

IDAHO OIL AND GAS CONSERVATION COMMISSION OPEN MEETING CHECKLIST

FOR MEETING DATE: October 20, 2020

Regular Meetings

10/05/20	Notice of Meeting posted in prominent place in IDL's Boise Headquarters office five (5) calendar days before meeting.
10/05/20	Notice of Meeting posted in prominent place in IDL's Coeur d'Alene Headquarters office five (5) calendar days before meeting.
10/05/20	Notice of Meeting posted in prominent place at meeting location five (5) calendar days before meeting.
10/05/20	Notice of Meeting emailed/faxed to list of media and interested citizens who have requested such notice five (5) calendar days before meeting.
10/05/20	Notice of Meeting posted electronically on the OGCC public website https://ogcc.idaho.gov/ five (5) calendar days before meeting.
10/15/20	Agenda posted in prominent place in IDL's Boise Headquarters office forty-eight (48) hours before meeting.
10/15/20	Agenda posted in prominent place in IDL's Coeur d'Alene Headquarters office forty-eight (48) hours before meeting.
10/15/20	Agenda posted in prominent place at meeting location forty-eight (48) hours before meeting.
10/15/20	Agenda emailed/faxed to list of media and interested citizens who have requested such notice forty-eight (48) hours before meeting.
10/15/20	Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ forty-eight (48) hours before meeting.
11/21/19 09/30/20	Annual meeting schedule posted – Director's Office, Boise and Staff Office, CDA <ul style="list-style-type: none"> • 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)*

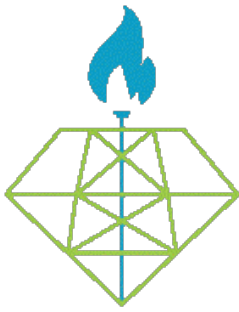
	Notice of Meeting and Agenda posted in IDL's Boise Headquarters office twenty-four (24) hours before meeting.
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	Notice of Meeting and Agenda posted electronically on the OGCC public website https://ogcc.idaho.gov/ twenty-four (24) hours before meeting.
	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

10/15/2020

DATE



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

NOTICE OF PUBLIC MEETING OCTOBER 2020

The Idaho Oil and Gas Conservation Commission will hold a Regular Meeting on **Tuesday, October 20, 2020** in the State Capitol, Lincoln Auditorium (WW02), Lower Level, West Wing, 700 W Jefferson St., Boise. The meeting is scheduled to begin at **2:00 pm (MT)**.

Please note meeting location, time and additional details below.

This meeting is open to the public.

The meeting will be streamed live at: <https://www.idahoptv.org/shows/idahoinsession/ww02/>

All in-person attendees must comply with current COVID-19 safety protocols for public gatherings, including but not limited to wearing face coverings and observing physical distancing. Physical distancing measures reduce the meeting room's normal capacity for public attendance.¹ The approximate capacity in the audience for this meeting room due to physical distancing measures is (50) fifty people.

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: 1379897, followed by (#) key

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

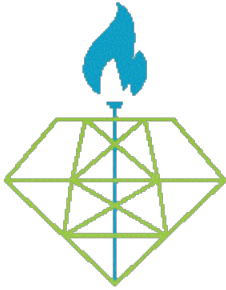
First Notice Posted: 10/05/2020-IDL Boise; 10/05/2020-IDL CDA

¹ <https://www.cityofboise.org/departments/mayor/coronavirus-covid-19-information/public-health-emergency-order-no-20-12/>
<https://www.cdhd.idaho.gov/pdfs/cd/Coronavirus/Order/Order-Regarding-Restriction-Bars-Open-Ada-County-09-04-2020.pdf>

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
Dustin T. Miller, Commissioner

Mick Thomas, Secretary to the Commission

Final Agenda

Idaho Oil and Gas Conservation Commission Regular Meeting
October 20, 2020 – 2:00 PM (MT)

State Capitol, Lincoln Auditorium (WW02), Lower Level, West Wing, 700 W Jefferson St., Boise.

Please note meeting time, location and additional details below.

This meeting is open to the public.

The meeting will be streamed live at: <https://www.idahoptv.org/shows/idahoinsession/ww02/>

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• **ANNOUNCEMENTS**

No public comment will be taken at this meeting.

