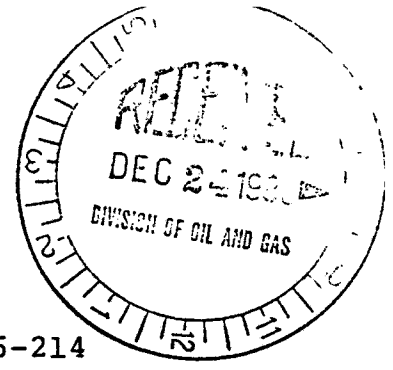


BEFORE THE OIL GAS BOARD OF REVIEW
STATE OF OHIO



WOOD AND LOCKER, INC.
Suite 600, Energy Square
505 North Big Spring Street
Midland, Texas 79701

: APPEAL NO. 194
: CHIEF'S ORDER 86-214
:
:

Appellant,

:

vs.

:

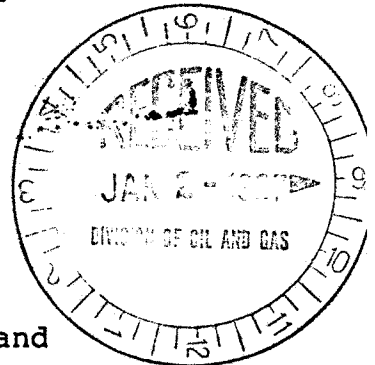
RENEE J. HOUSER, Chief
Division of Oil and Gas
Department of Natural Resources

:
:
:

Appellee.

:

OIL AND GAS BOARD
OF REVIEW
DEC 31 1986



JOINT MOTION TO DISMISS

Now comes the parties, Wood and Locker, Inc. and Renee J. Houser, Chief of the Division of Oil and Gas (herein-after the "Chief") by and through counsel, Anthony J. Celebrezze, Jr., Attorney General of Ohio, and move the Board for and order dismissing the instant appeal as moot on the grounds set forth in the following Memorandum in Support.

MEMORANDUM IN SUPPORT

On May 21, 1986, the Chief issued Order No. 86-214 requiring Wood and Locker to properly plug and abandon four oil and gas wells located in Belmont County, Ohio.

The Division and Wood & Locker have reached settlement in this matter, and Wood and Locker has agreed to perform the necessary plugging and restorative work as outlined in Chief's Order No. 86-214, pursuant to the entry of a Consent Order in a

civil case before the Belmont County Common Pleas Court (a copy of the Consent Order is attached hereto and incorporated as if fully rewritten herein).

Therefore, no issues remain to be decided with respect to the appeal filed by Wood and Locker. Accordingly, the parties respectfully request that this appeal be dismissed as moot.

Respectfully submitted,

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

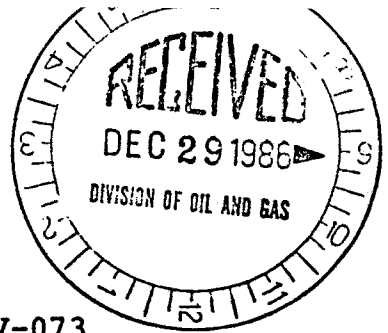
By: Karlin R. Dunlop
KARLIN R. DUNLOP
Assistant Attorney General
Environmental Enforcement
Section
Division of Oil and Gas
Building A, Fountain Square
Columbus, Ohio 43224
(614) 265-6939
Counsel for Appellee

By: Martyn T. Brodnyk
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W. JONATHAN AIREY
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P. O. Box 1008
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(614) 464-6400

Counsel for Appellant,
Wood and Locker, Inc.

IN THE COURT OF COMMON PLEAS
BELMONT COUNTY



STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

CASE NO. 86-CIV-073

Plaintiff,

vs.

APPALACHIAN ENERGY, INC.
and
WOOD AND LOCKER, INC.

CONSENT ORDER

Defendants,

vs.

DORAN AND ASSOCIATES, INC.,
et al.

Third-Party Defendants.

COMMUNICATIONS SECTION
DEPARTMENT OF REVENUE
12/29/86 11:25 AM
OFFICE OF THE CLERK
OF COURTS

The Complaint having been filed on March 14, 1986, under Chapter 1509 of the Ohio Revised Code; and Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the Defendant Wood and Locker, Inc. having consented to this decree without trial of any issue of fact or law arising from the Complaint or admission by Defendant Wood and Locker, Inc. that it is liable for commission of any of the alleged violations contained in such Complaint, which Wood & Locker specifically denies.

NOW, THEREFORE, upon the pleadings and upon consent of the above-stated parties, it is ORDERED, ADJUDGED, AND DECREED as follows:

I

This Court has jurisdiction over the parties consenting to this decree, and over the subject matter of the action. The Complaint states a claim upon which relief may be granted under Chapter 1509 of the Ohio Revised Code.

II

This Court Judgment applies to Defendant Wood and Locker, Inc., its subsidiaries, agents, employees, and successors, and to all persons, firms, corporations, and other entities having notice of the Judgment and acting in privity with Defendant Wood and Locker, Inc.

III

By executing this Consent Order, Plaintiff State of Ohio does not discharge, release, or in any way affect any right, demand, claim or cause of action which Plaintiff has, or may have, against any party other than Wood and Locker, Inc., and the State herein expressly reserves for further enforcement all rights, demands, claims, and courses of action which it has, or may have, against all other defendants in this action.

IV

By executing this Consent Order, Wood and Locker does not discharge, release, or in any way affect any right, demand, claim or cause of action, of whatever kind or sort, whether in law or in equity or otherwise, which it has or may have against any other person, including but not limited to Appalachian Energy, Inc., Donald R. Laughlin, Doran and Associates, Inc., Weldon C. Doran, and Edmund R. Rigatti, and expressly reserves

all rights, demands, claims, and courses of action which it has or may have against these and all other defendants in this action.

