

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application) CC-2021-OGR-01-002
of Snake River Oil and Gas, LLC)
for Spacing Order Consisting of)
the E 1/2 of the SE 1/4 of Section) Docket No.
9 SW 1/4 of Section 10, N 1/2 of) CC-2021-OGR-01-002
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15, and the N 1/2 of the NE 1/4 of)
the NE 1/4 of the Section 16,)
Township 8 North, Range 5 West,)
Boise Meridian, Payette County,)
Idaho)
Snake River Oil and Gas, LLC,)
Applicant.)
_____)

HEARING TO DETERMINE "JUST AND REASONABLE" FACTORS

DATE/TIME: JUNE 21, 2021, at 1:00 p.m.

LOCATION: Fruitland City Hall, 200, S. Whitney Dr.
Fruitland, Idaho

TRANSCRIBED BY:

JEFF LAMAR, C.S.R. No. 640

Notary Public

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1 MICK THOMAS HEARING OFFICER

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1 (Beginning of audio file.)

2 CHRIS GOZZO: The recording's been started.

3 Sorry to interrupt.

4 THE HEARING OFFICER: All right. Thank you.

5 MIKE CHRISTIAN: Mr. Administrator,

6 [unintelligible].

7 CHRIS GOZZO: Mr. Hearing Officer, I'm sorry to

8 interrupt one more time. The audio is very, very low

9 coming from that device. I cannot hardly hear

10 Mr. Christian. I apologize.

11 THE HEARING OFFICER: I got an idea.

12 Chris, is that any better?

13 CHRIS GOZZO: I can hear you just fine.

14 Mr. Christian, would you mind saying

15 something?

16 THE HEARING OFFICER: Chris, is it any better

17 now?

18 CHRIS GOZZO: I can hear you just fine.

19 THE HEARING OFFICER: Thank you.

20 So the amazing, high quality speaker was

21 dying.

22 Get you centered.

23 Chris, let's do a real quick test.

24 Are you hearing me okay.

25 CHRIS GOZZO: I'm hearing you just fine.

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1 THE HEARING OFFICER: Thank you.

2 It's a good break. And just regarding

3 taking appearances, initially I'm just asking everyone

4 to say who they represent, and then I'll call upon the

5 parties after that.

6 MIKE CHRISTIAN: Oh, I'm sorry.

7 THE HEARING OFFICER: So that's fine. So the

8 garble was actually perfect.

9 MIKE CHRISTIAN: Fantastic.

10 THE HEARING OFFICER: But thank you,

11 Mr. Christian.

12 UNIDENTIFIED SPEAKER: Can you go ahead and just

13 identify the docket we're on again.

14 THE HEARING OFFICER: Certainly.

15 UNIDENTIFIED SPEAKER: I'm not sure that was on

16 [unintelligible].

17 THE HEARING OFFICER: Certainly. That's

18 important. And I think they were hearing me okay. It

19 was just the speaker was --

20 MIKE CHRISTIAN: Do you need me to reidentify

21 myself?

22 THE HEARING OFFICER: No, sir.

23 MIKE CHRISTIAN: Okay.

24 THE HEARING OFFICER: For the record, we're

25 on -- we are now on the record for Docket No.

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1 CC-2021-OGR-01-002.
2 We had some technical difficulties
3 regarding audio. That's been resolved. I had -- I'm
4 in the process of asking folks to identify themselves.
5 Mr. Christian, representative of Snake
6 River, has just identified himself.
7 I believe, Ms. Vega, will you please
8 identify yourself and who you represent.
9 I don't see Ms. Vega on Zoom.
10 CHRIS GOZZO: Mr. Hearing Officer, she's joined
11 as an attendee, so she will not be able to speak in the
12 webinar format. If she does need to be joined as a
13 panelist, I can promote her to a panelist so she's able
14 to communicate.
15 THE HEARING OFFICER: Please do so.
16 Mr. Piotrowski, can you please identify
17 yourself and who you represent.
18 MR. PIOTROWSKI: Yes, sir, I certainly can.
19 James Piotrowski, Piotrowski Durand, PLLC, representing
20 Dale Verhaeghe, Linda Dernoncourt, Sharon Simmons, Alan
21 and Glenda Grace --
22 JOY VEGA: All right. Mr. Thomas, can you hear
23 me? Or I'm sorry.
24 MR. PIOTROWSKI: Should I continue?
25 THE HEARING OFFICER: Please, Mr. Piotrowski.

