

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION  
STATE OF IDAHO**

In the Matter of Application of AM Idaho, )	Docket No. CC-2019-OGR-01-002
LLC, for Spacing Order and Integration )	
of Unleased Mineral Interest Owners in the )	<b>REPLY IN SUPPORT OF</b>
SW ¼ Section 10, Township 8 North, )	<b>REQUEST FOR EXTENSION</b>
Range 5 West, Boise Meridian, )	<b>OF TIME</b>
Payette County, Idaho )	
AM Idaho, LLC, Applicant. )	

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Applicant AM Idaho, LLC replies to the Opposition to Motion for Extension of Time filed by the Intervenors (Grant, Benedict, Gruell, Simmons, Davis, Smith, Harris and Dunlap) as follows:

1. Counsel for Intervenors does not purport to represent any mineral owner in the affected quarter sections. Intervenors’ interests are not affected by Applicant’s request. The Order requiring additional notice goes well beyond the relief requested by Intervenors.

2. Under the terms of the Administrator’s Order, Applicant could have simply cut its title review short and mailed notice to addresses without naming a recipient, and combined with the Department’s published notice, required notice would have been complete. Applicant is actually attempting to provide the best possible notice to mineral owners in the affected area. Intervenors now seek to penalize Applicant for that effort.

3. Intervenors provide no factual support or evidence at all to support their assertion that mineral owners in the affected area “will not receive adequate time to review, research and properly respond” to, or “develop an opinion and position” regarding, the notice.

4. Intervenors provide no factual support or evidence at all to support their assertion that mailing will take a full week to complete in both directions. “Administrative notice” is not a legal concept for which there is any support in this context in any event, and Intervenors supply

no authority for it. IDAPA 04.11.01.602 permits “official notice” to be taken of facts that could be judicially noticed in courts of Idaho and of “generally recognized technical or scientific facts.” Mailing time is not a “generally recognized technical or scientific fact.” Judicial notice is limited to “a fact which is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” IRE 201(b). Judicial notice may be taken only when information is supplied to support the above standard. IRE 201(c). Intervenors have supplied none of this information. Intervenors are simply making up facts in order to obstruct and delay Applicant in any way possible.

5. As the Administrator’s Order noted, the Department will also publish notice to uncommitted mineral interest owners. Between this and Applicant’s mailed notice, any affected mineral interest owner who wishes to respond will be apprised of the pendency of the action, and will be afforded an opportunity to present any objections. Due process will have been supplied.

Intervenors objection to a request which does not affect their interest at all is factually unsupported and should be rejected.

DATED this 3<sup>rd</sup> day of December, 2019.



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MICHAEL R. CHRISTIAN  
Attorney at Law

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of December, 2019, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to all counsel of record as follows:

Kristina Fugate Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail, return receipt requested <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Messenger Delivery <input checked="" type="checkbox"/> Email: kristina.fugate@ag.idaho.gov
Joy Vega Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail, return receipt requested <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Messenger Delivery <input checked="" type="checkbox"/> Email: joy.vega@ag.idaho.gov
Mick Thomas Division Administrator Idaho Department of Lands P.O. Box 83720 Boise, ID 83720-0050	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail, return receipt requested <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Messenger Delivery <input checked="" type="checkbox"/> Email: mthomas@idl.idaho.gov
James Thum Idaho Department of Lands P.O. Box 83720 Boise, Idaho 83720-0050	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail, return receipt requested <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Messenger Delivery <input checked="" type="checkbox"/> Email: jthum@idl.idaho.gov
Kourtney Romine Idaho Department of Lands P.O. Box 83720 Boise, Idaho 83720-0050	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail, return receipt requested <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Messenger Delivery <input checked="" type="checkbox"/> Email: kromine@idl.idaho.gov

<p>James Piotrowski  Attorney for CAIA, Certain Non-Consenting  Owners (Judith and Jimmie Hicks, Karen  Oltman, Alan and Glenda Grace,  Shady River, LLC)  1020 W. Main St., Suite 400  PO Box 2864  Boise, ID 83702</p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Certified Mail, return receipt requested  <input type="checkbox"/> Overnight Delivery  <input type="checkbox"/> Messenger Delivery  <input checked="" type="checkbox"/> Email: james@idunionlaw.com</p>
<p>James Piotrowski  Attorney for Petitioners to Intervene (Carrie  Grant, Shannon Benedict, Donald and Phyllis  Gruell, Sharon Simmons, Lowell and  Geraldine Davis, James and Beverly Smith,  Dana Harris and Sandra Dunlap)  1020 W. Main St., Suite 400  PO Box 2864  Boise, ID 83702</p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Certified Mail, return receipt requested  <input type="checkbox"/> Overnight Delivery  <input type="checkbox"/> Messenger Delivery  <input checked="" type="checkbox"/> Email: james@idunionlaw.com</p>
<p>City of Fruitland  Attn: Rick Watkins-City Clerk  PO Box 324  Fruitland, ID 83619</p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Certified Mail, return receipt requested  <input type="checkbox"/> Overnight Delivery  <input type="checkbox"/> Messenger Delivery  <input type="checkbox"/> Email</p>
<p>Anadarko Land Corp.  Attn: Dale Tingen  1201 Lake Robbins Dr.  The Woodlands, TX 77380</p>	<p><input checked="" type="checkbox"/> U.S. Mail  <input type="checkbox"/> Certified Mail, return receipt requested  <input type="checkbox"/> Overnight Delivery  <input type="checkbox"/> Messenger Delivery  <input type="checkbox"/> Email</p>

*/s/ Lauren Smyser* \_\_\_\_\_  
LAUREN SMYSER