Colorado 81424
50. Michael A. Milne
P.O. Box 545
Norwood, Colorado 81423
51. Borchardt, L G Family Partnership
c/o Carlson, Martha M.
2298 E. Piazza PL
Grand Junction, Colorado, 81506
52. Nygren, Katherine E
P.O. Box 291
Nucla, Colorado 81424
& Musick, Carrie E
117 N. Taylor
Gunnison, Colorado
53. Carver, Tina & Roger D.
P.O. Box 293
Nucla, Colorado 81424
54. Starks, Bob R. & Beth
P.O. Box 482
Nucla, Colorado 81424
55. Wagler, Zane A & Tana J.
P.O. Box 35
Nucla, Colorado 81424
56. Glasier, George & Kathy
P.O. Box 98
Nucla, Colorado 81424
57. Meehan, Peggy Jo & Thomas
P.O. Box 332
Norwood, Colorado 81423
58. Richards & Richards
P.O. Box 608
Nucla, Colorado 81424

- 59. West End School District RE-2
P.O. Box
Nucla, Colorado
- 60. Nylund, Robert & Annetta
P.O. Box 342
Nucla, Colorado
- 61. Grant Place LTD
P.O. Box 298
Nucla, Colorado 81424

Coal Ownership (Numbers correspond to designations on Map 2.03.4-2)

- 1. Benson, Carl N. and/or Teresa L.
4101 E. Ashler Hills Dr.
Cave Creek, AZ 85331

Benson, Bobby Dean
1810 White Ave
Grand Junction, CO 81501

Benson, Carl Brock
524 Gunnison Ave
Grand Junction, CO 81501

Chiles, David H. and Sylvia Carleen
P.O. Box 340
Nucla, CO 81424 maintenance
- 12. Western Fuels-Colorado, A Limited Liability Company
1100 W. 116th Avenue
Westminster, CO 80234
(303) 452-6111 15 Howe Heirs (1/2 interest)

Kim R. Kallen
8 Hughes Lane
New Hartford, New York 13413

Elsie P. Manahan
6579 Fire Brand Street
Los Angeles, California 90045

Bonnie Marini
7 Glen Drive
Fulton, New York 13069

Patricia Benton Richards
7605 Maple Avenue Extension
Pulaski, New York 13142

Alan Sanchez
141 Samoset Avenue
Hall, Massachusetts 02045

Kathleen Sanchez
1000 Park Avenue
Utica, New York 13501

Marilyn Sanchez
Box 23
Remsen, New York 13438

Michael Sanchez
Ritz Camera Center
Hampshire Mall, South Maple Street
Hadley, Massachusetts 01035

Ellen Dulin Walsh
5235 Garth Avenue
Los Angeles, California 90056

13. San Miguel Power Association
P.O. Box 128
Nucla, Colorado 81424
15. Warren, Ira E. & Lora O. (1/2 interest)
P.O. Box 42
Christoval, Texas 76935
16. Staats, Melvin & Lee Ann
P.O. Box 10
Nucla, Colorado 81424
18. Moore, Michael & JoAnn
P.O. Box 326
Nucla, Colorado 81424
19. Garvey & Co.
P.O. Box 413
Nucla, Colorado 81424
20. Burbridge, Ward E. & Alma E.
P.O. Box 92
Nucla, Colorado 81424

40. Benson, Carl (Bud) and Theresa L.
4101 E Ashler Hills
Cave Creek, AZ 85331
41. Benson, Carl (Bud) and Theresa L.
4101 E Ashler Hills
Cave Creek, AZ 85331
42. Antoinette Rosella Lloyd
P.O. Box 578
2435 S 25 Road
Cedaredge, Colorado 81413
- Marry Ruth Bolender
1541 Rush Road
Eagle, Idaho 83616
- Winona Mae Cressler
P.O. Box 593
373 East 4th Street
Nucla, Colorado 81424
Harry Curtis Lloyd
11432 Jones Road
Berrien Springs, Michigan 49103-9659
43. Morgan, Frank and Mary Lou
P.O. Box 4
Nucla, Colorado 81424
45. Johnson, James K.
P.O. Box 607
Nucla, Colorado 81424

2.03.4(6)(b) Holders of Record of any Leasehold

Surface Leaseholder (Map 2.03.4-1)

Western Fuels-Colorado, A Limited Liability Company
1100 W. 116th Avenue
Westminster, Colorado 80234

Coal (Minerals), Oil & Gas Leaseholders (Map 2.03.4-2)

Western Fuels-Colorado, A Limited Liability Company
1100 W. 116th Avenue
Westminster, Colorado 80234

2.03.4(6)(c) Not Applicable

2.03.4(7) Names and Addresses of Contiguous Owners to the Permit Boundary for the Surface, Coal, Oil and Gas.

