

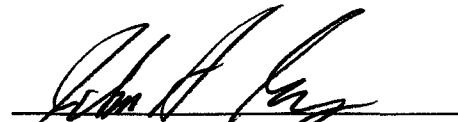
**BEFORE THE  
OIL & GAS COMMISSION**

ROBERT BARR, <i>dba</i> BIG SKY PETRO.,	:	Case Nos. 675, 676, 683 & 684
	:	
Appellant,	:	Review of Chief's Orders 99-129,
	:	99-130, 2000-16 & 2000-17
-vs-	:	
	:	
DIVISION OF OIL & GAS,	:	<b><u>ORDER OF THE</u></b>
	:	<b><u>COMMISSION ADOPTING</u></b>
Appellee.	:	<b><u>CONSENT AGREEMENT</u></b>

The Oil & Gas Commission has received and reviewed the parties' Consent Agreement and finds it well taken. Accordingly, the Commission hereby **ADOPTS** the Consent Agreement. There being no outstanding issues of law or fact, the Commission hereby **DISMISSES** appeal nos. 675, 676, 683 and 684, with prejudice.

Date Issued: 5/24/00

  
\_\_\_\_\_  
WILLIAM J. TAYLOR, Chairman

  
\_\_\_\_\_  
JOHN A. GRAY

ABSTAINED  
\_\_\_\_\_  
JAMES H. CAMERON

  
\_\_\_\_\_  
BENITA KAHN, Secretary

**DISTRIBUTION:**

Gino Pulito  
Raymond Studer

**BEFORE THE OIL AND GAS COMMISSION  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF OHIO**

<b>ROBERT BARR, d.b.a.</b>	)	
<b>BIG SKY PETROLEUM</b>	)	<b>APPEAL NOS. 675, 676, 683 &amp; 684</b>
	)	
<b>Appellant,</b>	)	<b>CHIEF'S ORDER NOS. 99-129, 99-130,</b>
	)	<b>2000-16 &amp; 2000-17</b>
	)	
<b>v.</b>	)	
	)	
<b>THOMAS G. TUGEND, Chief</b>	)	<b>RECEIVED</b>
<b>Division of Oil and Gas</b>	)	<b>MAY 31 2000</b>
<b>Ohio Department of Natural Resources,</b>	)	
	)	<b>OIL AND GAS</b>
<b>Appellee.</b>	)	<b>COMMISSION</b>

**CONSENT AGREEMENT**

Now come the parties, appellant, Robert Barr, d.b.a. Big Sky Petroleum and appellee, Thomas G. Tugend, Chief of the Division of Oil and Gas, who, in order to settle the above referenced administrative proceedings, stipulate to the following facts and conditions:

**FACTS**

1. Robert Barr, d.b.a. Big Sky Petroleum is the "owner," as that term is defined in Ohio Revised Code 1509.01(K) of the following oil and gas wells all of which are located in Muskingum County, Ohio.

Hahn No. 2 Well, Permit 2630  
Hahn No. 1 Well, Permit 2605  
Houge No. 2 Well, Permit 2624  
Houge No. 1 Well, Permit 2596

2. Inspections by the Division of Oil and Gas found these wells to be incapable of production and, therefore, pursuant to Ohio Revised Code 1509.12 and Ohio Revised Code 1509 072(B), respectively, are required to be plugged and restored if not placed into production. Chief's Orders have been issued for these four wells.

3 The subject wells have not been plugged or placed into production as required by the respective Chief's Orders.

### **CONDITIONS**

4. By July 1, 2000, Robert Barr d.b.a. Big Sky Petroleum shall have placed each of the wells listed in Paragraph 1 into production. If required, receipt records from the entity to which the produced oil and gas was sold will be provided to the Division of Oil and Gas. Each well listed in Paragraph 1 which is not placed into production by July 1, 2000 shall be plugged in accordance with Ohio's oil and gas laws by July 1, 2000.

5 For each well plugged as required by the terms of this Consent Agreement the well site shall be restored, as required by R.C. 1509 072(B), within six months of the plugging of the respective well.

6. For each well not placed into production or plugged by July 1, 2000 and for each well site not restored within six months of the plugging of the respective well Robert Barr, d.b.a. Big Sky Petroleum shall pay \$1,000 per well for each well that is not placed into production or plugged by July 1, 2000 or for each well site not restored within six months of the plugging of the respective well. In addition, for each month after July 1, 2000 for which a well is not plugged or for each month after six months after the plugging of a well for which the well site has not been restored, Robert Barr, d.b.a. Big Sky Petroleum shall pay \$100 per month for each well which is not plugged or well site not restored as required by this agreement.

7 Robert Barr, d.b.a. Big Sky Petroleum shall be responsible to follow-up at the subject well sites to insure full compliance with the requirements of R.C. Chapter 1509 and Ohio Admin. Code Chapter 1501., including but not limited to the establishment of vegetative cover to bind the soil and prevent substantial erosion. If necessary, Robert Barr, d.b.a. Big Sky Petroleum will reseed the site until proper growth occurs.

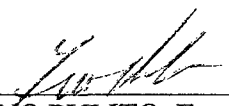
8. All work on the wells or well sites will be performed in a prudent and workmanlike manner and in compliance with the requirements of R.C. Chapter 1509 and Chapter 1501. of the Ohio Admin. Code.

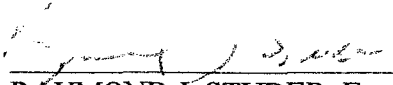
9 Nothing in this CONSENT AGREEMENT shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders to enforce the provisions of R.C. Chapter 1509 and Ohio Admin. Code Chapter 1501. including the seeking of civil penalties for the failure to comply with this Consent Agreement.

10. In the event of any default of the terms set forth herein, the Division may elect any and all remedies it deems appropriate. Further, in the event of default, Robert Barr, d.b.a. Big Sky Petroleum, his heirs, assigns, and successors-in-interest agree that, in any litigation brought by the Division, to enforce this Consent Agreement venue shall be proper in the Franklin County Ohio Court of Common Pleas.

11. Appeals 675, 676, 683 and 684 are dismissed.

12. The Division of Oil and Gas reserves all rights to enforce R.C Chapter 1509 and Ohio Admin. Code Chapter 1501. including but not limited to the right to file a civil enforcement action seeking injunctive relief and civil penalty for noncompliance with this Consent Agreement.

  
5/22, 2000  
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5/18, 2000  
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