1. Division Administrator's Report

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

¹ <https://www.cityofboise.org/departments/mayor/coronavirus-covid-19-information/public-health-emergency-order-no-20-12/>
<https://www.cdhd.idaho.gov/pdfs/cd/Coronavirus/Order/Order-Regarding-Restriction-Bars-Open-Ada-County-09-04-2020.pdf>

- **CONSENT – ACTION ITEM(S)**

2. **Approval of Minutes** – August 5, 2020 – Regular Meeting (Boise)

- **REGULAR – ACTION ITEM(S)**

3. **Omnibus Rulemaking – Adoption of Pending Rule for IDAPA 20.07.02 – *Rules Governing Conservation of Oil and Natural Gas in the State of Idaho*** – Presented by Mick Thomas, Division Administrator – Minerals, Public Trust, and Oil & Gas

- **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: Application for Permit to Drill – Barlow #2-14]

- **REGULAR – ACTION ITEM(S)**

4. **HEARING: Appeal of the Administrator’s Denial of Application for Permit to Drill, Barlow #2-14**

- **INFORMATION**

None





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 July, 2020
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		3,300.00	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>3,300.00</u>	<u>3,300.00</u>
Personnel Expenditures		(7,684.17)	(7,684.17)
Operating Expenditures		(462.75)	(462.75)
P-Card Liability to be paid		409.70	409.70
Ending Cash Balance 07/31/2020			<u><u>185,498.42</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	191,100.00	21,229.08	21,229.08	169,870.92
OE	49,300.00	143.26	143.26	49,156.74
CO	0.00	0.00	0.00	0.00
Total	<u>240,400.00</u>	<u>21,372.34</u>	<u>21,372.34</u>	<u>219,027.66</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	7,684.17	7,684.17	79,515.83
OE	85,100.00	462.75	462.75	84,637.25
CO	0.00	0.00	0.00	0.00
Total	<u>172,300.00</u>	<u>8,146.92</u>	<u>8,146.92</u>	<u>164,153.08</u>

**Oil and Gas Regulatory Program
Activities Report as of August, 2020
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		(7,718.67)	(15,402.84)
Operating Expenditures		(7,507.66)	(7,970.41)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 08/31/2020			<u><u>169,862.39</u></u>

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General Fund Regulatory Program Expenditures Report

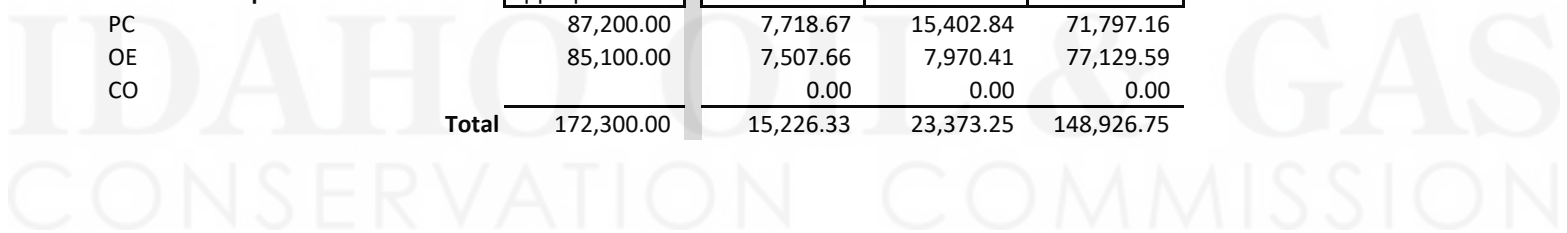
Expenditures from General Fund FY21

	Appropriation	Current Month	Year-to-Date	Balance
PCA 55000 Expenses				
PC	191,100.00	22,229.53	43,458.61	147,641.39
OE	49,300.00	18,971.98	19,115.24	30,184.76
CO	0.00	0.00	0.00	0.00
Total	<u>240,400.00</u>	<u>41,201.51</u>	<u>62,573.85</u>	<u>177,826.15</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	7,718.67	15,402.84	71,797.16
OE	85,100.00	7,507.66	7,970.41	77,129.59
CO	0.00	0.00	0.00	0.00
Total	<u>172,300.00</u>	<u>15,226.33</u>	<u>23,373.25</u>	<u>148,926.75</u>



**Oil and Gas Regulatory Program
Activities Report as of September, 2020
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		(4,849.13)	(20,251.97)
Operating Expenditures		(51.47)	(8,021.88)
P-Card Liability to be paid		0.00	0.00
Ending Cash Balance 09/30/2020			<u><u>164,961.79</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

