

IDAHO OIL AND GAS CONSERVATION COMMISSION OPEN MEETING CHECKLIST

FOR MEETING DATE: May 25, 2021

Regular Meetings

05/19/2021	Notice of Meeting posted in prominent place in IDL's Boise Headquarters office five (5) calendar days before meeting.
05/19/2021	Notice of Meeting posted in prominent place in IDL's Coeur d'Alene Headquarters office five (5) calendar days before meeting.
05/19/2021	Notice of Meeting posted in prominent place at meeting location five (5) calendar days before meeting.
05/19/2021	Notice of Meeting emailed/faxed to list of media and interested citizens who have requested such notice five (5) calendar days before meeting.
05/19/2021	Notice of Meeting posted electronically on the OGCC public website https://ogcc.idaho.gov/ five (5) calendar days before meeting.
05/19/2021	Agenda posted in prominent place in IDL's Boise Headquarters office forty-eight (48) hours before meeting.
05/19/2021	Agenda posted in prominent place in IDL's Coeur d'Alene Headquarters office forty-eight (48) hours before meeting.
05/19/2021	Agenda posted in prominent place at meeting location forty-eight (48) hours before meeting.
05/19/2021	Agenda emailed/faxed to list of media and interested citizens who have requested such notice forty-eight (48) hours before meeting.
05/19/2021	Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ forty-eight (48) hours before meeting.
11/16/20	Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA
01/08/21	<ul style="list-style-type: none"> • Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA
02/11/21	<ul style="list-style-type: none"> • 2nd Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA
04/15/21	<ul style="list-style-type: none"> • 3rd Revised Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA

Special Meetings

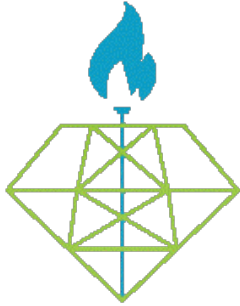
	Notice of Meeting and Agenda posted in a prominent place in IDL's Boise Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted in a prominent place in IDL's Coeur d'Alene Headquarters office twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda posted at meeting location twenty-four (24) hours before meeting.
	Notice of Meeting and Agenda 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 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
RECORDING SECRETARY

05/19/2021
DATE



IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chairman
Marc Shigeta, Vice Chairman
Jim Classen, Commissioner
Ray Hinchcliff, Commissioner
Dustin T. Miller, Commissioner

Mick Thomas, Secretary to the Commission

NOTICE OF PUBLIC MEETING MAY 2021

The Idaho Oil and Gas Conservation Commission will hold a Regular Meeting on **Tuesday, May 25, 2021** in the State Capitol, House Hearing Room, (Room EW42), Lower Level, East Wing, 700 W Jefferson Street, Boise. The meeting is scheduled to begin at **1:00 pm (MT)**.

Please note meeting location, time, and additional details below.

The Oil and Gas Conservation Commission will conduct this meeting in person and via teleconference. At least one Commission member will attend the meeting at the physical location.

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

The Governor's [Stage 4 Stay Healthy Guidelines](#) dated 5/11/2021 allows for public meetings of any size with adherence to physical distancing and sanitation requirements. Total audience capacity at this venue due to social distancing measures is approximately 15 people. Individuals are highly encouraged to watch online or listen via teleconference. All in-person attendees must comply with current COVID-19 safety protocols for public gatherings in the City of Boise. Physical distancing measures reduce the meeting room's normal attendance capacity.¹

Contingent upon safety protocols, the public may attend the meeting in person or via teleconference. Members of the public may listen to the meeting via teleconference, using the following:

Dial toll-free: 1-877-820-7831

Enter passcode: 3607153, followed by (#) key

There will be no public comment taken at this meeting, therefore the passcode is for listening only.

The meeting will be streamed live via IPTV: <https://www.idahoptv.org/shows/idahoinsession/>

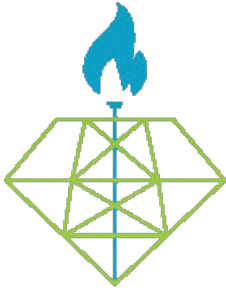
First Notice Posted: 05/19/2021-IDL Boise; 05/19/2021-IDL CDA

¹ www.cityofboise.org/departments/mayor/coronavirus-covid-19-information/

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, Chairman
Marc Shigeta, Vice Chairman
Jim Classen, Commissioner
Ray Hinchcliff, Commissioner
Dustin T. Miller, Commissioner

Mick Thomas, Secretary to the Commission

Final Agenda

Idaho Oil and Gas Conservation Commission Regular Meeting

May 25, 2021 – 1:00 PM (MT)

State Capitol, House Hearing Room, (Room EW42), Lower Level, East Wing, 700 W Jefferson Street,
Boise

Please note meeting location, time, and additional details below.

