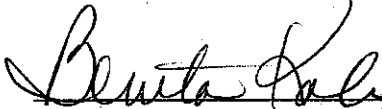




CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing entry was forwarded by ordinary U.S. mail, postage prepaid, this 20th day of May, 1993 to A. Brian Dengler, Arter & Hadden, One Columbus 10 West Broad Street, Columbus, Ohio, 43215-3422, and Raymond J. Studer, Assistant Attorney General, Division of Oil and Gas, 4435 Fountain Square, Bldg. A, Columbus, OH 43224.

  
BENITA KAHN, Secretary

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

OIL AND GAS BOARD  
OF REVIEW

MAY 07 1993

WORTHINGTON OIL  
Appellant,

v.

DONALD L. MASON, CHIEF  
Division of Oil and Gas

Appellee.

APPEAL NO. 61

REVIEW OF CHIEF'S ORDER  
NO. 91-147

JOINT MOTION FOR CONSENT DECISION


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

Respectfully submitted,

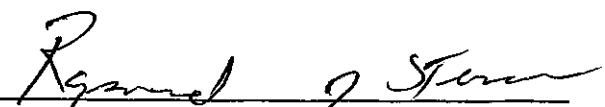
WORTHINGTON OIL  
(I have the authority to sign  
and do so in my capacity as  
President)

LEE FISHER  
ATTORNEY GENERAL OF OHIO

By:

  
HOWARD ATHA, PRESIDENT  
Worthington Oil  
6685 Doubletree Avenue  
Columbus, OH 43229  
Appellant

By:

  
RAYMOND J. STUDER  
Assistant Attorney General  
Environmental Enforcement Sec.  
Division of Oil and Gas  
Bldg. A., 4435 Fountain Square  
Columbus, OH 43224  
(614) 265-6939  
Counsel for Appellee

## CONSENT DECISION

With Chief's Order No. 91-147 having been issued to Worthington Oil (Worthington) on April 1, 1991, and that Order having been appealed by Worthington and docketed as Appeal No. 461, the parties agree to the following facts:

1. Attached to Chief's Order No. 91-147 was a list of wells of which Appellant was the statutory owner. That list is attached to this Consent Decision as Exhibit A. Attached as Exhibit 1-A is a list of wells owned by Appellant which were not included with Chief's Order No. 91-147.

2. Appellant has no bond and is not in compliance with R.C. 1509.07.

3. On July 22, 1988 certain creditors filed an involuntary bankruptcy petition against Appellant in Case No. 2-88-03704, United States Bankruptcy Court, Southern District of Ohio, Eastern Division. Grouped within that bankruptcy case were the affiliated companies of Redman Oil Company, Inc. (Redman), and Coshocton Pipe Company (Coshocton). Both Redman and Coshocton are under Chief's Orders to plug for lack of surety and these orders are currently before this Board as Appeal Nos. 462 and 450, respectively. Similar Consent Decisions have been filed in those appeals.

4. As part of that bankruptcy proceeding, Appellant's interests in some of the wells that had been listed in Exhibit A were sold to Mission Gas, an entity registered with the Appellee with Bond No. 4339. A list of the wells acquired by Mission Gas is attached hereto as Exhibit B.

5. Attached hereto as Exhibit C is a list of wells subject to Order 91-147 that the Appellant will plug.

6. The remaining wells subject to Order 91-147 that have not been sold to Mission Gas or that Appellant will not plug are listed on Exhibit D.

7. 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:

A. Appellant Worthington Oil, 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.

B. 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.

C. Appellant agrees to transfer the wells on Exhibit D, and any other wells that it owns that were not listed on Chief's Order No. 91-147, to entities that are properly bonded under R.C. 1509.07 on or before January 1, 1993. No such transfers will be recognized by the Division until a Form 7 has been filed and approved.

