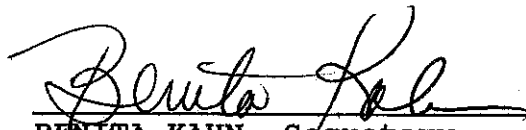


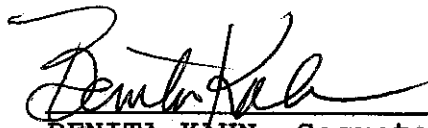
CERTIFICATE OF SERVICE

I hereby certify that, to the best of my knowledge, a copy of the foregoing Entry and Order was served, via certified United States Mail, postage prepaid, this 28th day of January, 1992 to Mr. Thomas C. Whitney, 27118 Cavallo Road, Danville, Ohio 43014.

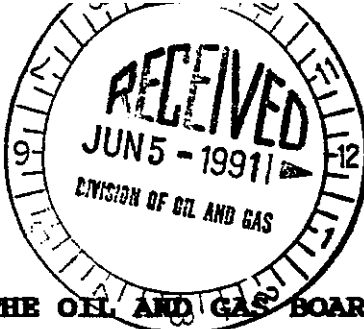


BENITA KAHN, Secretary,
Oil and Gas Board of Review

I hereby certify that, to the best of my knowledge, a copy of the foregoing Entry and Order was served, via regular United States Mail, postage prepaid, this 28th day of January, 1992, to counsel for appellee Chief of the Division of Oil and Gas, Ohio Department of Natural Resources, Assistant Attorney General Laura J. Steffee, Environmental Enforcement Section, at Building A, 4435 Fountain Square Drive, Columbus, Ohio 43224.



BENITA KAHN, Secretary
Oil and Gas Board of Review



BEFORE THE OIL AND GAS BOARD OF REVIEW

FRANKLIN COUNTY, OHIO

THOMAS C. WHITNEY,)
))
Appellant,))
))
v.))
))
SCOTT R. KELL, Acting Chief,))
Division of Oil and Gas,))
Ohio Dept. of Natural Resources,))
))
Appellee.))

APPEAL NO. 440
REVIEW OF CHIEF'S ORDER
OIL AND GAS BOARD
OF REVIEW
MAY 29 1991

JOINT MOTION FOR CONSENT DECISION

Now come the parties to the above action with their Joint Motion and respectfully request this Board to adopt the following Consent Decision and dismiss the instant appeal with prejudice.

WHEREAS,

A. On February 1, 1991, Chief's Order No. 91-74 was issued to appellant Thomas C. Whitney ordering appellant, his successors, assignees, and agents, to cause the Number Two well, Permit No. 3643, on the Ridgeway Lease, Union Township, Coshocton County, Ohio to be properly plugged and abandoned. Chief's Order No. 91-74 further ordered all work to properly plug and abandon the well to be completed in a prudent and workmanlike manner within thirty (30) days of receipt of Chief's Order No. 91-74.

B. On or about February 28, 1991, appellant filed an appeal of Chief's Order No. 91-74 with the Oil and Gas Board of Review in

accordance with R.C. Chapter 1509 and the rules adopted pursuant thereto.

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 for a hearing of this matter.

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

1. Appellant Thomas C. Whitney consents to the entry of this Consent Decision and waives any objection or further right to appeal he 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. The fact of the violation described in Chief's Order No. 91-74 is admitted by appellant.

4. Appellant agrees to place the well described above in Paragraph A into production, to the satisfaction of the Division of Oil and Gas, **on or before August 1, 1991.**

5. In the event appellant has not placed the well described above in Paragraph A into production, to the satisfaction of the Division of Oil and Gas, **by August 1, 1991**, appellant shall cause the above-described well to be properly plugged and abandoned in accordance with R.C. 1509.12 by **on or before September 1, 1991.**

6. Appellant shall give written or oral notice to the Division of Oil and Gas forty-eight (48) hours prior to any work commencing on the above-described well.

7. Appellant shall complete all work on the well in a prudent and workmanlike manner, and in compliance with the requirements of R.C. Chapter 1509 and the rules adopted pursuant thereto. When appellant has properly plugged and abandoned the well, he shall complete the restoration of the land surfaces in accordance with R.C. 1509.072, and the rules adopted pursuant thereto.

8. 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 and enforce the provisions of R.C. Chapter 1509 and Chapter 1501 of the Ohio Administrative Code.

9. All parties to this action state that they have read and fully understand this Consent Decision and agree to comply with it fully.

10. Appeal No. 440 is dismissed with prejudice.

Respectfully submitted,

LEE FISHER
ATTORNEY GENERAL OF OHIO

By: Laura J. Steffee 5-28-91
LAURA J. STEFFEE Date
Assistant Attorney General
Environmental Enforcement Section
Division of Oil and Gas
Bldg. A, 4435 Fountain Sq. Drive
Columbus, Ohio 43224
Counsel for Appellee

Thomas C. Whitney 5/23/91
THOMAS C. WHITNEY Date
27118 Cavallo Road
Danville, Ohio 43014