

BEFORE THE IDAHO DEPARTMENT OF LANDS

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

BEFORE

HEARING OFFICER: MICK THOMAS

Date: September 16, 2021, 9:00 a.m.

Location: Fruitland City Hall  
200 South Whitley Drive  
Fruitland, Idaho

REPORTED BY:

DIANA KILPATRICK, CSR No. 727, RPR

Notary Public



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1 PROCEEDINGS  
2 SEPTEMBER 16, 2021  
3  
4 HEARING OFFICER: Good morning. We're now  
5 on the record in Docket No. CC-2021-OGR-01-002. It's  
6 now 9:07 a.m., Thursday September 16, 2021. We are at  
7 the Fruitland City Hall in Fruitland, Idaho. This is  
8 the time set for the evidentiary hearing as provided in  
9 Idaho Code 47-3283 for the spacing units consisting of  
10 the of E 1/2 of the SE 1/4 of Section 9, SW 1/4 of  
11 Section 10, N 1/2 of the NW 1/4 of Section 15, and the N  
12 1/2 of the NE 1/4 of the NE 1/4 of Section 16, Township  
13 8 North, Range 5 West, Boise Meridian, Payette County,  
14 Idaho.  
15 My name is Mick Thomas. I'm the division  
16 administrator for Minerals and Public Trust and Oil and  
17 Gas, and I'm presiding over and conducting this hearing  
18 today pursuant to Idaho Code 47-328. Some housekeeping.  
19 As many of you know, the COVID 19 response has changed  
20 some of the typical aspects of a hearing of this type.  
21 This hearing is in person, with a virtual component via  
22 Zoom. This hearing is being recorded in Zoom as  
23 required by IDAPA 041101651. We also have a backup  
24 recording device recording the hearing.  
25 People who are in person will come to the

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1 podium and be viewed actually through the, I think it's  
2 counsel chambers' audio/video system. This hearing is  
3 also being recorded by a court reporter. So I ask that  
4 everyone here be sure to speak loudly and clearly.  
5 Please limit side conversations. If you haven't done so  
6 already, please silence your phones.  
7 For those of you on Zoom, please mute your  
8 microphones when you are not speaking. If there is a  
9 disturbance you will be reminded to mute your  
10 microphone. If the disturbance continues, you may be  
11 muted and/or disconnected.  
12 Documents in the record -- in this record,  
13 Docket No. CC-2021-OGR-01-002, are on our website at  
14 OGCC.idaho.gov/administrative-hearings. Exhibits and  
15 witness lists were submitted by Tuesday, September 14th  
16 at 5:00 p.m. We can also use the exhibits posted on the  
17 OGCC website to ensure that we are looking at the same  
18 document.  
19 When referring to exhibits, please use the  
20 exhibit number, the page number by pdf page number.  
21 This hearing and evidence as needed will be presented by  
22 Chris Gozzo, a member of my staff. Parties and  
23 witnesses should direct Mr. Gozzo to each specific  
24 exhibit as needed and page they would like displayed at  
25 the time they would like it to be displayed.

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1 As my August 3, 2021, amended notice  
2 indicates, this hearing is to receive evidence and  
3 testimony regarding Snake River's April 6, 2021  
4 integration application. I will use the factors  
5 articulated in my order determining just and reasonable  
6 factors to determine whether the terms of an integration  
7 order fulfil the just and reasonable requirement of  
8 Idaho Code 47-321.  
9 The order determining just and reasonable  
10 factors was mailed to the operator and all uncommitted  
11 owners in the spacing unit on July 20, 2021, and can  
12 also be found on the Idaho Department of Lands website  
13 and the OGCC website.  
14 We'll proceed with opening statements from  
15 Snake River Oil and Gas, then uncommitted owners within  
16 the unit, then the City of Fruitland, then the IDL. The  
17 opening comments will be limited to five minutes.  
18 Afterward the hearing will proceed as follows. I will  
19 first hear evidence from the applicant, Snake River.  
20 This will be followed by non-consenting owners  
21 represented by Mr. Pa /KROES can I. This will be  
22 followed by evidence from the City of Fruitland.  
23 Afterward I will accept evidence from the Idaho  
24 Department of Lands. After the presentation of evidence  
25 is complete I will allow closing arguments.

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1 I will provide recesses from time to time,  
2 as needed. I would like for anyone who speaks to state  
3 your name for the record. We may ask you to do that a  
4 few times to make sure we get it correct. If you're  
5 here as a representative, please indicate your own name  
6 as well as who you're representing. I may ask  
7 clarifying questions when you speak.  
8 We'll begin now with opening statements,  
9 beginning with Snake River Oil and Gas, I believe  
10 Mr. Christian.  
11 MR. CHRISTIAN: Thank you,  
12 Mr. Administrator. Michael Christian, representing the  
13 applicants, Snake River Oil and Gas, LLC. I will only  
14 say that we intend to present testimony from Richard  
15 Brown of Snake River Oil and Gas, and Wade Moore III,  
16 landmen who work for Snake River Oil and Gas, to  
17 discussion different aspects of the application, and  
18 Dave Smith, the geologist who will discuss some aspects  
19 of the existing Fallon 110 well in the unit, and at the  
20 conclusion of that testimony we will ask that Snake  
21 River's application be granted.  
22 HEARING OFFICER: Thank you, Mr. Christian.  
23 Mr. Piotrowski, would you like to provide an opening  
24 statement?  
25 MR. Piotrowski: Thank you. Yes, I would.

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1 The application in this case is not supported by  
 2 adequate evidence that the necessary majority of lands  
 3 have been -- the evidence indicates, actually, that less  
 4 than claimed and less than the necessary minimum number  
 5 of lands have been leased. In addition, it appears that  
 6 the -- there appears to be a significant issue that our  
 7 evidence, uncovered recently, is that there were  
 8 uncommitted mineral owners who have not received notice  
 9 of this proceeding.

10 Specifically, we intend to present evidence  
 11 that there is no evidence in the public record or  
 12 elsewhere in the record of this case to indicate that  
 13 the properties along what is known as Tamarack Court  
 14 have leased, nor any evidence that any of them received  
 15 notice from Snake River, from the Department of Lands or  
 16 from any other party, of this proceeding. As a result  
 17 we've got a potential serious due process violations in  
 18 entering an integration order involving unleased,  
 19 unnoticed mineral rights owners.

20 In establishing terms, the Department should  
 21 ensure that matters addressing the payment amounts, the  
 22 bonding, and the variety of well operation matters are  
 23 addressed to ensure that terms are indeed just and  
 24 reasonable to all uncommitted owners.

25 HEARING OFFICER: Thank you Mr. Piotrowski.

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1 Are there other uncommitted owners within this unit who  
 2 would like to make an opening statement at this time?  
 3 Hearing none, I'm looking the around in the audience,  
 4 and I don't know. Ms. Bonnie, is there a representative  
 5 from the City of Fruitland here.

6 MS. McLAIN: Mr. Administrator, this is  
 7 Cherese McLain. I am with Ms. Bonnie's law firm. For  
 8 the record, to spell for the transcript, it's  
 9 C-h-e-r-e-s-e, M-c-l-a-i-n. And I don't have any  
 10 opening remarks, but thank you. I just wanted to  
 11 introduce myself.

12 HEARING OFFICER: Thank you Ms. McLain for  
 13 coming today. I appreciate that. Idaho Department of  
 14 Lands or your representative, do you have any opening  
 15 statement at this time?

16 MS. VEGA: Good morning. Joy Vega on behalf  
 17 of the Idaho Department of Lands. We do not have an  
 18 opening statement for you this morning. Thank you.

19 HEARING OFFICER: Thank you, Ms. Vega. With  
 20 opening statements completed, Mr. Christian, will you  
 21 please identify yourself again and -- pardon me, you  
 22 don't have to identify yourself again, but will you  
 23 please call your first witness.

24 MR. CHRISTIAN: Thank you,  
 25 Mr. Administrator. We will call Richard Brown.

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1 HEARING OFFICER: I will offer the oath to  
 2 the witness when he comes up.

3 RICHARD BROWN,  
 4 First duly sworn to tell the truth related to said  
 5 cause, testified as follows:  
 6 HEARING OFFICER: Thank you. Mr. Christian,  
 7 you may proceed.