D. If Appellant does not comply with Paragraph C of this Consent Decision by January 1, 1993, it shall properly plug and abandon the wells on Exhibit D, and any other wells which it owns which were not listed on Chief's Order No. 91-147, on or before April 1, 1993. Appellant shall complete all work on the wellsites

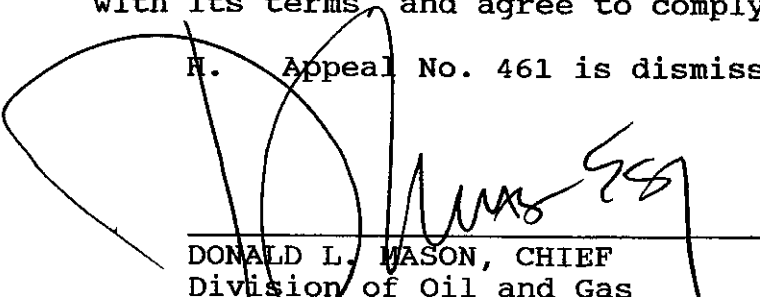
in a prudent and workmanlike manner, and in compliance with the requirements of R.C. Chapter 1509. and associated administrative rules.

E. Of all the wells that are listed on the Exhibits labeled "C" to the Consent Decisions of either the Appellant, Redman or Coshocton at least one well must be properly plugged and abandoned by either Appellant, Redman or Coshocton every thirty days, with the first well to be plugged by April 30, 1993. Appellant has the option of transferring the wells on its Exhibit C to a properly bonded entity. All wells on Exhibit C are to be plugged or transferred by May 31, 1994. Requests for weather-related extensions must be made in writing to the Division.

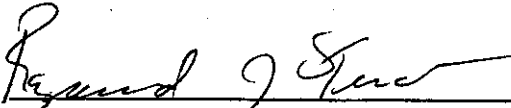
F. Nothing in this Consent Decision shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders to enforce the provisions of R.C. Chapter 1509. and associated administrative rules.

G. 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.

H. Appeal No. 461 is dismissed with prejudice.



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



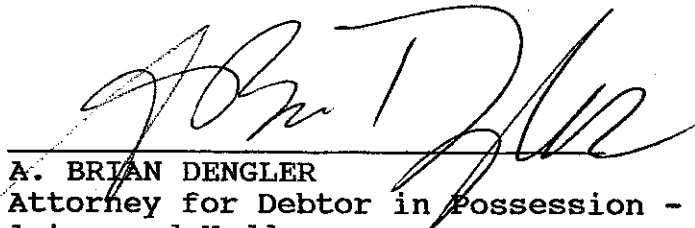
RAYMOND J. STUDER  
Assistant Attorney General  
Environmental Enforcement Sec.  
Division of Oil and Gas  
Bldg. A, 4435 Fountain Sq.  
Columbus, OH 43224  
(614) 265-6939  
Counsel for Appellee

WORTHINGTON OIL  
(I have authority to sign and do  
so in my capacity as President)



By:

HOWARD ATHA, PRESIDENT  
WORTHINGTON OIL  
6685 Doubletree Avenue  
Columbus, OH 43229  
Appellant



A. BRIAN DENGLER  
Attorney for Debtor in Possession - Worthington Oil  
Arter and Hadden  
10 West Broad Street  
Columbus, OH 43215

**EXHIBIT "A"**

| <u>County</u> | <u>Township</u> | <u>Permit No.</u> | <u>County</u> | <u>Township</u> | <u>Permit No.</u> |
|---------------|-----------------|-------------------|---------------|-----------------|-------------------|
| Coshocton     | Jackson         | 2552              | Coshocton     |                 | 3874              |
| Coshocton     | Tuscarawas      | 2576              | Coshocton     |                 | 3875              |
| Coshocton     | Tuscarawas      | 2733              | Coshocton     |                 | 3967              |
| Coshocton     | Tuscarawas      | 2758              | Coshocton     |                 | 3981              |
| Coshocton     | Tuscarawas      | 2765              | Coshocton     |                 | 3987              |
| Coshocton     | Tuscarawas      | 2775              | Coshocton     |                 | 4234              |
| Coshocton     | Tuscarawas      | 2793              | Coshocton     | Jackson         | 4309              |
| Coshocton     | Tuscarawas      | 2934              | Coshocton     | Franklin        | 4548              |
| Coshocton     | Tuscarawas      | 2935              | Coshocton     | Tuscarawas      | 4610              |
| Coshocton     | Crawford        | 3171              | Delaware      | Orange          | 291               |
| Coshocton     | Lafayette       | 3261              | Licking       | Newark          | 4301              |
| Coshocton     | Lafayette       | 3284              | Licking       | Newark          | 4308              |
| Coshocton     |                 | 3377              | Logan         | Jefferson       | 86                |
| Coshocton     |                 | 3404              | Logan         | Logan           | 87                |
| Coshocton     |                 | 3462              | Morgan        | Bristol         | 1266              |
| Coshocton     |                 | 3464              | Morgan        | Meigsville      | 1420              |
| Coshocton     |                 | 3668              | Morgan        |                 | 1558              |
| Coshocton     |                 | 3689              | Morgan        |                 | 2513              |
| Coshocton     |                 | 3690              | Morgan        |                 | 2525              |
| Coshocton     |                 | 3716              | Morrow        |                 | 3232              |
| Coshocton     |                 | 3804              | Morrow        |                 | 3271              |
| Coshocton     |                 | 3863              | Muskingum     |                 | 4663              |

