

BEFORE THE OIL AND GAS BOARD OF REVIEW  
DEPARTMENT OF NATURAL RESOURCES, STATE OF OHIO

EDWARD E. ATHA  
475 Richard Ave,  
P.O. Box 567  
Athens, Ohio 45701

APPEAL NO. 217

Appellant

vs

RENEE J. HOUSER, CHIEF  
Division of Oil and Gas  
Ohio Department of Natural Resources  
Fountain Square, Columbus  
Ohio 43224

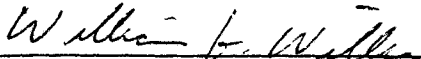
Apellee

Appearances:

For Appellant: Mr. John Atha  
P.O. Box 567  
Athens, Ohio  
45701

For Apellee: William J. Brown  
Attorney General  
By: Edda S. Post  
Assistant Attorney  
General  
Fountain Square  
Columbus, Ohio 43224

CERTIFIED TRUE AND CORRECT COPY

  
\_\_\_\_\_  
William G. Williams, Secretary  
Ohio Oil and Gas Board of Review

## ENTRY

This matter came on for hearing before the Oil and Gas Board of Review on April 28, 1987 at Fountain Square, Building E, Columbus, Ohio pursuant to a Notice of Appeal filed December 2, 1986 by the Appellant. The appeal was taken from Adjudication Order No. 86-361 issued by the Chief, Division of Oil and Gas to the Appellee regarding the No. 1 Coen Well (P-2621) located in Carthage Township, Athens County, Ohio and the Hayes No. C2 Well (P-2639) located in Rome Township, Athens County, Ohio.

The appeal was heard by the testimony and exhibits presented to the Board by the Appellant's representative, Mr. John Atha, and by the Appellee.

The findings of the Chief in Order 85-336 related to the ownership of the subject wells and to the findings of the Chief that the wells were incapable of producing oil and gas in commercial quantities as of November 10, 1986.

## ISSUES

The issue before the Board was whether the Chief's Order No. 86-361 was lawful and reasonable.

## FINDINGS OF FACT

Based on the testimony, evidence presented and exhibits the Board finds as follows:

1. The wells are currently standing idle.
2. A 7 inch surface casing to the Berea Sandstone had been placed and cemented into the Hayes C2 well with the intention of later deepening the well to the Silurian Clinton Sandstone.

3. Neither well is supplying natural gas for domestic purposes to the lessors.

4. No request has been made to the Chief for temporary abandonment of either well.

5. The operator has no current plans to produce the Coen well but was in the process of negotiating a sale or contract with a third party to deepen the Hayes C2 well to the Clinton Sandstone.

6. The wells have been inspected recently by ODNR Division of Oil and Gas personnel.

7. An agreement was reached between the Appellant and Appellee for a limited waiting period for the Appellant to complete the plan to sell the Hayes C2 well for deepening to the Clinton Sandstone and for the new owner to apply for a permit to do so.

8. Inconsideration of the Agreement, the Appellant waives the right to appeal the decision of the Board of Oil and Gas Review.

9. The Appellee showed that the criteria previously adopted by the Board for plugging orders had been met by the Chiefs Order based on the testimony at the hearing.

#### CONCLUSIONS OF LAW AND ORDER

Based on the Findings of Fact set forth herein and the applicable law, the Board finds that Adjudication Order 85-361 issued by the Chief of the Division of Oil and Gas is lawful and reasonable, and

The Board ORDERS that Adjudication Order 86-361 be and hereby is AFFIRMED, subject to the stipulated agreement reached between the Appellant and the Appellee.

This Order is effective this 30th day of April, 1987.

OIL AND GAS BOARD OF REVIEW

\_\_\_\_\_  
ROBERT H. ALEXANDER

*Alan H. Coogan*  
\_\_\_\_\_  
ALAN H. COOGAN, CHAIRMAN

*William G. Williams*  
\_\_\_\_\_  
WILLIAM G. WILLIAMS, SECRETARY

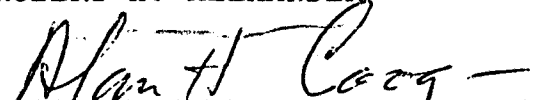
\_\_\_\_\_  
JOHN J. CARNEY

The Board ORDERS that Adjudication Order 86-361 be and hereby is AFFIRMED, subject to the stipulated agreement reached between the Appellant and the Appellee.