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1 We're all family here. Go ahead.
2 MR. PIOTROWSKI: Okay. Yes, we are at this
3 point.
4 Edward and Cheryl Adair, William and Roxie
5 Tolbert, Wendell and Norma Nierman, Cheryl and Richard
6 Addison, Jimmie and Judy Hicks, Antonio and Danielle
7 Anchustegui, Philip and Kathleen Hendrickson, Donna and
8 George Jackson, Karen Altman [phonetic], Bonnie McGee
9 [phonetic], Lorinda Schuman, Samuel Burtorovich, Tim
10 and Kate Kilbourne, and Citizens Aligned for Integrity
11 and Accountability.
12 THE HEARING OFFICER: Thank you, Mr. Piotrowski.
13 Ms. Vega, I believe you are on the line now
14 officially. Can you please identify yourself and who
15 you represent.
16 We'll get it later.
17 CHRIS GOZZO: Mr. Hearing Officer, she was
18 promoted as a panelist, but then it looks like she
19 disconnected and rejoined as an attendee. I'm
20 promoting her again.
21 THE HEARING OFFICER: Thank you very much.
22 Let's just wait a moment.
23 CHRIS GOZZO: Okay. She has joined as a
24 panelist, but I show her mic as muted.
25 THE HEARING OFFICER: Ms. Vega.

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1 JOY VEGA: Good morning -- or afternoon,
2 Mr. Thomas.
3 Joy Vega, deputy attorney general,
4 appearing on behalf of the Idaho Department of Lands.
5 THE HEARING OFFICER: Thank you very much for
6 your persistence.
7 Ms. Bonney, I see you're on the Zoom.
8 Would you please identify yourself and who you
9 represent.
10 STEPHANIE JAYMES BONNEY: Certainly, Mr. Thomas.
11 My name is Stephanie Jaymes Bonney, and I
12 represent the City of Fruitland.
13 THE HEARING OFFICER: Thank you very much.
14 Are there any other uncommitted mineral
15 interest owners in the proposed unit that plan to
16 participate today?
17 Would you please step up to the podium and
18 state your name and if you represent yourself.
19 SHARON SIMMONS: My name's Sharon Simmons. And
20 Piotrowski is representing me as part of that coalition
21 of owners.
22 THE HEARING OFFICER: Okay.
23 SHARON SIMMONS: And I'm on here on my own
24 behalf too.
25 THE HEARING OFFICER: Thank you very much.

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1 All right. Now that we have the
2 appearances out of the way, I think everybody's online
3 and streaming well. I'd like to begin arguments.
4 Mr. Christian, I'd like to invite you to
5 provide argument at this time.
6 MIKE CHRISTIAN: Thank you, Mr. Administrator.
7 I apologize for getting ahead of myself.
8 THE HEARING OFFICER: No, that's fine.
9 MIKE CHRISTIAN: As I've mentioned before, we
10 submitted briefing on behalf of the applicant. I don't
11 intend to repeat any of that here, other than to answer
12 any questions you may have. I have reviewed the order
13 of factors to be used to reach just and reasonable
14 terms in the other pending integration application
15 regarding the Barlow 111 unit, which is docket No.
16 CC-2021-OGR-01-001. And I think those factors are
17 appropriate for use in this matter. I don't know
18 anything about this unit that would cause you to need
19 to depart from those factors.
20 I'm happy to answer any questions you may
21 have.
22 THE HEARING OFFICER: Thank you, Mr. Christian.
23 I do have some questions for you.
24 Should factors used to determine just and
25 reasonable terms consider the use of uncommitted

