

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application of AM Idaho,)
LLC for Spacing Order and to Integrate Unleased)
Mineral Interest Owners in the Drilling Unit)
Consisting of the SW ¼ of Section 10, Township)
8 North, Range 5 West, Boise Meridian, Payette)
County, Idaho.)
AM Idaho, LLC, Applicant.)
_____)

Docket No. CC-2019-OGR-01-002

**ORDER EXTENDING TIME FOR
NOTICE AND VACATING AND
CONTINUING HEARING**

On November 21, 2019, the Administrator issued his *Order Granting Petition to Intervene, Bifurcating Hearing, and Requiring Additional Notice* (“*Order Requiring Additional Notice*”). Concurrently with the *Order Requiring Additional Notice*, the Administrator issued a *Notice of Evidentiary Hearing on Spacing Application and Notice of Prehearing Conference* (“*Notice of Hearing*”) for a January 22, 2020 evidentiary hearing on only the spacing application of AM Idaho, LLC (“AMI”) with a prehearing conference set for January 16, 2020 and a response deadline of January 8, 2020. In addition to granting a petition to intervene and bifurcating the spacing and integration hearings, the *Order Requiring Additional Notice* required AMI to, within fourteen (14) days, serve notice of the spacing hearing, the November 21, 2019 order, and a copy of documents supporting its June 24, 2019 application’s spacing request on all mineral interest owners in the SE ¼ of Section 9, the NW ¼ of Section 15, and the NE ¼ of Section 16, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho.

On December 2, 2019, AMI filed a request for extension of time concurrently with a Declaration of Wade Moore III. AMI requested that the requirement to serve notice be extended from Thursday, December 5, 2019 to Friday, December 13, 2019. Wade Moore III’s declaration provides that as senior landman for AMI he estimates it will take him until Friday, December 13,

2019 to complete and mail the required documents. He cites the fact that he will review title for approximately 200 tracts to update the mineral ownership for the affected area and the inclusion of the Thanksgiving holiday weekend within the time period as reasons the extension is necessary.

On December 3, 2019, the intervenors filed an opposition to AMI's request. Intervenors argue that granting AMI an extension for mailing until December 13, 2019 will mean the additional mineral interest owners notified will not receive adequate time to review, research, and properly respond to AMI's application for spacing and integration.¹ They argue that the extension should be denied, but if granted the Administrator should delay the hearing on spacing. On December 3, 2019, AMI filed a *Reply in Support of Request for Extension of Time*.

ANALYSIS

Orders setting deadlines are interlocutory orders. IDAPA 04.11.01.710. Any party affected by an interlocutory order may petition the Administrator to review an interlocutory order. IDAPA 04.11.01.711. The Administrator may amend any interlocutory order on his own motion, but will not on his own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment. *Id.*

Here, AMI requests an extension of eight (8) days to review title for approximately 200 tracts in Payette County. Decl. Wade Moore III p. 2. AMI's landman states that at least one large tract has been subdivided into neighborhood lots, which increases the number of tracts to review. *Id.* at p. 1. He states that title review involves at least retrieving county tax roll records for uncommitted tracts, comparing those to the previous ownership lists, and reviewing all

¹ AMI is not required to serve notice of its integration application on those additional mineral interest owners. See November 21, 2019 *Order Granting Petition to Intervene, Bifurcating Hearing, and Requiring Additional Notice*.

instruments of conveyance where there appears to have been changes in ownership. *Id.* He reasons that based on these facts and the inclusion of a holiday weekend in this time period, he can have the required review and mailing prepared by Friday, December 13, 2019. *Id.* at 3.

After review of the November 21, 2019 *Order Requiring Additional Notice* in light of the information submitted in Wade Moore III's affidavit, the Administrator hereby extends the deadline for AMI to submit notice to December 13, 2019. This is due to the importance of AMI having time to properly identify mineral interest owners that are reasonably ascertainable and should receive notice. Indeed, this type of specific notice is exactly what Intervenors requested. With title searches to be performed for over 200 parcels, including one large tract that has been subdivided, the Administrator finds good cause to extend the deadline to December 13, 2019.

Intervenors argue that if the extension is granted then the entire set of deadlines should be extended to ensure there is reasonable time to respond. Given that AMI requested the additional eight (8) days, the Administrator will vacate the January 22, 2020 hearing date, the January 8, 2020 response deadline, and the January 16, 2020 prehearing conference and continue all of those dates at least eight (8) days to give mineral interest owners at least the amount of notice required in the Administrator's November 21, 2019 *Order Requiring Additional Notice*. The Administrator will issue an amended notice of hearing with updated deadlines by December 10, 2019. AMI is required to serve this order, the future Amended Notice of Hearing, and the documents required in the November 21, 2019 *Order Requiring Additional Notice* (except for the Notice of Hearing for the January 22, 2020 spacing hearing).

Further, the Administrator finds granting this extension and continuing the hearing date does not affect the substantive rights of the parties because the only changes are an extension of

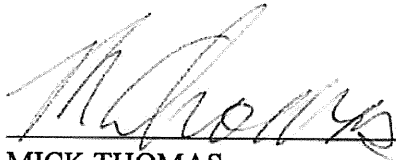
an Administrator-imposed deadline for notice and a related continuance of hearing date and associated deadlines, which are not substantive issues in the proceeding.

ORDER

The Administrator hereby ORDERS:

1. On or before December 13, 2019, AMI is required to serve this order, the November 21, 2019 *Order Granting Petition to Intervene, Bifurcating Hearing, and Requiring Additional Notice*, and a copy of documents supporting the spacing request in its June 24, 2019 application on all mineral interest owners within of the SE ¼ of Section 9, the NW ¼ of Section 15, and the NE ¼ of Section 16, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho. AMI does not need to serve the application on those uncommitted owners located in the SW ¼ of Section 10 because the application has already been served on those persons. If AMI fails to serve notice as directed, then the Administrator will dismiss AMI's application.
2. The January 22, 2020 hearing date, January 8, 2020 response deadline, and the January 16, 2020 prehearing conference are VACATED and CONTINUED pending the Administrator issuing an Amended Notice of Hearing.
3. The Administrator will issue an Amended Notice of Hearing on or before December 10, 2019 and AMI is required to serve that Amended Notice of Hearing with the other documents required to be served.

DATED this 4 day of December, 2019.



MICK THOMAS

Administrator, Idaho Department of Lands Oil and Gas Division

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December 2019, I caused to be served a true and correct copy of the following item in Docket No: CC-2019-OGR-01-002: *Order Extending Time for Notice and Vacating and Continuing Hearing* by the method indicated below and addressed to the following:

AM Idaho, LLC
c/o Michael Christian
Smith + Malek
101 S. Capitol Blvd, Suite 930
Boise ID 83702

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested
- Email: mike@smithmalek.com
lauren@smithmalek.com

Kristina Fugate
Deputy Attorney General
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Boise ID 83720-0010

- U.S. Mail, postage prepaid
- State House Mail
- Certified mail, return receipt requested
- Email: kristina.fugate@ag.idaho.gov

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Mick Thomas
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Boise, ID 83702

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James Piotrowski
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Simmons, Lowell and Geraldine Davis, James and
Beverly Smith, Dana Harris, and Sandra Dunlap)
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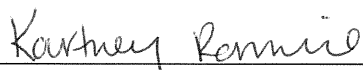
**same address/email as above*

City of Fruitland
Attn: Rick Watkins-City Clerk
PO Box 324
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Anadarko Land Corp.
Attn: Dale Tingen
1201 Lake Robbins Dr
The Woodlands TX 77380

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested



Kourtney Romine
Administrative Assistant