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• **ANNOUNCEMENTS**

No public comment will be taken at this meeting.

Introduction of new Commissioner, Ray Hinchcliff

¹ www.cityofboise.org/departments/mayor/coronavirus-covid-19-information/

1. Division Administrator's Report

- A. Financial Update
- B. Current Oil and Gas Activity

• **CONSENT – ACTION ITEM(S)**

2. Approval of Minutes – February 24, 2021 – Regular Meeting (Boise)

• **EXECUTIVE SESSION**

- 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: Docket No. CC-2020-OGR-01-003]

• **REGULAR – ACTION ITEM(S)**

- 3. Docket No. CC-2020-OGR-01-003:** Hearing Officer's Recommended Order in the matter of Determining Whether the Integration Order in Docket No. CC-2016-OGR-01-001 applies to the permitted proposed Barlow #2-14 well.

• **INFORMATION**

None

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 February, 2021
Fund 0075-14 Oil and Gas Conservation Fund Cash Flow Report**

		Current Month	Year-to-Date
Beginning Cash Balance 7/1/2020	189,935.64		
Permits		0.00	3,300.00
*Severance Tax		0.00	0.00
Refund (previous year)		0.00	0.00
Other (transfer to GF)		0.00	0.00
Total		<u>0.00</u>	<u>3,300.00</u>
Personnel Expenditures		(4,207.50)	(42,696.96)
Operating Expenditures		(35.97)	(7,962.39)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 02/28/2021			<u><u>142,576.29</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 FY21

	Appropriation	Current Month	Year-to-Date	Balance
PCA 55000 Expenses				
PC	188,100.00	14,472.99	126,757.53	61,342.47
OE	49,300.00	(305.22)	20,681.94	28,618.06
CO	0.00	0.00	0.00	0.00
Total	<u>237,400.00</u>	<u>14,167.77</u>	<u>147,439.47</u>	<u>89,960.53</u>

Dedicated Fund Regulatory Program Expenditures Report

Expenditures from Dedicated Fund FY21

	Appropriation	Current Month	Year-to-Date	Balance
PCA 55070 Expenses				
PC	87,200.00	4,207.50	42,696.96	44,503.04
OE	85,100.00	35.97	7,962.39	77,137.61
CO		0.00	0.00	0.00
Total	<u>172,300.00</u>	<u>4,243.47</u>	<u>50,659.35</u>	<u>121,640.65</u>

**Oil and Gas Regulatory Program
Activities Report as of March, 2021
Fund 0075-14 Oil and Gas Conservation Fund Cash Flow Report**

		Current Month	Year-to-Date
Beginning Cash Balance 7/1/2020	189,935.64		
Permits		0.00	3,300.00
*Severance Tax		2,544.40	2,544.40
Refund (previous year)		0.00	0.00
Other (transfer to GF)		0.00	0.00
Total		2,544.40	5,844.40
Personnel Expenditures		(4,196.30)	(46,893.26)
Operating Expenditures		(1,135.35)	(9,097.74)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 03/31/2021		139,789.04	139,789.04

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General Fund Regulatory Program Expenditures Report

Expenditures from General Fund FY21

	Appropriation	Current Month	Year-to-Date	Balance
PCA 55000 Expenses				
PC	188,100.00	12,267.50	139,025.03	49,074.97
OE	49,300.00	1,280.27	21,962.21	27,337.79
CO	0.00	0.00	0.00	0.00
Total	237,400.00	13,547.77	160,987.24	76,412.76

Dedicated Fund Regulatory Program Expenditures Report

Expenditures from Dedicated Fund FY21

	Appropriation	Current Month	Year-to-Date	Balance
PCA 55070 Expenses				
PC	87,200.00	4,196.30	46,893.26	40,306.74
OE	85,100.00	1,135.35	9,097.74	76,002.26
CO	0.00	0.00	0.00	0.00
Total	172,300.00	5,331.65	55,991.00	116,309.00

**Oil and Gas Regulatory Program
Activities Report as of April, 2021
Fund 0075-14 Oil and Gas Conservation Fund Cash Flow Report**