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1 owners' lands, including whether a well bore or
 2 pipeline may physically cross the land of an
 3 uncommitted mineral interest owner?
 4 MIKE CHRISTIAN: With respect to a pipeline,
 5 which is effectively a surface use, they may. And in
 6 fact, in our proposed [unintelligible] lease for --
 7 certainly for tracks a certain size we -- or I'm sorry,
 8 below a certain size we have included no -- no drill
 9 activity language.
 10 In the case of this particular unit, it
 11 isn't particularly relevant because we have an existing
 12 well and pipeline that crosses either lease property or
 13 purchase right-of-way property. So it's a nonfactor.
 14 THE HEARING OFFICER: Thank you very much.
 15 If a well bore is already crossing an
 16 uncommitted owner's lands -- again, this is going to be
 17 the same answer -- should that physical occupation be
 18 addressed, if at all, in this just and reasonable
 19 factors order?
 20 MIKE CHRISTIAN: Other than to say -- well, I
 21 don't think so, given that it -- it's going to be at a
 22 depth, you know, a [unintelligible] in this well has a
 23 deep enough point that the presence of the well bore
 24 and -- you can go research this subject, and I have
 25 some, but the presence of the well bore, in my view,

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1 wouldn't constitute any form of trespass because it's
 2 at a point that the owner would never make use of
 3 subsurface. So I don't think it needs to be addressed.
 4 THE HEARING OFFICER: Thank you, Mr. Christian.
 5 Those are all the questions I have for you right now.
 6 MIKE CHRISTIAN: Thank you.
 7 THE HEARING OFFICER: Mr. Piotrowski, I would
 8 invite you to provide argument at this time.
 9 MR. PIOTROWSKI: Thank you, Mr. Thomas.
 10 I would rely primarily on the written
 11 briefing already provided. I think there are two
 12 points that are worth emphasizing at this stage.
 13 First is to come to a recognition of the
 14 general nature of the requirement that terms of
 15 integration be just and reasonable for -- well, for
 16 everybody involved, but in particular for
 17 non-consenting owners.
 18 The argument came up in the briefs, and the
 19 Snake River Oil and Gas has fundamentally taken the
 20 position that as long as they comply with existing
 21 statutory law that the terms they propose are
 22 necessarily just and reasonable.
 23 That effectively is reading the phrase
 24 "just and reasonable" entirely out of the statute. It
 25 is a well-respected, long-term, well-known rule of

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1 statutory construction in Idaho and around the country,
 2 in fact, that in construing and applying a statute a
 3 decision-maker, whether that would be a court, an
 4 administrative agency, or some other body, should not
 5 interpret and construe the statute in such a way that
 6 any part of it becomes meaningless.
 7 And if all that is required is bare minimum
 8 legal compliance in order to ensure that the
 9 requirement for just and reasonable terms is met, then
 10 just and reasonable terms becomes meaningless. Legal
 11 requirement -- or legal compliance, rather, is required
 12 by the statutes that impose particular terms and
 13 conditions.
 14 Clearly the intent of the legislature was
 15 that in addition to the requirement -- the duty of the
 16 administrator and the agency to ensure compliance with
 17 the law, in addition to that, you were to ensure that
 18 the terms were just and reasonable. Thus "just and
 19 reasonable" necessarily means either nothing at all or
 20 it means something in addition to bare minimum, strict,
 21 legal compliance.
 22 And so your job, Mr. Thomas, is to ensure
 23 that in addition to meeting all of the statutes, the
 24 application for integration requires terms that are
 25 just and reasonable.