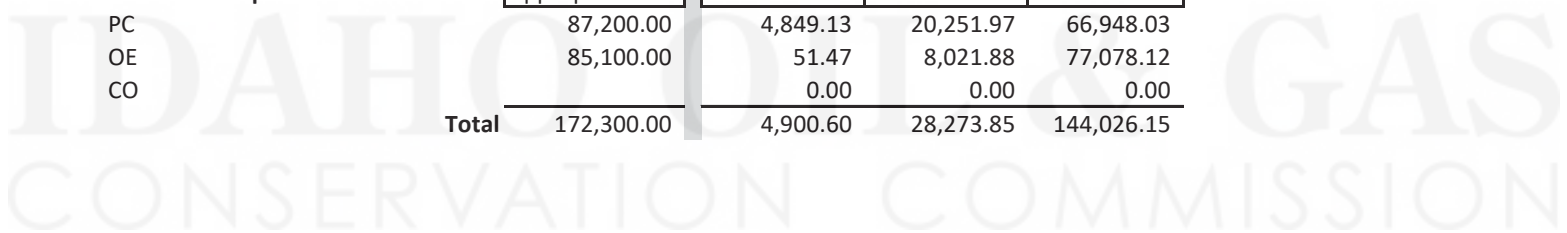
Expenditures from General Fund FY21

	Appropriation	Current Month	Year-to-Date	Balance
PCA 55000 Expenses				
PC	191,100.00	16,883.62	60,342.23	130,757.77
OE	49,300.00	457.69	19,572.93	29,727.07
CO	0.00	0.00	0.00	0.00
Total	<u>240,400.00</u>	<u>17,341.31</u>	<u>79,915.16</u>	<u>160,484.84</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	4,849.13	20,251.97	66,948.03
OE	85,100.00	51.47	8,021.88	77,078.12
CO	0.00	0.00	0.00	0.00
Total	<u>172,300.00</u>	<u>4,900.60</u>	<u>28,273.85</u>	<u>144,026.15</u>





Southwest Idaho Oil & Gas Activity Map



Legend

Active Oil and Gas Wells		Inactive Oil and Gas Wells		Gas Pipeline	Gas Plant
Shut in Gas	Plugged and Abandoned (P&A) Oil Show	Gas Transmission Pipeline	BLM	Idaho Mineral Estate	IDF&G
Producing - Multi Zone	Plugged and Abandoned (P&A) Gas Show	Highway	Township	Surface Ownership	IDL
Producing	Plugged and Abandoned (P&A) Gas Well	Sections	Counties	Approved Integration/Spacing Request	
Permitted	Plugged and Abandoned	Counties	Approved Integration/Spacing Request	Spacing Request	
	APD Submitted				

No.	US Well Number	Operator	Well Name	Status
1	11-075-20004	AM Idaho, LLC	Espino #1-2	Plugged & Abandoned
2	11-075-20005	AM Idaho, LLC	State #1-17	Plugged
3	11-075-20007	AM Idaho, LLC	ML Investments #1-10	Plugged & Abandoned
4	11-075-20009	AM Idaho, LLC	Island Capitol #1-19	Plugged
5	11-075-20011	Snake River O&G	Tracy Trust #3-2	Shut in
6	11-075-20013	AM Idaho, LLC	White #1-10	Plugged
7	11-075-20014	AM Idaho, LLC	Korn #1-22	Plugged
8	11-075-20020	Snake River O&G	DJS Properties #1-15	Producing (temp. S/I)
9	11-075-20022	Snake River O&G	ML Investments #2-10	Producing (temp. S/I)
10	11-075-20023	Snake River O&G	DJS Properties #2-14	Shut in (Class II appl.)
11	11-075-20024	Snake River O&G	Kauffman #1-34	Shut In
12	11-075-20025	Snake River O&G	ML Investments #1-11	Producing (temp. S/I)
13	11-075-20026	Snake River O&G	ML Investments #1-3	Producing (temp. S/I)
14	11-075-20027	Snake River O&G	Kauffman #1-9	Producing (temp. S/I)
15	11-075-20029	Snake River O&G	ML Investments #2-3	Producing (temp. S/I)
16	11-075-20031	Snake River O&G	ML Investments #3-10	Producing (temp. S/I)
17	11-075-20032	Snake River O&G	Fallon #1-10	Shut In
18	11-075-20033	Snake River O&G	Barlow #1-14	Shut In
19	Not assigned	Snake River O&G	Barlow #2-14	Pending

