

**BEFORE THE IDAHO DEPARTMENT OF LANDS**

In the Matter of the Application of Snake River Oil )  
and Gas, LLC to Integrate Unleased Mineral )  
Interest Owners in the Spacing Unit Consisting of )  
Section 24, Township 8 North, Range 5 West, )  
Boise Meridian, Payette County, Idaho. )  
Snake River Oil and Gas, LLC, Applicant. )

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Docket No. CC-2023-OGR-01-001

**ORDER CONTINUING  
OPENING BRIEF DEADLINE**

On January 23, 2023, Snake River Oil and Gas, LLC (“Snake River”) filed an application to integrate all uncommitted mineral interest owners in the 640-acre spacing unit consisting of Section 24, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho. On January 31, 2023, the Administrator issued an *Order Vacating Hearing and Notice of Hearing to Determine “Just and Reasonable” Factors* (“January 31, 2023 Notice of Hearing”). The January 31, 2023 *Notice of Hearing* included briefing deadlines and set and noticed a March 14, 2023 hearing to determine “just and reasonable” factors in the above-captioned spacing unit.

On the afternoon of February 17, 2023, counsel for Jordan and Dana Goss and Little Buddy Farm, LLC filed a notice of appearance and a motion to continue. Counsel for the Gosses and Little Buddy Farm specified that he was only retained on February 17, 2023 after the Gosses and Little Buddy Farm were notified by their longtime counsel on February 15, 2023 of a conflict of interest. The motion to continue requested that the March 14, 2023 hearing be vacated, that all other hearings be vacated, that all briefing deadlines be vacated, and that a scheduling conference be set at a date and time to work towards setting a hearing and briefing schedule.

Snake River responded to the motion to continue the same afternoon. The Gosses and Little Buddy Farm filed a reply on February 21, 2023. Also on February 21, 2023, uncommitted owner

Sarah Weatherspoon requested an extension to “deadlines coming up.” Ms. Weatherspoon did not specify which deadline she was referring to.

Just before noon on February 22, 2023, counsel for Citizens Allied for Integrity and Accountability (CAIA), Joey Ishida, Brenda Ishida, Juanita Lopez, Sarah Weatherspoon, David George, Jessica Ishida Sanchez, Juan Sanchez Jr, Gary Hale, Ryan Gentry, Mark Vidlak, and Mary Ann Miller filed a brief of non-consenting owners in support of the motion to continue filed by the Gosses and Little Buddy Farm. The brief stated “. . . On Tuesday, February 21, 2023, undersigned counsel was informed that the eleven homeowners identified herein wished to challenge or object to the integration application with the assistance of counsel. . . . “

The Administrator “may for good cause continue any hearing.” Idaho Code § 47-328(3)(d). Here, Counsel for the Gosses and Little Buddy Farm states that he was retained on February 17, 2023 after the Gosses and Little Buddy Farm were notified on February 15, 2023 by their prior counsel of a conflict of interest. Counsel for Citizens Allied for Integrity and Accountability (CAIA), Joey Ishida, Brenda Ishida, Juanita Lopez, Sarah Weatherspoon, David George, Jessica Ishida Sanchez, Juan Sanchez Jr, Gary Hale, Ryan Gentry, Mark Vidlak, and Mary Ann Miller stated that he was retained on February 21, 2023. Counsel argued that “It is impossible, in the timeframes provided by rule and order, for those 11 individuals to seek, obtain, and receive the benefit of legal counsel regarding their expensive and critically important property rights.”

Because the deadline for submitting an opening brief is five days after counsel for the Gosses and Little Buddy was retained and the Gosses and Little Buddy Farm were only notified of the conflict of interest on February 15, 2023, the Administrator finds good cause to continue the deadline for opening briefs until March 1, 2023. This extension applies to all uncommitted owners

in the above-captioned spacing unit, so it will also provide counsel for CAIA and other nonconsenting owners additional time to file their opening brief.

