

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Applications of AM)
Idaho, LLC, and Alta Mesa Services, LP to)
Establish a Spacing Unit and for Integration)
of All Uncommitted Owners in the Proposed)
Unit Consisting of the SW¼ of Section 14,)
the SE¼ of Section 15, the NE¼ of Section)
22 and the NW¼ of Section 23 all located in)
Township 8 North, Range 5 West, Boise)
Meridian, Payette County, Idaho.)
AM Idaho, LLC, and Alta Mesa Services, LP,)
Applicant.)
_____)

Docket No. CC-2017-OGR-01-001

**PREHEARING ORDER,
ORDER TO VACATE
HEARING AND SERVE
NOTICE**

This Order vacates the October 12, 2017 Hearing in the above-captioned matter, issues a prehearing order as a record of the Prehearing Conference and requires Applicant to serve the document and Applicant’s Notice of Withdrawal as ordered herein.

Prehearing Order

On September 29, 2017, pursuant to the September 7, 2017 Notice of Hearing and Notice of Prehearing Conference, (“Notice”) a prehearing conference was held in this matter (“Prehearing Conference”), as provided for in IDAPA 04.11.01.510. All parties who participated in the Conference attended via telephone and hearing officer Kelly Williams conducted the proceedings as the presiding officer. The following individuals participated in the Prehearing Conference: Mick Thomas, the Oil and Gas Division Administrator of the Idaho Department of Lands (“Administrator”); Deputy Attorney General Kristina Fugate, on behalf of the Administrator; James Thum (“Mr. Thum”), Oil and Gas Program Manager for the Idaho

Department of Lands; Deputy Attorney General Joy Vega (“Ms. Vega”), on behalf of the Idaho Department of Lands; Michael Christian (“Mr. Christian”), attorney for Applicant; Dave Eastman, Corporate Director of Tax for Woodgrain Millwork, Inc.; and William Tippets, uncommitted mineral interest owner.

Pursuant to IDAPA 04.11.01.513, the hearing officer enters this Order to confirm the record and conclusions of the Prehearing Conference as follows:

1. The Notice is re-stated and incorporated herein; and as provided for in the Notice.
2. Discovery is not authorized in this matter and no party “is entitled to engage in discovery.” IDAPA 04.11.01.521; *see also* I.C. § 47-328(3)(d).
3. No party has submitted a request for subpoena, and no subpoenas have been issued under IDAPA 04.11.01.525, or pursuant to I.C. § 47-329(2).
4. The following responses to the Application were received:
 - a. Idaho Department of Lands’ Notice of Intent, dated September 27, 2017.
 - b. Comments submitted as provided for in the Notice, by the following unrepresented parties:
 - i. Javier Marquez, Jr., objection dated September 10, 2017;
 - ii. Linda Monterastelli and Jim Steward, objection dated September 10, 2017;
 - iii. Clinton and Patricia Kennington, objection dated September 11, 2017;
 - iv. Steven and Barbara Loveless, objection dated September 11, 2017;
 - v. Jeff Frazer, objection dated September 14, 2017;
 - vi. Luke and Brynna Smith, objection dated September 17, 2017;
 - vii. Mary Ann Miller Revocable Trust, objection dated September 18, 2017;
 - viii. James and Sara Eastwood, objection dated September 20, 2017;

- ix. Christopher and Shelly Gardner, objection dated September 20, 2017;
- x. Joe and Lynda Gastanaga, objection dated September 20, 2017;
- xi. Dick and Lee Hart, objection dated September 20, 2017;
- xii. Gloria Ready, objection dated September 20, 2017;
- xiii. Roger and Carol Tolman, objection dated September 20, 2017;
- xiv. Wade Cordes and Kelli Cordes, objection dated September 21, 2017;
- xv. Julie Fugate, objection dated September 21, 2017;
- xvi. James and Jane Schamber, objection dated September 21, 2017;
- xvii. William "Scott" and Rachelle Tippetts, objection dated September 21, 2017;
- xviii. Russ Rothleutner, objection not dated, but received by IDL on September 22, 2017;
- xix. Ron and Nancy Smith, objection dated September 22, 2017;
- xx. Micah J. and Heather N. Wilson, objection dated September 22, 2017;
- xxi. John Ahlstrand, objection dated September 23, 2017;
- xxii. Darlene Peterson, objection dated September 23, 2017;
- xxiii. Thomas and Kristine Ryan, objection dated September 24, 2017;
- xxiv. Susan E. Wiebe, objection dated September 24, 2017;
- xxv. Robert and Sue Bixby, objection dated September 24, 2017;
- xxvi. Rodney and Sheila Hutchinson, objection dated September 24, 2017;
- xxvii. Alan and Shari Felgenhauer, objection dated August 20, 2017, but received by IDL on September 25, 2017;
- xxviii. Susan Havlina, objection dated September 25, 2017;
- xxix. Ryan Hillam, objection not dated, but received by IDL on September 25, 2017;