		Current Month	Year-to-Date
Beginning Cash Balance 7/1/2020	189,935.64		
Permits		0.00	3,300.00
*Severance Tax		0.00	2,544.40
Refund (previous year)		0.00	0.00
Other (transfer to GF)		0.00	0.00
Total		0.00	5,844.40
Personnel Expenditures		(5,936.78)	(52,830.04)
Operating Expenditures		(91.48)	(9,189.22)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 04/30/2021		0.00	133,760.78

*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

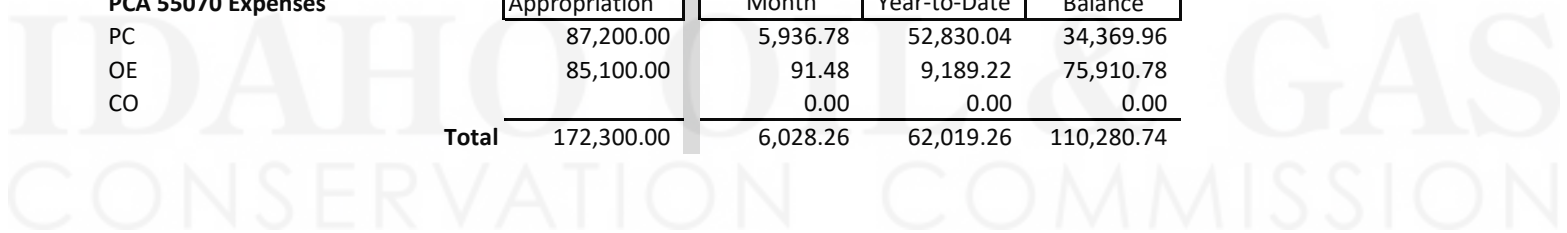
Expenditures from General Fund FY21

		Current Month	Year-to-Date	Balance
PCA 55000 Expenses	Appropriation			
PC	188,100.00	17,515.84	156,540.87	31,559.13
OE	49,300.00	306.17	22,268.38	27,031.62
CO	0.00	0.00	0.00	0.00
Total	237,400.00	17,822.01	178,809.25	58,590.75

Dedicated Fund Regulatory Program Expenditures Report

Expenditures from Dedicated Fund FY21

		Current Month	Year-to-Date	Balance
PCA 55070 Expenses	Appropriation			
PC	87,200.00	5,936.78	52,830.04	34,369.96
OE	85,100.00	91.48	9,189.22	75,910.78
CO		0.00	0.00	0.00
Total	172,300.00	6,028.26	62,019.26	110,280.74





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 (temp. S/I)
3	11-075-20022	Snake River O&G	ML Investments #2-10	Producing (temp. S/I)
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 (temp. S/I)
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 (temp. S/I)
10	11-075-20031	Snake River O&G	ML Investments #3-10	Producing (temp. S/I)
11	11-075-20032	Snake River O&G	Fallon #1-10	Shut In
12	11-075-20033	Snake River O&G	Barlow #1-14	Shut In
13	Not assigned	Snake River O&G	Barlow #2-14	Pending