8 DIRECT EXAMINATION  
 9 QUESTIONS BY MR. CHRISTIAN:  
 10 Q. Thank you. I apologize in advance for  
 11 having to yell at both of you at close range for the  
 12 benefit of the Zoom audio. Mr. Brown, can you state  
 13 your name for the record?  
 14 A. Richard Wesley Brown.  
 15 Q. And you are a partner of Weiser-Brown Oil  
 16 Company. Is that right?  
 17 A. Yes, I am.  
 18 Q. And is Weiser-Brown Oil Company the sole  
 19 member of the applicant, Snake River Oil and Gas, LLC?  
 20 A. Yes, we are.  
 21 Q. Can you give me a brief summary of your  
 22 educational and professional background?  
 23 A. I was educated at the University of Texas in  
 24 Austin. I was a patrolling landman, and I've been  
 25 practicing as a landman for 40-plus years.

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1 Q. And in the course of your professional  
 2 experience as a landman, have you had experience in  
 3 negotiating things like leases and surface use  
 4 agreements with mineral owners?  
 5 A. Yes.  
 6 Q. Across how many states would you say you  
 7 have experience in?  
 8 A. Seven or eight that I practice regularly in.  
 9 Q. Including Idaho?  
 10 A. Including Idaho.  
 11 Q. Are you responsible for managing the  
 12 day-to-day operations of Snake River, including its  
 13 leasing and permitting efforts?  
 14 A. Yes, I am.  
 15 Q. Are you familiar with the integration  
 16 application that was filed in this matter?  
 17 A. Yes, I am.  
 18 Q. I would direct your attention to Exhibit  
 19 SR1A, which should be tabbed in that binder. Is that  
 20 the application letter for the integration application  
 21 this matter?  
 22 A. Yes, it is.  
 23 Q. And just for clarity, the legal description  
 24 on the first page of the application letter, do you see  
 25 that?

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1 A. Yes, I do.  
2 Q. Do you recall there was a spacing unit  
3 proceeding we previously had where we established a  
4 spacing unit over this area?  
5 A. Yes.  
6 Q. And that's the 300-acre area that's  
7 described here on the first page Exhibit SR1A?  
8 A. Yes, it is.  
9 Q. I want you to look at Exhibit SR1B.  
10 A. Got it.  
11 Q. This is a copy of the plat was originally  
12 submitted with the application. You'll see that it  
13 covers more than 300 acres. Right?  
14 A. Correct.  
15 Q. We somehow managed to submit a plat that has  
16 a strip across the bottom which is not actually included  
17 in the spacing unit. Correct?  
18 A. Right.  
19 Q. If you look at Exhibit SR3.  
20 A. Is that tabbed?  
21 Q. It's tabbed as No. 3. Just 3.  
22 A. Okay. Got it.  
23 Q. Do you recall, shortly after we filed the  
24 application, that Mr. Thum of IDL asked some clarifying  
25 questions, to which we responded?

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1 A. Yes.  
2 Q. Exhibit SR3 is a copy of that responsive  
3 letter?  
4 A. Yes.  
5 Q. Okay. If you look at the second page of  
6 that exhibit, there is another plat, which is now -- has  
7 the uncommitted tracts identified by number.  
8 A. Um-hum.  
9 Q. And do you recall how we keyed those to the  
10 resume of efforts?  
11 A. Yes.  
12 Q. Right. Okay. And then if you would look at  
13 Exhibit SR -- well, as a backup question, this one, the  
14 plat submitted in Exhibit SR3 still has the additional  
15 acreage included in it?  
16 A. Correct.  
17 Q. Yeah. If you go to Exhibit SR5, which is  
18 near the end. That -- there you go. You've got it in  
19 front of you. Does that correctly illustrate the actual  
20 300-acre boundary of the existing spacing unit?  
21 A. Yes, it does.  
22 Q. It shows there are a few of the tracts that  
23 are listed as uncommitted, which actually fall outside  
24 the established spacing unit?  
25 A. Correct.

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1 Q. Will you turn to Exhibit SR1D for me? You  
2 should just see a 1D. I left the SR off the tabs.  
3 A. D as in David?  
4 Q. Yes.  
5 A. Got it.  
6 Q. Is that a copy of the form of joint  
7 operating agreement that was submitted with the  
8 integration application?  
9 A. Yes, it is.  
10 Q. Now, is the form that was submitted similar  
11 to the form that is used as between Snake River and its  
12 working interest partners?  
13 A. Yes, it is.  
14 Q. Explain generally what your working interest  
15 partners are.  
16 A. Basically investors, partners, money-paying  
17 participants in wells and operations.  
18 Q. So they contribute to the expense of  
19 drilling wells and bringing them to production, and then  
20 they share in the revenue --  
21 A. Correct.  
22 Q. -- on the same basis. And the joint  
23 operating agreement is the contract that sets the terms  
24 of that participation?  
25 A. Yes.

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1 Q. So it would govern the payment of expenses  
2 and allocation of revenue between all of those  
3 participating in a well?  
4 A. Correct.  
5 Q. In this instance, the form, would the form  
6 be relevant if an integrated owner, as one of their  
7 options, elected to participate in a well?  
8 A. Yes.  
9 Q. And they could -- according to state law,  
10 they could elect to participate on a consenting basis or  
11 a non-consenting basis?  
12 A. Correct.  
13 Q. Has -- I think we asked this question in a  
14 previous proceeding. Across all the integrations that  
15 either the prior operator or Snake River has  
16 accomplished so far, I think one lessor has elected to  
17 participate?  
18 A. It was actually a working interest owner.  
19 It was a party by the name of Trenwell who took a lease,  
20 elected to participate in a well that was never drilled,  
21 and their lease expired.  
22 Q. Everybody else has either elected to lease  
23 or been deemed leased?  
24 A. Correct.  
25 Q. To your knowledge, has anybody actually

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1 elected to lease, or have the integrated parties all  
2 simply been deemed leased by failing to take any action?  
3 A. It's my understanding that they've been  
4 deemed leased. That's my recollection.  
5 Q. The form of joint operating agreement that's  
6 in Exhibit SR1D is a 1989 version of Form 610 from the  
7 American Association of Professional Landmen. Are you  
8 familiar with that organization?  
9 A. Yes, I am.  
10 Q. Are you familiar with that form?  
11 A. I am.  
12 Q. Is it something -- a form that has been --  
13 that you've used or been a party to in your prior  
14 experience in the oil and gas industry?  
15 A. My entire 40-plus year career, it's been in  
16 use.  
17 Q. In your experience, is it used by most of  
18 the participants in the industry?  
19 A. Yes.  
20 Q. Does Weiser-Brown use the form, some version  
21 of the Form 610 in its operation in other states with  
22 its working interest partners?  
23 A. Yes.  
24 Q. Is that true whether it's an operator or it  
25 has a non-operating interest?

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1 A. Yes, it is.  
2 Q. Without, you know, putting you to a fine  
3 number, do you have a rough guess about how many  
4 wells --  
5 MR. GOZZA: Can the participant named Shelly  
6 please mute their microphone. Thank you.  
7 MR. CHRISTIAN: Am I ready to proceed,  
8 Mr. Administrator?  
9 HEARING OFFICER: Go ahead, thank you.  
10 MR. CHRISTIAN: Thank you.  
11 BY MR. CHRISTIAN:  
12 Q. Rough guess, Mr. Brown, about how many wells  
13 that Weiser-Brown has been involved in over your years  
14 of experience that have utilized that Form 610 joint  
15 operating agreement?  
16 A. Probably in excess of a thousand.  
17 Q. Weiser-Brown Oil Company is based in  
18 Arkansas. Is that right?  
19 A. Correct.  
20 Q. And what's your understanding of how  
21 Form 610 is used in integrations in Arkansas?  
22 A. The form is adopted by the Arkansas Oil and  
23 Gas Commission in all integrations.  
24 Q. Okay. Was essentially the same form as  
25 SR1D, other than the operator name change, used in the

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1 earlier integrations that have been undertaken in this  
2 area?  
3 A. Yes.  
4 Q. Is there anything about this unit in  
5 particular which would lead you to conclude that using  
6 Form 610 here would not be appropriate?  
7 A. No.  
8 Q. And explain to me the reason why you are  
9 proposing this form in particular that's similar to the  
10 form you used with your working interest partners.  
11 A. This form would put a participant, if an  
12 owner chose to participate, they'd be on the same  
13 footing as the working interest owners.  
14 Q. And that's true with one exception. Right?  
15 The risk penalty between you and your working interest  
16 partners is how much?  
17 A. 500 percent with our partners, and in this  
18 JOA, 300 percent, which is actually advantageous if a  
19 mineral owner decides to participate.  
20 Q. And that's a function of, there's a cap in  
21 the statute. Right?  
22 A. There's a statute, Idaho statute.  
23 Q. Okay. Are the -- let's see. Would you turn  
24 to Exhibit SR6, please? Should be at the very end.  
25 I'll keep flipping. I'll tell you my assistant managed