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1 The other point that -- the second point I
 2 would make is that having read this morning's order
 3 from the other case, there appears to be -- or there
 4 might be -- I'm not sure yet, there might be a failure
 5 to recognize a critical portion of the relevant
 6 statutes here.
 7 The presumption of Snake River Oil and
 8 Gas -- and it sometimes appears the presumption, either
 9 the administrator or the Department or the Commission,
 10 is that in an integration situation those who have not
 11 previously consented to a lease of their mineral rights
 12 will be limited to receiving only a one-eighth royalty
 13 and a bonus payment that is no less than the highest
 14 bonus payment made prior to the application for
 15 integration.
 16 That is not, quite frankly, the state of
 17 the law. The law provides -- the statute provides that
 18 after integration there will be four potential status
 19 that a mineral owner may be at: a working interest
 20 owner; a non-consenting working interest owner; a
 21 lessee or lessor -- I forget which one that is, but,
 22 you know, somebody with a lease; and somebody who is
 23 deemed leased.
 24 And Idaho Code Section 47-320, subsection
 25 (3), subsection (c), the statute provides, "An owner

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1 may enter into a lease with the operator of the
 2 integrated spacing unit under the terms and conditions
 3 in the integration order. The owner shall receive no
 4 less than one-eighth royalty."
 5 That is directly contrary to deemed leased
 6 individuals who are, by statute, compelled to accept
 7 one-eighth royalty. Not no less than, not no more
 8 than, but precisely one-eighth royalty.
 9 And so in this case in particular where
 10 there are a large number of non-consenting orders,
 11 where there is a bit of a history on this particular
 12 tract, it was appropriate, and one of the factors that
 13 you, I believe, must consider, sir, is whether those
 14 who choose to enter into a lease after the date of the
 15 integration order but before the expiration of the time
 16 in which owners are given an opportunity to consider
 17 their response, the administrator must determine what
 18 royalty rate, not less than one-eighth, shall those
 19 people be entitled to enter into a lease for.
 20 The -- this was set out in the briefing as
 21 a discussion of what royalty rates shall apply.
 22 In the prior case with the order issued
 23 today, I believe the administrator took an improper
 24 position, which is to say that he had no power
 25 whatsoever to establish compensation terms, since those

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1 were necessarily established at one-eighth royalty and
 2 a bonus payment no less than the largest amount paid to
 3 a leasing owner.
 4 There is a third option for those who
 5 choose to enter into a lease during a particular time
 6 frame. On terms, which are to be set by you in the
 7 first instance, obviously subject to appeal to the
 8 Commission, at no less than one-eighth consent. No
 9 less than, of course, necessarily beyond -- beyond any
 10 reason implies it could be more than one.
 11 And I believe that's one of the factors you
 12 should be considering at the hearing in this matter.
 13 It's especially pertinent here, again, given the
 14 history of this particular tract and the integration of
 15 this tract.
 16 Beyond those two items, we would rely on
 17 our briefing in the matter. And of course, I'd be
 18 happy to stand for questions.
 19 THE HEARING OFFICER: Thank you, Mr. Piotrowski.
 20 I appreciate your input today.
 21 I have a few questions, and actually a
 22 question I'll ask -- I forgot to ask Mr. Christian.
 23 I'll ask him during his rebuttal.
 24 Do you think existence of the Fallon 110
 25 well should be accounted for in factors for this unit?

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1 MR. PIOTROWSKI: The -- Mr. Thomas, I believe
 2 that it relates to the -- it certainly should be
 3 accounted for in establishing working interest shares.
 4 This is not, as Snake River Oil and Gas likes to claim,
 5 a wildcat play.
 6 This is an existing well. It's already
 7 known to produce hydrocarbons. They bought it. They
 8 didn't drill it. They bought it at a discount in a
 9 fire sale following a bankruptcy. All of those things
 10 should be considered in establishing the just and
 11 reasonable terms here.
 12 Obviously, Snake River Oil and Gas hopes to
 13 take this very inexpensive property they purchased and
 14 generate as much profit as possible. That is their --
 15 that is their reason for existence. But that should
 16 also go into consideration as to what is reasonable in
 17 protecting the other interests of the people involved,
 18 other mineral interest owners, the potentially other
 19 operators. As we know, no operator can be assumed that
 20 they will remain in perpetuity, as well as the general
 21 public, and specifically including the municipal
 22 interest involved here, since those are a factor in
 23 this case.
 24 But yes, the existence of the wells is a
 25 factor that you should be considering in your

