

IDAHO OIL AND GAS CONSERVATION COMMISSION OPEN MEETING CHECKLIST

FOR MEETING DATE: February 21, 2023

Regular Meetings

02/13/23	Notice of Meeting posted in prominent place in IDL's Boise Headquarters office five (5) or more calendar days before meeting.
02/13/23	Notice of Meeting posted in prominent place in IDL's Coeur d'Alene Headquarters office five (5) or more calendar days before meeting.
02/13/23	Notice of Meeting posted in prominent place at meeting location five (5) or more calendar days before meeting.
02/13/23	Notice of Meeting published on Townhall Idaho website https://townhall.idaho.gov five (5) or more calendar days before meeting.
02/13/23	Notice of Meeting emailed/faxed to list of media and interested citizens who have requested such notice five (5) or more calendar days before meeting.
02/13/23	Notice of Meeting posted electronically on the OGCC public website https://ogcc.idaho.gov/ five (5) or more calendar days before meeting.
02/13/23	Agenda posted in prominent place in IDL's Boise Headquarters office forty-eight (48) hours before meeting.
02/13/23	Agenda posted in prominent place in IDL's Coeur d'Alene Headquarters office forty-eight (48) hours before meeting.
02/13/23	Agenda posted in prominent place at meeting location forty-eight (48) hours before meeting.
02/13/23	Agenda published on Townhall Idaho website https://townhall.idaho.gov forty-eight (48) hours before meeting.
02/13/23	Agenda emailed/faxed to list of media and interested citizens who have requested such notice forty-eight (48) hours before meeting.
02/13/23	Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ forty-eight (48) hours before meeting.
12/13/22	Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA

Special Meetings

	Notice of Meeting and Agenda posted in a prominent place in IDL's Boise Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted in a prominent place in IDL's Coeur d'Alene Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted at meeting location twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda published on Townhall Idaho website https://townhall.idaho.gov twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda emailed/faxed to list of media and interested citizens who have requested such notice twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ twenty-four (24) hours before meeting.
	Emergency situation exists – no advance Notice of Meeting or Agenda needed. "Emergency" defined in Idaho Code § 74-204(2).

Executive Sessions (*If only an Executive Session will be held*)

	Notice of Meeting and Agenda posted in IDL's Boise Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted in IDL's Coeur d'Alene Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted at meeting location twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda published on Townhall Idaho website https://townhall.idaho.gov twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda emailed/faxed to list of media and interested citizens who have requested such notice twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ twenty-four (24) hours before meeting.
	Notice contains reason for the executive session and the applicable provision of Idaho Code § 74-206 that authorizes the executive session.

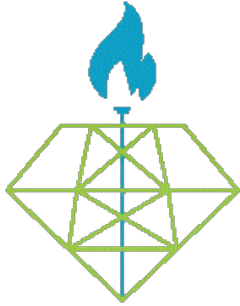
Kourtney Romie

2/13/2023

RECORDING SECRETARY

DATE





IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chair
Ray Hinchcliff, Vice Chair
Jim Classen, Commissioner
Dustin Miller, Commissioner
Jennifer Riebe, Commissioner

Mick Thomas, Secretary to the Commission

NOTICE OF PUBLIC MEETING FEBRUARY 2023

The Idaho Oil and Gas Conservation Commission will hold a Regular Meeting on **Tuesday, February 21, 2023**, at the Boise City Council Chambers, Boise City Hall, 3rd Floor, 150 N. Capitol Blvd., Boise. The meeting is scheduled to begin at **1:30 pm (MT)**.

Please note meeting location.

Directions: Enter City Hall from Capitol Blvd.; take the Capitol Boulevard elevators to the 3rd floor; Council Chambers are directly across from the elevators.

The Oil and Gas Conservation Commission will conduct this meeting in person and by virtual means.

This meeting is open to the public. No public comment will be accepted at this meeting.

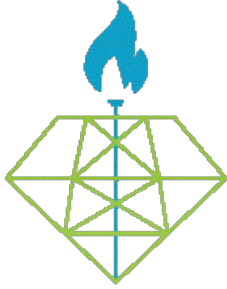
The meeting will be streamed live via YouTube: <https://www.youtube.com/watch?v=sTUdfKUy2cQ>

First Notice Posted: 02/13/2023-IDL Boise; 02/13/2023-IDL CDA

The Idaho Oil and Gas Conservation Commission is established by Idaho Code § 47-314.

Idaho Department of Lands, 300 N 6th Street, Suite 103, Boise ID 83702

This notice is published pursuant to § 74-204 Idaho Code. For additional information regarding Idaho's Open Meeting law, please see Idaho Code §§ 74-201 through 74-208.



IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chair
Ray Hinchcliff, Vice Chair
Jim Classen, Commissioner
Dustin Miller, Commissioner
Jennifer Riebe, Commissioner

Mick Thomas, Secretary to the Commission

Final Agenda

Idaho Oil and Gas Conservation Commission Regular Meeting

February 21, 2023 – 1:30 PM (MT)

Boise City Council Chambers, Boise City Hall, 3rd Floor, 150 N. Capitol Blvd., Boise.

Please note meeting location.

Directions: Enter City Hall from Capitol Blvd.; take the Capitol Boulevard elevators to the 3rd floor; Council Chambers are directly across from the elevators.

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- **ANNOUNCEMENTS**

No public comment will be accepted at this meeting.

- 1. **Division Administrator's Report**

- A. Financial Update
- B. Current Oil and Gas Activity
- C. Status Update
 - i. Class II Injection Well – Permit Status
 - ii. Tracy Trust #3-2 well status update

- **CONSENT – ACTION ITEM(S)**

- 2. **Approval of Minutes** – November 15, 2022 – Regular Meeting (Boise)

- **INFORMATION**

- 3. **Update on Proposed Legislation for Title 47, Chapter 3, Idaho Code for the 2023 Legislative Session**

– Presented by Mick Thomas, Division Administrator – Minerals, Navigable Waters, and Oil & Gas

Idaho Oil and Gas Conservation Commission

Final Agenda

Regular Meeting (Boise) – February 21, 2023

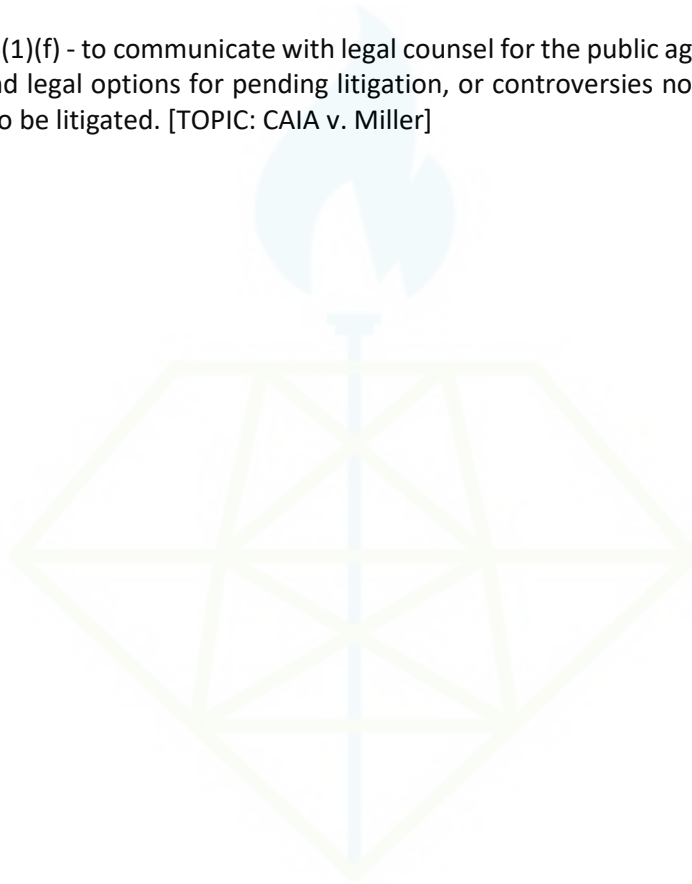
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- **REGULAR – ACTION ITEM(S)**

None

- **Executive**

- A. Idaho Code 74-206(1)(f) - to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. [TOPIC: CAIA v. Miller]



IDAHO OIL & GAS CONSERVATION COMMISSION



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 74
TRANSPARENT AND ETHICAL GOVERNMENT
CHAPTER 2
OPEN MEETINGS LAW

74-206. EXECUTIVE SESSIONS – WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (c) To acquire an interest in real property not owned by a public agency;
- (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;
- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;
- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
- (g) By the commission of pardons and parole, as provided by law;
- (h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;
- (i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of

a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or

(j) To consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code.

(2) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this chapter to change the subject within the executive session to one not identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

(4) If the governing board of a public school district, charter district, or public charter school has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll call majority vote.

History:

[74-206, added 2015, ch. 140, sec. 5, p. 371; am. 2015, ch. 271, sec. 1, p. 1125; am. 2018, ch. 169, sec. 25, p. 377; am. 2019, ch. 114, sec. 1, p. 439.]

How current is this law?

Search the Idaho Statutes and Constitution

IDAHO OIL & GAS
CONSERVATION COMMISSION

**Oil and Gas Regulatory Program
Activities Report as of November, 2022
Fund 0075-14 Oil and Gas Conservation Fund Cash Flow Report**

		Current Month	Year-to-Date
Beginning Cash Balance 7/1/2022	340,848.71		
Permits		0.00	6,600.00
*Severance Tax		33,807.15	176,820.05
Refund (previous year)		0.00	0.00
Other (transfer to GF)		0.00	0.00
Total		<u>33,807.15</u>	<u>183,420.05</u>
Personnel Expenditures		(9,322.45)	(39,572.97)
Operating Expenditures		(41.31)	(15,020.10)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 11/30/2022			<u><u>469,675.69</u></u>

*The Idaho Tax Commission transfers 60% of the 2.5% Severance Tax to Fund 0075-14 Oil and Gas Conservation Fund to defray the expense of the Oil and Gas Commission.