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1 to print some things in landscape, but if you keep  
2 going, it's in portrait.  
3 A. Okay.  
4 Q. I'll represent to you that is -- going back  
5 to the clarification letter that we sent to Mr. Thum, do  
6 you recall that there were some typographical errors in  
7 the lease that we constructed?  
8 A. Correct.  
9 Q. So we sent him a corrected form of lease?  
10 A. Correct.  
11 Q. I'll represent to you that this is just  
12 separately a copy of that lease. It's also in the  
13 exhibit which is the clarification letter to Mr. Thum.  
14 Is the form of lease that is proposed similar to leases  
15 used elsewhere in the area in Idaho?  
16 A. Yes.  
17 Q. The bonus is how much?  
18 A. A hundred and acre.  
19 Q. And the royalty is how much?  
20 A. 1/8.  
21 Q. And the proposed terms of lease in renewal  
22 option are how much?  
23 A. Three-year term, primary term with a  
24 three-year renewal option.  
25 Q. And while some leases are different,

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1 generally speaking, what are the terms of lease across  
 2 the basin here in Southwest Idaho, that you're aware of?  
 3 A. Predominantly five years with a three-year  
 4 option.  
 5 Q. But generally, also a hundred dollars and an  
 6 1/8 royalty?  
 7 A. Yes.  
 8 Q. Are you aware of any leases, voluntary  
 9 leases in this spacing unit at issue that were paid  
 10 above a hundred dollar bonus?  
 11 A. No, I am not.  
 12 Q. Are you aware of any leases in this spacing  
 13 unit which include a royalty of greater than 1/8?  
 14 A. I am not.  
 15 Q. We had this conversation in a previous  
 16 hearing. The form of lease recites -- it doesn't recite  
 17 the exact amount of consideration paid in terms of the  
 18 bonus. It says \$10 and all other sufficient  
 19 consideration. Do you see that at the top of it, Or in  
 20 consideration of \$10, et cetera, et cetera.  
 21 Is that language normal in leases that are  
 22 recorded?  
 23 A. Yes, it is.  
 24 Q. It doesn't actually reflect that only \$10  
 25 was paid as consideration for the lease. Right?

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1 A. Correct.  
 2 Q. And as a broader matter, is it common for  
 3 deeds in lots of real estate transactions not to spell  
 4 out the exact consideration that's paid for the  
 5 property?  
 6 A. Correct.  
 7 Q. Like for your house, for example. The deed  
 8 to your house doesn't say how much money you paid?  
 9 A. Good example.  
 10 Q. And in fact here, for integration mineral  
 11 interest owners, the amount of the bonus is going to be  
 12 stated -- assuming an integration order is entered, it  
 13 will be stated in the order. Right?  
 14 A. Correct.  
 15 Q. Are versions of this form of lease widely  
 16 used in Weiser-Brown's operations in other states?  
 17 A. Yes, it is.  
 18 Q. Have you encountered it outside of  
 19 Weiser-Brown's operations? You know, working as a  
 20 landman, have you encountered versions of this form of  
 21 lease elsewhere?  
 22 A. In every state that I've worked in, yes.  
 23 Q. So would you say that that form of lease is  
 24 consistent with industry standards across the country?  
 25 A. Yes, it is.

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1 Q. Is it similar to the form of lease -- to  
 2 other forms of lease in this spacing unit?  
 3 A. Yes, it is.  
 4 Q. And in fact, an order was issued in a prior  
 5 integration for the Fallon 111 unit, which approved this  
 6 form of lease with a couple of modifications recently.  
 7 Right?  
 8 A. Correct.  
 9 Q. You were asked in an earlier hearing if the  
 10 lease provides for the operator to pay an owner for  
 11 claimed diminution in the value of their property simply  
 12 because of the presence of an oil and gas well. What's  
 13 your answer to that question?  
 14 A. That the lease does not provide for that.  
 15 Q. Have you ever seen a lease in all of your  
 16 years of experience in the industry where a lessee  
 17 commits to pay the owner for a change in their property  
 18 value?  
 19 A. I have not.  
 20 Q. Have you participated in integration and  
 21 pooling proceedings in other states?  
 22 A. Yes, I have.  
 23 Q. Have you ever seen an obligation to  
 24 compensate a lessor for change in their property value  
 25 imposed as part of an integration or pooling order?

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1 A. No, I have not.  
 2 Q. There are, however, places in this lease  
 3 which provide protection to the lessor in the form of  
 4 promises by the operator to pay for certain damages.  
 5 Right?  
 6 A. Correct.  
 7 Q. So if we look, for example, at the, what's  
 8 called Exhibit B to the lease -- I'm sorry, yes,  
 9 Exhibit B, which is some special terms and conditions,  
 10 does paragraph 1 of that provide for the lessor to pay  
 11 for certain damages?  
 12 A. Correct.  
 13 Q. To things like crops, livestock, fences, and  
 14 other improvements. Is that right?  
 15 A. Correct.  
 16 Q. And as an aside, the lease provides for no  
 17 drilling operations on the surfaces of the leased  
 18 premises where a tract is under 5 acres. Right?  
 19 A. Correct.  
 20 Q. And that's a function of reality that you  
 21 couldn't, because of setbacks, you likely couldn't put a  
 22 location on a tract that small?  
 23 A. Correct.  
 24 Q. Also, if you look at paragraph 9 of that  
 25 Exhibit B, to the proposed form of lease, it provides

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1 for the lessee to indemnify and hold the lessor harmless  
 2 from various things. Do you see that?  
 3 A. I do.  
 4 Q. In an earlier hearing, you were asked if  
 5 that indemnification clause was a limitation on Snake  
 6 River's liability. Do you agree with that? In other  
 7 words, the suggestion was that, while you're here  
 8 promising the lessee that you're going to pay them and  
 9 hold them harmless against things, you know, caused by  
 10 the operator's negligence and wrongful acts, the  
 11 question was, doesn't that limit your liability? Do you  
 12 agree with that characterization?  
 13 A. No, I don't.  
 14 Q. I mean, have you ever seen a lease or an  
 15 integration order which provided for a lessee to  
 16 compensate an owner for things that occurred through no  
 17 fault of the lessee?  
 18 A. I have not, no.  
 19 Q. Is -- are the clauses that are included in  
 20 Exhibit B to the lease, are they similar to leases,  
 21 other leases in Idaho and in other areas, in your  
 22 experience?  
 23 A. Yes, they are. And yes, it is.  
 24 Q. Have you had any issues with any lessor to  
 25 date in Idaho where you have had to pay damages under

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1 either of those paragraphs of the proposed form of  
 2 lease?  
 3 A. We have paid, for instance, example, we pay  
 4 for crop damages if a field -- if a portion of a tract  
 5 has to be out of, like, producing hay or something of  
 6 that nature. We would pay for the hay. Does that  
 7 answer your question?  
 8 Q. Yes. Does this lease affect the right of  
 9 owners who chose not to participate in the well from  
 10 exercising any private of right of action they might  
 11 have against the operator for future harm?  
 12 A. No, it does not.  
 13 Q. One thing that is still left in this, I  
 14 believe, is it calls out a \$50 per acre bonus for  
 15 exercise of the option. But in fact, your land team  
 16 sent an offer letter saying a hundred dollars an acre?  
 17 A. And we'll stand on the hundred dollar.  
 18 Q. In the previous integration matter it was  
 19 adjusted -- under the order it was adjusted to \$100 for  
 20 the option. Right?  
 21 A. And likewise here.  
 22 Q. Do you think that it's -- in this setting,  
 23 there's a well that's already been drilled that you hope  
 24 to produce. Is it your view that an option remains  
 25 still reasonable and necessary?

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1 A. Yes, I do.  
 2 Q. And explain why that is.  
 3 A. Just due to the unforeseen. The well could  
 4 produce for a period of time and water out, become  
 5 uneconomical and necessitate its -- an additional well.  
 6 We don't have a crystal ball. We can't predict what's  
 7 going to happen in the future.  
 8 Q. Is the drill site for the existing well  
 9 leased?  
 10 A. Yes, it is.  
 11 Q. And the owner used to be Fallon Enterprises.  
 12 Correct?  
 13 A. Correct.  
 14 Q. And that property has recently changed  
 15 hands?  
 16 A. Yes.  
 17 Q. But the sale was subject to the existing  
 18 lease?  
 19 A. It was.  
 20 Q. You also have a surface use agreement for  
 21 the surface location on the property?  
 22 A. Yes, we do.  
 23 Q. Okay. Has the Fallon 110 well that exists,  
 24 has it ever been produced?  
 25 A. No.