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1 decision-making in this case.
 2 THE HEARING OFFICER: Thank you, Mr. Piotrowski,
 3 I have one more question for you.
 4 What role do you think an integration order
 5 plays in water resources? How do you believe a
 6 proposed factor for an integration order would interact
 7 with requirements that are already in the rule for
 8 groundwater monitoring?
 9 MR. PIOTROWSKI: The existing protections for
 10 groundwater that exist as a result of other statutory
 11 schemes and as a result of the generalized law of water
 12 use in Idaho exist independently.
 13 And so what we are doing in this case is we
 14 are adding yet another factor to that mix. So for
 15 instance, the work of the Department of Lands, the work
 16 of the Department of Natural Resources, a number of
 17 other agencies, as well as the work of irrigation
 18 districts, water companies, et cetera, are all designed
 19 to meet the needs of their particular industries and
 20 their particular programs.
 21 None of them should be assumed to be
 22 responsible for or to be taking appropriate measures to
 23 address the possibility of harms to groundwater arising
 24 from oil and gas exploration and development.
 25 Accounting for those harms and those risks

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1 and preventing them is uniquely the job of the
2 Department of Lands and the Commission and the
3 administrator for oil and gas conservation. In other
4 words, these -- the unique threats posed by oil and gas
5 development must be addressed, in my opinion, by the
6 agency that is put in charge of regulating those
7 particular processes.
8 We should not be relying on agencies that
9 exist for entirely different purposes pursuing statutes
10 that exist for entirely different purposes to address
11 the critical need of protecting water resources in
12 Idaho.
13 THE HEARING OFFICER: Thank you, Mr. Piotrowski.
14 That's all -- those are all the questions I have for
15 you right now.
16 I would ask if there are other uncommitted
17 mineral interest owners in the room who would like to
18 provide argument, again, if you're represented by
19 Mr. Piotrowski, that's fine.
20 Please come up. State your name.
21 LINDA DERNONCOURT: Linda Dernoncourt. Linda
22 Dernoncourt.
23 THE HEARING OFFICER: Thank you.
24 LINDA DERNONCOURT: First let me say that I am
25 not against oil and gas.

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1 Am I supposed to go ahead and do my --
2 THE HEARING OFFICER: Go ahead.
3 LINDA DERNONCOURT: Go ahead.
4 THE HEARING OFFICER: Yes.
5 LINDA DERNONCOURT: Thank you, because I have a
6 doctor's appointment I have to get to.
7 THE HEARING OFFICER: Oh, that's fine.
8 LINDA DERNONCOURT: Okay. I'm not against oil
9 and gas. I drive a car. I heat my home with gas. But
10 I do believe it should be done responsibly and safely.
11 I am worried about lines under the water treatment
12 plant, lines under our rivers.
13 What happens when something happens to
14 those things? I attended the meeting on May 20th for
15 the Barlow one. Snake River spoke. They referenced
16 case law and regulations in other states.
17 My feelings are if I wanted to be regulated
18 by those case laws and those regulations, I would have
19 moved to those states. I moved to Idaho under your
20 regulations and your case law.
21 Mr. Brown was here, and he was complaining
22 that it was taking way too long to get through this
23 process. It was over a year.
24 Well, in response to Mr. Brown, I worked
25 from the time I was 16 until I was 63. That is a long

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1 time. I took my retirement money, bought a lot,
2 including the minerals, hired a contractor, and had a
3 house built for retirement.
4 What is going to happen when my groundwater
5 gets contaminated? What is going to happen if the
6 water treatment plant gets contaminated? What's going
7 to happen if my house starts sinking into the ground
8 and the walls start cracking?
9 I'm too old to start all over and walk away
10 from a house that I spent my entire life working for.
11 And please don't tell me that I can sue Snake River. I
12 know what will happen.
13 We'll all sue. They'll file bankruptcy.
14 They'll pick up their stuff. They'll leave. And the
15 taxpayers of Idaho will have to clean up their mess.
16 Don't tell me it can't happen. I lived in California
17 for 60 years. I know what happens when things go bad
18 and how bad they can get.
19 Your job, Mr. Thomas, is to protect the
20 citizens of Idaho, our natural resources, which
21 includes our rivers, our water, and our air. Please
22 listen to what the taxpayers in the state are saying to
23 you, rather than to an out-of-state corporation.
24 Thank you very much for your time.
25 THE HEARING OFFICER: Thank you,