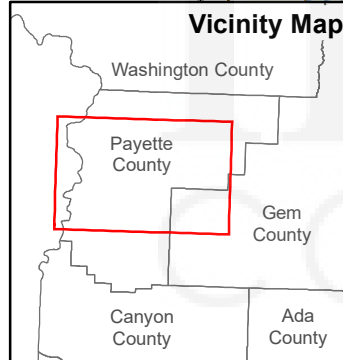
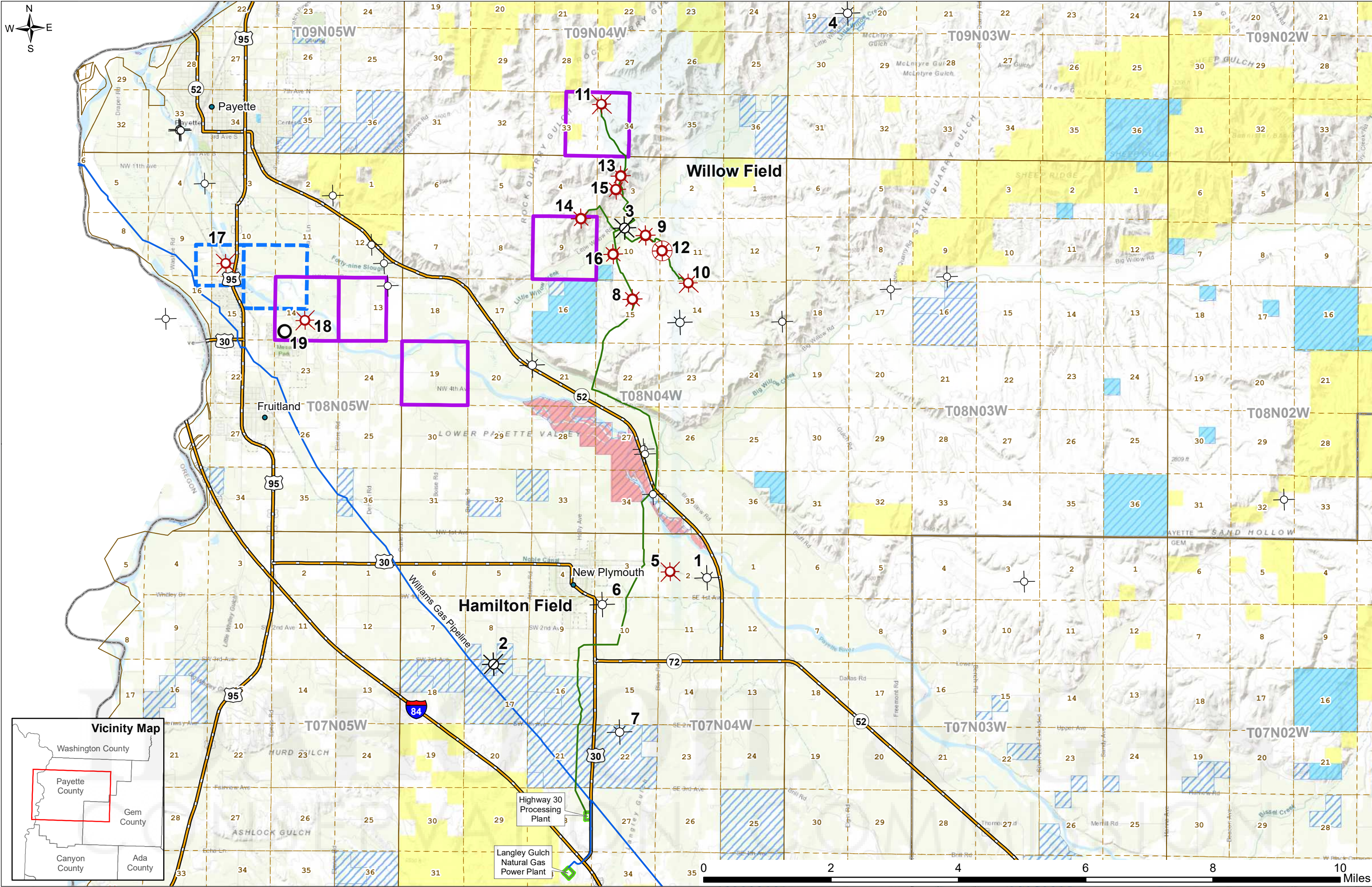
Map Notes and Data Sources