General Fund Regulatory Program Expenditures Report

Expenditures from General Fund FY23

Expenses	Allocation	Current		Balance
		Month	Year-to-Date	
PC	285,492.00	17,861.41	82,058.01	203,433.99
OE	92,794.00	1,650.70	23,376.74	69,417.26
CO	0.00	0.00	0.00	0.00
Total	<u>378,286.00</u>	<u>19,512.11</u>	<u>105,434.75</u>	<u>272,851.25</u>

Dedicated Fund Regulatory Program Expenditures Report

Expenditures from Dedicated Fund FY23

Expenses	Allocation	Current		Balance
		Month	Year-to-Date	
PC	64,812.00	9,322.45	39,572.97	25,239.03
OE	86,700.00	41.31	15,020.10	71,679.90
CO	3,500.00	0.00	0.00	3,500.00
Total	<u>155,012.00</u>	<u>9,363.76</u>	<u>54,593.07</u>	<u>100,418.93</u>

**Oil and Gas Regulatory Program
Activities Report as of December, 2022
Fund 0075-14 Oil and Gas Conservation Fund Cash Flow Report**

		Current Month	Year-to-Date
Beginning Cash Balance 7/1/2022	340,848.71		
Permits		0.00	6,600.00
*Severance Tax		26,713.24	203,533.29
Refund (previous year)		0.00	0.00
Other (transfer to GF)		0.00	0.00
Total		<u>26,713.24</u>	<u>210,133.29</u>
Personnel Expenditures		(9,322.32)	(48,895.29)
Operating Expenditures		(41.31)	(15,061.41)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 12/31/2022			<u><u>487,025.30</u></u>

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General Fund Regulatory Program Expenditures Report

Expenditures from General Fund FY23

Expenses	Allocation	Current		Balance
		Month	Year-to-Date	
PC	285,492.00	21,101.86	103,159.87	182,332.13
OE	92,794.00	1,916.13	25,292.87	67,501.13
CO	0.00	0.00	0.00	0.00
Total	<u>378,286.00</u>	<u>23,017.99</u>	<u>128,452.74</u>	<u>249,833.26</u>

Dedicated Fund Regulatory Program Expenditures Report

Expenditures from Dedicated Fund FY23

Expenses	Allocation	Current		Balance
		Month	Year-to-Date	
PC	64,812.00	9,322.32	48,895.29	15,916.71
OE	86,700.00	41.31	15,061.41	71,638.59
CO	3,500.00	0.00	0.00	3,500.00
Total	<u>155,012.00</u>	<u>9,363.63</u>	<u>63,956.70</u>	<u>91,055.30</u>

**Oil and Gas Regulatory Program
Activities Report as of January, 2023
Fund 0075-14 Oil and Gas Conservation Fund Cash Flow Report**

		Current Month	Year-to-Date
Beginning Cash Balance 7/1/2022	340,848.71		
Permits		0.00	6,600.00
*Severance Tax		0.00	203,533.29
Refund (previous year)		0.00	0.00
Other (transfer to GF)		0.00	0.00
Total		<u>0.00</u>	<u>210,133.29</u>
Personnel Expenditures		(9,320.67)	(58,215.96)
Operating Expenditures		(41.28)	(15,102.69)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 1/31/2023			<u><u>477,663.35</u></u>

*The Idaho Tax Commission transfers 60% of the 2.5% Severance Tax to Fund 0075-14 Oil and Gas Conservation Fund to defray the expense of the Oil and Gas Commission.

General Fund Regulatory Program Expenditures Report

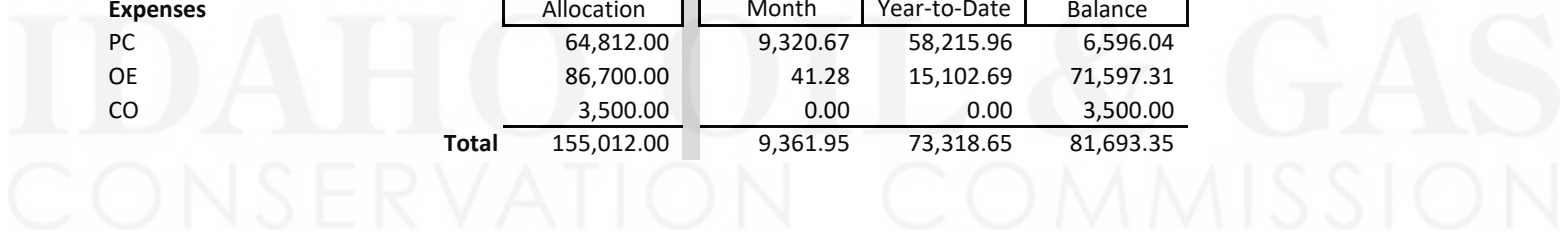
Expenditures from General Fund FY23

Expenses	Allocation	Current		Balance
		Month	Year-to-Date	
PC	285,492.00	10,384.80	113,544.67	171,947.33
OE	92,794.00	156.81	25,449.68	67,344.32
CO	0.00	0.00	0.00	0.00
Total	<u>378,286.00</u>	<u>10,541.61</u>	<u>138,994.35</u>	<u>239,291.65</u>