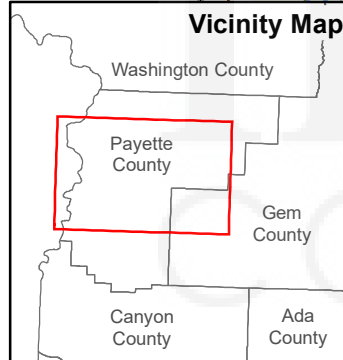
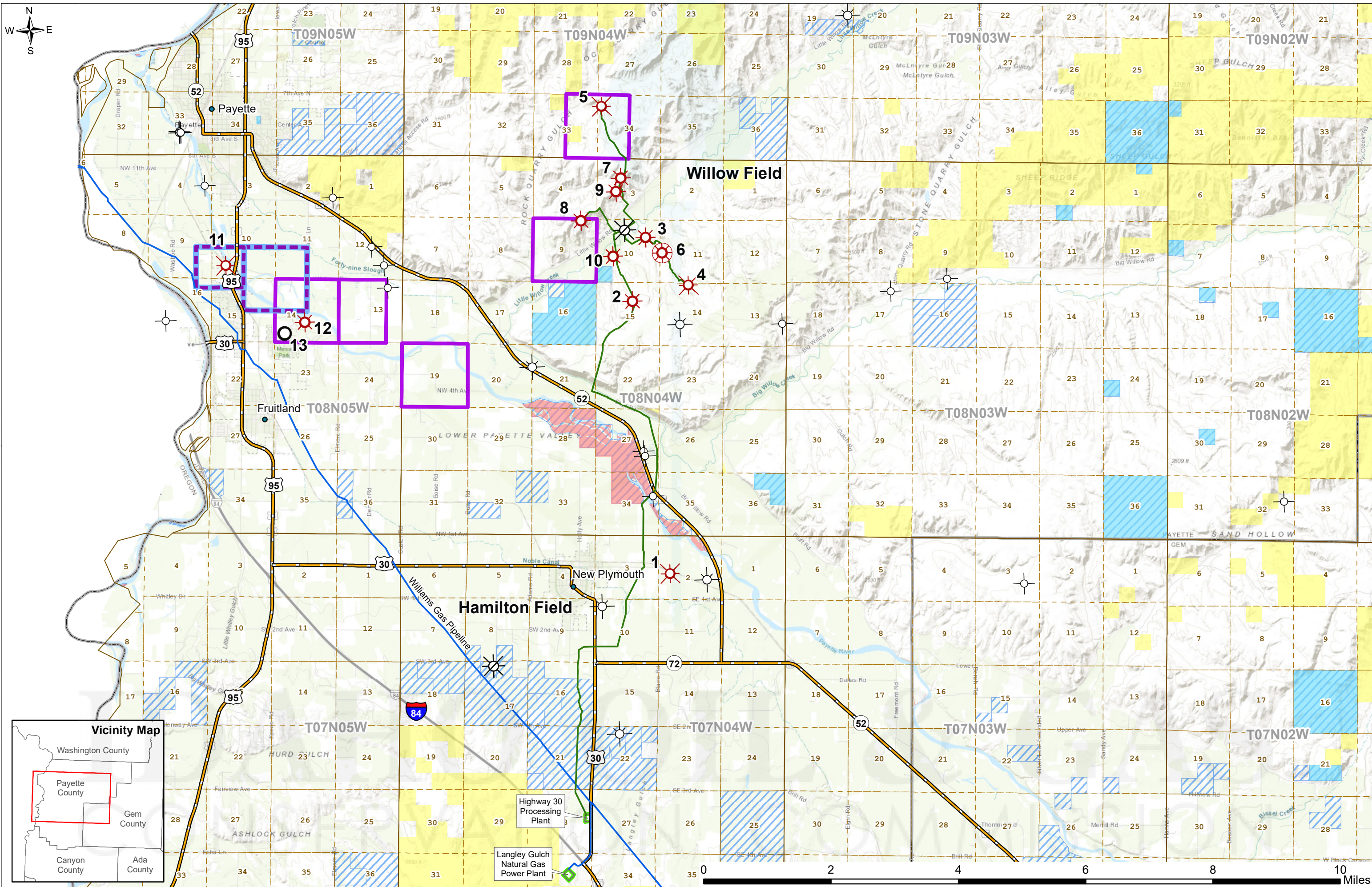
Map Notes and Data Sources

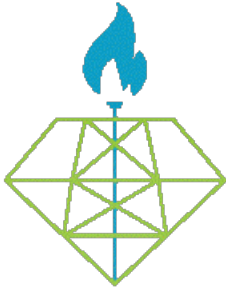
Inactive and Active Oil And Gas Wells through 5/13/2021

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.





IDAHO OIL AND GAS CONSERVATION COMMISSION

Betty Coppersmith, Chairman
Marc Shigeta, Vice Chairman
Jim Classen, Commissioner
Dustin T. Miller, Commissioner

Mick Thomas, Secretary to the Commission

Draft Minutes

Idaho Oil and Gas Conservation Commission Regular Meeting
February 24, 2021

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Wednesday, February 24, 2021 with the physical location at Joe R. Williams Building, (East Conference Room), 700 W State St., Boise, Idaho. There was also a teleconference option. The meeting began at 1:30 p.m. (MT). Chairman Betty Coppersmith presided. The following members were present:

Vice Chairman Marc Shigeta
Commissioner Jim Classen

For the record, Vice Chairman Shigeta and Secretary Thomas were present at the physical location. Chairman Coppersmith and Commissioner Classen attended via teleconference. Commissioner Miller was absent.