| <u>County</u> | <u>Township</u> | <u>Permit No.</u> | <u>Lease Name</u>         | <u>Well No.</u> |
|---------------|-----------------|-------------------|---------------------------|-----------------|
| Morgan        | Center          | 1293              | Charles Wagner,<br>et al. | 2               |
| Morgan        | Bristol         | 2229              | Fred Mummey,<br>et al.    | 1-A             |
| Morgan        | Bristol         | 2258              | Samuel Ray                | 1               |
| Morgan        | Bristol         | 2586              | Wilbur Matson,<br>et al.  | 2               |
| Morgan        | Bristol         | 2399              | E. J. Wilson              | 1               |
| Morgan        | Bristol         | 2398              | Mummey                    | 2               |
| Morgan        | Bristol         | 2397              | J. O. Miller              | 2               |
| Morgan        | Bristol         | 2396              | J. O. Miller              | 1               |
| Morgan        | Bristol         | 2395              | James Campbell            | 1               |
| Morgan        | Bristol         | 2587              | Wilbur Matson,<br>et al.  | 3               |



WELLS OWNED BY WORTHINGTON OIL  
THAT WERE NOT INCLUDED  
ON CHIEF'S ORDER 91-147

| <u>County</u> | <u>Permit No.</u> | <u>Lease</u>                |
|---------------|-------------------|-----------------------------|
| Morgan        | 1267              | Frank Ray                   |
| Morgan        | 1277              | Robert Kalb                 |
| Morgan        | 1290              | Mable Lawrence Heirs        |
| Morgan        | 1304              | Harold M. and Rubina Fuller |
| Morgan        | 1416              | Gilliland-Slivka Unit       |
| Morgan        | 2510              | Merril Wilson               |
| Morgan        | 2599              | Tri-Mac #3                  |

WELLS TRANSFERRED TO MISSION GAS

| Permit No. | County    | Township   | Sec/Lot             | Lease Name/Well #             |
|------------|-----------|------------|---------------------|-------------------------------|
| 2552       | Coshocton | Jackson    | Lot 2               | Tri-Mac, Inc. #1              |
| 2733       | Coshocton | Tuscarawas | Lot 16              | Sewell River Coal & Land      |
| 2935       | Coshocton | Tuscarawas | Lot 5               | William R. Jones #1           |
| 3284       | Coshocton | Lafayette  | Lot 1 & 2           | Thomas & Margaret Exline #1   |
| 3377       | Coshocton | Lafayette  | Lot 2               | Frank & Pearl Noble #2        |
| 3462       | Coshocton | Franklin   | Lot 13              | Csoe #1-C                     |
| 3464       | Coshocton | Franklin   | Lot 3               | Csoe #1-A                     |
| 3668       | Coshocton | Lafayette  | Lot 2 & 3           | Dillon #3                     |
| 3689       | Coshocton | Lafayette  | Lot 8               | Sewell River Coal & Land #1-A |
| 3690       | Coshocton | Lafayette  | Lot 8               | H. & B. Brannon #1            |
| 3804       | Coshocton | Tuscarawas | Lot 5               | William R. Jones #2           |
| 3863       | Coshocton | Lafayette  | Lot 2               | G. Earl & Edna Eberwine #1    |
| 2229       | Morgan    | Bristol    | Sec. 32             | Fred Mummey etal #1-A         |
| 2258       | Morgan    | Bristol    | Sec. 27             | Samuel Ray #1                 |
| 2586       | Morgan    | Bristol    | Sec. 33             | Wilbur Matson etal #2         |
| 2399       | Morgan    | Bristol    | Sec. 32             | E.J. Wilson #1                |
| 2398       | Morgan    | Bristol    | Sec. 32             | Fred Mummey etal #2           |
| 2397       | Morgan    | Bristol    | Sec. 29             | J.O. Miller #2                |
| 2396       | Morgan    | Bristol    | Sec. 29             | J.O. Miller #1                |
| 2395       | Morgan    | Bristol    | Sec. 29             | James Campbell #1             |
| 2587       | Morgan    | Bristol    | Sec. 33             | Wilbur Matson etal #3         |
| 1558       | Morgan    | Center     | Sec. 16             | Miller Clark #3               |
| 3874       | Coshocton | Lafayette  | Lot 1 & 2           | Victor & Esther Crouso        |
| 3875       | Coshocton | Lafayette  | Lot 11              | Sewell River Coal & Land #1-B |
| 3967       | Coshocton | Lafayette  | Lot 2 & 3           | Dillon (Hinds, Ricketts) #4   |
| 3981       | Coshocton | Tuscarawas | Lot 7               | Larry & Barbara Hunt #1       |
| 3987       | Coshocton | Tuscarawas | Lot 10              | Kenneth & Joan Scheetz #1     |
| 4309       | Coshocton | Tuscarawas | Lot 2               | Howard & Anna Pope            |
| 4548       | Coshocton | Franklin   | 2nd Qtr.            | Boy Scouts of America #1      |
| 4663       | Muskingum | Adams      | Lot 11,12,<br>13,20 | Csoe #1-F                     |
| 3947       | Coshocton | Tuscarawas | Lot 9               | Floyd Morrow #1               |
| 3347       | Coshocton | Lafayette  | Lot 2               | Frank & Pearl Noble #1        |
| 3669       | Coshocton | Lafayette  | Lot 2 & 3           | Dillon #1                     |
| 3853       | Coshocton | Tuscarawas | Lot 5               | William R. Jones #2-A         |
| 2752       | Coshocton | Tuscarawas | Lot 10              | Ruse #1                       |