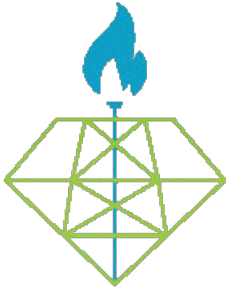
Inactive and Active Oil And Gas Wells through 10/9/2020

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
August 5, 2020

The regular meeting of the Idaho Oil and Gas Conservation Commission was held on Wednesday, August 5, 2020 with the physical location at Joe R. Williams Building, (East Conference Room), 700 W State St., Boise, Idaho. There was also a Zoom web conference option. At 1:04 p.m., Secretary Thomas announced that there were some technical difficulties and that those issues were being worked on. By 1:24 p.m. all technical problems were resolved. Secretary Thomas announced all participants that had joined via Zoom and also that a quorum of the Commission was present. He stated that all individuals on Zoom would be muted except for the Commissioners in order to silence background noise. The meeting began at 1:27 p.m. Chairman Betty Coppersmith presided via Zoom. The following members were present:

Vice Chairman Marc Shigeta – present at physical location
Commissioner Jim Classen – via Zoom
Commissioner Dustin Miller – via Zoom

For the record, all four Commission members were present. Secretary Thomas was also present at the physical location.

• **ANNOUNCEMENTS**

Chairman Coppersmith thanked Secretary Thomas and staff for making the meeting happen and being in compliance with the COVID-19 restrictions. The Chairman briefly went over agenda items.

1. Division Administrator's Report

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

- i. Class II Injection Well – Permit Status

Commissioner Classen commented on the Environmental Protection Agency's (EPA) letter to the operators and stated that the EPA had asked impossible questions that he believed could not be answered. Secretary Thomas responded that this was not an information item and that since the operator was present at the meeting, he would not open that up for discussion at this time. Secretary Thomas stated that he did agree with Commissioner Classen and thanked him for the comment.

ii. Interstate Oil & Gas Compact Commission Annual Business Meeting

- **CONSENT – ACTION ITEM(S)**

2. Approval of Minutes – May 13, 2020 – Regular Meeting (Boise)

CONSENT AGENDA COMMISSION ACTION: A motion was made by Commissioner Miller that the Commission approve the meeting minutes on the Consent Agenda. Commissioner Classen seconded the motion. The motion carried on a vote of 4-0.

Background information was provided by the presenter indicated below. No Commission action is required on the Information Agenda.

- **INFORMATION**

3. Minerals, Public Trust, Oil & Gas Division Reorganization – Presented by Mick Thomas, Division Administrator – Minerals, Public Trust, and Oil & Gas

4. Omnibus Rulemaking – Proposed Rule for IDAPA 20.07.02 – Rules Governing Conservation of Oil and Natural Gas in the State of Idaho – Presented by Mick Thomas, Division Administrator – Minerals, Public Trust, and Oil & Gas

- **REGULAR – ACTION ITEM(S)**

5. Updated Commission Guidelines – Presented by Mick Thomas, Division Administrator – Minerals, Public Trust, and Oil & Gas

RECOMMENDATION: Direct the Commission to approve the Guidelines for the Idaho Oil and Gas Conservation Commission.

DISCUSSION: Chairman Coppersmith pointed out that the guidelines cover the process of taking public comment and that it is at the Commission’s discretion whether they will receive public comment or not. She also pointed out that there is a procedure to add something to the agenda which is that the request be in writing and submitted thirty days before the meeting. The Chairman clarified she had no questions.

COMMISSION ACTION: A motion was made by Commissioner Classen to accept the changes in the guidelines. Commissioner Miller seconded the motion. The motion carried on a vote of 4-0.

6. Election of Chairman and Vice-Chairman – Presented by Mick Thomas, Division Administrator – Minerals, Public Trust, and Oil & Gas

RECOMMENDATION: Direct the Commission to elect a Chairman and Vice Chairman.

DISCUSSION: Chairman Coppersmith announced that it had been an honor to serve on the Commission and she would gladly continue to do so. Vice Chairman Shigeta echoed her sentiments.