• **ANNOUNCEMENTS**

1. Division Administrator's Report

A. Financial Update

Vice Chairman Shigeta inquired about the personnel expenses and why they seem to go up and down. Secretary Thomas explained that the fiscal department manages finances for the department and that he was told that there was an imbalance for month-to-month and that it was a correction the fiscal department made. He explained that if the amount was taken and evened out across the four months, it would be consistent. Vice Chairman Shigeta asked if that was the same with operating expenses and Secretary Thomas responded yes. Chairman Coppersmith asked if there were any known expenses that would be out of the norm in the next few months. Secretary Thomas responded that there are no anticipated increases in expenses for the remaining of the fiscal year. He reminded the Commission that at the end of fiscal year 2020, personnel costs were moved out of the Oil and Gas fund to save costs; he anticipates that the Oil and Gas fund will about break even at the end of the fiscal year.

B. Current Oil and Gas Activity

Commissioner Classen asked if there are any other expected activities to happen in the near future. Secretary Thomas responded that due to the cold spell the country has had in February, natural gas prices shot up which was a boon to Idaho. Secretary Thomas included that the

division does have a docket staff is working through and that there may be additional applications that come but he did not know when or if they would come. Commissioner Classen asked, whether or not the unit has been formed, why it has taken three months before having a hearing. Secretary Thomas responded that the department selected to use the State's Fair Hearings Unit and that the counsel that the department is using as the hearing officer has needed time to get up to speed on Idaho oil and gas law. He included that COVID has also slowed things down and there were some holidays that had occurred as well.

- **CONSENT – ACTION ITEM(S)**

2. **Approval of Minutes – October 20, 2020 – Regular Meeting (Boise)**

CONSENT AGENDA COMMISSION ACTION: A motion was made by Vice Chairman Shigeta that the Commission approve the meeting minutes on the Consent Agenda. Commissioner Classen seconded the motion. The motion carried on a vote of 3-0.

3. **Approval of Minutes – December 9, 2020 – Special Meeting (Boise)**

CONSENT AGENDA COMMISSION ACTION: A motion was made by Vice Chairman Shigeta that the Commission approve the meeting minutes on the Consent Agenda. Chairman Coppersmith seconded the motion. The motion carried on a vote of 3-0.

DISCUSSION: Commissioner Classen asked for clarification that it was on record that he was not in favor of holding the hearing. Chairman Coppersmith responded that she believed that was recorded. Vice Chairman Shigeta also clarified the minutes stated that Commissioner Classen voted nay.

- **REGULAR – ACTION ITEM(S)**

4. **Omnibus Rulemaking - Adoption of Temporary Rule for IDAPA 20.07.02 – Rules Governing Conservation of Oil and Natural Gas in the State of Idaho**

RECOMMENDATION: Adopt as a temporary rule IDAPA 20.07.02 Rules Governing Conservation of Oil and Natural Gas in the State of Idaho that was adopted by the Commission in 2020 and submitted to the 2021 Legislature, with this conditional approval only effective if the rules are not otherwise approved or extended, and authorize the Department to submit a Notice of Adoption of Temporary Rule consistent with that adoption.

DISCUSSION: None.

COMMISSION ACTION: A motion was made by Commissioner Classen to accept the recommendation as read by Secretary Thomas, pertaining to the approval of the 20.07.02 *Rules Governing the Conservation of Oil and Natural Gas*. Vice Chairman Shigeta seconded the motion. The motion carried on a vote of 3-0.