Dedicated Fund Regulatory Program Expenditures Report

Expenditures from Dedicated Fund FY23

Expenses	Allocation	Current		Balance
		Month	Year-to-Date	
PC	64,812.00	9,320.67	58,215.96	6,596.04
OE	86,700.00	41.28	15,102.69	71,597.31
CO	3,500.00	0.00	0.00	3,500.00
Total	<u>155,012.00</u>	<u>9,361.95</u>	<u>73,318.65</u>	<u>81,693.35</u>





Southwest Idaho Oil & Gas Activity Map



Legend

Active Oil And Gas Wells

- Shut in Gas
- Producing - Multi Zone
- Producing
- Permitted

Inactive Oil and Gas Wells

- Plugged and Abandoned (P&A) Oil Show
- Plugged and Abandoned (P&A) Gas Show
- Plugged and Abandoned (P&A) Gas Well
- Plugged and Abandoned
- APD Submitted

- Gas Pipeline
- Gas Transmission Pipeline
- Highway
- Township
- Sections
- Counties
- Approved Unit
- Approved Spacing Unit, Integration Request Submitted

- Gas Plant
- Idaho Mineral Estate Surface Ownership
- BLM
- IDF&G
- IDL

No.	US Well Number	Operator	Well Name	Status
1	11-075-20011	Snake River O&G	Tracy Trust #3-2	Shut in; pending P&A
2	11-075-20020	Snake River O&G	DJS Properties #1-15	Producing
3	11-075-20022	Snake River O&G	ML Investments #2-10	Producing
4	11-075-20023	Snake River O&G	DJS Properties #2-14	Shut in (Class II appl.)
5	11-075-20024	Snake River O&G	Kauffman #1-34	Shut In
6	11-075-20025	Snake River O&G	ML Investments #1-11	Producing (temp. S/I)
7	11-075-20026	Snake River O&G	ML Investments #1-3	Producing
8	11-075-20027	Snake River O&G	Kauffman #1-9	Producing (temp. S/I)
9	11-075-20029	Snake River O&G	ML Investments #2-3	Producing
10	11-075-20031	Snake River O&G	ML Investments #3-10	Producing
11	11-075-20032	Snake River O&G	Fallon #1-10	Producing
12	11-075-20033	Snake River O&G	Barlow #1-14	Producing
13	11-075-20036	Snake River O&G	Barlow #2-14	Producing
14	11-075-20037	Snake River O&G	Fallon #1-11	Producing
15	11-075-20038	Snake River O&G	Dutch-Lane #1-13	Producing
16	11-075-20039	Snake River O&G	Irvin #1-19	Confidential
17	11-075-20040	Snake River O&G	Barlow #3-14	Confidential

