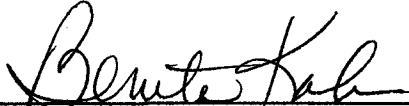


BEFORE THE OHIO OIL AND GAS BOARD OF REVIEW

W.K. FROST, INC., :
Appellant. : Appeal No. 501
v. : Chief's Order No. 92-127
DONALD L. MASON, CHIEF :
DIVISION OF OIL AND GAS :
Appellee. :

ORDER

Having read and considered the Joint Motion for Consent Decision and Joint Notice of Withdrawal filed by Appellant and Appellee, the Board HEREBY DISMISSES Appeal No. 501 with prejudice.



Benita Kahn




William J. Taylor

Gail Ignatz-Hoover



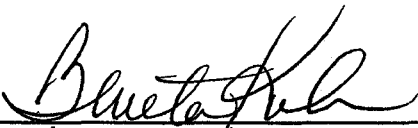
James H. Cameron



John A. Gray

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served on W.K. Frost, Inc., 130 North Vernon Avenue, Newark, Ohio 43055 and Ray Studer, Assistant Attorney General, Division of Oil and Gas, Environmental Enforcement Section, 4435 Fountain Square, Building A, Columbus, Ohio 43224 by regular U.S. Mail, postage prepaid this 27th day of October, 1993.



Benita Kahn

BEFORE THE OIL AND GAS BOARD OF REVIEW

DEPARTMENT OF NATURAL RESOURCES

STATE OF OHIO OIL AND GAS BOARD
OF REVIEW

AUG 1 - 1993

W.K. Frost, Inc.,
Appellant,

v.

Appeal No. 501
Chief's Order No. 92-127

Donald L. Mason, Esq.,
Chief, Division of Oil & Gas,
Ohio Department of
Natural Resources,
Appellee.

CONSENT AGREEMENT

Now come the parties, appellant, W.K. Frost, Inc. and appellee, Donald L. Mason, Chief of the Division of Oil and Gas, who, in order to settle the administrative proceeding captioned W.K. Frost, Inc. v. Donald L. Mason, Chief, Division of Oil and Gas presently pending before the Oil and Gas Board of Review as Appeal No. 501 (Chief's Order No. 92-127), stipulate to the following facts and conditions:

FACTS

1. W.K. Frost, Inc. is the owner of the well known as the Handel Lease Well #1 located in Fallsbury Township, Licking County, Ohio.
2. In 1966, when this well was drilled, the minimum distance to any boundary of the subject tract or drilling unit was 230 feet.
3. The Handel #1 well was drilled 135.8 feet from a boundary of the subject tract or drilling unit.

4. The Handel #1 well does not meet the spacing requirements which were in effect when the well was permitted.

5. On April 22, 1992, Chief's Order No. 92-127 was issued ordering W.K. Frost, Inc. to either enter into a Lease Agreement or Voluntary Pooling Agreement with the current landowner, apply for a permit and plug back the Handel #1 well to meet spacing requirements or to plug the Handel #1 well and restore the disturbed land.

CONDITIONS


6. Within thirty (30) days of the date of the signing of this Consent Agreement by W.K. Frost, Inc., W.K. Frost, Inc. will either file with the Division of Oil and Gas a copy of a Lease Agreement or Voluntary Pooling Agreement with Mr. Clarence Dalzell, the current landowner, or W.K. Frost, Inc. will apply for a permit to plug the Handel #1 well.

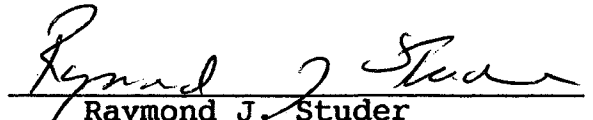
7. In the event a Lease Agreement or Voluntary Pooling Agreement is not entered into within thirty (30) days of the signing of this Consent Agreement by W.K. Frost, Inc., W.K. Frost, Inc. will on the thirtieth day shut-in the Handel #1 well and will, at that time, cease all production of oil and gas from that well. The well will remain in that state and will be plugged within six (6) months after the filing of the application for the permit by W.K. Frost, Inc. and the restoration work performed as required by Ohio law.

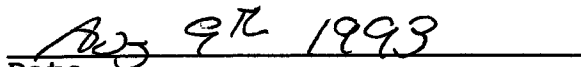
8. This appeal is dismissed with prejudice.

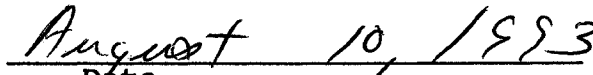
9. The Division of Oil and Gas reserves all rights to enforce

this Consent Agreement if its terms are not met.


W.K. Frost, Jr.
for W.K. Frost, Inc.
130 North Vernon Avenue
Newark, OH 43055
(614) 366-6488


Raymond J. Studer
Assistant Attorney General
Environmental Enforcement
Section
Division of Oil and Gas
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Drive
Columbus, OH 43224
(614) 265-6939


Date


Date

BEFORE THE OIL AND GAS BOARD OF REVIEW

DEPARTMENT OF NATURAL RESOURCES

STATE OF OHIO

OIL AND GAS BOARD
OF REVIEW

AUG 12 1993

W.K. Frost, Inc.,
Appellant,

v.

Appeal No. 501
Chief's Order No. 92-127


Donald L. Mason, Esq.,
Chief, Division of Oil & Gas,
Ohio Department of
Natural Resources,
Appellee.

JOINT NOTICE OF WITHDRAWAL

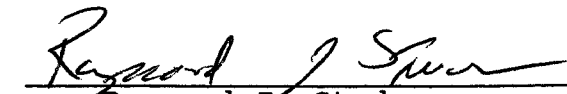
Now comes appellant, W.K. Frost, Inc., and appellee, Chief of the Division of Oil and Gas, by and through counsel, and hereby notifies the Board of the withdrawal of Appeal No. 501. The withdrawal is being made as a Consent Agreement has been entered into by the parties which moots the issues presented by this appeal. The parties reserve all other rights, duties, and obligations under Chapter 1509 of the Ohio Revised Code and Chapter 1501 of the Ohio Administrative Code.

Respectfully submitted,

Lee Fisher
Attorney General of Ohio



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