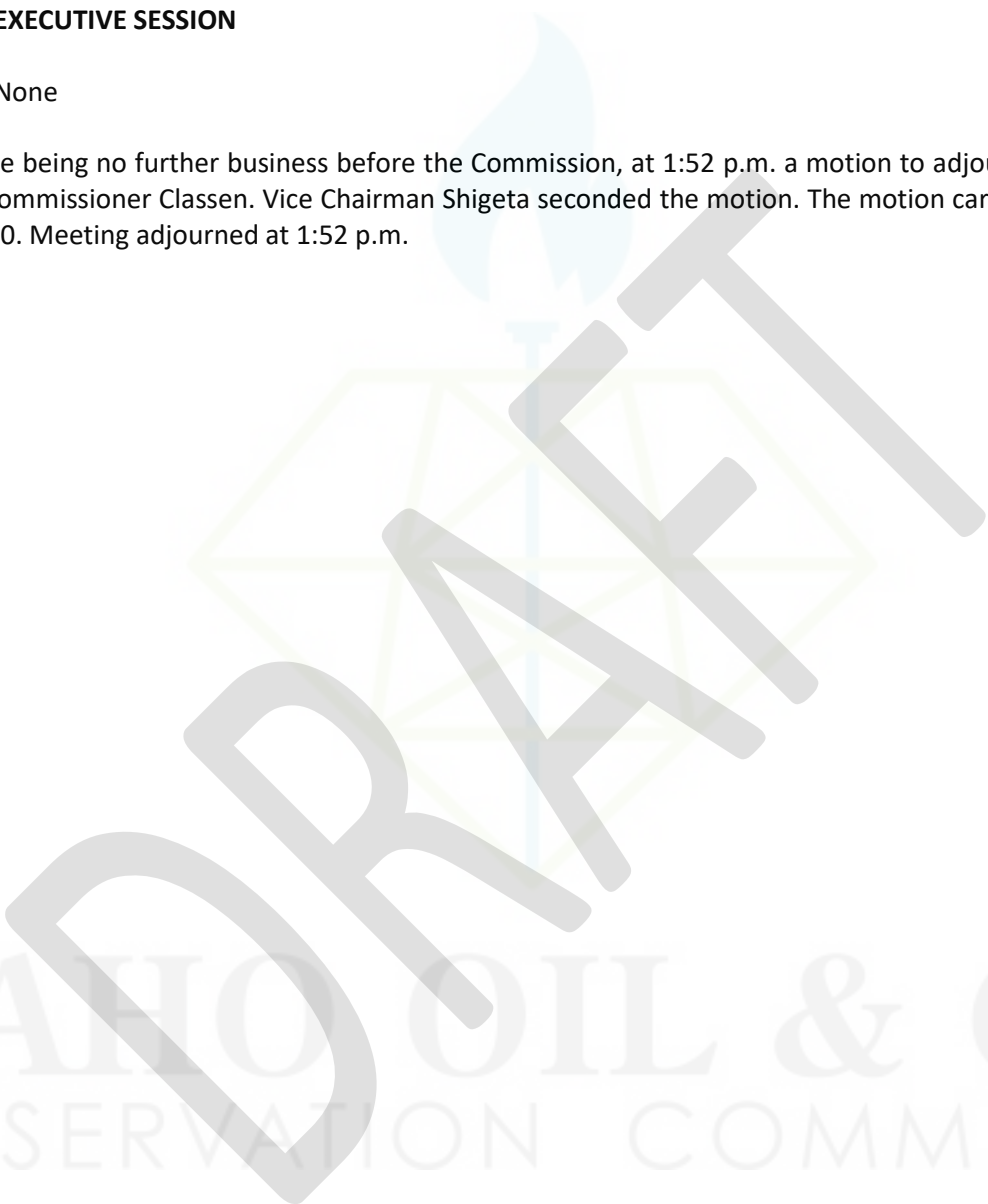
- **INFORMATION**

None

- **EXECUTIVE SESSION**

None

There being no further business before the Commission, at 1:52 p.m. a motion to adjourn was made by Commissioner Classen. Vice Chairman Shigeta seconded the motion. The motion carried on a vote of 3-0. Meeting adjourned at 1:52 p.m.



IDAHO OIL & GAS
CONSERVATION COMMISSION

IDAHO OIL AND GAS CONSERVATION COMMISSION

May 25, 2021
Regular Agenda

SUBJECT

Docket No. CC-2020-OGR-01-003: Hearing Officer's Recommended Order in the matter of determining whether the Integration Order in Docket No. CC-2016-OGR-01-001 applies to the permitted proposed Barlow #2-14 well.

BACKGROUND

The Oil and Gas Conservation Commission (Commission) initiated the contested case in Docket No. CC-2020-OGR-01-003 in December 2020 to determine whether the integration order in Docket No. CC-2016-OGR-01-001 applies to the permitted proposed Barlow #2-14 well.

The Commission then appointed a hearing officer to schedule a hearing and serve as the presiding officer at hearing. The hearing officer conducted a telephonic hearing on March 9, 2021. Citizens Allied for Integrity and Accountability (CAIA), Snake River Oil and Gas (Snake River), and the Idaho Department of Lands (Department) called in to the telephonic hearing and provided arguments and testimony.

The hearing officer submitted his Recommended Order on April 6, 2021, which determined that the integration order in Docket No. CC-2016-OGR-01-001 applies to the permitted proposed Barlow #2-14 well. No motions for rehearing or exceptions were filed pursuant to IDAPA 04.11.01.720.02.

DISCUSSION

The Commission will make a decision on the hearing officer's recommended order in Docket No. CC-2020-OGR-01-003.

COMMISSION ACTION