See Maps 2.03.4-1 and 2.03.4-2 (numbers correspond to the numbers on the Maps).

Surface Ownership

2. Montrose County
P.O. Box 1289
Montrose, Colorado 81401
3. San Miguel County
P.O. Box 1170
Telluride, Colorado 81435
6. Garvey & Company
P.O. Box 413
Nucla, Colorado 81424
7. Garvey, Stanley D. and Blinn, Jacqueline, E.
P.O. Box 413
Nucla, Colorado 81424
11. Nygren, Donna F.
P.O. Box 102
Nucla, Colorado 81424
12. Western Fuels-Colorado, LLC
1100 W. 116th Avenue
Westminster, Colorado 80234
(303) 452-6111
13. San Miguel Power Association
P.O. Box 817
Nucla, Colorado 81424
14. Piel, Ron P. & Lorraine Trust
P.O. Box 905
Nucla, Colorado 81424
15. Goforth, Lester
P.O. Box 541
Nucla, Colorado 81424
16. Staats, Melvin & Lea Ann
P.O. Box 327

Nucla, Colorado 81424

18. Moore, Michale & JoAnn
P.O. Box 326
Nucla, Colorado 81424
20. Burbridge, Ward E. & Alma E.
P.O. Box 92
Nucla, Colorado 81424
21. Nucla Sanitation District
P.O. Box 546
Nucla, Colorado 81424
22. Nucla Cemetery
P.O. Box 546
Nucla, Colorado 81424
24. Barber, Diana
P.O. Box 418
Nucla, Colorado 81424
25. Ashburn , Robert & Heinz Margaret
P.O. Box 475
Nucla, Colorado 81424
26. VanKirkwood III, George
P.O. Box 70
Camp Verde, Arizona 86322
27. Staats, Cheryl
P.O. Box 852
Nucla, Colorado 81424
28. Grierson, Jay & Michelle
P.O. Box 277
Nucla, Colorado 81424
29. Bjerk, Don and Shelly
P.O. Box 238
Nucla, Colorado 81424
30. Allen, Rod & Patty
P.O. Box 207
Nucla, Colorado 81424
31. Kelley, Alvin E. & Patricia A.
P.O. Box 594

Nucla, Colorado 81424

32. The Wilson Family Trust dated January 3, 1992
Malcolm W. Wilson & Loris D. Wilson, Trustees
P.O. Box 668
Nucla, Colorado 81424
33. Wilson, Malcolm et. al.
P.O. Box 668
Nucla, Colorado 81424
34. Gleason, Carrol
P.O. Box 6
Naturita, Colorado 81422
35. Newell, Helen M.
P.O. Box 325
Nucla, Colorado 81424
36. Fulbright, Elda, Jo
P.O. Box
Nucla, Colorado 81424
37. Flowers, Charles F. and Clara V.
P.O. Box 531
Nucla, Colorado 81424
38. Sonnenburg, Jeff & Trina
P.O. Box 481
Nucla, Colorado 81424
39. Moyer, Dan Al and Lavonne Jerrine
P.O. Box 91
Nucla, Colorado 81424
41. Benson, Carl (Bud) and Theresa L..
4101 E Ashler Hills
Cave Creek, AZ 85331
42. Antoinette Rosella Lloyd
P.O. Box 578
2435 S 25 Road
Cedaredge, Colorado 81413

Mary Ruth Bolender
1541 Rush Road
Eagle, Idaho 83616

Winona Mae Cressler
P.O. Box 593
373 East 4th Street
Nucla, Colorado 81424

Harry Curtis Lloyd
11432 Jones Road
Berrien Springs, Michigan 49103-9659

- 43. Frank Morgan
P.O. Box 4
Nucla, Colorado 81424
- 44. Morgan, Patricia
P.O. Box 336
Nucla, Colorado 81424
- 45. Johnson, James
P.O. Box 607
Nucla, Colorado 81424
- 46. Enstrom, Herbert
P.O. Box 354
Nucla, Colorado 81424
- 47. Wilcox, David L.
P.O. Box 125
Nucla, Colorado 81424

The owners listed below are not shown on the map.

