

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.)

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

**ORDER ON POST HEARING
BRIEF**

On March 14, 2023, the Administrator held a hearing on the factors to consider in determining whether an integration order’s terms fulfill Idaho Code § 47-320(1)’s “just and reasonable” requirements. That hearing was noticed with a January 31, 2023 *Order Vacating Hearing and Notice of Hearing to Determine “Just and Reasonable” Factors* (“January 31, 2023 *Notice of Hearing*”). That January 31, 2023 *Notice of Hearing* included the opportunity to file briefs and any supporting affidavits prior to the hearing. That Notice did not include any deadline or request for post-hearing briefing. The Administrator also did not request any post-hearing briefing at the March 14, 2023 hearing. Further, no party requested any post-hearing briefing prior to the close of the hearing. At the end of the hearing, the Administrator took the matter under advisement.

Jordan A. and Dana C. Gross and Little Buddy Farm (collectively the “Grosses”) filed a post-hearing brief on March 15, 2023, and an errata to that post-hearing brief on March 16, 2023. The Grosses did not include in the filing any motion or request asking the Administrator to permit filing of post-hearing briefing or citation to any rule or order that permitted such post-hearing briefing. IDAPA 04.11.01.564 provides that “any party may *ask* to file briefs. . . and the presiding officer *may request* briefs, proposed orders of the parties, or statements of position.” (Emphasis added). Parties are reminded of IDAPA 04.11.01.564 and that any request for post-hearing briefing that has not been ordered should be made by motion. Motions and the practice outlined under

IDAPA 04.11.01.565 ensure that justification is given for that request, and that other parties can either join or respond.

Uncommitted owners may still file objections or responses addressing the merits of the integration application up until fourteen days before the evidentiary hearing, which has not been scheduled and will be separately noticed for hearing in the future. Parties may argue in their responses to the integration application as to what *terms* they believe are in fact just and reasonable based upon the factors resulting from the March 14, 2023 hearing. To the extent that the Grosses' filings may be considered a response to the pending application, they may incorporate such filings by reference in relation to the future evidentiary hearing.

In conclusion, because the Grosses' post-hearing briefing is a brief filed by a party and thus meets the criteria to be admitted to the record under IDAPA 04.11.01.650.01, the Administrator will accept it into the record. However, for the reasons cited above, the Administrator will not consider the Grosses' post-hearing briefing in his decision as to the factors that will be considered to determine whether the terms and conditions of an integration order are just and reasonable.

Dated this 22 day of March 2023.



Richard "Mick" Thomas

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

CERTIFICATE OF MAILING

I hereby certify that on this 22 day of March 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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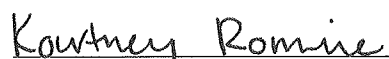
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