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1 Q. And it was drilled by a previous operator?  
 2 A. Yes. It was by -- it was tested.  
 3 Q. For perhaps 24 hours?  
 4 A. I think less.  
 5 Q. And that would have been as part of  
 6 completing the well?  
 7 A. Correct.  
 8 Q. And Snake River and its working interest  
 9 partners acquired the interest of the prior operator out  
 10 of its bankruptcy earlier this year?  
 11 A. Part of the interest prior to bankruptcy,  
 12 and the rest after bankruptcy.  
 13 Q. Yes. Correct. Sorry. Was there -- so at  
 14 the time you were -- at the time the well was drilled,  
 15 was Snake River a working interest partner to the  
 16 operator?  
 17 A. Yes.  
 18 Q. At the time the well was drilled, was there  
 19 an integration order in effect over the area?  
 20 A. Yes, there was.  
 21 Q. In your operations in other states -- let me  
 22 back up. What's Snake River's experience been, both as  
 23 a working interest partner and as an operator, in  
 24 drilling wells in Idaho? Have all of the wells drilled  
 25 been vertical, or have many of them been directional?



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1 A. Many have been directional.  
2 Q. Is that a consequence of surface limitations  
3 you face?  
4 A. Combination of -- combination of things.  
5 Q. Okay. In other states where Weiser-Brown  
6 operates, do you, as operator or working interest  
7 partner, participate in wells that are drilled  
8 horizontally or directionally?  
9 A. Yes.  
10 Q. And are some of those wells drilled in units  
11 which have been pooled or integrated?  
12 A. Yes.  
13 Q. And in those cases, have wells been drilled  
14 under tracts which are pooled or integrated?  
15 A. Yes.  
16 Q. In any of those cases, are you aware of any  
17 special compensation or consideration that is given to  
18 the owner of an inner integrated tract under which a  
19 well passes?  
20 A. I'm not aware of that, no.  
21 Q. Has Snake River recouped any of its  
22 investment in this well?  
23 A. No, we have not.  
24 Q. Either as a function of the money it  
25 invested when the well was drilled or as a function of

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1 the purchase of the other interest in the well since  
2 then?  
3 A. No, we have not.  
4 Q. What would be the effect of disallowing the  
5 use of the existing well to produce the reservoir in the  
6 spacing unit?  
7 A. It would -- it would basically, our dollars  
8 spent to date would condemn those.  
9 Q. You wouldn't be able to produce the  
10 reservoir?  
11 A. That's correct.  
12 Q. Or at least you would be required to spend a  
13 significant amount of money to drill another well?  
14 A. Correct.  
15 Q. And that would impact not just your  
16 interest, but the interest of mineral interest owners  
17 who have leased to you?  
18 A. Correct.  
19 Q. If -- and I'll talk to Dave Smith more about  
20 this, but do you understand that if you were to drill  
21 elsewhere in the unit, to a different place, would you  
22 be able to produce that reservoir as effectively?  
23 A. No.  
24 Q. Do you think there would be some of the  
25 resource which would ultimately be stranded if you had

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1 to drill elsewhere?  
2 A. Absolutely.  
3 Q. You were asked in an earlier hearing whether  
4 the rates set forth in the form of joint operating  
5 agreement was for supervising operations, I think, was a  
6 reasonable rate, based on your experience. Do you  
7 recall that question?  
8 A. I do.  
9 Q. So is it your experience that the rate  
10 that's set forth in the joint operating agreement is  
11 within the normal range?  
12 A. Absolutely.  
13 Q. And that's true of integration -- either  
14 integrations or wells in Idaho or elsewhere?  
15 A. Yes.  
16 Q. I don't believe I have any other questions  
17 for you.  
18 HEARING OFFICER: Thank you, Mr. Christian.  
19 Mr. Piotrowski, you may ask questions of the witness at  
20 this time.  
21 CROSS-EXAMINATION  
22 QUESTIONS BY MR. PIOTROWSKI:  
23 Q. Mr. Brown, could you explain to me how  
24 exactly the risk penalty process works here? When you  
25 say, you know, you're imposing a 300 percent risk

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1 penalty, what does that actually mean?  
2 A. So it applies to the risk, the dollars, the  
3 spent dollars. So for instance, if the well cost  
4 \$3 million to -- you would recoup three times that plus  
5 expenses, before that person would, quote, come back in.  
6 Q. And when you talk about the amount paid in,  
7 what gets included in those costs that would need to be,  
8 you know, recouped at 300 percent before payouts are  
9 made?  
10 A. Operations cost, operation cost, if  
11 you're -- your question was about expenses?  
12 Q. Yeah. I'm wondering, you know, you just  
13 testified that the amounts that are put in by the  
14 operator, you know, then have to be recouped at  
15 300 percent before the other working interest owners  
16 begin to get paid. Do I understand that correctly?  
17 A. Correct.  
18 Q. Okay. So you know, there are lots of  
19 various expenses a company may have. So let me limit it  
20 to this case. What are the expenses that would go in  
21 that have to be recouped at 300 percent before the  
22 working interest owners would begin to see recovery?  
23 A. Well, the first, the cost of the well.  
24 That's the big one. And then the ongoing expenses are,  
25 for instance, a pumper. Pumper goes out to a well on a

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1 daily basis. We pay pumpers on a monthly basis.  
2 There's various accounting, accounting charges. But  
3 those -- there's a rate in the JOA that's charged. The  
4 ongoing expenses are minimal compared to the cost of the  
5 well, is by far 95-percent-plus of the cost to recoup.  
6 Q. Okay. Who actually paid for the cost of the  
7 well in the case of the Fallon 110?  
8 A. The partners at the time, of which me and my  
9 company, we had approximately 25 percent. Some other  
10 partners, and the company that was the operator, Alta  
11 Mesa, they were AM Idaho, Alta Mesa. They had different  
12 entity names, but they were the operator.  
13 Q. And what percentage of those expenses were  
14 covered by the operator?  
15 A. Alta Mesa at the time had approximately  
16 about 65 percent, about 65 percent.  
17 Q. Okay. And when you purchased Alta Mesa's  
18 interest as part of the bankruptcy liquidation, did you  
19 pay full value? Did you pay everything that Alta Mesa  
20 spent on at that well?  
21 A. We bought half of the interest  
22 prebankruptcy, in December -- was effective December 1st  
23 of 2020. So we bought half the interest, approximately.  
24 35 percent of the interest, and -- at the first sale,  
25 and then approximately 30 percent in the bankruptcy

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1 sale. So -- go ahead.  
2 Q. So is -- as you sit here today, does your  
3 company, the Snake River Oil and Gas's cost, actually  
4 equate to the total amount that was spent to drill this  
5 well, to create this well?  
6 A. When you talk about, actually Snake River is  
7 my company, and we -- we had -- already had a quarter.  
8 We did not buy, and so Snake River did not buy any more  
9 because we already had such a significant investment in  
10 this well, our partner group bought both the first  
11 purchase and second purchase. So myself and my partner,  
12 we did not increase our interest because we had such a  
13 large investment already in the project.  
14 Q. The question now is, of the people who have  
15 an interest in this, did they pay the actual expenses in  
16 when they bought out Alta Mesa's interest?  
17 A. It wasn't dollar for dollar.  
18 Q. Okay. So the investment that the current  
19 operator and the current working interest owners, the  
20 cost they have into this are not equivalent to the  
21 actual cost of everything that has been put into the  
22 well to date. Right?  
23 A. The cost of the operator, which is me and my  
24 partner, Snake River, we are actual dollar for dollar  
25 because we were in the well initially and paid the

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1 initial drilling. The prior acquires of Alta Mesa's  
2 remaining interest, they are not dollar for dollar.  
3 Q. And so if a risk penalty of, let's just say  
4 100 percent was assessed, that would actually exceed  
5 what you and your other partners have spent to acquire  
6 this interest, wouldn't it?  
7 A. Not myself. It would not. It would not  
8 myself and my company, Snake River.  
9 Q. And your partners, though, they would be at  
10 100 percent. Even at 100 percent, they would be  
11 receiving more than they have spent to acquire this  
12 interest. Right?  
13 A. I'd have to -- I'd have to --  
14 Q. Are you able to answer that question?  
15 A. I'd have to look back at the agreement, how  
16 they allocated the cost of the wells.  
17 Q. Now, in my experience, when assets are  
18 purchased as a result of a sale by a trustee in  
19 bankruptcy, the price paid for those assets tends to  
20 carry a discount. In other words, you can acquire those  
21 assets at something less. You often can acquire those  
22 assets at less than their current market value as  
23 measured by an arm's length transaction. Was that true  
24 in this case? Were the assets of Alta Mesa and its  
25 entities, in this well, the Fallon 110 units, were those

