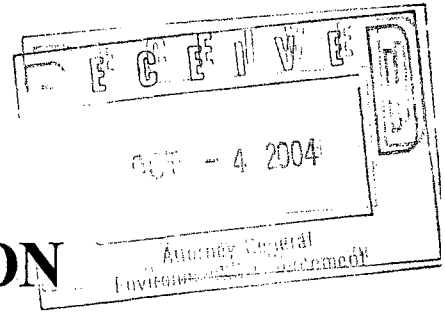


#268165

**BEFORE THE
OIL & GAS COMMISSION**



CHIEFTAIN ENERGY CORP.,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Appeal No. 733


Review of Chief's Order
2004-40

**ORDER OF THE
COMMISSION DISMISSING
APPEAL**

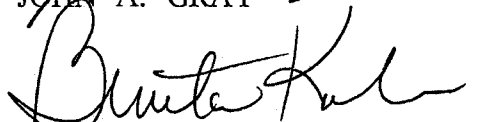
Upon Joint Motion to Dismiss filed by Appellant and Appellee, the
Commission hereby **DISMISSES** appeal no. 733, with prejudice.


Date Issued: 10/1/04


WILLIAM J. TAYLOR, Chairman


JOHN A. GRAY


JAMES H. CAMERON


BENITA KAHN, Secretary


MARILYN ENNIS

DISTRIBUTION:

Douglas E. Kitchen
Holly Deeds

**BEFORE THE OIL AND GAS COMMISSION
STATE OF OHIO**

RECEIVED

SEP 17 2004

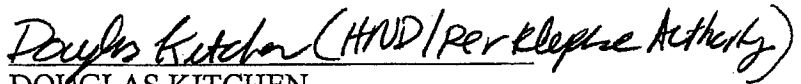
CHIEFTAIN ENERGY CORPORATION,)	APPEAL NO. 733		OIL AND GAS COMMISSION
)			
Appellant,)	REVIEW OF CHIEF'S ORDER		
)			
v.)			
)			
DIVISION OF MINERAL RESOURCES MANAGEMENT,)			
)			
Appellee.)			

JOINT MOTION TO DISMISS

Pursuant to Ohio Administrative Code 1509-1-09, the parties ask the Oil and Gas Commission to dismiss the instant action for the reason that it is moot. On or about June 21, 2004, inspection by the Division found the Tedrick ERP #2, Permit No. 163-20337 well to be in compliance with Chief's Orders 2004-40 and 2003-95. As a result of Appellant's bringing the well into compliance, the Division issued a compliance letters for Chief's Orders 2004-40 and 2003-95 on June 29, 2004. See Compliance Letters appended hereto as Attachment A.

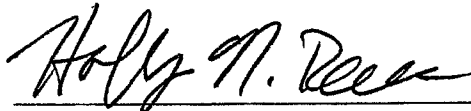
In light of the above-mentioned facts, the appeal has been rendered moot, and the parties respectfully request the Commission to dismiss this appeal.

Respectfully submitted:


 DOUGLAS KITCHEN
 (per telephone & fax authority/hnd
 Chieftain Energy Corporation
 993 Marla Ave.
 Logan, Ohio 43138

JIM PETRO
ATTORNEY GENERAL OF OHIO

By:

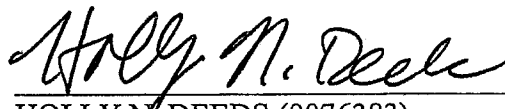


HOLLY N. DEEDS (0076383)
Assistant Attorney General
Environmental Enforcement Section
2045 Morse Road, D-2
Columbus, OH 43229-6693
(614) 265-6323

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Joint Motion to Dismiss was served by fax and by regular U. S. mail, postage prepaid, this 17th day of September 2004 upon the following:

Attn: Douglas E. Kitchen
Chieftain Energy Corp.
993 Marla Ave.
Logan, Ohio 43138
Phone (740) 215-6883
Fax (740) 380-6995



HOLLY N. DEEDS (0076383)
Assistant Attorney General
Environmental Enforcement Section
2045 Morse Road, D-2
Columbus, OH 43229-6693
(614) 265-6323



Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

June 29, 2004

TO: Chieftain Energy Corporation
P.O. Box 924
Logan, Ohio 43138

RE: Permit No. 337, ERP #2, Well No. 1-B, Tedrick Lease, Knox
Township, Vinton County

SUBJECT: COMPLIANCE WITH CHIEF'S ORDER 2004-40

Dear Mr. Kitchen:

On May 20, 2004, the Division of Mineral Resources Management ("Division") issued Chieftain Energy Corporation the above referenced Chief's Order.

A recent site inspection and successful mechanical integrity test demonstration by the Division's staff on June 21, 2004, has found that the above-captioned well has now been brought into compliance.

Therefore, the records of the Division will reflect that Chieftain Energy Corporation is now in compliance with Chief's Order 2004-40.

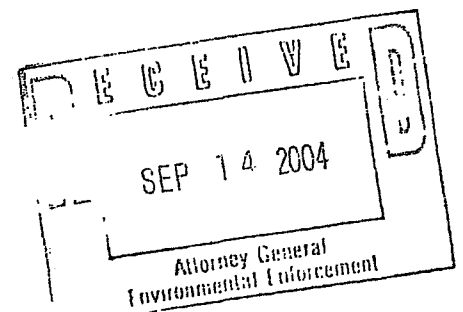
If you have any questions regarding this issue, please feel free to contact Tom Tomastik at (614) 265-1032.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Tomastik" or similar, written over a horizontal line.

Michael L. Sponsler, Chief
Division of Mineral Resources Management
1855 Fountain Square, H-3
Columbus, Ohio 43224-1383

Cc: Well file
Legal file



ATTACHMENT A



Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

June 29, 2004

TO: Chieftain Energy Corporation
P.O. Box 924
Logan, Ohio 43138

RE: Permit No. 337, ERP #2, Well No. 1-B, Tedrick Lease, Knox Township, Vinton County

SUBJECT: COMPLIANCE WITH CHIEF'S ORDER 2003 -95

Dear Mr. Kitchen:

On October 30, 2003, the Division of Mineral Resources Management ("Division") issued Chieftain Energy Corporation the above referenced Chief's Order.

A recent site inspection and successful mechanical integrity test demonstration by the Division's staff on June 21, 2004, has found that the above-captioned well has now been brought into compliance.

Therefore, the records of the Division will reflect that Chieftain Energy Corporation is now in compliance with Chief's Order 2003-95.

If you have any questions regarding this issue, please feel free to contact Tom Tomastik at (614) 265-1032.

Sincerely,

A handwritten signature in cursive script that reads "Sponsler" followed by "for".

Michael L. Sponsler, Chief
Division of Mineral Resources Management
1855 Fountain Square, H-3
Columbus, Ohio 43224-1383

Cc: Well file
Legal file

