

**Mick Thomas**

---

**From:** Randy Kauffman [REDACTED]  
**Sent:** Thursday, August 16, 2018 11:18 AM  
**To:** kristina.fugate@ag.idaho.gov  
**Cc:** Maggie Mallea; mchristian@mch-lawyer.com; David Groeschl; Mick Thomas; Kevin Dickey; Marc Shigeta; James Classen MSN; Renee Breedlovestrout; John Chatburn; Ryan Kerby; Abby L.; judyboyle [REDACTED]  
**Subject:** Relief from Protective Order

Ms. Fugate, OGCC, Governor Otter,

On December 7, 2017, we filed a formal complaint with the Idaho OGCC requesting records we are entitled to under IC47-332(4). Reports to Royalty Owners. On January 10, 2018 at the monthly OGCC meeting, we requested an investigation into our suspicions we, the State of Idaho, and other royalty owners are being underpaid for their minerals. OGCC is authorized to make such investigations under IC47-315(3). The OGCC voted on that date to hold a hearing instead of an investigation due to lack of funds. OGCC appointed Mr. Jason Risch as the Hearing Officer.

On April 27, 2018, during our first prehearing conference, we again requested the records we are entitled to under IC47-332(4). On May 29, 2018 Mr. Christian sent an email indicating he had our information, but required us to sign a nondisclosure agreement (NDA) before reviewing the material. We refused to sign the NDA. The law does not require the information to be subject to a NDA. At Mr. Christian's request, Mr. Risch issued a Protective Order on July 20, 2018. On July 24, 2018 we appealed the decision for a Protective Order, and asked for relief under item #5 of the Protective Order. On August 1, 2018 Mr. Risch denied our request for relief from the Protective Order. On August 2, 2018 we sent an email to Mr. Risch reasserting our request for relief from the Protective Order. Mr. Risch refuses to withdraw the Protective Order, and has set the Hearing for September 13, 2018. Without our unencumbered information, the Hearing should not be scheduled until this issue is resolved.

We strongly disagree with this Protective Order. We do not want to set precedent regarding the Protective Order. We do not want any future royalty owners seeking the information they are entitled to under IC47-332(4) to have to go through this process.

Idaho law does not require a NDA or a Protective Order under IC47-332(4). In fact, under IC47-324. Reporting Requirements, Alta Mesa is required to report specific information which should be readily available to us. IC47-324(7) provides for penalties should an operator fail to comply. Governor Otter signed the bill into law April 6, 2017. Sixteen months later, no one is enforcing the law. Why?

We appeal for relief from this Protective Order from the Attorney General, the OGCC, or Governor.

Thank you,

Randy and Thana Kauffman

Sent from my iPhone