This Order is effective this 30th day of April, 1987.

OIL AND GAS BOARD OF REVIEW

  
\_\_\_\_\_  
ROBERT H. ALEXANDER

  
\_\_\_\_\_  
ALAN H. COOGAN, CHAIRMAN

  
\_\_\_\_\_  
WILLIAM G. WILLIAMS, SECRETARY

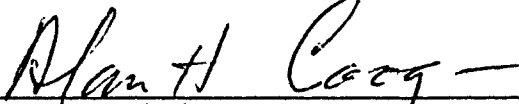
\_\_\_\_\_  
JOHN J. CARNEY

The Board ORDERS that Adjudication Order 86-361 be and hereby is AFFIRMED, subject to the stipulated agreement reached between the Appellant and the Appellee.

This Order is effective this 30th day of April, 1987.

OIL AND GAS BOARD OF REVIEW

\_\_\_\_\_  
ROBERT H. ALEXANDER

  
\_\_\_\_\_  
ALAN H. COOGAN, CHAIRMAN

\_\_\_\_\_  
WILLIAM G. WILLIAMS, SECRETARY

  
\_\_\_\_\_  
JOHN J. CARNEY



BEFORE THE OIL AND GAS BOARD OF REVIEW

STATE OF OHIO

EDWARD E. ATHA  
475 Richland Avenue  
Box 567  
Athens, Ohio 45701

APPEAL NO. 217  
CHIEF'S ORDER NO. 86-361

Appellant,

v.

RENEE J. HOUSER, Chief  
Division of Oil and Gas  
Dept. of Natural Resources

Appellee.

SETTLEMENT AGREEMENT

The parties agree to the following stipulations:

1. Upon the filing of this settlement agreement with the Oil and Gas Board of Review, Appellant withdraws the above-referenced appeal.

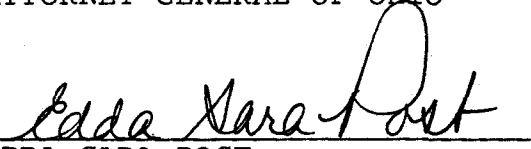
2. Upon the filing of this settlement agreement, the Chief shall amend Order No. 86-361 which is the subject of this appeal. A copy of the amended order is attached as Exhibit A and incorporated herein.

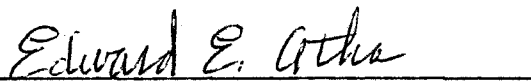
3. Appellant waives its right to appeal Amended Order No. 86-361 referred to in paragraph two (2) of this settlement agreement.

Respectfully submitted,

ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

By:

  
EDDA SARA POST  
Assistant Attorney General  
Environmental Enforcement  
Section  
Division of Oil and Gas  
Building A, Fountain Square  
Columbus, Ohio 43224  
(614) 265-6939  
Counsel for Appellee

  
Edward E. Atha  
475 Richland Avenue  
Box 567  
Athens, Ohio 45701  
Appellant.





OHIO DEPARTMENT OF  
NATURAL RESOURCES

Fountain Square  
Columbus, Ohio 43224

AMENDMENT TO ORDER BY THE CHIEF, NO. 86-361

ISSUE DATE: May 13, 1987

TO: Edward E. Atha  
475 Richland Ave., Box 567  
Athens, Ohio 45701

SUBJECT: Plugging idle Wells

The following amendment to Order No. 86-361 is made and entered upon the records of the Division of Oil and Gas as the result of the settlement agreement filed in Case No. 217 before the Oil and Gas Board of Review.

The Chief of the Division of Oil and Gas, having given due consideration to the matter contained herein, issues the following order this date:

BE IT ORDERED:

That Paragraph 5 of the Orders of Order No. 86-361 be amended as follows:

(5) All necessary actions to plug the David Coen #1 well shall be completed in a prudent and workmanlike manner on or before May 28, 1987.

All necessary actions to plug or produce the James D. Hayes #C-2 well shall be completed in a prudent and workmanlike manner on or before June 28, 1987.

May 12, 1987  
Date

J. Michael Biddison  
J. Michael Biddison, Chief  
Division of Oil and Gas  
Dept. of Natural Resources  
Bldg. A, Fountain Square  
Columbus, Ohio 43224

ESP:ab

cc: Richard Shockley, Region Supervisor  
John Wells, District Supervisor  
Randy Bartow, Investigator  
Myrna Denney, Permitting