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1 Ms. Dernoncourt.
2 Next I'd like to invite Ms. Vega to provide
3 argument on behalf of the Idaho Department of Lands.
4 JOY VEGA: Thank you, Mr. Thomas.
5 Joy Vega, deputy attorney general.
6 The Department of Lands did file an opening
7 brief in this matter. The intent of that brief, as
8 stated, was to provide easy reference for you to
9 applicable Idaho code sections and administrative rules
10 and other contract-based considerations that may be
11 necessary or relevant to you in determining what
12 factors are just and reasonable in this particular
13 matter.
14 I don't have any specific argument. And I
15 certainly don't want to restate what was presented in
16 writing.
17 So unless you have any specific questions,
18 the Department would just rest on that opening brief.
19 THE HEARING OFFICER: Thank you, Ms. Vega. I
20 don't have any questions of the Department.
21 Ms. Bonney, do you have any arguments to
22 offer today?
23 STEPHANIE JAYMES BONNEY: I don't, Mr. Thomas.
24 Thank you.
25 THE HEARING OFFICER: Thank you, Ms. Bonney.

1 At this point I would invite Mr. Christian
2 representing Snake River to come up and offer rebuttal.
3 And if you don't mind, before you did that, the first
4 question that I promised you that I didn't ask the
5 first time.

6 MIKE CHRISTIAN: Certainly.

7 THE HEARING OFFICER: There is -- as discussed,
8 there's a well already drilled in the unit.

9 Should a factor address that?

10 MIKE CHRISTIAN: I mean I don't -- I didn't mean
11 to be flippant, but I don't want to answer your
12 question with a question, which is, in what way? If
13 you mean in terms of what compensation should be
14 provided to uncommitted mineral interest owners, I
15 think the answer is no for a couple of reasons.

16 One is it's contrary to what, I think,
17 Mr. Piotrowski suggested. It's the lightly tested
18 well. We don't know, as we stand here today, how it's
19 going to produce in the long term.

20 Secondly, if the suggestion is that because
21 we got this great well and we know it now, that
22 uncommitted mineral interest owners should be provided
23 with a better deal, that to me suggests that holding
24 out would be encouraged, which I think is antithetical
25 to the -- to the intent of the statute. You know, the

1 idea is to encourage production and to regulate in a
2 way that allows operators to responsibly get to
3 production. And encouraging holding out would
4 reestablish the fact. So for those reasons, I think
5 the answer is no.

6 THE HEARING OFFICER: Thank you, Mr. Christian.
7 I'll go ahead and let you start with your rebuttal,
8 please.

9 MIKE CHRISTIAN: I have only -- excuse me -- a
10 couple of things to say. One is Mr. Piotrowski's
11 correct, the statute says royalties no less than
12 [unintelligible] in one circumstance. And -- but I
13 think that, for example, one of the factors that you --
14 that you indicated you're going to use in the Fallon
15 111 unit, which is, you know, how does this compare to
16 voluntary agreements within and around the unit, cover
17 that situation.

18 We can examine whether anybody else in the
19 unit is getting more than an eighth on a voluntary
20 basis. And I think the answer in this case actually is
21 no, across 100 or whatever owners. But I think you
22 can -- you can draft a factor that deals with that
23 situation.

24 With respect to the question of who deals
25 with water, I would suggest that Mr. Piotrowski's

1 offered you kind of a false equivalence in that you
2 have -- the Department has its own set of rules which
3 govern operations from, you know, drilling to cementing
4 and casing, to well treatments, to production, you
5 know, to reclamation, to plugging and abandoning. And
6 all of those things it can do to -- to be protective of
7 the environment and of the safety of those near the
8 well.

