

**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  <b>NOTICE OF REHEARING</b>
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The Oil and Gas Division Administrator (“Administrator”) of the Idaho Department of Lands (“Department”) hereby sets an October 24, 2023, rehearing of the evidentiary hearing in the above-captioned application. The rehearing will be conducted on Tuesday, October 24, 2023, at 9:00 am Mountain Daylight Time at the Idaho Department of Lands (“IDL”) office, Garnet Conference Rooms, located at 300 N 6<sup>th</sup> Street, Ste 103, Boise, Idaho 83702 with a Microsoft Teams video conferencing option available for remote attendance.

**I. Background**

The Administrator held an evidentiary hearing regarding the above-captioned integration application of unleased mineral interest owners in the spacing unit consisting of section 24, township 8 north, range 5 west, Boise Meridian, Payette County, Idaho on September 11, 2023. After the hearing concluded, the Administrator learned that due to technical problems the recording software meant to capture the hearing did not operate, and no video or audio recording was produced. As a result, a rehearing is necessary to fulfill the Administrator’s duties under Idaho Code. *See* I.C. § 67-5242(3)(d) (stating “the presiding officer . . . [s]hall cause the hearing to be recorded[.]”); *see also* IDAPA 04.11.01.651.

Furthermore, the Administrator provides the following clarification regarding the applicable law and administrative record on rehearing:

1. In accordance with “the well-established principle that legislation does not ordinarily have retroactive effect,” the Administrator will apply the version of the Oil and Gas Conservation Act in effect as of the date of Snake River’s application. *See Citizens Against Linscott/Interstate Asphalt Plant v. Bonner Cnty. Bd. of Comm’rs*, 168 Idaho 705, 717, 486 P.3d 515, 527 (2021) (noting that an applicant’s rights are “measured under the law in effect at the time of the application”); 2023 Idaho Sess. Laws 868 (listing the effective date for the recent amendments to the Oil and Gas Conservation Act as July 1, 2023).

2. The Administrator’s April 13, 2023, *Order Determining “Just and Reasonable Factors”* remains in full force and effect.

3. The administrative record in place prior to the September 11, 2023, public hearing will remain part of the record for rehearing. A list of documents composing that part of the record are attached to this Notice of Rehearing as Attachment 1. That record may also be viewed online at <https://ogcc.idaho.gov/administrative-hearings/docket-no-cc-2023-ogr-01-001-application-for-integration/>.

4. No exhibit offered and admitted during the September 11, 2023, public hearing will automatically be part of the record on rehearing. If the parties or any public witness intends for any previously admitted exhibit to be part of the record on rehearing, the document must be reoffered and admitted, subject to objection, during the rehearing.

5. No new exhibits or testimony beyond those received before the September 11, 2023, hearing will be admitted. Exhibits admitted prior to the September 11, 2023, hearing will be available during the rehearing.

6. No live witness testimony received during the September 11, 2023 hearing will be considered by the Administrator in rendering the Final Order. If a party intends to submit witness testimony as evidence, such testimony must be received on the record during the rehearing.

## **II. Procedure for Rehearing**

The above-captioned proceeding is governed by the Oil and Gas Conservation Act (Chapter 3, title 47, Idaho Code); the Idaho Administrative Procedure Act (Chapter 52, title 67, Idaho Code); Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01), to the extent that those Rules are not superseded by Oil and Gas Conservation Act; and the Rules Governing Conservation of Oil and Natural Gas in the State of Idaho (IDAPA 20.07.02). A copy of the Rules of Administrative Procedure is available at the Idaho Department of Lands office located at 300 N. 6th Street, Suite 103, Boise, Idaho, and at the Office of Administrative Rules Coordinator's website, accessible at <https://adminrules.idaho.gov>.

Pursuant to Idaho Code § 67-5242(3)(c), the Administrator will also provide an opportunity for interested persons to provide public comment at the hearing. *See* IDAPA 04.11.01.355. The Administrator may set time limits for public comment if necessary. To participate in the rehearing digitally, please use the following link:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZmQzMWRiNDYtOGY4NS00N2JkLWlxYzgtMzk1NzE2MjMyMDJh%40thread.v2/0?context=%7b%22Tid%22%3a%220383741b-36e3-4363-81bd-11f6381aa331%22%2c%22Oid%22%3a%22666061fa-c14b-44e3-9185-ef829d9dbdc3%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmQzMWRiNDYtOGY4NS00N2JkLWlxYzgtMzk1NzE2MjMyMDJh%40thread.v2/0?context=%7b%22Tid%22%3a%220383741b-36e3-4363-81bd-11f6381aa331%22%2c%22Oid%22%3a%22666061fa-c14b-44e3-9185-ef829d9dbdc3%22%7d)

. Alternatively, you may join from the Microsoft Teams application main menu. When doing so please select "Join a meeting", then enter Meeting ID 284 151 836 543 and enter passcode "Geengt". To participate by phone only, you may dial 1-469-998-7393 and enter Conference ID 693 425 743.

The rehearing will be conducted in facilities that meet the accessibility requirements of the Americans with Disabilities Act (“ADA”), in accordance with IDAPA 20.01.01.550 and 551. If a person requires assistance of the kind IDL is required to provide under the ADA in order to participate or in order to understand the hearing (*e.g.* sign language interpreter, Braille copies of documents, etc.), IDL will supply the assistance upon request. Requests for ADA assistance or requests for a copy of any documents of record, any applicable Rules, or other general requests must be submitted to Kourtney Romine at [kromine@idl.idaho.gov](mailto:kromine@idl.idaho.gov); Idaho Department of Lands, 300 N. 6<sup>th</sup> Street, Suite 103, P.O. Box 83720, Boise, ID 83720; or (208)334-0283 by Wednesday, October 12, 2023.

### ORDER

Based on the foregoing, it is HEREBY ORDERED that a rehearing of the evidentiary hearing on the above-captioned application is set for Tuesday, October 24, 2023, at 9:00 am Mountain Daylight Time at the Idaho Department of Lands (“IDL”) office, Garnet Conference Rooms, located at 300 N 6<sup>th</sup> Street, Ste 103, Boise, Idaho 83702 with a Teams video conferencing option available for remote attendance.

Dated this 26th day of September, 2023.



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Richard “Mick” Thomas  
Hearing Officer

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

**CERTIFICATE OF MAILING**

I hereby certify that on this 26th day of September 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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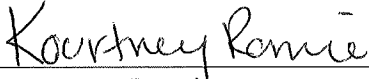
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Kourtney Romine  
Kourtney Romine  
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Applicant - Snake River Oil and Gas, LLC

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

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