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From: Randy Kauffman ██████████████████████
Sent: Saturday, April 27, 2019 4:40 PM
To: Mick Thomas <mthomas@idl.idaho.gov>
Cc: Jason Risch <courts@rischpisca.com>; Michael Christian <mchristian@mch-lawyer.com>; Kristina Fugate <kristina.fugate@ag.idaho.gov>
Subject: Formal Request to Dismiss Jason Risch as Hearing Officer Re: Docket No. CC-2017-OGR-01-002

Mr. Thomas,

We, Randy and Thana Kauffman formally request Mr. Jason Risch be relieved of his duties as Hearing Officer in Docket No. CC-2017-OGR-01-002. We can no longer acknowledge his authority and have absolutely no confidence in his ability to render a fair and unbiased opinion. Therefore, we formally request Mr. Risch be removed as Hearing Officer immediately for the following reasons:

1. Mr. Risch issued a Protective Order on July 20, 2018. There was absolutely no legal basis for the Protective Order. The only result of that order was several weeks of delay. The hearing officer's protective order was vacated in the IOGCC Final Order dated February 6, 2019.

(Note to ourselves for #2 to add information about Mr. Risch's decision) 2. Now, Mr. Risch is ignoring IC 47-332 (4) and the IOGCC Final Order issued February 6, 2019. That Final Order remanded this matter to the hearing officer for deadlines and further proceedings consistent with it's directives.

We acknowledge Mr. Christian has provided a good deal of information. However, the key information we need to verify "market value" is the end purchaser records with the price paid by the end purchaser. We formally requested this information in our March 7, 2019 and March 11, 2019 emails. Mr. Christian says he does not have that information, and nothing in the statute requires an operator to seek out records from third parties. He further states in his brief dated April 24, 2019, he understands the Department has been working to obtain documents from third party transporters and purchasers, and the Kauffmans may be able to make a public records request and obtain additional documents from the Department. Mr. Risch, predictably accepts Mr. Christian's position. However, IC 47-332 (4) and the IOGCC Final Order dated February 6, 2019, clearly states we are entitled to "all" reports and records the lessor may require to verify market value which is defined in IC 47-310 (11). "Market value" means the price at the time of the sale, in cash or on terms reasonably equivalent to cash, for which the oil and gas should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus from either party. The costs of marketing, transporting and processing oil and gas produced shall be borne entirely by the producer, and such cost shall not reduce the severance tax directly or indirectly.
Further, IC 47-332 (4) clearly states the lessee must make "all" the information available to the lessor. It does not state the lessor has to try and obtain the information from the Department or anyone else. The lessee is required to provide "all" information to the lessor including market value.

These are our minerals coming from our wells. We must have the price paid in a competitive and open market to verify the market value. Mr. Risch continues to accept Alta Mesa's excuses rather than following the law and the directives of the Commission. Using a hearing officer in this matter has not produced the results required by law. Therefore we again, formally request Mr. Jason Risch be dismissed as the Hearing Officer for Docket No. CC-2017-OGR-01-002 immediately.

We further request the Commission exercise it's authority, demand Alta Mesa comply with the law, and provide end purchaser records including price paid by the end purchaser in a timely manner. And, consider if necessary imposing monetary sanctions if Alta Mesa fails to comply.

Thank you,

Randy and Kauffman

Sent from my iPhone