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1 purchased at a discount compared to what Alta Mesa and  
2 its entities had spent to develop it?  
3 A. Yes.  
4 Q. Okay. And so when we talk about the risk  
5 penalty of this case, is the -- the risk penalty is,  
6 you've explained is 300 percent times the expenses in.  
7 And so when we talk about the expenses in, are we going  
8 to be using the amount that was spent by Alta Mesa, or  
9 are we going to be using the amount that was spent by  
10 the people who acquired Alta Mesa's assets in this  
11 tract?  
12 A. I can't answer that. But I can say that the  
13 people that didn't acquire that interest, like me, we  
14 would be harmed if it was smaller than 300 percent. I  
15 took all the risk.  
16 Q. You took a portion of the risk. Right? You  
17 didn't take all the risk.  
18 A. Yes, yes. As to my interest, yes.  
19 Q. And so those who bought Alta Mesa's  
20 interest, they would be receiving a windfall, wouldn't  
21 they? They would have spent some amount of money, but  
22 the risk penalty would reward them for a greater amount  
23 of money spent. Isn't that right?  
24 A. I would disagree. I would say that they  
25 took a huge risk acquiring this interest.

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1 Q. Right. But their risk, if we measured the  
2 risk in dollars, it is measured in what they spent to  
3 acquire Alta Mesa's interest. Right?  
4 A. They took a lot of risk.  
5 Q. And that risk is measured by what they spent  
6 to acquire Alta Mesa's interest. Right? All of that  
7 money is at risk. Right?  
8 A. Yes.  
9 Q. And no more than that money is at risk  
10 unless they choose to invest more. Right?  
11 A. I'm sorry. Ask the question again.  
12 Q. Sure. For the folks who bought -- for the  
13 entities that bought Alta Mesa's interest, they chose to  
14 invest whatever it is they spent to acquire those  
15 interests at the bankruptcy sale. And in doing so, they  
16 also agreed to step into the role as a working interest  
17 owner. Is that right?  
18 A. Correct.  
19 Q. I'm sorry. I didn't hear you.  
20 A. Correct.  
21 Q. Okay. And so the risk they carry right now  
22 is the -- the risk of future expenses, which is shared  
23 among all of the working interest owners based on their  
24 percent. Right?  
25 A. Say the last part again.

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1 Q. The risk that a working interest owner -- a  
2 working interest owner or an investor, any of the  
3 companies that have acquired rights in this unit, they  
4 have an ongoing risk in that there are continuing  
5 operating expenses. Right?  
6 A. Correct.  
7 Q. And they've agreed to cover their share of  
8 those continuing operating expenses?  
9 A. Correct.  
10 Q. Is that correct?  
11 A. Yes.  
12 Q. And they also have at risk the amount they  
13 spent to initially acquire those positions. Right?  
14 A. Correct.  
15 Q. But as to the amount spent to initially  
16 acquire those positions, that part of the risk doesn't  
17 change unless they voluntarily change it by trying to  
18 acquire a greater interest. Right?  
19 A. I'm not sure I follow you.  
20 Q. Yeah. That's fair. It wasn't a great  
21 question. If somebody spent a hundred dollars -- let's  
22 just use a nice easy number -- a hundred dollars to buy  
23 out Alta Mesa's interest in the Fallon 110 unit, that  
24 particular cost, the money spent to buy out that  
25 interest, that's never going to change. Right? They

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1 now own that interest?  
2 A. Correct.  
3 Q. Okay. And if -- and if Alta Mesa and its  
4 entities had spent \$200 to develop that interest, but  
5 the acquiring parties only spent a hundred dollars at  
6 the bankruptcy sale, they are not in the future going to  
7 have to somehow supplement their hundred dollar payment  
8 to match what Alta Mesa spent, are they?  
9 A. No.  
10 Q. Nobody can go back and say, Okay, you bought  
11 this interest for whatever you bought it for, from the  
12 bankruptcy trustee, nobody can go back and say, Oh, and  
13 now we want another payment because we think you paid  
14 too little. That doesn't happen, does it?  
15 A. Correct.  
16 Q. I'm sorry, I didn't hear that?  
17 A. Correct.  
18 Q. Okay. So the affidavit that was -- the  
19 affidavits that were submitted with the application for  
20 integration in this case talk about the 300 percent risk  
21 penalty assessment here being reasonable because of  
22 supposedly this is a wildcat development. In fact, this  
23 well is known to be capable of producing, isn't it?  
24 A. Yes.  
25 Q. It's been tested, I think you testified.

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1 Right?  
2 A. Correct.  
3 Q. And indeed, as we sit here today, it's not a  
4 wildcat well, this particular one, is it?  
5 A. It is a drilled well.  
6 Q. And I believe we know it's not a dry hole.  
7 Right?  
8 A. Correct.  
9 Q. And what is your experience, what's the risk  
10 assessment usually assessed in an area where there is  
11 zero risk of a dry hole?  
12 A. The risk on this well currently is based on  
13 the reserves, how long will the production last.  
14 Q. And have you been involved in cases where it  
15 was well-known that the well, even before you drilled  
16 it, it was well-known that the well was going to  
17 produce? Have you worked in that situation before?  
18 A. Yes.  
19 Q. And in that situation, what is a typical  
20 risk penalty for operating interest owners?  
21 A. It varies. It varies.  
22 Q. And it varies between what range? What's  
23 the high and the low, in your experience?  
24 A. My recollection is -- I can't recall, but I  
25 have seen 300 percent risk factor penalties where a

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1 well's been drilled.  
2 Q. Have you seen less than 300 percent risk  
3 penalties?  
4 A. Possibly.  
5 Q. Now, in -- when Weiser-Brown obtains a  
6 mineral rights lease here in Southwest Idaho, does it  
7 record those leases with the county?  
8 A. Some leases are recorded, and in some cases  
9 a memorandum of lease is recorded.  
10 Q. Okay. But everything gets recorded by one  
11 of those two methods. Is that right?  
12 A. Typically.  
13 Q. And in this particular case, have all of the  
14 leases of either Weiser-Brown or Snake River Oil and  
15 Gas, have all of those leases been recorded as either a  
16 lease or memorandum of lease?  
17 A. I would have to defer to the landman who is  
18 going to be up here testifying in a minute, Mr. Moore.  
19 But typically, yes, I would say yes, but I'll defer to  
20 him.  
21 Q. And would the absence of a publicly-recorded  
22 lease indicate to you that no lease exists?  
23 MR. CHRISTIAN: I'm going to object. Calls  
24 for speculation.  
25 HEARING OFFICER: I'll sustain that

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1 objection. Could you clarify the question or move on to  
2 something different, Mr. Piotrowski?  
3 MR. PIOTROWSKI: Thank you.  
4 BY MR. PIOTROWSKI:  
5 Q. So, Mr. Brown, in your experience as a  
6 landman, did you rely on public property records to  
7 inform you as to where to go or who to seek out to try  
8 to secure leases?  
9 A. Yes.  
10 Q. Okay. And have you ever done that work,  
11 trying to secure leases here in Southwest Idaho, in  
12 Payette County, in particular?  
13 A. I'm sorry. Ask that again.  
14 Q. Have you ever done the work of trying to  
15 secure mineral leases in Payette County?  
16 A. Yes.  
17 Q. And in doing so, would you rely on the  
18 public property records to tell you who owns the  
19 properties and which properties were also leased?  
20 A. Yes.  
21 Q. Okay. All right. In your testimony with  
22 Mr. Christian, you testified that the current lease and  
23 operating agreement provides there will be no drilling  
24 operations on tracts less than 5 acres. Right?  
25 A. Correct.