V

Compliance with the terms of this Consent Order shall constitute full satisfaction and release of any liability by Wood and Locker to the State of Ohio for all claims alleged in the Complaint. Plaintiff, State of Ohio, shall not commence or pursue any judicial or administrative action seeking equitable or legal relief from Wood and Locker for claims or conditions alleged in the Complaint or addressed by this Consent Order as long as Wood and Locker is complying with the terms of this Consent Order.

VI

Defendant Wood and Locker, Inc. is permanently enjoined:

(1) to fill all drilling pits at the Duvall No. 1 wellsite; and

(2) to remove the rods and tubing around the Caruth No. 1 wellsite.

Defendant Wood and Locker, Inc. shall complete the above restoration within 60 days of the signing of this Consent Order.

VII

The Court hereby ORDERS Defendant to plug the following wells located in Belmont County, Ohio:

(1) Permit Number 299, Duvall No. 1 well;

(2) Permit Number 336, Caruth No. 1 well;

(3) Permit Number 340, Gonot No. 1 well; and

(4) Permit Number 348, Pfrogner No. 1 well.

All work to properly plug and abandon the wells must be completed within 60 days of the signing of this Consent Order.

When Wood and Locker, Inc. plugs and abandons the above-referenced wells, proper restoration of the land surface shall be completed within six (6) months in accordance with Section 1509.072(B) of the Ohio Revised Code, and within six months of the signing of this Consent Order, Defendant shall grade and seed or mulch the land surface around the Duvall No. 1 wellsite.

VIII

The Court hereby ORDERS Defendant Wood and Locker, Inc. to pay a civil penalty in the amount of One Thousand Dollars (\$1,000.00). Payment shall be made by delivering to the Fiscal Section, Division of Oil and Gas, Fountain Square, Building A, Columbus, Ohio 43224, a certified check in the amount of One Thousand Dollars by January 2, 1987. The certified check shall be made to the order of "Treasurer, State of Ohio".

IX

Defendant Wood and Locker, Inc. shall pay all court costs.

X

This Court retains jurisdiction over this action for the purpose of making any order or decree it may deem necessary to carry out this Consent Order.

CHARLES F. KNAPP


Date: _____

JUDGE KNAPP, COURT OF COMMON
PLEASE, BELMONT COUNTY

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

BY:

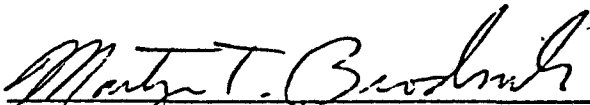


KARLIN R. DUNLOP
Assistant Attorney General
Environmental Enforcement Section
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Building A, Fountain Square
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(614) 265-6939

Attorney for Plaintiff

VORYS, SATER, SEYMOUR AND PEASE

BY:



JERRY D. JORDAN
W. JONATHAN AIREY
MARTYN T. BRODNIK
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008

Attorneys for Defendant
Wood and Locker, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served this 3rd day of December, 1986, by regular U.S. mail, postage prepaid, upon:

Martyn T. Brodnick
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008

Charles Bean
Thornburg & Bean
113 West Main Street
St. Clairsville, Ohio 43950

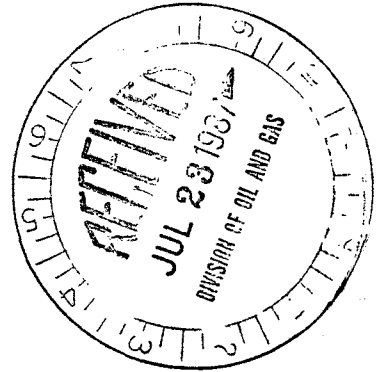
Eric P. Reif
Kenneth W. Graul
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Pittsburgh, Pennsylvania 15219

James W. Carroll, Jr.
Tabakin & Carroll
1330 Grant Building
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Eckert, Seamans, Cherin & Mellott
600 Grant Street, 42nd Floor
Pittsburgh, Pennsylvania 15219

Karlin R. Dunlop
KARLIN R. DUNLOP
Assistant Attorney General

OIL AND GAS BOARD OF REVIEW
STATE OF OHIO



WOOD AND LOCKER, INC. :
: :
Appellant, : Appeal No. 194
: Chief's Order No. 86-214
vs. :
: :
RENEE J. HOUSER, Chief :
Division of Oil and Gas :
Department of Natural :
Resources, :
: :
Appellee. :

ENTRY FOR DISMISSAL

In a Joint Motion to Dismiss, the Appellant and the Appellee have moved the Ohio Oil and Gas Board of Review to dismiss Appeal No. 194.

IT IS THEREFORE ORDERED that, because the issues raised in Chief's Order No. 86-214 are moot, Appeal No. 194 is hereby dismissed.

Alan H. Coogan
Alan Coogan, Chairman

William G. Williams
William G. Williams, Secretary

Beatrice Wolper
Beatrice Wolper

Robert H. Alexander
Robert H. Alexander

CERTIFIED TRUE AND CORRECT COPY


William G. Williams
OHIO OIL AND GAS BOARD OF REVIEW

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was sent to the following by certified mail, return receipt requested, this 22ND day of July, 1987.

Jerry D. Jordan
W. Jonathan Airey
Martyn T. Brodrik
Vorys, Sater, Seymour and Pease
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P. O. Box 1008
Columbus, OH 43216-1008

Karlin R. Dunlop
Assistant Attorney General
Environmental Enforcement Section
Division of Oil and Gas
Building A, Fountain Square
Columbus, Ohio 43224



William G. Williams