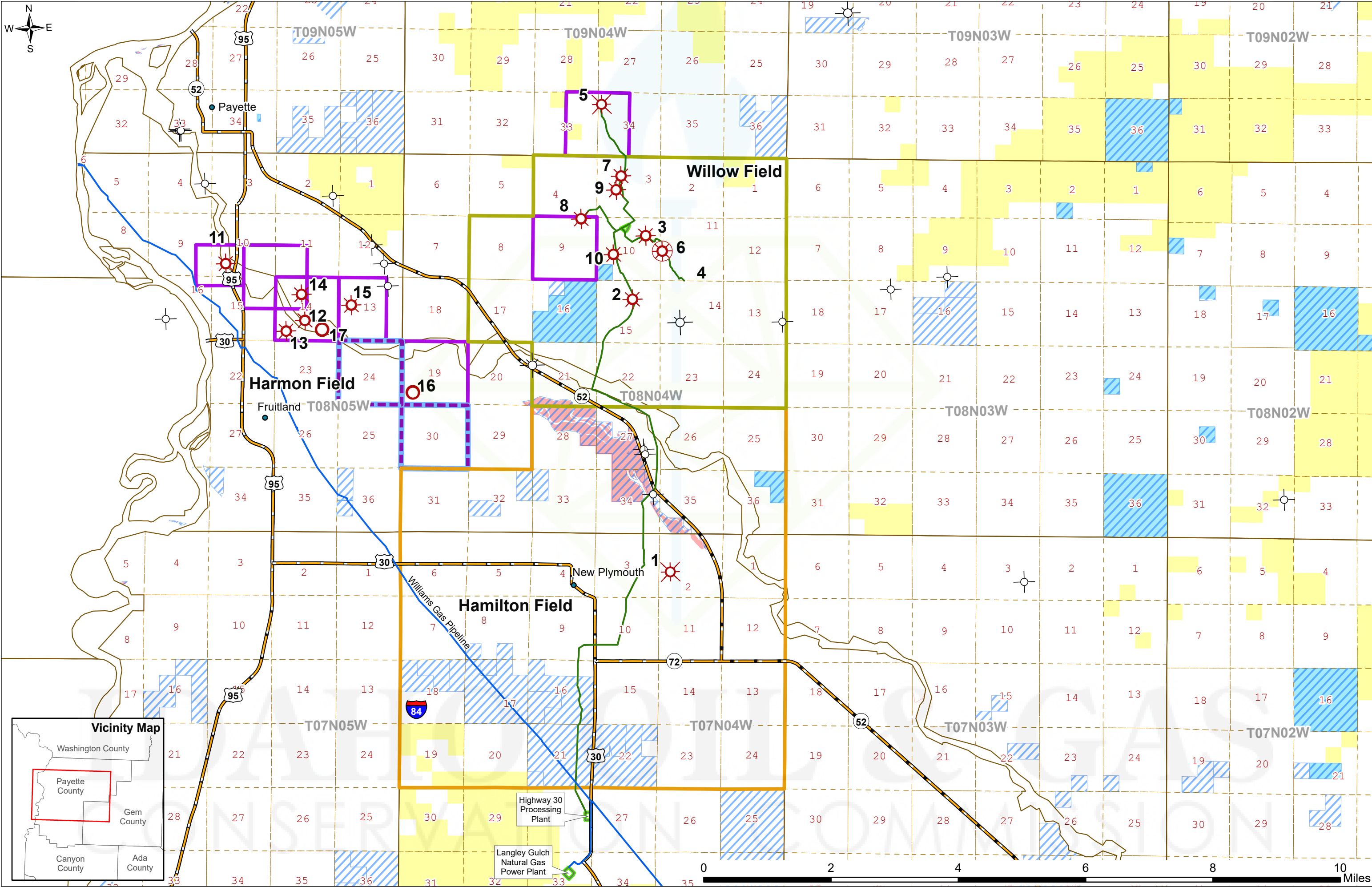
Map Notes and Data Sources

Inactive and Active Oil And Gas Wells through 2/1/2023

Data Sources: Idaho Department of Lands and Idaho Geological Survey

Disclaimer:

This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.



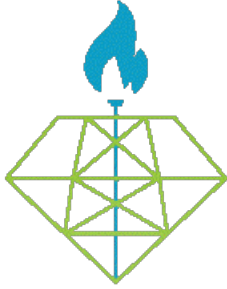
Item 1C - Status Update

i. Class II Injection Well – Permit Status:

The operator shared that they are working with the EPA to develop a process and logistics to convert the well to an injection well. The first step is agreement on a plan and design to test injectivity. Once that is completed, the operator will commence this initial test. Timelines are fluid, but the operator hopes to begin this process in late spring.

ii. Tracy Trust #3-2 – well status update:

The well has been inactive for some time. The Tracy Trust is on an individual bond. The department and operator have been discussing well plugging and has determined that the best next step is to send a notice of inactivity and require plugging. We are developing that notice now.



IDAHO OIL AND GAS CONSERVATION COMMISSION

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Jennifer Riebe, Commissioner

Mick Thomas, Secretary to the Commission

Draft Minutes
Idaho Oil and Gas Conservation Commission Regular Meeting
November 15, 2022

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Tuesday, November 15, 2022, with the physical location at State Capitol, House Hearing Room, (EW42), Lower Level, East Wing, 700 W Jefferson Street, Boise, Idaho. The meeting began at 1:33 p.m. (MT). Chairman Betty Coppersmith presided. The following members were present:

Vice Chairman Ray Hinchcliff
Commissioner Jim Classen
Commissioner Jennifer Riebe

For the record, a quorum was in attendance; the four Commissioners and Secretary Thomas were present at the physical location. Commissioner Miller was absent.

- **ANNOUNCEMENTS**

Chairman Coppersmith went over the agenda items and explained that there was an executive session then the meeting will adjourn after that.

1. **Division Administrator's Report**

- A. Financial Update

Commissioner Classen asked if the cash balance that is left over is a slush fund that carries forward. Secretary Thomas responded that the cash balance carried forward; that there is a specific amount we are allowed to keep. He added that he thinks it is twice what the spending allocation is. If we go over that then the excess will roll into the general fund.

- B. Current Oil and Gas Activity

Commissioner Classen stated that there was a hearing for an integration. Secretary Thomas explained that there was a hearing for "just and reasonable" about a month ago and that there was an order in development for that then the integration hearing will be in 2023. Commissioner Classen commented that there was still a long delay in the process. Secretary Thomas responded that more discussion will be given during the update on the statute change.