9 That does not mean that other agencies like
10 DQ or the Department of Water Resources do not also
11 have their own sets of rules that may or may not apply
12 to this setting, which they can administer. So I don't
13 quibble with the idea that there are multiple
14 jurisdictions at play where oil and gas operations are
15 concerned.

16 So -- and I don't think it's appropriate
17 for the Department to, in an integration order, attempt
18 to define and administer rules of other agencies that
19 deal with the subject.

20 And then last comment I would make is, on
21 the subject of, you know, what -- is compliance with
22 the law enough. And I think the suggestion was just
23 and reasonable has to mean something, and it must mean,
24 then, that you imply other terms.

25 And -- and I think the answer to that is,

1 as you did in your order in the other matter, go back
2 to the 1963 [unintelligible] statute which had the
3 words "just and reasonable" in it to begin with. And
4 what it clearly referred to was, you know, alternative
5 economic terms, and -- which is kind of the point I've
6 been making through briefing in the last few matters.

7 And since that time the statute has been --
8 to the extent it's been changed, it's been narrowed.
9 The alternatives have been more defined, whereas before
10 [unintelligible], you know, we have to offer a number
11 of just and reasonable alternatives. And the basis and
12 compensation, you know, have to fall within that term.

13 Now we have defined alternatives. The
14 words "just and reasonable" haven't been taken out of
15 the statute. They were there already. There's no
16 indication that they need anything different than they
17 did back in 1963. It's just that the statute has been
18 taken from -- you know, from here to here, which to my
19 mind means you're still dealing with the same issue,
20 what's economically fair to uncommitted mineral
21 interest owners in the context of compensation for
22 minerals as compared to those who lease their minerals.

23 It doesn't mean that just and reasonable
24 now means, you know, the entire universe of potential
25 subjects one could address, so yes.

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1 And that's all I have.
 2 THE HEARING OFFICER: Thank you, Mr. Christian.
 3 MIKE CHRISTIAN: Thank you.
 4 THE HEARING OFFICER: Okay. Folks, the
 5 arguments have been made.
 6 And, Chris, I'm going to lean on you a
 7 little bit.
 8 I would invite anyone who signed up to
 9 provide public comments to do so at this time.
 10 First, is there anyone in the room who
 11 signed up to provide public comments who would like to
 12 do so?
 13 Okay. You're welcome to come up if you'd
 14 like to say something.
 15 SHARON SIMMONS: Can I get in the line already
 16 to ask to speak?
 17 THE HEARING OFFICER: There's not a line in
 18 front of you, so go ahead and walk up. It's okay.
 19 SHARON SIMMONS: Okay. Great. I'm glad to see
 20 your humor isn't all [unintelligible].
 21 Okay. My name's Sharon Simmons. I am an
 22 uncommitted mineral owner. And I am very concerned
 23 over what is -- what has already happened, what has
 24 already been allowed. And to say it's just and
 25 reasonable for a hundred dollars an acre, you could

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1 have your water contaminated for life.
 2 And if that happened, Texan cowboys, they
 3 would be out of here in a heartbeat with a bankruptcy,
 4 leaving the Idaho property owners with their hands, you
 5 know, like -- I'm absolutely positive my place would be
 6 worth very little if the water was contaminated.
 7 There's history. You guys want to go back
 8 to history where this state, that state, this state.
 9 Well, in Pennsylvania they did drilling there,
 10 contaminated the water. Those people cannot use their
 11 water. So they have to truck it in. And that's --
 12 that's not good.
 13 I'd really just like you to think about,
 14 okay, now we're -- they're discussing what's reasonable
 15 for a payoff if it comes to be? Well, great, what's
 16 reasonable if our water is destroyed?
 17 As an owner of property -- and I'm much
 18 like the other lady that spoke, it's everything I have.
 19 And if it goes down the tube, you know, I won't live
 20 long enough to argue it out, because the system is
 21 almost encouraged -- I think it's a little, good ole
 22 boy system with the attorneys that let's drag it out.
 23 Let's drag it out. We don't make enough money if
 24 [unintelligible]. Let's drag it out.
 25 I think in Pennsylvania it's going over 20