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1 Q. Does the lease say anything about other  
2 operations, such as collection and transfer operations  
3 on tracts less than 5 acres?  
4 A. Let me get the lease out. Says: Will not  
5 engage in drilling.  
6 Drilling operations. And your question was?  
7 Q. What about other types of operations that  
8 might be necessary? Those other types of operations  
9 could occur on tracts smaller than 5 acres, couldn't  
10 they, per the lease?  
11 A. They could per the lease. Logistically,  
12 placing equipment on a tract under 5 acres would be  
13 highly unlikely.  
14 Q. Highly unlikely, but not impossible. Right?  
15 A. Not impossible.  
16 Q. Now, when you were testifying before, you  
17 explained that there might be a need to -- for an option  
18 to extend the lease terms here, and one of the possible  
19 reasons you pointed out for that was if it became  
20 necessary to drill an additional well. Do you recall  
21 that?  
22 A. I do.  
23 Q. And so it is possible that in this  
24 Fallon 110 unit, you might need to drill additional  
25 wells in the future. Right?

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1 A. Yes.  
2 Q. What circumstances might lead you to need to  
3 drill an additional well in this unit?  
4 A. Say for instance this well only produces for  
5 90 days, and becomes uneconomic, and through additional  
6 information and knowledge we determine that an  
7 additional well might either be economic in this  
8 reservoir or precipitate -- we get acknowledge we would  
9 drill for another target.  
10 Q. So it could be possible that you'd need to  
11 drill an additional well to reach the same, I think  
12 we're calling it Sand B, that is currently targeted by  
13 the Fallon well. Right?  
14 A. Only -- in Idaho you could only do that if  
15 you -- you cannot have two wells in the same -- same  
16 reservoir. It would either have to be -- if it was the  
17 same sand, you said Sand B, if it was Sand B, you'd  
18 either have to prove that the reservoir was separated by  
19 a fault, or you couldn't have two wells in the same  
20 reservoir.  
21 Q. Would that be true even if there were some  
22 sort of technical problem with the existing well, or if  
23 it was preventing it from producing everything it could  
24 in Sand B, you couldn't drill a second similar bore to  
25 solve those problems?

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1 A. Yes, you could. If the first well was  
2 deemed -- you couldn't produce both. So you'd have to  
3 abandon one.  
4 Q. Right. Okay. So theoretically, you could  
5 end up having to drill another well from the same  
6 Sand B?  
7 A. Theoretically, yes.  
8 Q. And also theoretically, as we've seen  
9 elsewhere nearby, the experience you've had in this unit  
10 could lead you to discover additional reservoirs that  
11 might be worth pursuing?  
12 A. Theoretically.  
13 Q. Now, you have -- do you have the Department  
14 of Lands exhibits in front of you?  
15 A. Department of Lands exhibits? I do not.  
16 Q. Okay. Let me -- there's a couple ways we  
17 can do this.  
18 HEARING OFFICER: Chris, could you --  
19 Mr. Piotrowski, hold on just a moment.  
20 MR. PIOTROWSKI: I think I can do, if we can  
21 get that map --  
22 HEARING OFFICER: Mr. Piotrowski, the  
23 Department of Lands staff is coming up to give this to  
24 Mr. Brown. Stand by. Mr. Piotrowski, what page are you  
25 referring to?

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1 MR. PIOTROWSKI: I'm referring to, it's  
2 marked as page 3. It's the map showing unleased tracts,  
3 as well as the location of the Fallon 110. This is the  
4 map that's that the surface location and bottom hole  
5 location marked.  
6 THE WITNESS: I want to make sure we're  
7 apples and apples.  
8 HEARING OFFICER: Mr. Piotrowski, it's up in  
9 front of Mr. Brown now. Thank you.  
10 BY MR. PIOTROWSKI:  
11 Q. Mr. Brown, to your knowledge, subject, of  
12 course, to its limitations, is this map -- does this map  
13 accurately portray both the spacing unit and the  
14 location of the Fallon 110 well?  
15 A. Yes. Very, very, very closely.  
16 Q. Okay. Now, the surface location is on  
17 property that used to be owned by Fallon Enterprises,  
18 and I think you testified that the operator has a  
19 surface use lease, so you have a lease allowing you to  
20 operate the well at that location. Right?  
21 A. Yes.  
22 Q. And the well that crosses under the Payette  
23 River, and is the -- are the mineral rights under the  
24 Payette River, have those been leased?  
25 A. Yes.

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1 Q. Okay. Then it looks like, according to the  
2 Department of Lands' map, that the well bore then  
3 crosses under property owned by 1, 2, 3 different  
4 owners, the Hicks Family Trust, the Anadarko Land, and  
5 the City of Fruitland. Do you see that?  
6 A. Yes, I do.  
7 Q. Does the operator or Weiser-Brown have any  
8 contracts or agreements with any of those entities to  
9 utilize their property?  
10 A. Not at this current time.  
11 Q. You may not be the right witness, but if you  
12 look at that map, down towards the bottom, in that small  
13 part of the northwest corner of Section 15 that is  
14 included here, there is, oh, about pretty close to the  
15 middle of that section, and just above the purple line,  
16 do you see a small cul-de-sac that's on the map there?  
17 A. Are you talking about the subdivision?  
18 Q. Yeah. Within the subdivision there's a  
19 small cul-de-sac next to Highway 95. Do you see that?  
20 HEARING OFFICER: Mr. Piotrowski, for  
21 clarification, I think there's four red boxes on one  
22 side and three on the other, and it's right up against  
23 the --  
24 MR. PIOTROWSKI: Yes. That's what I'm  
25 asking about.

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1 HEARING OFFICER: Mr. Brown sees that.  
2 Thank you.  
3 BY MR. PIOTROWSKI:  
4 Q. Mr. Brown, this map, I know wasn't prepared  
5 by you or your company, but it was based on data  
6 provided to the Department of Lands by your company. Do  
7 you know how it is or when it was that those properties  
8 along that cul-de-sac came to be leased?  
9 A. I'll defer to the landman who's up next,  
10 Mr. Moore.  
11 Q. So are you saying you don't know?  
12 A. I don't.  
13 Q. Okay. In this case, the Fallon 110 is a  
14 directional well. Correct?  
15 A. Correct.  
16 Q. Is there a difference between a directional  
17 well and a horizontal well?  
18 A. Yes.  
19 Q. What's the difference, in your  
20 understanding?  
21 A. A directional well -- a horizontal well goes  
22 truly horizontal, essentially horizontal, and a  
23 directional well is at an inclination. This would be a  
24 directional -- this is a directional well.  
25 Q. Is the process of drilling horizontally

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1 different than the process of drilling directionally?  
2 A. Essentially, no. It's a little more  
3 complicated to be horizontal, but the concept is the  
4 same.  
5 Q. Is roughly the same equipment used to do  
6 both?  
7 A. Horizontal wells are a little more complex.  
8 I'm not an engineer, so I really ought to defer to --  
9 Mr. Smith, the geologist, can answer that question.  
10 Q. And to your knowledge, is there -- are there  
11 any current plans for any well treatments on the  
12 Fallon 110?  
13 A. Currently no.  
14 Q. Could that happen in the future?  
15 A. Pure speculation. But yeah. We don't have  
16 any plans. We don't have any plans.  
17 Q. Okay. When we talk about well treatments,  
18 and specifically, when the proposed form of lease talks  
19 about well treatments, what is a well treatment?  
20 A. I'll let Mr. Smith answer that question,  
21 but -- thanks, James -- treating the well, there's a lot  
22 of different forms and fashions, but I'll defer to  
23 Mr. Smith.  
24 Q. And is hydraulic fracturing considered a  
25 well treatment?

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1 A. Yes, it is.  
2 Q. Okay.  
3 A. And there have not been any hydraulic  
4 fracturing in the oil and gas operations in Idaho, and  
5 there are no plans for any.  
6 Q. Okay. Would the operator then be willing to  
7 agree to the term that no hydraulic fracture will ever  
8 occur on the Fallon 110?  
9 A. You know what, I would will have to -- the  
10 word never -- I would agree to say that on this well.  
11 Q. Now, do all well treatments involve  
12 injecting something into the well?  
13 A. I'm sorry?  
14 Q. Do all well treatments involve injecting  
15 other materials into the well?  
16 A. I don't believe so.  
17 Q. Is the operator prepared to agree or willing  
18 to agree that, as part of the terms, that no -- that the  
19 operator will not use either surface or subsurface  
20 estates for drilling operations of undeemed -- or deemed  
21 leased parties? I'm sorry, that was a terrible  
22 question. Let me take another shot at that. In a  
23 recent decision from a few days ago, the administer  
24 issued an order that said in another unit that the  
25 operator would not be permitted to engage in any

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1 operations that occupy either the subsurface or  
2 subsurface estates of unconsenting owners, deemed leased  
3 owners. Would you agree to that same term in this case?  
4 A. Absolutely not.  
5 Q. At present, what's the value of the bond  
6 that any of the companies you're involved in hold that  
7 would protect the property owners in the Fallon 110  
8 unit?  
9 A. I think all the bond rates are set by  
10 statute, and I'm going to have to defer.  
11 Q. Do you happen to know what the value of the  
12 bond currently held is?  
13 A. It's very large. I cannot tell you the  
14 exact amount.  
15 Q. I mean, very large is pretty relative here.  
16 I'm looking at something like 40 individual homesteads  
17 here, each of which is worth hundreds of thousands of  
18 dollars. Do you think the bond would be adequate to  
19 cover a complete loss of those properties?  
20 MR. CHRISTIAN: Objection. Lack of  
21 foundation, calls for speculation.  
22 HEARING OFFICER: I'll sustain that  
23 Mr. Christian, thank you. Mr. Piotrowski, please  
24 rephrase your question to be consistent with the terms  
25 of just and reasonable factors.