- C. Status Update

- i. Class II Injection Well – Permit Status

Commissioner Classen asked why it is 10-12 months before they think it will be functional. Secretary Thomas responded that he did not know that it is going to be 10-12 months, but that it will take some amount of time. He added that he thinks in the secretary update he said it should be functional in 2023. Secretary Thomas guessed that contracting and scheduling equipment to come to the site and do the work is an unknown in our location. He does not know how long it is going to take the operator to get the equipment on site. Commissioner Classen stated that it should take four days to complete the well, roughly. Secretary Thomas explained that once the equipment is on site, he would also imagine that there's inspections that are going to be needed by the EPA staff to make sure that everything gets checked off. He stated that it may move quickly, but that he is not aware of the timeline there as he has not spoken with the operator about these timelines so they may already have things lined up. Commissioner Classen noted that if he were an operator, it would be functional the end of this year. Secretary Thomas offered to follow up with the operator and get an update and put it in the next secretary update. Commissioner Classen responded that was a great idea. Vice Chairman Hinchcliff explained they might decide to use their rigs on location and go do the work, that's their business and asked if the EPA specify's what monitoring equipment they had to have. Secretary Thomas answered that he did not see specifics on what monitoring equipment they are requiring. He asked Program Specialist James Thum if he was familiar with anything specific about the kind of equipment they are going to need on site. Mr. Thum stated that he has spent quite a few days going through the permit material and that he is not sure if anyone on the Commission has. He added that in his opinion, there's quite an extensive list of reservoir pressure testing that is going to need to occur before EPA will grant this permit which will involve shutting in existing wells in Willow field, monitoring the pressure, pressuring up the DJS 2-14 and measuring what they call boundary pressure analysis for all those wells. He explained that if you look at some of the notices that they're required to submit, they have to give EPA at least 30 days' notice, so if you give them a notice of 30 days, and they decide they are going to be out there at the end of the 30 days to inspect or follow up, that's a pretty long period of time that they're going to have to wait to get things done so he can't speak to the EPA's timelines as far as doing that, but if you read through and try and assemble what a potential timeline is, it's fairly long and a lot of it has to do with reservoir testing that needs to occur. Vice Chairman Hinchcliff responded that he is assuming their monitoring is pressure-related then, is what he is assuming based on what you're telling everyone. Mr. Thum responded yes. Vice Chairman Hinchcliff stated that's normally what we do, but he didn't know if there's some new regulation required to have some sort of down-hole sensor or something. Chairman Coppersmith responded no. Commissioner Classen explained that from what he has read, it's a pressure bleed off test and they're going to somehow pressure up these and once they get the well completed, from the top they'll go in and pressure the tubing. He added that they have a packer in the tubing and perfs below the packer and they're going to pump into a pressure, some magic number, not disclosed, and then measure the pressure bleed off to ensure that it's able to handle the volume and that he has never heard of that. Commissioner Classen asked Vice Chairman Hinchcliff if that was common. Vice Chairman Hinchcliff responded that yes, that's fairly common, they're going to want to know some boundary tests and he would imagine the operator is going to want to know that anyway in case they have to stimulate the zone to chelate the water injection. He added that he is sure the EPA's concerned about making sure the water is going into the zone they want it to go into and there's no migration behind pipe.

