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JAN 25 2008
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NOTE: **DO NOT CUT OR MODIFY THIS FORM.** Submit two (2) copies. Page 1 & 2 must be initialed and dated where indicated. *Signature preferred in blue ink.*

**State of Wyoming
Department of Environmental Quality
Land Quality Division
Application for Permit Revision**

An application for a permit revision shall be required whenever the operator proposes to conduct a revised mining or reclamation operation, as defined in Chapter 1, Section 2, of the Coal and Noncoal Land Quality Division (LQD) Rules and Regulations. An application for a permit revision shall be filed with the Administrator before the date on which the operator expects to conduct the revised mining or reclamation operation.

1. Name, mailing address and phone number of applicant: Mountain Cement Company, 5 Sand Creek Road, Laramie Wyoming 82070 Phone: (307)745-4879 Fax: (307) 742-4534

2. Name, mailing address and phone number of the agent of the applicant to whom any notices under the provisions of the Wyoming Environmental Quality Act or the LQD Rules and Regulations adopted thereunder may be sent: Mr. Bob Kersey (address same as above); Mr. Steve Cooley (address same as above)

3. The permit number and date approved: 298C - originally approved on March 26, 1975

4. Brief description of permit revision: Permit Revision pursuant to Condition on Form 1 (12-20-07) to incorporate the changes proposed in "Mountain Cement Company's Response," dated 10-27-07, to Mr. Waitkus' objections before EQC.

| | Permit Acres | Acreage to Affect | Surface Ownership Acreage |
|---|----------------|-------------------|--|
| Approved | <u>3413.31</u> | <u>680.98</u> | Federal <u>0</u> |
| Estimated Revision Increase or Decrease | <u>0</u> | <u>0</u> | State <u>160</u> |
| Total | <u>3413.31</u> | <u>680.98</u> | Private <u>3253.31</u> <u>3413.31</u> |

6. Attach revised permit elements and an index indicating what parts of the approved permit are affected by this revision. The revised elements and index shall be sufficient to fulfill the requirement of Chapter 13, Section 1(d) for coal permittees or Chapter VII, Section 1(d) for noncoal permittees.

7. If the applicant is a Partnership, Association, Corporation (circle one) and the revision is for changes to the name and addresses of all managers, partners and executives directly responsible for operations in this State, complete the following:

Form 11
Rev. 5/06
Page 1 of 4

Initial Dxc

Date 1/23/08

Effective Date: May 9, 2008
Permit No. 298C-R7

Handwritten: 2-14-2008

Handwritten: 54/mo
Exhibit DEQ 5

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Name: Mr. David Gallocomb
Title: President

Address: Same as above in Paragraph 1

Date of Appointment: January 15, 2008

Phone No.: _____

Name: Mr. Paul Anderson
Title: Executive Vice President

Address: Same as above in Paragraph 1

Date of Appointment: December 15, 2007

Phone No.: _____

Name: _____
Title: _____

Address: _____

Date of Appointment: _____

Phone No.: _____

Name: _____
Title: _____

Address: _____

Date of Appointment: _____

Phone No.: _____

8. The provisions of this permit revision are severable, and if any provision of the permit revision or the application of any provision of this permit revision to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit revision shall not be affected thereby.
9. **For surface coal mining operations**, right of entry to or inspection of any operation, premises, records, or equipment shall not require advance notice.

Initial DXC

Date 1/23/08

Effective Date: May 9, 2008
Permit No. 298C-B7

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Final Sworn Statement

State of Wyoming)
)ss
County of Albany)

I DAVID CHALLACOMB being duly sworn on my oath that I am the applicant (President or Vice President if the applicant is a corporation) for the foregoing permit revision; that I have read the said application and fully know the contents thereof; that all statements contained in the permit revision application are true, correct, and complete to the best of knowledge and belief, by execution of this statement I certify that Mountain Cement Company, applicant, or entities controlled by or under common control with the applicant has the right and power by legal estate owned to mine from the land for which this permit revision is desired; that applicant or entities controlled by or under common control with the applicant has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes; and if a **surface coal mining operation**, that applicant or entities controlled by or under common control with the applicant has paid the reclamation fees for this and all coal mining operations under the jurisdiction of PL. 95-87 as required by Title IV of that law; and that applicant or entities controlled by or under common control with the applicant has not had any Federal or State coal mining permits suspended or revoked in the five (5) years preceding the date of this application; and by completion and submission of this application, hereby give consent to allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.

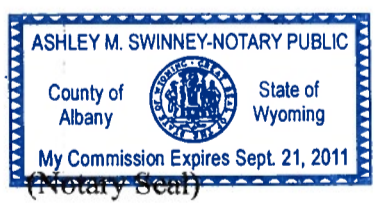
Dated this 23rd day of JANUARY, 2008.



David Challcomb
Signature
DAVID CHALLACOMB
Name (Printed or typed)
President Mountain Cement
Title

The foregoing instrument was acknowledged to me by David Challcomb this 23 day of January, 2008.

Witness my hand and official seal.



Ashley M Swinney
(Notary Public or Secretary if a Corporation)
Ashley m Swinney
(Name printed or typed)

My Commission Expires: 09/21/2011

54/mo

THE STATE OF WYOMING)
) ss
DEPARTMENT OF ENVIRONMENTAL QUALITY)

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit revision grants only the right to affect the land described in Appendix "C" of the original permit and amendments. Any condition/special condition attached to approval of this revision shall supersede and/or replace any conflicts with the original permit, amendments, coal renewals or any other revision.

As a result of an objection by Mr. Waitkus dated September 6, 2006 to the A5 Amendment, a "Stipulated Resolution to Objections" was agreed upon and signed by Mr. Waitkus and Mountain Cement on October 16, 2006. This resolution was modified in association with the approval of TFN 4 4/296, Revision No. 6, Change No. 26. The Stipulated Resolution to Resolve Objections to TFN 4 4/296 is attached to this Form 11. This Stipulated Resolution included several conditions and modifications to the permit that Mountain Cement had agreed to when the resolution was signed. This resolution is attached to the Form 11 to ensure proper tracking of the conditions and modifications to the permit as outlined in the resolution. Agreement Nos. 2, 5(ii), 9 and 10 of the attached Stipulated Resolution have not been addressed in any permit revision. The remaining agreements have been included in the permit as outlined on the attached resolution.

Satisfied per attached Resolution

Approved: *Donald R. McKinney*
Administrator
Land Quality Division

Approved: *John L. ...*
Director
Department of Environmental Quality