

**From:** [James Piotrowski](#)  
**To:** [Kourtney Romine](#)  
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**Subject:** Filing in Docket No. CC-2023-OGR-01-001  
**Date:** Thursday, May 04, 2023 12:16:59 PM  
**Attachments:** [Notice of ex parte contact.pdf](#)

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Ms. Romine,

Please file in the record of this case the attached Notice which is hereby being served on the parties who have appeared in this matter to date.

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BEFORE THE IDAHO DEPARTMENT OF LANDS

In the matter of the Application of Snake	)	
River Oil and Gas, LLC to Integrate a	)	Case No. CC-2023-OGR-01-001
Spacing Unit Consisting of Section 24,	)	
Township 8 North, Range 5 West, Boise	)	NOTICE OF EX PARTE CONTACT
Meridian	)	
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COME NOW THE undersigned attorney 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, Mark and Melanie Mullins, Jessica and Andrew Cogburn, Yvonne Smith, Richard Lancaster and Mary Ann Miller, and gives notice of an *ex parte* contact between the undersigned and Idaho Oil and Gas Commission Administrator Mick Thomas.

On May 2, the undersigned attorney participated in a pre-hearing conference in this matter at which Mr. Thomas presided and attorneys for the parties addressed various issues relevant to the above-captioned case. The discussion was lively, but resulted in the establishment of a set of pre-hearing deadlines to address those issues and to advance the matter toward

ultimate hearing. Mr. Thomas, the Department of Lands and Land Board, Snake River Oil and Gas and two separate groups of uncommitted mineral owners were all represented by counsel.

Several hours after that hearing, Mr. Thomas placed a phone call to the office of the undersigned. Because Mr. Thomas and I have had contact in the past, initiated by him, in matters concerning oil and gas law but as to which he is not represented by counsel, or to address highly issues about procedure before the oil and gas commission, I took his call.

During the call, Mr. Thomas stated that the hearing earlier in the day had been a contentious one, but that he understood that was the result of the fact that each of the participants was serving to protect the sometimes-conflicting interests of different entities and clients. He further stated that each of us had a job to do, and he viewed any conflicts as the inevitable consequence of each party performing their duties. I informed Mr. Thomas that my understanding of our interactions was the same, and that any disagreements he and I might have were over issues of public policy concerning oil and gas development in Idaho and the processes by which those public policies are implemented. I further stated my understanding that Mr. Thomas was bound by the statute and regulations which he is charged with implementing, and he replied that he likewise knew lawyers were bound to represent the interests of their clients.

We concluded the conversation, I believed, with the mutual understanding that we each had duties to perform which placed us sometimes in agreement and sometimes in conflict, but that we each understood the other's actions as being consistent with our respective duties. It is possible I misunderstood Mr. Thomas, but I understood this to be the entirety of our conversation, other than the exchange of pleasantries.

I have spoken with Mr. Thomas on numerous occasions in person, via video conference, and by telephone, all in addition to the numerous appearances I have made before him in his role

as a hearing officer. I have always understood Mr. Thomas's one-on-one conversations with me to be a genuine effort to communicate with stakeholders and constituents with an interest in the work of the Idaho Oil and Gas Commission and Idaho Department of Lands, and have appreciated his efforts in that regard. It did not occur to me until later that while we did not have any substantive discussion about any of the issues that Mr. Thomas might be asked to decide in this proceeding, and our discussion was mainly limited to statements of mutual respect even in the face of disagreement, that the contact might be viewed by some as inappropriate.

The undersigned provides this notice in the interests of transparency in government administration, in an effort to alleviate or perhaps cure any appearance of impropriety, and out of an abundance of caution spurred significantly by changes in the office of the Attorney General of Idaho and its general disposition toward those who oppose its own public policy initiatives. The undersigned does not hereby seek any action or decision, but merely wishes to provide this notice to all other parties.

Dated this 4<sup>th</sup> day of May, 2023.

PIOTROWSKI DURAND, PLLC

          /s/          James M. Piotrow0ski            
James M. Piotrowski  
Attorneys for CAIA and Certain Non-  
Consenting or Uncommitted Owners

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing document to be served on the parties indicated below, via electronic mail, this 4<sup>th</sup> day of May, 2023.

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/s/ James M. Piotrowski  
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