Chairman Coppersmith noted that the way she read it was that since this is the first injection well, Class II well, that they are requiring maybe more extensive testing than they would on if this was the second or third well. She added that the step-right test that they're asking for are indeed very common and the pressure testing just to ensure integrity that you don't exceed that frac gradient. Chairman Coppersmith added that she was pretty surprised that it wasn't more stringent with this being the first well. She thought that was probably good work between not only your agency, but Snake River as well. It looked like it was a good thorough program without being overly extensive. Secretary Thomas noted that he also believed this and that he could be wrong, that EPA region 10 worked closely with EPA region 8 in the latter part of this permit at least. He added that they referenced them a few times and thinks that body of work may have helped them make sure they hit what was important and not maybe do too much exploration in the other areas. Chairman Coppersmith responded that was good. Vice Chairman Hinchcliff added that the good news is that they finally got a permit, or a potential permit. Chairman Coppersmith inquired about the perforations and that it looked they were, the existing perforations were still open and then they were going to add additional perforations. She asked if they recall, or if they squeezed off the original perforations. Mr. Thum responded that from reading the well construction diagram that they provided, he believes that there were zones deeper in the well below the injection zone that are still open that they will probably have to either squeeze or seal off, that was part of the conditions within the permit that they would have to isolate those zones. Mr. Thum added that there's quite a bit of remedial cementing that's probably going to have to occur in that well and unfortunately, the well was drilled by a former operator, so our completion records aren't necessarily the same as what EPA was able to get from the operator but there are additional perforated zones that do need to be squeezed off. He added that he can't recall whether they were going to add additional perms within the proposed injection zone or not but noted that there's quite a bit of work that is going to need to be done to that well. Commissioner Classen asked if in Idaho, can you leave the perms open below and just set a bridge plug with a cement dump. Mr. Thum responded that yes, that's the case. He explained that ultimately, if you plug a well, though, you have to come back and squeeze cement at least a hundred feet on either side of those perforations. He stated that it's operator's choice of in the course of completing or testing a well that they want to set that bridge plug. He believes that there is a bridge plug deeper in that well that may isolate those zones, but he thinks the EPA is requiring that they go in and squeeze those zones to cement them off. Commissioner Classen stated that they'll have to drill at the bridge plugs if there are any. Mr. Thum stated more than likely yes, unless it's some sort of retrievable bridge plug, but he did not recall that information. Commissioner Classen asked if he found out, if he could send him an email. Mr. Thum noted that he thinks all of that is included in the EPA's documents that they put on the web page. Chairman Coppersmith asked if once the well is on injection, assuming they're going to be able to meet all of the requirements and perform all the tests, will that injection information be available as soon as we start injection, or is there confidentiality on this well as well. Mr. Thum explained that his understanding because that is not production data, it's injection information, he did not see any reason why that wouldn't be able to be released immediately. He added that given the EPA's preference for that information being in the public realm, we would certainly have access to it and as a comparison as well, we do have water, produced water, reported on all of our monthly reports so, even if there is some delay in that injection volume, we will have some idea based on our production reports because we'll know how much water is coming out of the reservoir which is a requirement under 47-324. Chairman Coppersmith responded great, thank you James. Chairman Coppersmith stated that

she thinks the Commissioners are all very curious to see how this well performs just because of the history of having to truck the water and being limited because of the amount of water production. Chairman Classen noted that they're only using about 1,200 barrels of water, salt water current production, so once the injection well is up and running, and asked if Mr. Thum has had any discourse, or do you have any idea if the operator is going to go back in and pick up some of the older wells and put them back on. Mr. Thum responded that in his own discussions with personnel from Snake River Oil and Gas, that's always been the intent; there are several wells within Willow Field that are currently shut in and the operator has stated many times that the reason those wells are shut in is because there is not an economic way to dispose of the water. He explained that once they reach a certain water cut at this point, they just can't produce the wells because they can't get rid of the water in an economic fashion, it doesn't balance. Mr. Thum added that his understanding is yes, they would bring some of those wells back online, but he has not had any follow up discussions with them to know which ones they would do that, or which ones they ultimately feel won't be economic, and they'll decide to plug. Commissioner Classen suggested that that's an interesting topic that Mick could put in his monthly summaries. Vice Chairman Hinchcliff inquired about the permit is giving them permission to comingle the water from both fields. Mr. Thum clarified that he said from both fields. Vice Chairman Hinchcliff responded and asked if the permit giving them approval to comingle water from both fields for injection. Mr. Thum responded that was correct; the only restriction that he can recall is that they cannot take produced water outside of Payette County. He explained that right now, all of the production does occur in Payette County, but say they decided to move to Canyon County or something like that and drill a well, that well would probably be affected by what the permit limitations are and that any well within Payette County, the EPA has declared they can take the produced water and inject it. Commissioner Riebe stated that she has two questions; is the water that's injected back in periodically tested and is that something that is available to the public as well, the contents of the injection water. Mr. Thum responded that the water, as part of the EPA application, the operator was required to submit water analysis to EPA so they could determine kind of a baseline for what's within the water. He added that he can't recall, but he thinks there is some sort of testing that is required maybe once a year or something for the water that goes back in, but, beyond that he does not know. Commissioner Riebe inquired if that is that available for the public to see, is that part of their application. Mr. Thum stated he believes it is in the original application material, the water analysis. And that he thinks that is all still posted on the EPA Region 10 website and that we do have a link to that on our webpage if you need to look at that. He added that we have a copy of all the materials and that we downloaded the application materials, so we do have a copy of that as well, and then anything else. Mr. Thum added that one response that EPA had to a public request they said that any information that's not posted as part of the ongoing process could be acquired from them through a FOIA request so all of that information would be ultimately available. Commissioner Riebe asked if there is a limited capacity for injecting back in, that she is not familiar with this process. She also asked if it is it something you could take the liquids off of 10 wells before it's full, or one, or 20. Mr. Thum responded that the permit sets a limit of 7.35 million barrels of water, he added that just as a comparison, he thinks Willow and Harmon fields combined have only made, about 200,000 barrels of water and that's since production came online in 2015. He explained that there's quite a ways to go in terms of their limitations and that EPA has also set some pressure and daily limits, that he thinks it is up to, about 1,000 barrels a day which is way over and above what they're producing right now and that those numbers are also included in the permit. Secretary Thomas thanked Mr. Thum for the technical background

