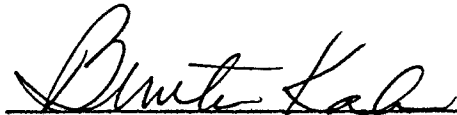


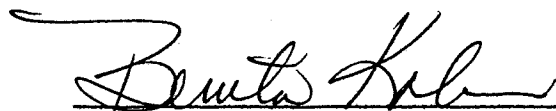


CERTIFICATE OF SERVICE

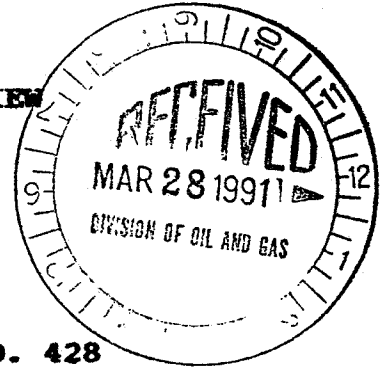
I hereby certify that, to the best of my knowledge, a copy of the foregoing Entry and Order was served, via certified United States Mail, postage pre-paid, this 12 day of ~~March~~<sup>April</sup>, 1991, to Mr. Van Olmhausen, P. O. Box 35, Marietta, Ohio 45750-0035.

  
\_\_\_\_\_  
BENITA KAHN, Secretary  
Oil and Gas Board of Review

I hereby certify that, to the best of my knowledge, a copy of the foregoing Entry and Order was served, via regular United States Mail, postage pre-paid, this 12<sup>th</sup> day of ~~March~~<sup>April</sup>, 1991, to counsel for appellee Chief of the Division of Oil and Gas, Ohio Department of Natural Resources, Assistant Attorney General Laura J. Steffee, Environmental Enforcement Section, at Building A, 4435 Fountain Sq. Drive, Columbus, Ohio 43224.

  
\_\_\_\_\_  
BENITA KAHN, Secretary  
Oil and Gas Board of Review

BEFORE THE OIL AND GAS BOARD OF REVIEW  
FRANKLIN COUNTY, OHIO



O. B. VENTURES, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 SCOTT R. KELL, Acting Chief, )  
 Division of Oil and Gas, )  
 Ohio Dept. of Natural Resources, )  
 )  
 Appellee. )

APPEAL NO. 428

REVIEW OF CHIEF'S ORDER  
NO. 90-575

OIL AND GAS BOARD  
OF REVIEW

APR 1 1991

JOINT MOTION FOR CONSENT DECISION

Now come the parties to the above action with their Joint Motion and respectfully request this Board to adopt the following Consent Decision and dismiss the instant appeal with prejudice.

**WHEREAS:**

A. On September 25, 1990, Chief's Order No. 90-575 was issued to appellant O. B. Ventures ordering appellant, its successors, assignees, and agents, to cause the Number One well, Permit No. 2276, on the Boger Lease, Elk Township, Noble County, Ohio, to be properly plugged and abandoned. Chief's Order No. 90-575 further ordered all work to properly plug and abandon the well to be completed in a prudent and workmanlike manner within thirty (30) days of receipt of Chief's Order No. 90-575.

B. On or about November 20, 1990, appellant's successor/ assignee Wilmar Oil & Gas Co., Inc. filed an appeal of Chief's Order No. 90-575 with the Oil and Gas Board of Review.

C. Prior to hearing of any issue of law or fact in this appeal, an agreement was reached between the parties to this action which disposed of the need for a hearing of this matter.

**NOW THEREFORE**, in settlement of this matter, the parties, their agents, officers, employees, assignees, heirs and successors in interest, specifically, Wilmar Oil & Gas Co., Inc., hereby agree to the following:

1. Appellant consents to the entry of this Consent Decision and waives any objection or further right to appeal it may have with respect to this appeal for the purpose of settling the claims alleged in the appeal.

2. The provisions of this Consent Decision shall apply to and be binding upon the parties to this action, their agents, officers, employees, assignees, heirs, and successors in interest.

3. The fact of the violation described in Chief's Order No. 90-575 is admitted by appellant.

4. Appellant agrees to place the well described above in Paragraph A into production, make the well capable of production, or properly plug and abandon the well pursuant to R.C. 1509.12, to the satisfaction of the Division of Oil and Gas, **on or before July 1, 1991.**

5. Appellant shall give written or oral notice to the Division of Oil and Gas forty-eight (48) hours prior to any work commencing on the well described above.

6. Appellant shall complete all work on the well in a prudent and workmanlike manner, and in compliance with the requirements of R.C. Chapter 1509 and the rules adopted pursuant thereto.

When appellant has properly plugged and abandoned the well, it shall complete the restoration of the land surfaces in accordance with R.C. 1509.072, and the rules adopted pursuant thereto.

7. Nothing in this Consent Decision shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders and enforce the provisions of R.C. Chapter 1509 and Chapter 1501 of the Ohio Administrative Code.

8. All parties to this action state that they have read and fully understand this Consent Decision and agree to comply with it fully.

9. Appeal No. 428 is dismissed with prejudice.

Respectfully submitted,

LEE FISHER  
ATTORNEY GENERAL OF OHIO

By: Laura J. Steffee 3/29/91  
LAURA J. STEFFEE Date  
Assistant Attorney General  
Environmental Enforcement Section  
Division of Oil and Gas  
Bldg. A, 4435 Fountain Sq. Drive  
Columbus, Ohio 43224  
(614) 265-6939  
Counsel for Appellee

Van Olnhausen 3/21/91  
VAN OLNHAUSEN Date  
P. O. Box 35  
Marietta, Ohio 45750-0035  
On behalf of O. B. Ventures  
and Wilmar Oil & Gas Co., Inc.