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1 years [unintelligible]. So -- and I'm concerned over
 2 my investment that there's nothing behind this to back
 3 us as landowners if they contaminate our water.
 4 THE HEARING OFFICER: Thank you.
 5 SHARON SIMMONS: I think you can't guarantee
 6 that.
 7 THE HEARING OFFICER: Thank you.
 8 Mr. Gozzo, is there anyone online who
 9 signed up to provide public comment?
 10 CHRIS GOZZO: For this webinar meeting,
 11 Mr. Hearing Officer, we've got only one other
 12 individual who's an attendee. And that is Richard
 13 Brown. And the rest are all panelists.
 14 THE HEARING OFFICER: Thank you, Chris. Let's
 15 go ahead and do what you can to help Mr. Brown provide
 16 comment.
 17 CHRIS GOZZO: Okay. I'll go ahead and promote
 18 him to panelist.
 19 Mr. Brown is now a panelist.
 20 RICHARD BROWN: I'm unmuting. Good afternoon.
 21 And I just wanted to comment in regard to there was
 22 comments about, one, about us being all out-of-staters
 23 and if something went wrong that we're all going to run
 24 for the hills.
 25 And I do appreciate both of the -- both of

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1 the -- the testimony from the two parties regarding
 2 care of their water. And one of our employees is
 3 there, Wade is in the room. He is an Idaho resident.
 4 I personally am now an Idaho resident. And I am the
 5 owner and manager of Snake River Oil and Gas. I live
 6 in the state of Idaho, and plan on remaining in the
 7 state of Idaho. And we're trying to be as transparent
 8 as possible.
 9 I'd be glad to sit down with anybody who
 10 wants to talk about -- we've presented extensively in
 11 front of the City of Fruitland in regard to our care of
 12 the water. We will not be under the water treatment
 13 facility. We're -- the well site is west of the
 14 river -- excuse me, I said -- the well site is east of
 15 the river. All product will be moving eastbound from
 16 the location, so we do not plan and we have all kinds
 17 of protections in place to avoid any product getting
 18 into any -- in any way infringing on this water supply
 19 or -- or the river itself. We've got berms. We've got
 20 multiple -- and they're redundant safeguards in place
 21 that are required by multiple agencies.
 22 And I would comment as to other states,
 23 Idaho -- we operate in multiple other states. Idaho's
 24 regulations are the most stringent of any oil and gas
 25 province we currently operate in. So that's really out

1 of me, but I'd be glad to sit down with anybody and go
2 over those things. And I am here, and I'll be glad --
3 Wade is there, and he'd be glad to give his number or
4 my number if somebody would like to visit with us
5 outside of -- outside of this setting.

6 Thank you.

7 THE HEARING OFFICER: Thank you, Mr. Brown.

8 I'd also like to thank everyone for
9 participating today. I will take this matter under
10 advisement and issue a written decision within 30
11 days -- calendar days of this hearing, which I believe
12 is July 21st.

13 This adjourns our hearing. Thank you very
14 much.

15 Mr. Gozzo, you can stop recording.
16 (End of audio file.)

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1 REPORTER'S CERTIFICATE

2
3 I, JEFF LaMAR, CSR No. 640, Certified Shorthand
4 Reporter, certify:

5 That the audio recording of the proceedings were
6 transcribed by me or under my direction.

7 That the foregoing is a true and correct
8 transcription of all testimony given, to the best of my
9 ability.

10 I further certify that I am not a relative or
11 employee of any attorney or party, nor am I financially
12 interested in the action.

13 IN WITNESS WHEREOF, I set my hand and seal this
14 6th day of July, 2021.

15
16
17
18
19
20



21 JEFF LaMAR, CSR NO. 640

22 Notary Public

23 Post Office Box 2636

24 Boise, Idaho 83701-2636

25 My commission expires December 30, 2023

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