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1 BY MR. PIOTROWSKI:  
2 Q. In the event of a catastrophic failure of  
3 the Fallon 110 well, is it possible that surrounding  
4 properties may lose most or all of their market value?  
5 MR. CHRISTIAN: Objection. Calls for  
6 speculation.  
7 HEARING OFFICER: I will sustain that.  
8 Mr. Piotrowski, I'll give you one more chance.  
9 Otherwise move on to a different line of questioning.  
10 BY MR. PIOTROWSKI:  
11 Q. Mr. Brown, you've testified about your  
12 extensive experience in oil and gas development. In  
13 that experience, have you seen situations where oil or  
14 gas wells ended up contaminating either the surface or  
15 the ground water of the areas drilled?  
16 A. The ground water, I have not.  
17 Q. Okay. Have you seen surface contamination?  
18 A. Minor cases, I have.  
19 Q. Okay. Are you aware of any situations in  
20 which there was ground water contamination as a result  
21 of oil and gas operations?  
22 A. Not personally.  
23 Q. So you're not aware of that happening at  
24 all?  
25 A. I'm not.

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1 Q. Okay. Do you have any idea what it is that  
2 the bonding maintained by your companies, what that is  
3 meant to cover? What are the losses that are bonded  
4 for?  
5 A. I'd be better off reading from the Code. I  
6 mean, it's -- bond for --  
7 Q. Let me narrow my question a little bit. Do  
8 you happen to know what are the losses that are bonded  
9 against?  
10 A. I'd have to review them, but I mean, I'm  
11 familiar with why bonds are in place.  
12 Q. So if I understand correctly, you're not  
13 sure what the value of the existing bonding is, and off  
14 the top of your head, you're not sure what losses it's  
15 meant to cover. Right?  
16 A. Not exactly. I know what they protect  
17 against, and I can get the values within, you know,  
18 pretty quickly.  
19 Q. What is it that they protect against?  
20 A. Damage.  
21 Q. Right. What types of damage? I mean,  
22 damage can happen lots of ways. Do you happen to know  
23 what types of damage they protect against?  
24 A. Damage from operations. And I know one is  
25 to ensure they're properly plugged when the operator

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1 leaves an area.  
2 Q. All right. Sir, thank you. No more  
3 questions.  
4 HEARING OFFICER: Thank you, Mr. Piotrowski.  
5 Ms. McLain, do you have any questions for the witness at  
6 this time?  
7 MS. McLAIN: Mr. Hearing Officer, no, I do  
8 not. Thank you.  
9 HEARING OFFICER: Ms. Vega, do you have any  
10 questions?  
11 MS. VEGA: I also do not have any questions.  
12 Thank you.  
13 HEARING OFFICER: Thank you, Ms. Vega. I do  
14 have a few clarifying questions.  
15 EXAMINATION  
16 QUESTIONS BY THE HEARING OFFICER:  
17 Q. Earlier in your testimony you mentioned that  
18 you acquired the first half of the interest in December  
19 of 2020?  
20 A. Correct.  
21 Q. Was it December of 2020 or December of 2019?  
22 A. 2019.  
23 Q. 2019. I just wanted to clarify that. That  
24 first half was in December of 2019?  
25 A. Christmas Eve. Christmas Eve, 2019.

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1 Q. Okay. Thank you very much. I want to make  
2 sure I go down through here. I'm pulling up a few  
3 questions. I think that's been addressed. Mr. Brown, I  
4 know that this well is already drilled, but I would like  
5 to know what timeline you propose as far as developing  
6 this unit. Is it going happen soon, within a year? Do  
7 you have a timeline of when you start, I guess, whatever  
8 involved the operation to bring the well online, what's  
9 your timeline for that?  
10 A. So if an approved order was issued, there is  
11 what we call a riser adjacent to the well, and anybody  
12 who passes by it on the highway can see it. So we would  
13 connect to that riser, which, how many feet from the  
14 riser is it, Wade? A hundred, so operationally it would  
15 take probably 10 to 15 days to connect the well to the  
16 riser, and that riser is connected to the Harmon  
17 pipeline which goes to Little Willow, so we would  
18 probably be to sales within 10 to 15 days. Sound  
19 reasonable?  
20 Q. Thank you, Mr. Brown. Bit of a piggyback.  
21 You discussed earlier that equipment on a tract under  
22 5 acres is unlikely. However, the application also  
23 mentions gathering lines. I'm just asking, gathering  
24 lines and any other equipment, is any of that on the  
25 property -- pardon me, on uncommitted owners' property?

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1 A. No. And in this case the riser is on the  
2 SUA, so we don't have any plans to get on anybody else's  
3 property other than the SUA that we've got with Wes  
4 Fallon, it's now a gentleman by the name of Larry James.  
5 Q. So given that answer, can I can include a  
6 condition in the integration that states as much?  
7 A. As to that well, yes.  
8 Q. Thank you. Broader question. Do you think  
9 it's appropriate for the integration order to deem  
10 mineral owners leased under every term and condition in  
11 the lease?  
12 A. Yes.  
13 Q. Can you explain that, or expand on that?  
14 A. I don't know how I would expand. You just  
15 mentioned, actually, that provision regarding, if -- ask  
16 your question again, make sure I'm not answering  
17 something else.  
18 Q. Which one are we talking about, the surface  
19 use?  
20 A. In other words, you just were talking about  
21 the 5-acre?  
22 Q. Right. We were talking about if there were  
23 gathering lines or anything that were on uncommitted  
24 owners' property, and you said no?  
25 A. They are not. Right. So you asked the

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1 question --

2 Q. And I asked the question, do you think it's

3 appropriate for the integration owner to deem mineral

4 owners leased under every term of the lease. You said

5 yes. And I said, why?

6 A. Because it's the lease attached to the

7 integration, would be my answer.

8 Q. That's fair enough. It's okay. You've

9 addressed that. All right. I think I've asked all of

10 my questions of the witness. Mr. Brown, thank you for

11 your time.

12 MR. CHRISTIAN: May I ask a couple of

13 follow-up questions?

14 HEARING OFFICER: I do apologize,

15 Mr. Christian. Do you have a redirect?

16 MR. CHRISTIAN: Thank you. And I would say

17 as a preparatory matter, I do appreciate the

18 conversation about the specific conditions in the unit,

19 which is the reason we're here.

20 REDIRECT EXAMINATION

21 QUESTIONS BY MR. CHRISTIAN:

22 Q. With that in mind, Mr. Brown, you had a

23 conversation with Mr. Piotrowski about the risk penalty.

24 Just so we're clear, that's relevant only to the extent

25 an integrated owner elects to participate in the well on

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1 a nonconsenting basis. So they don't participate, they

2 don't write a check for their share of any of the

3 expenses. Right?

4 A. If they elect to participate, yes. If they

5 elect to participate they would pay. Ask your question

6 again.

7 Q. They have the opportunity to participate on

8 a consenting basis or nonconsenting basis.

9 A. Right.

10 Q. And in the latter, they'd basically get a

11 free ride?

12 A. Correct.

13 Q. Which is the reason for the risk penalty.

14 A. Correct.

15 Q. So it would only be relevant to the extent

16 somebody elected to participate on that basis, as a

17 nonconsenting owner?

18 A. Yes. Gotcha.

19 Q. To date nobody's done that in the state of

20 Idaho. I gather from Mr. Piotrowski's line of

21 questioning that, I think his point was, working

22 interest owners who bought an interest from a prior

23 operator for the already-drilled well should be entitled

24 to a risk penalty only on the amount of dollars they

25 actually spent, which would include the amount they paid

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1 for their interest, and whatever dollars they'd paid on

2 a go-forward basis for their share of the operating

3 expenses. Right?