COMMISSION ACTION: A motion was made by Commissioner Classen to re-elect Betty Coppersmith as Chair. Commissioner Miller seconded the motion. A motion was made by Commissioner Miller to re-elect Marc Shigeta as Vice Chair. Chairman Coppersmith seconded the motion. Both motions carried on a vote of 4-0.

- **EXECUTIVE SESSION**

None

Chairman Coppersmith noted that the next regular meeting was scheduled for November 4 and that it possibly could be another Zoom meeting. Secretary Thomas read aloud some questions and comments that came through over the chat option on Zoom from the public.

There being no further business before the Commission, at 1:59 p.m. a motion to adjourn was made by Commissioner Miller. Vice Chairman Shigeta seconded the motion. The motion carried on a vote of 4-0. Meeting adjourned at 2:00 p.m.

DRAFT

IDAHO OIL & GAS
CONSERVATION COMMISSION

IDAHO OIL AND GAS CONSERVATION COMMISSION
October 20, 2020
Regular Agenda

SUBJECT

Adoption of Pending Rule for IDAPA 20.07.02 – *Rules Governing Conservation of Oil and Natural Gas in the State of Idaho*

BACKGROUND

On February 18, 2020, the Oil and Gas Conservation Commission (Commission) adopted without amendments the temporary rules in IDAPA 20.07.02 that were previously submitted to the 2020 Idaho Legislature. These rules were to be effective sine die of the 2020 legislative session in the event that the Legislature did not approve the existing administrative rules. The Idaho Legislature adjourned the 2020 legislative session without approving all previously existing administrative rules.

IDAPA 20.07.02 therefore became effective as a temporary rule on March 20, 2020 (sine die) and will continue in effect to the end of the 2021 legislative session. For IDAPA 20.07.02 to become a final rule again, the Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) requires publication of a proposed rule in the Administrative Bulletin and a 21-day public comment period.

A special edition of the Administrative Bulletin was published on September 16, 2020 which included the Notice of Omnibus Rulemaking, Proposed Fee Rule – Docket No. 20-0000-2000F. A public hearing was held on September 30, 2020 for IDAPA 20, Rules of the Idaho Department of Lands. No oral comments were received on IDAPA 20.07.02 at the public hearing. Also, no written comments were received on IDAPA 20.07.02 by the October 7th deadline. The Department has not made any changes to the proposed fee rule that was presented to the Commission in August 2020.

DISCUSSION

The Department is seeking approval from the Commission to adopt the IDAPA 20.07.02 proposed fee rule as a pending rule. The rule would be adopted without amendments and is the same rule that was presented to the 2020 Legislature.

If approved by the Commission, the Department will submit the appropriate Notice of Adoption of Pending Rule to be published in the Idaho Administrative Bulletin, and IDAPA 20.07.02 would become final and effective after approval by the 2021 Legislature.

RECOMMENDATION

Adopt the proposed fee rule as the pending rule for IDAPA 20.07.02 *Rules Governing Conservation of Oil and Natural Gas in the State of Idaho* and authorize the Department to submit a Notice of Adoption of Pending Rule consistent with that adoption.

COMMISSION ACTION

IDAHO OIL AND GAS CONSERVATION COMMISSION
October 20, 2020
Regular Agenda

SUBJECT

HEARING: Appeal of the Administrator's Denial of Application for Permit to Drill, Barlow #2-14

BACKGROUND

Snake River Oil and Gas, LLC (Snake River) submitted its application for permit to drill (APD) the Barlow #2-14 on June 26, 2020. The Idaho Department of Lands (Department) sent the application to the Idaho Department of Water Resources (IDWR) as required in Idaho Code § 47-316(1)(b) and received comments and recommended conditions from IDWR. The Department also posted the application for a ten (10) business day written comment period as required in Idaho Code § 47-316(1)(c) and received comments in response.

The Administrator issued a September 11, 2020 decision denying the Barlow #2-14 APD (Denial). Snake River appealed on September 25, 2020, arguing that the Denial should be reversed and requesting the Oil and Gas Conservation Commission (Commission) grant the application. On October 5, 2020, the Commission's Chairman issued a Notice of Appeal Hearing with notice of the October 20, 2020 hearing before the Commission.

DISCUSSION

Pursuant to Idaho Code § 47-328(5), the Commission will hear oral argument from, but not new testimony of, the appellant and other qualified participating persons. The Commission will then make a decision on the Application for Permit to Drill, Barlow #2-14.

COMMISSION ACTION

IDAHO OIL & GAS
CONSERVATION COMMISSION