Elliott, George R. and Dakota Helen et. al.
P.O. Box 244
Nucla, Colorado 81424

Fort, Robert Kenneth Family Revocable Trust
P.O. Box 382
Nucla, Colorado 81424

Gabriel, William F. and Arlene
P.O. Box 121
Nucla, Colorado 81424

Grant Place LTD
P.O. Box 298
Nucla, Colorado 81424

McCoy, John H. and Patricia A.
P.O. Box 487

Nucla, Colorado 81424

Mellon, William E. and Clara D.
P.O. Box 6
Nucla, Colorado 81424

Murphy, Lucy R. el. Al.
19 Bacus Ave.
Durango, Colorado 81301

Nix, Gerald M.
P.O. Box 313
Nucla, Colorado 81424
Nylund, Jennie and Robert Lee and Betty Bernice
P.O. Box 266
Nucla, Colorado 81424

Piel, Ronald P. and Lorraine Trust
P.O. Box 905
Nucla, Colorado 81424

Richards and Richards
P.O. Box 608
Nucla, Colorado 81424

Roberts, Russel L. and Leah K.
C/o Kimberly L. Weimer
P.O. Box 68
Nucla, Colorado 81424

Surface Lessee

1. Western Fuels-Colorado, LLC
2. None
3. None
4. None
5. None
6. Western Fuels-Colorado, LLC
7. None
8. Western Fuels-Colorado, LLC
9. Western Fuels-Colorado, LLC
10. None
11. None
12. None

13. Western Fuels-Colorado, LLC
14. None
15. Western Fuels-Colorado, LLC
16. Western Fuels-Colorado, LLC
17. None
18. Western Fuels-Colorado, LLC
19. None
20. Western Fuels-Colorado, LLC
21. None
22. None
23. None
24. None
25. None
26. None
27. None
28. None
29. None
30. None
31. None
32. None
33. None
34. None
35. None
36. None
37. None
38. None
39. None
40. None
41. Western Fuels-Colorado, LLC
42. Western Fuels-Colorado, LLC
43. Western Fuels-Colorado, LLC
44. None
45. Western Fuels-Colorado, LLC (Purchase Option)

Oil, Gas and Minerals Ownership (see surface owners above for addresses not listed below).

1. Benson, Carl N. & Rita A.
- 2.
- 3.
4. Bureau of Land Management
- 5.
6. Garvey & Co.
7. Garvey, James A. & Stanley D.
8. Larsen, Iva M.(now Western Fuels-Colorado)
9. Martin, James R. & Mariellen (now Dirk Richardson)
10. Murphy, Lucy; Murphy, Diana L., and Foley, Claudia M.
11. Nygren, Donna
12. Western Fuels-Colorado

13. San Miguel Power Association
14. Piel, Ron & SusanL.(1/2 interest)
15. Warren, I.E. & L.O. (1/2 interest)
Howe Heirs (1/2 interest)
Kallen, Kim R.
Manahan, Elsie P.
Marini, Bonnie
Richards, Patricia Benton
Sanchez, Alan
Sanchez, Kathleen
Sanchez, Marilyn
Sanchez, Michael
Walsh, Ellen Dulin
16. Staats, Melvin & Lee Ann
- 17.
18. Moore, Michael & Joann
19. Garvey & Co.
20. Burbridge, Ward E. & Alma E.
21. Nucla sanitation district
22. Nucla Cemetary
- 23.
24. Salazar, Sam & Ida
25. Stephens, Karl W. and Betty J.
26. Bellmore, Mona
27. Hainey, Norma I. Family Trust
28. Grierson, Jay & Michelle (?)
29. Bjerk, Don and Shelly
- 30.
31. Kelley, Alvin and Patricia
32. The Wilson Family Trust u/d/t/ 1/3/92
33. Wilson, Malcolm
34. Gleason, Carrol
35. Newell, Helen M.
36. Fulbright, Elda Jo
37. Flower, Charles and Clara
38. Church, Sylvia
39. Moyer, Dan
40. Benson, Bud and Theresa
41. Benson, Bud & Theresa
42. Lloyd, Winona and others
43. Morgan, Frank
44. Morgan, Patricia
45. Johnson, James and Ruth
46. Enstrom, Herbert
47. Wilcox, David (part)
48. Rice, Donald J. & Marinna
2929 Pinon Circle
Craig, CO 81625
49. Puderbaugh, Mary R. and Thomas P.