- xxx. Jerry Jorgensen, objection not dated, but received by IDL on September 26, 2017;
- xxxi. Rosa Vargas, objection dated September 26, 2017;
- xxxii. Larry and Tammie Morris, objection not dated, but received by IDL on September 27, 2017;
- xxxiii. John M. Sandquist, objection not dated, but received by IDL on September 27, 2017; and
- xxxiv. Frank and Leslie Teunissen, objection dated September 28, 2017.

5. In response to inquiry from the hearing officer, Mr. Christian confirmed that the materials Applicant provided to the parties stated that the hearing date would be October 17, 2017, but noted that the materials also indicated that the hearing date and time may be subject to change.

6. Upon further inquiry, the Administrator confirmed that the Notice of Hearing distributed to the parties and the publication notice referenced the correct date of October 12, 2017.

7. No parties raised formal objections to the inconsistent dates contained in the Applicant's materials and the Notice of Hearing.

8. During the Prehearing Conference, Ms. Vega asked whether notice of the Application had been provided to the individuals who own property in the SW¹/₄ of Section 14 in Township 8 North, Range 5 West, Boise Meridian, in Payette County, Idaho ("Subject Section 14").

9. Mr. Christian stated that the parties who own property in Subject Section 14 had not been provided notice of the Application, and that notice to said parties was not required because the same parties had been integrated by a prior integration order. Mr. Christian cited various provisions within title 47, chapter 3, Idaho Code, in support of his position.

10. Ms. Vega disagreed with Mr. Christian's interpretation of title 47, chapter 3, Idaho Code, and argued that the Applicant should have provided the individuals in Subject Section 14 with the Application materials.

11. The hearing officer requested that Mr. Christian and Ms. Vega provide additional briefing on the issue of which parties should receive notice of proposed integration proceedings, and any other notice-related issues.

Order to Vacate Hearing and Serve Notice

By Notice of Withdrawal of Applications dated October 3, 2017 ("Withdrawal"), Applicants withdrew the above-captioned Application, and requested that the hearing be vacated immediately, pursuant to IDAPA 04.11.01.305. Under Idaho Rules of Administrative Procedure, Rule 305, "[a] party desiring to withdraw a pleading must file a notice of withdrawal of the pleading and serve all parties with a copy." IDAPA 04.11.01.305. Pursuant to the same rule, "[u]nless otherwise ordered by the presiding officer the notice [of withdrawal] is effective fourteen (14) days after filing." *Id.* The Withdrawal was accompanied by a certificate of service indicating that the Applicant had served the following parties to the proceeding by email and/or hand-delivery:

- a. Kelly Williams, Hearing Officer
- b. Mick Thomas, Division Administrator
- c. Joy Vega, Deputy Attorney General
- d. James Thum, Idaho Department of Lands

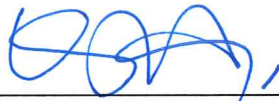
The Applicant did not serve the Withdrawal on any of the mineral owners identified in the Application, or on other potential parties that had submitted comments or responses to the

Application. Based on the foregoing, and for other good cause, the hearing officer vacates the October 12, 2017 hearing date.

The hearing officer orders Applicant to serve its Notice of Withdrawal of Applications and this Prehearing Order, Order to Vacate Hearing and Serve Notice on those uncommitted owners served in the Application and those additional persons that responded to the Application, by Certificate of Service dated no later than 5 p.m. on October 5, 2017.

IT IS SO ORDERED.

DATED this 3rd day of October, 2017.



KELLY A. WILLIAMS
Hearing Officer