BEFORE THE
RECLAMATION COMMISSION

PENN OHIO COAL COMPANY, *dba* KIMBLE CLAY & LIMESTONE,	:	Case Nos. RC-11-008 & 009
Appellant,	:	
-vs-	:	Review of Chief's Orders 7350 & 7351; (Chapman & Burk water supplies) Permit D-2263
DIVISION OF MINERAL RESOURCES MANAGEMENT,	:	**REPORT OF THE HEARING OFFICER**
Appellee.	:	

Appearances: Shane A. Farolino, Kelly J. Espy, Counsel for Appellant Penn Ohio Coal Company, *dba* Kimble Clay & Limestone; Molly Corey, Tara Paciorek, Dan Martin, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management.

FINDINGS, CONCLUSIONS

On August 11, 2011, Appellant Penn Ohio Coal Company, *dba* Kimble Clay & Limestone, filed with the Reclamation Commission notices of appeal from Chief's Orders 7350 and 7351. These Orders addressed water supplies owned by Robert & Pam Chapman and by Ryan Burk. These causes were assigned case numbers RC-11-008 & RC-11-009.

On June 4, 2012, Appellant filed a request to voluntarily dismiss these appeals, indicating that the underlying Chief's Orders had been terminated by the Division. Pursuant to Ohio Administrative Code §1513-3-17, case numbers RC-11-008 & RC-11-009 are hereby **DISMISSED** without further action required by the Reclamation Commission. The hearing currently scheduled in these matters for June 6, 2012 is **cancelled**.

6/5/2012
DATE

LINDA WILHELM OSTERMAN
Hearing Officer, Reclamation Commission

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Robert & Pam Chapman, Via e-mail [chappysbp@peoplepc.com] & Regular Mail
Ryan Burk (or current occupant), Via Regular Mail

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JUN 4 2012
RECLAMATION COMMISSION

BEFORE THE

RECLAMATION COMMISSION

STATE OF OHIO

PENN OHIO COAL COMPANY, *dba* KIMBLE CLAY & LIMESTONE,	)	CASE NOS. RC-11-008 & 009
Appellant,	)	Review of Chief's Orders 7350 & 7351; (Chapman & Burk Water Supplies) Permit D-2263
V.	)	
DIVISION OF MINERAL RESOURCES MANAGEMENT,	)	**NOTICE OF VOLUNTARY DISMISSAL**
Appellee.	)	

On May 23, 2012, the Chief of the Division of Mineral Resources Management terminated Chief's Orders 7350 and 7351 (the "Orders"), which Orders are the subject of the above-captioned appeals filed by Appellant, Penn-Ohio Coal Company, dba Kimble Clay & Limestone ("Penn-Ohio"). Because the Orders in question have been terminated, Penn-Ohio's appeals of the Orders are now arguably moot.

In light of the foregoing, and pursuant to Ohio Administrative Code Rule 1513-3-17, Penn-Ohio hereby voluntarily dismisses its appeals in the above-captioned matters.

Respectfully submitted,

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COUNSEL FOR APPELLANT PENN-OHIO COAL COMPANY, DBA KIMBLE CLAY & LIMESTONE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the instant *Notice of Voluntary Dismissal* was hereby served this 4th day of June, 2012, by electronic transmission and ordinary U.S. Mail, postage prepaid, upon the following:

Ohio Reclamation Commission
Ohio Department of Natural Resources
2045 Morse Road, Building F-2
Columbus, Ohio 43229
Facsimile: 614-262-1306

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