P.O. Box 395
Nucla, Colorado 81424

50. Wilcox, David
Kelling, Jeffrey S.

Oil, Gas and Minerals Lessee

1. Western Fuels-Colorado, LLC
2. None
3. None
4. Wolf, Elaine and Assignments
5. None
6. Shell Oil Company (oil and gas lease)
1700 Broadway
Denver, Colorado 80202
Western Fuels- Colorado (coal lease)
7. None
8. Western Fuels-Colorado, LLC
9. Western Fuels-Colorado, LLC
10. None
11. None
12. None
13. Western Fuels-Colorado, LLC
14. None
15. Western Fuels-Colorado, LLC
16. Western Fuels-Colorado, LLC
17. None
18. Western Fuels-Colorado, LLC
19. Western Fuels-Colorado, LLC
20. Western Fuels-Colorado, LLC
21. None
22. None
23. None
24. None
25. None
26. None
27. None
28. None
29. None
30. None
31. None
32. None
33. None
34. None
35. None
36. None

- 37. None
- 38. None
- 39. None
- 40. Western Fuels-Colorado, LLC
- 41. Western Fuels-Colorado, LLC
- 42. Western Fuels-Colorado, LLC
- 43. Western Fuels-Colorado, LLC
- 44. None
- 45. Western Fuels-Colorado, LLC (purchase Option)
- 46. None
- 47. None
- 48. None
- 49. None

2.03.4(8) Not applicable. Active Mine

2.03.4(9) Maps 2.03.4-1 and 2.03.4-2 show the areas contiguous to the permit boundary owned by the applicant.

2.03.5 Compliance Information

Neither the applicant nor a subsidiary or affiliate or persons controlled by or under common control with the applicant has (a) had a Federal or State mining permit suspended or revoked in the last five years; or (b) forfeited a mining bond or similar security deposited in lieu of bond. The applicant received a notice of violation, dated 14 Aug., 2002, for an unauthorized variation in sec 4.08.3 Public Notification of Blasting Schedule of the Colorado Mined Land Reclamation Board Regulations. For the purpose of determining the ½ mile radius from blasting for neighbor notification, the applicant used the centerpoint of the blasting area, as described in the Blast Schedule published as a Public Notice. The CDMG believes that using the blast area perimeter is more appropriate, hence the notice of violation. WFC has subsequently modified its procedures to use the blast perimeter for determining the notification radius.

2.03.6 Right of Entry and Operation Information

- 2.03.6(1)** Attachment 3-11 of the New Horizon 1 Mine Reclamation Permit presents information concerning the lease agreements or property deeds to mine coal and rights-of-way agreements to enter the mine area. This information describes the legal rights under which Peabody, the previous owner, was permitted to enter and begin surface mining activities. They further specifically identify the type and date of execution, specific lands to which each document pertains, and explain the legal rights held by Peabody.

Attachment 2.03.6-1 at the end of this section presents information where Peabody transferred its rights to all the lease agreements, property deeds to mine coal and rights-of-way agreements to Western Fuels-Colorado, A Limited Liability Company. None of the rights acquired under any of these documents is the subject of pending litigation. This Attachment also includes documents evidencing WFC's right to mine the additional lands.

2.03.7 Relationship to Areas Designated Unsuitable for Mining

- 2.03.7(1) Unsuitable Designation Status.** A determination was made under the criteria set forth in Section 7.05 that no lands be designated unsuitable for mining at the New Horizon Mine. Furthermore, the Office of Mined Land Reclamation, in the "The Nucla Mine (C-008-81) Proposed Decision and Findings of Compliance", January 1983, found that "no Alluvial Valley Floors existed in either the mine area or the potentially affected area associated with New Horizon Mine."