and that he appreciated that input. Secretary Thomas stated that questions that each of the commissioners felled, he is going to go ahead if there's follow up involved, for instance it's going to be a little bit complicated for him to know exactly what wells the operators are going to bring back on until they provide a sundry or something to us but as soon as we get wind of that he will share with the Commission. Secretary Thomas responded to Commissioner Riebe that we do have the injection water test report that was part of the application, Mr. Thum is correct that's on the website and that it's pretty simple for him to find it also and just share that with you, and Mr. Thum probably had similar conversations. Secretary Thomas' conversations with the EPA going back three or four years about this – the water that is being injected is predominately fresh water, it's under 1,000 parts per billion and he thinks the EPA considers an underground water drinking supply anything under 10,000 parts per billion of solids and so it's not salt water in any way, and it's predominately fresh water but he will get that test and send it to the Commission. Commissioner Classen stated 50,000 or something. Secretary Thomas responded that 10,000 is the threshold. Commissioner Classen stated yes, but what they're producing he thinks is about 50. Secretary Thomas heard was it was under 1,000, maybe in the hundreds. Commissioner Classen stated that it varies. Mr. Thum explained that he thinks the report that EPA included said that of the three or four tests the average was about 3,500 parts per million and that there was one abnormally high one that was around 15,000 but EPA determined that that was probably infiltrated with drilling fluids and so it wasn't an accurate measurement of the produced water from the field.

- **CONSENT – ACTION ITEM(S)**

2. **Approval of Minutes – August 16, 2022 – Regular Meeting (Boise)**

COMMISSION ACTION: A motion was made by Vice Chairman Hinchcliff that the Commission approve the meeting minutes. Commissioner Riebe seconded the motion. The motion carried on a vote of 4-0.

Background information was provided by the presenter indicated below. No Commission action is required on the Information Agenda.

- **INFORMATION**

3. **Update on Proposed Legislation for Title 47, Chapter 3, Idaho Code for the 2023 Legislative Session**
– Presented by Mick Thomas, Division Administrator – Minerals, Navigable Waters, and Oil & Gas
4. **Well Cellar Construction and Maintenance - Best Practices**

- **REGULAR – ACTION ITEM(S)**

None

At 2:17 p.m., Chairman Coppersmith asked for a motion to resolve into executive session for them to consult with legal counsel and that no decisions will be made, the only action item will be to adjourn the meeting. A motion was made by Commissioner Riebe that the Commission convene into Executive Session pursuant to Idaho Code §74-206(1)(f). Commissioner Classen seconded the motion. Chairman

Coppersmith stated a roll call vote is required. Roll Call Vote: *Aye*: Hinchcliff, Classen, Riebe, Coppersmith; *Nay*: None; *Absent*: Miller.

- **Executive**

- A. Idaho Code 74-206(1)(f) - to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. [TOPIC: CAIA v. Miller]

At 2:48 p.m., the Commission resolved out of Executive Session by unanimous consent. For the record, no decisions were made during the Executive Session.

There being no further business before the Commission, at 2:48 p.m. a motion to adjourn was made by Commissioner Classen. Commissioner Riebe seconded the motion. The motion carried on a vote of 4-0. Meeting adjourned.



IDAHO OIL & GAS
CONSERVATION COMMISSION

IDAHO OIL AND GAS CONSERVATION COMMISSION
February 21, 2023
Information Agenda

SUBJECT

Update on Proposed Legislation for Title 47, Chapter 3, Idaho Code for the 2023 Legislative Session

BACKGROUND

Beginning in 2021, the Oil and Gas Conservation Commission (Commission) began the process of revising Idaho code 47-3, also known as the Idaho Oil and Gas Act. In developing these changes, drafts were presented at five commission meetings: November 2021 and January, February, April, and May of 2022. At each of these meetings, the Commission discussed and offered input on the changes. The commission accepted oral comments during the November, February, and May meetings.

Further, the Commission scheduled three written comment periods in November 2021, January 2022, and February 2022. The Commission also provided an oral comment session in March 2022 at the Fruitland City Hall. In addition to the multiple meetings and public comment opportunities, the Idaho Department of Lands (Department) created a website to ensure transparency and provide information to stakeholders and the public at large.

The Commission and Department fall under the Executive Agency Legislative System (EALS) guidelines. Following these guidelines, the Department completed and submitted the EALS Legislative Idea Form on June 23, 2022.

The Department also submitted a Statement of Purpose (SOP) and Fiscal Impact form along with the final text in August.

DISCUSSION

The draft changes are now going through the bill process with the Idaho Legislature. Our sponsor in the House is Representative Judy Boyle, who sits on the House Resource and Conservation Committee (Committee). I presented our changes to the Committee on February 9, 2023, and received no questions. The Committee agreed to introduce the changes and the bill can now be tracked on the Idaho Legislatures 2023 website. Our bill number is H0120.