However, the Administrator does not find good cause to continue the March 14, 2023 hearing date. That hearing date is over three and a half weeks from the date counsel for the Gosses and Little Buddy was retained, which is a reasonable amount of time for counsel to prepare. Counsel for the Gosses and Little Buddy argued that they would like extra time to conduct discovery and expert witness disclosures. However, “[d]iscovery is not permitted” in this matter. Idaho Code § 47-328(3)(d). As reiterated below, the hearing on March 14, 2023 is limited to the single issue of the factors used to determine just and reasonable in this spacing unit, and an evidentiary hearing with witnesses has not yet been scheduled in this matter. Further, counsel for the Gosses and Little Buddy Farm does not indicate that he is unable to attend the hearing on March 14, 2023. While counsel for CAIA and other nonconsenting owners argued that it is impossible for the uncommitted owners to receive the benefits of legal counsel, counsel did not provide any additional factual specifics of why the timeframes are impossible in this particular instance or what he believes a reasonable period of time is and why. Uncommitted mineral interest owners were mailed a notice of hearing on January 31, 2023. Counsel for CAIA and other nonconsenting owners was retained on February 21, 2023, which leaves over two and a half weeks to prepare for the hearing. For these reasons, the Administrator does not find good cause to continue the March 14, 2023 hearing date.

The January 31, 2023 *Notice of Hearing* sets forth the topics for briefing and the details for participation in the hearing. Consistent with that notice, the March 14, 2023 hearing will take place at 9:00 AM (MT) at Fruitland City Hall, 200 S. Whitley Dr., Fruitland, Idaho, with a Zoom teleconference option also available for remote attendance, which includes the ability to participate

by phone.<sup>1</sup> That March 14, 2023 hearing will be on the specific issue of the factors the Administrator will consider when he determines whether the terms and conditions of an integration order in the above-captioned spacing unit are “just and reasonable.” The March 14, 2023 hearing will only address the single issue of the factors used to determine just and reasonable in this spacing unit and should follow the guidance articulated in Section III of the January 31, 2023 *Notice of Hearing*. Pursuant to Idaho Code § 47-328(3)(d), “[d]iscovery is not permitted” in this matter. Additional information can also be found at <https://ogcc.idaho.gov/administrative-hearings/>

The Administrator also notes that, as provided in the January 31, 2023 *Notice of Hearing*, an evidentiary hearing in this matter has not yet been scheduled, and will not be scheduled until the Administrator issues his order identifying the factors he will consider in determining whether an integration order’s terms fulfill Idaho Code § 47-320(l)’s requirement that “each integration order shall be upon terms and conditions that are just and reasonable.” Uncommitted owners may choose to file their initial objections or responses addressing the merits of the integration application now, but will continue to have the opportunity to file such responses and objections up until fourteen days before the evidentiary hearing, which has not been scheduled and will be separately noticed in the future.

As previously stated in the January 31, 2023 *Notice of Hearing* the above-captioned proceeding is governed by the Oil and Gas Conservation Act (Chapter 3, title 47, Idaho Code); the Idaho Administrative Procedure Act (Chapter 52, title 67, Idaho Code); Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01), to the extent that the Rules

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<sup>1</sup> A response filed by uncommitted owner Mary Ann Miller indicated that she was unable to attend the March 14, 2023 meeting in Fruitland and will not have internet access. Ms. Miller did not indicate that she is unable to participate by phone. Further, Ms. Miller is now represented by counsel for CAIA and Nonconsenting owners.

of Administrative Procedure are not superseded by Oil and Gas Conservation Act; and the Rules Governing Conservation of Oil and Natural Gas in the State of Idaho (IDAPA 20.07.02).<sup>2</sup> A copy of the Rules of Administrative Procedure is available at the Idaho Department of Lands office located at 300 N. 6th Street, Suite 103, Boise, Idaho, and at the Office of Administrative Rules Coordinator's website, accessible at <https://adminrules.idaho.gov>.

### ORDER

The Administrator hereby continues the February 22, 2023 opening briefing deadline to March 1, 2023. The Administrator does not continue the March 14, 2023 hearing or the response and reply briefing deadlines. Thus, the March 14, 2023 hearing to determine “just and reasonable” factors in the above-captioned spacing unit remains in place. The previously set response briefing deadline of March 8, 2023 and reply briefing deadline of March 13, 2023 also remain in place.

The March 8, 2023 deadline for filing written public comments remains in place as well.

- Dated this 22<sup>nd</sup> day of February, 2023.



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Richard “Mick” Thomas

Division Administrator  
Minerals, Navigable Waterways, Oil and Gas  
Idaho Department of Lands

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<sup>2</sup> The motion to continue cites IDAPA 20.07.01 and argues those rules may not apply. The rules in IDAPA 20.07.01 were repealed, are no longer used, and do not apply to this proceeding.

## CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of February 2023, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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