WFC is unaware of the availability of any information which indicates that any portion of the New Horizon Mine property has been or is under consideration or study for designation as land unsuitable for mining.

- 2.03.7(2) Legal and Financial Commitments.** WFC has a contractual obligation to supply coal from the New Horizon 2 Mine to the Nucla Power Generating Station owned by Tri-State Generation & Transmission Cooperative.

2.03.7(3) Ownership Waivers. There are five occupied dwellings within 300 feet of the actual mining disturbance from 1993 to the present located within the New Horizon 2 permit area. There are no occupied dwellings within 300 feet of the projected mining disturbance from the present to end of the renewed permit period (May 26, 2008). Copies of waivers from the owners of these dwellings consenting to mining operations are included as Attachment 2.03.7-1.

2.03.8 Permit Term Information

WFC has applied to CDRMS for modifications in the permit boundary. Additional area added to the New Horizon 2 area will result in a total area of 926.06 acres. A legal description of the New Horizon 1 & 2 revised permit boundary is included in Attachment 2.03.8-1.

2.03.9 Personal Injury and Property Damage Insurance Information

This information is included as Attachment 2.03.9-1.

2.03.10 Identification of Other Licenses and Permit Pertinent to Surface Coal Mining

2.03.10 Federal (1-4) Mine Safety and Health Administration (MSHA)

Mine I.D. Number - 05-00299 from MSHA District #9

Environmental Protection Agency (E.P.A.)

1860 Lincoln Street, Denver, Colorado

National Pollution Discharge Elimination System (NPDES)

Permit No. CO-0000213 (Renewal) (Permitted by State of Colorado)

Signed: November 30, 1994

Renewed: January 1, 1995

Expires: October 31, 1999 (Note: letter from CDPH dated Oct 29, 1999 from Ms. Marla Biberstine has extended the Expiration date until further notice.)

Renewed: April 1, 2002

Expires: March 31, 2007

Renewed: April 1, 2007
Expires: March 31, 2012

Federal Communications Commission (FCC)

New Horizon Mine has commercial radios and has been assigned a frequency of 151.775 MHz by the FCC. New Horizon Mine was also issued a call sign of WPGP927 by the FCC.

State

Colorado Department of Natural Resources

Colorado Division of Reclamation Mining and Safety
1313 Sherman Street, Denver, Colorado 80203
Mining and Reclamation Permit No. C-81-008
Effective Date: May 26, 2003
Expires: May 26, 2013

Permit to Store, Transport and Use Explosives

New Horizon 2 will not itself store, transport and use explosives. Any blasting at the mine will be conducted by a licensed contractor.

Colorado Department of Public Health and Environment

NPDES
4210 East 11th Avenue
Denver, Colorado 80220

Permit No. CO-0000213 (Renewal) (Permitted by State of Colorado)

Signed: November 30, 1994

Renewed: January 1, 1995

Expires: October 31, 1999 (Note: letter from CDPH dated Oct 29, 1999 from Ms. Marla Biberstine has extended the Expiration date until further notice.)

Renewed: April 1, 2002

Expires: March 31, 2007

Renewed : April 1, 2007
Expires: March 31, 2012

2.03.11 Locations of Public Offices for Filing of Application

1. Office of Mined Land Reclamation
Colorado Division of Reclamation Mining and Safety
215 Centennial Building
1313 Sherman Street
Denver, Colorado 80203
(303) 892-3567
2. Montrose County Courthouse Annex
Nucla, Colorado 81424

2.03.12 Newspaper Advertisement and Proof of Publication

A copy of the proposed newspaper advertisement can be found in Attachment 2.03.12-1. Proof of publication will be submitted after its publication.

Attachment 2.03.6-1
Evidence of Right of Entry

Attachment 2.03.7-1
Consent Waivers

Attachment 2.03.8-1
Legal Description- New Horizon 1 & 2
Revised Permit Boundary

Attachment 2.03.9-1
Personal Property and Property Damage Insurance

Attachment 2.03.12-1
Newspaper Advertisement and Proof of Publication