

BEFORE THE OIL AND GAS BOARD OF REVIEW
STATE OF OHIO



POSTON OPERATING CO., INC.)
)
Appellant,)
)
v.)
)
J. MICHAEL BIDDISON, Chief,)
Division of Oil and Gas,)
Ohio Dept. of Natural Resources,)
)
Appellee.)

APPEAL NOS. 348 and 349
CHIEF'S ORDER NOS. 89-322
and 89-323

ENTRY FOR DISMISSAL

In a Request for Dismissal of Appeal, the appellant has moved the Ohio Oil and Gas Board of Review to dismiss Appeal Nos. 348 and 349.

It is **THEREFORE ORDERED** that, because there is no longer a dispute between the parties, Appeal Nos. 348 and 349 are hereby dismissed.

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

ALAN H. COOGAN, Chairman

By:
SCOTT E. FARKAS
Assistant Attorney General
Environmental Enforcement
Section
Division of Oil and Gas
Building A, Fountain Square
Columbus, Ohio 43224
(614) 265-6939

WILLIAM G. WILLIAMS,
Secretary

ROBERT H. ALEXANDER

JOHN J. CARNEY

GAIL IGNATZ-HOOVER

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Notice of Withdrawal of Appeal and Entry for Dismissal of Appeal Nos. 348 and 349 was forwarded via certified mail, return receipt requested, this _____ day of _____, 1989, to Elias Poston, President, Poston Operating Co., Inc., P. O. Box 367, 5975 S.R. 229, East, Ashley, Ohio 43003.

William G. Williams, Sec.
WILLIAM G. WILLIAMS, Secretary

This is to certify that a true copy of the foregoing was sent via regular U.S. mail this _____ day of _____, 1989 to Scott E. Farkas, Assistant Attorney General, Environmental Enforcement Section, Division of Oil and Gas, Building A, Fountain Square, Columbus, Ohio 43224.

William G. Williams, Sec.
WILLIAM G. WILLIAMS, Secretary

BEFORE THE OIL AND GAS BOARD OF REVIEW
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 Appellant,)
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 v.)
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 J. MICHAEL BIDDISON, Chief,)
 Division of Oil and Gas,)
 Ohio Dept. of Natural Resources,)
)
 Appellee.)

APPEAL NO. 349

CHIEF'S ORDER NO. 89-323

SETTLEMENT AGREEMENT

The parties agree to the following stipulations:


1. Upon the filing of this Settlement Agreement with the Oil and Gas Board of Review, appellant withdraws the above-referenced appeal.
2. Upon the filing of this Settlement Agreement, the Chief shall amend Chief's Order No. 89-323 which is the subject of this appeal. A copy of the amended order is attached as Exhibit A and incorporated herein.
3. Appellant waives its right to appeal Amended Order No. 89-323 referred to in paragraph two (2) of this Settlement Agreement.

4. This agreement will not preclude the appellant from placing the well into production in accordance with R.C. 1509. and the rules promulgated thereunder.


Respectfully submitted,

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

By:


ELIAS POSTON, President
Poston Operating Co., Inc.
P. O. Box 367
5975 S.R. 229, East
Ashley, Ohio 43003

By:


SCOTT E. FARKAS
Assistant Attorney General
Environmental Enforcement
Section
Division of Oil and Gas
Building A, Fountain Square
Columbus, Ohio 43224
(614) 265-6939

Fountain Square
Columbus, Ohio 43224

AMENDMENT TO ORDER BY THE CHIEF

ORDER NO. 89-323

TO: Poston Operating Co., Inc.
P.O. Box 367
5975 S.R. 229, East
Ashley, Ohio 43003

SUBJECT: Permit Nos. 1809 and 1810, Well Nos. 5 and 4,
Millfield Coal Lease,
Ames Township, Athens County.

The following amendment to Order No. 89-323 is made and entered upon the records of the Division of Oil and Gas as the result of the Settlement Agreement filed in Appeal No. 349 before the Oil and Gas Board of Review.

The Chief of the Division of Oil and Gas, having given due consideration to the matter contained herein, issues the following order this day:

BE IT ORDERED:

That Paragraph 6 of the Orders of Order No. 89-323 be amended as follows:

- (6) All necessary actions to comply with this amended order must be completed in a prudent and workman-like manner on or before sixty (60) days from the issue date of this Amended Order.

August 29, 1989
Issue Date

J. Michael Biddison
J. MICHAEL BIDDISON, Chief,
Division of Oil and Gas

cc: Dick Shockley, Region C Supervisor
F. Joe Hoerst, District Supervisor
Keith Reuckert, Inspector
Well File