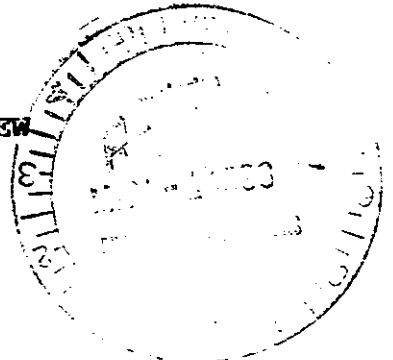


BEFORE THE OIL AND GAS BOARD OF REVIEW  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL AND GAS



POSTON OPERATING CO., INC.

Appellant,

v.

DONALD L. MASON, Chief,  
Division of Oil and Gas  
Ohio Dept. of Natural  
Resources,

Appellee.

APPEAL NO. 508

REVIEW OF CHIEF'S ORDER  
NO. 92-182

ENTRY

A previous Order in this Appeal erroneously stated that the Appeal was dismissed upon the Joint Notice of Withdrawal of the parties. It also erroneously referenced Chief's Order No. 90-182. The parties did not file such a motion; the motion filed was a Joint Motion for Consent Decision.

The Board hereby rescinds this previous order and hereby finds the parties' Joint Motion for Consent Decision well taken. Accordingly, the Board hereby adopts the Consent Decision and dismisses Appeal No. 502 with prejudice.

Alan Coogan \*  
ALAN COOGAN, Chairman

Benita Kahn  
BENITA KAHN, Secretary

\_\_\_\_\_  
JAMES CAMERON

Gail Ignatz Hoover \*  
GAIL IGNATZ-HOOVER

William Taylor \*  
WILLIAM TAYLOR

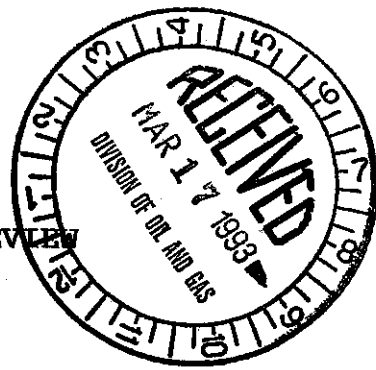
signed by B. Kahn per phone authorization

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served on Elias Poston, Poston Operating Co., Inc., P.O. Drawer 367, 5975 State Route 229 East, Ashley, Ohio 43003 and Joan Fishel, Assistant Attorney General, Bldg. A, 4435 Fountain Square, Columbus, Ohio 43224, by regular U.S. mail, postage prepaid, this 1<sup>st</sup> day of April, 1993.

  
\_\_\_\_\_  
BENITA KAHN





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

POSTON OPERATING CO., INC. )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 DONALD L. MASON, Chief, )  
 Division of Oil and Gas )  
 Ohio Department of Natural )  
 Resources, )  
 )  
 Appellee. )

APPEAL NO. 508  
REVIEW OF CHIEF'S  
ORDER NO. 92-182

CONSENT DECISION

A. On June 24, 1992, Chief's Order No. 92-182 was issued to Poston Operating Co., Inc., (Appellant) ordering it, its successors, assignees, and agents to plug a well in Cheshire Township, Gallia County, specifically, Permit No. 140, Well No. 1, Ohio Power lease because it is incapable of producing in commercial quantities. Chief's Order No. 92-182 further ordered that all work to properly plug and abandon the well be completed in a prudent and workmanlike manner within 30 days of receipt.

B. On or about July 24, 1992, Appellant filed an appeal of Chief's Order No. 92-182 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 of hearing on this matter.

NOW, THEREFORE, in settlement of this matter, the parties hereby agree to the following:

1) Appellant Poston Operating Co., Inc., 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) Appellant shall properly plug and abandon or place into commercial production the oil and gas well identified as Permit No. 140, Well No. 1, Ohio Power lease; Cheshire Township, Gallia County, on or before May 3, 1993.

4) This well shall not be considered capable of commercial production unless and until the following conditions are met: a) the well has been repaired or reconstructed so that there no longer is standing oil and/or brine in the conductor pipe; b) the well has been repaired or reconstructed so that there is adequate protection, as determined by the Division, of Underground Sources of Drinking Water; and 3) production quantities are such that bona fide sales can be made on an annual basis.

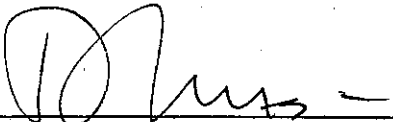
5) Requests for weather-related extensions must be made to counsel for the Division at least one week prior to expiration of the compliance period and will not be unreasonably denied by the Chief.

6) Appellant shall complete all work on the wellsite in a prudent and workmanlike manner, and in compliance with the requirements of R.C. Chapter 1509 and the rules adopted 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 to enforce the provisions of Revised Code Chapter 1509 and Chapter 1501 of the Ohio Administrative Code.


8) All parties to this action state that they have read this CONSENT DECISION, understand its terms, have the ability to comply with its terms, and agree to comply fully.

9) Appeal No. 508 is dismissed with prejudice.

  
\_\_\_\_\_  
DONALD L. MASON, Chief  
Division of Oil and Gas  
Ohio Dept. of Natural Resources  
Appellee

POSTON OPERATING CO., INC.  
(I have the authority to sign and do  
so in my capacity as President)

By:   
\_\_\_\_\_  
ELIAS POSTON, President  
Poston Operating Co., Inc.  
P.O. Drawer 367  
5975 State Route 229 East  
Ashley, OH 43003  
Appellant

  
\_\_\_\_\_  
JOAN I. FISHEL  
Assistant Attorney General  
Environmental Enforcement Section  
Division of Oil and Gas  
Bldg. A., 4435 Fountain Square  
Columbus, OH 43224  
(614) 265-6939  
Counsel for Appellee