WELLS TO BE PLUGGED

| County    | Township   | Permit No. | Lease Name/Well No.            |
|-----------|------------|------------|--------------------------------|
| Morgan    | Bristol    | 1279       | Russell Ray #1                 |
| Morgan    | Bristol    | 2513       | Merrill Wilson #2              |
| Morgan    | Center     | 1293       | Charles Wagner etal #2         |
| Morgan    | Meigsville | 1433       | William Work #1                |
| Morgan    | Bristol    | 1214       | Harold Fuller #1               |
| Morgan    | Bristol    | 1269       | Fred Ray #1                    |
| Coshocton | Tuscarawas | 2576       | Community Improvement Corp. #1 |
| Coshocton | Lafayette  | 3261       | Margaret Roener #1             |

REMAINING WELLS

| County    | Township   | Permit No. | Lease Name/Well No.     |
|-----------|------------|------------|-------------------------|
| Morgan    | Meigsville | 1420       | Gilliland-Slivka #1A    |
| Morgan    | Bristol    | 2510       | Herrill Wilson #1       |
| Morgan    | Meigsville | 1416       | Gilliland-Slivka #1     |
| Morgan    | Bristol    | 1277       | Robert Kalb #1          |
| Morgan    | Bristol    | 1266       | Richard Roberts #1      |
| Morgan    | Bristol    | 1304       | Harold Fuller #1A       |
| Morgan    | Bristol    | 1267       | Roy Lawrence #1         |
| Morgan    | Bristol    | 1294       | Leona W. Rex #1         |
| Morgan    | Bristol    | 1290       | Mabel Lawrence Heirs #1 |
| Coshocton | Tuscarawas | 2758       | Peter-Weaver #1         |
| Coshocton | Tuscarawas | 2765       | Tony Wilson #1          |
| Logan     | Jefferson  | 86         | Lena Comer #1           |
| Logan     | Logan      | 87         | Ernest Hemleben #1      |
| Licking   | Newark     | 4301       | Farmco #1               |
| Licking   | Newark     | 4308       | Farmco #5               |
| Delaware  | Orange     | 291        | Havers #1               |
| Morgan    | Bristol    | 2525       | Mildred Apperson #1     |
| Coshocton |            | 2793       | L.N. McCoy #1           |
| Coshocton |            | 2775       | Coshocton Cty. Commrs.  |
| Coshocton |            | 2934       | Coshocton Ct. Commrs #2 |
| Coshocton |            | 4610       |                         |
| Norow     |            | 3232       | R & M Davidson Unit #1  |