4 A. Yes.

5 Q. So we can at least say that the risk penalty

6 should apply to those -- that combination of dollars,

7 couldn't we, yes or no?

8 A. Yes.

9 Q. There was -- to the question of surface

10 operations on small tracts, as an additional matter, the

11 state statute has setbacks for surface facilities.

12 Right?

13 A. Correct.

14 Q. There are lots of things you can't do on a

15 surface within a few hundred feet of a house, that kind

16 of thing. As a practical matter, would that limit your

17 ability, as a matter of law, to engage in surface

18 operations on a lot of small tracts anyway?

19 A. Absolutely.

20 Q. Okay. I want to be clear on the subject of

21 subsurface operations. Specifically with respect to the

22 well bore path, would the operator need to retain the

23 ability to engage in subsurface operations?

24 A. Yes.

25 Q. Because -- and that's because there are

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1 things that you need to do down a hole to keep the well

2 working. Right?

3 A. Correct.

4 Q. In other words, if a deemed lease tract

5 where the existing well bore sits was subject to a

6 requirement, there would be no subsurface operations,

7 you wouldn't be able to operate the well?

8 A. Correct. And safety issues.

9 Q. I think that is all the questions that I

10 have.

11 HEARING OFFICER: Thank you, Mr. Christian.

12 And I appreciate you helping me there. I actually have

13 one question where I'm supposed to ask the question now

14 regarding safety issues.

15 EXAMINATION

16 QUESTIONS BY THE HEARING OFFICER:

17 Q. Mr. Brown, could you elaborate on safety

18 issues, what those would be?

19 A. If you were unable to access the well bore,

20 and I'm not an engineer, but you have to be able to

21 access it to ensure, you know, if, for instance, you had

22 an abrasion or anything, you need to be able to get down

23 the hole to maintain safety, but I would defer to

24 Mr. Smith to probably answer that question a little

25 better than me, because he's more engineering-minded



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1 than I am.  
2 Q. Thank you, very much. I think now I can  
3 allow you to step down.  
4 MR. PIOTROWSKI: Mr. Thomas, can I ask some  
5 follow-up questions?  
6 HEARING OFFICER: I'm afraid not,  
7 Mr. Piotrowski. I will encourage you to potentially  
8 postulate any questions to any additional witnesses.  
9 MR. PIOTROWSKI: Can I ask to retain this  
10 witness so I can recall him later, then?  
11 HEARING OFFICER: Certainly. Thank you,  
12 Mr. Piotrowski.  
13 HEARING OFFICER: Mr. Christian, you may  
14 call your next witness.  
15 MR. CHRISTIAN: I'll call Wade Moore III.  
16 HEARING OFFICER: I will offer the oath to  
17 this witness.  
18 WADE MOORE, III,  
19 First duly sworn to tell the truth related to said  
20 cause, testified as follows:  
21 HEARING OFFICER: Mr. Christian, you may  
22 proceed.  
23 DIRECT EXAMINATION  
24 QUESTIONS BY MR. CHRISTIAN:  
25 Q. Thank you. Mr. Moore, can you state your

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1 name for the record?  
2 A. Wade Moore III.  
3 Q. And what is your occupation?  
4 A. Landman.  
5 Q. And you work for Snake River Oil and Gas?  
6 A. Yes, sir.  
7 Q. And how long have you been employed as a  
8 landman?  
9 A. Since -- for Snake River Oil and Gas, or --  
10 Q. Generally.  
11 A. Generally, eight years. Nine years.  
12 Q. And most of that time's been in Idaho?  
13 A. Yes. Most.  
14 Q. Okay. And were you -- did you participate  
15 in, or were you responsible for the leasing efforts in  
16 the 300-acre spacing unit that's the subject of this  
17 proceeding?  
18 A. Yes, I was.  
19 Q. Did you work alone, or did you work with  
20 assistants?  
21 A. We had a team of contract employees.  
22 Q. So those would be other landmen?  
23 A. Yes.  
24 Q. Okay. Do you recall about how many men you  
25 had working on the project?

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1 A. It was myself and three others.  
2 Q. Okay. If you would go to what's tabbed as  
3 Exhibit 2 in your binder there, but it's exhibit SR2 for  
4 me.  
5 A. Okay.  
6 Q. Can you tell me what that is?  
7 A. It's a resume of efforts to lease the  
8 uncommitted mineral owners in the said unit.  
9 Q. And in fact, it actually includes some  
10 tracts that are outside the south boundary of the  
11 spacing unit. Right?  
12 A. It does.  
13 Q. Why is that?  
14 A. We did that on purpose to, what we would  
15 call a protection lease. Didn't have a surveyed unit  
16 boundary, so the imaginary line across the southern  
17 boundary, if you will, if it was close to that line, we  
18 sent those owners a lease offer.  
19 Q. So if we flip to Exhibit SR5 for a minute.  
20 A. Okay.  
21 Q. Don't look at the color one, because my  
22 assistant copied it wrong.  
23 A. Okay.  
24 Q. Does that illustrate the numbered tracts  
25 that are below that line? Does that illustrate the ones

Page 65

1 that actually fall outside the unit?  
2 A. Yes, sir.  
3 Q. Okay. But nevertheless, those people  
4 were -- you engaged in leasing efforts toward them and  
5 they were noticed for this proceeding?  
6 A. Yes.  
7 Q. Okay. What is, based on your resume of  
8 efforts, what is the percent leased in the unit?  
9 A. We're at about 62 percent.  
10 Q. And I think we stated something around  
11 61 percent?  
12 A. 61 percent was stated, given the resume  
13 numbers. It included the tracts that were outside of  
14 the boundary, but the tracts inside the boundary  
15 represent 62 percent.  
16 Q. Okay. Does the resume of efforts accurately  
17 reflect you and your team's efforts to contact and lease  
18 the uncommitted mineral interest owners?  
19 A. Yes.  
20 Q. It also actually, in some case, reflects  
21 efforts earlier of the prior operator?  
22 A. Yes. This unit -- portions of this unit  
23 have been worked for the last four years. So yes. In  
24 the event we had notes from prior efforts, we entered  
25 those.

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1 Q. Okay. And your mailing efforts, I want you  
2 to turn to Exhibit 1E in your binder, which is  
3 Exhibit SR1E.  
4 A. Okay.  
5 Q. All right. Is that the form of offer letter  
6 you used in this unit?  
7 A. It is.  
8 Q. So your mailing efforts each time would have  
9 included that form of offer letter with the appropriate  
10 owner information and terms filled in?  
11 A. Yes.  
12 Q. Okay. Were there any -- any of the -- I  
13 think there were, like, 86 tracts listed in the resume  
14 of efforts. Were there any uncommitted owners who  
15 leased during the period of your efforts?  
16 A. I recall two that responded to our efforts,  
17 and those two -- let me say it this way, responded  
18 positively. They chose to lease, yes. We had two of  
19 them.  
20 Q. And they totaled what? How much acreage,  
21 roughly?  
22 A. There's a couple acres.  
23 Q. Okay. Of all of the rest of the people,  
24 which would be the people listed in the resume of  
25 efforts, what kind of response did you get?

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1 A. Some nonresponsive -- the majority was  
2 nonresponsive to anything. And then some was, leave me  
3 alone, by written -- I had one written response.  
4 Q. Okay. But the vast majority were simply no  
5 response at all?  
6 A. The vast majority, no response.  
7 Q. Why do you think that is?  
8 A. Well, my opinion is they'd been instructed  
9 not to respond, based on reports I received from lessors  
10 in the area that said, This is a heads up --  
11 MR. PIOTROWSKI: Objection. This is all  
12 speculative.  
13 THE WITNESS: -- Here's what's going on.  
14 HEARING OFFICER: Wait until --  
15 THE WITNESS: Sorry.  
16 HEARING OFFICER: Mr. Christian, will you  
17 please rephrase that question?  
18 MR. CHRISTIAN: I'll move on.  
19 HEARING OFFICER: Thank you.  
20 BY MR. CHRISTIAN:  
21 Q. Mr. Moore, what was the highest bonus that  
22 was paid in the unit prior to the application for  
23 integration being filed?  
24 A. \$100 per acre.  
25 Q. What is the highest royalty rate that's been

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1 offered in the unit?  
2 A. 1/8.  
3 Q. Are all of the voluntary leases in the unit  
4 at 1/8 royalty?  
5 A. Yes.  
6 Q. Could you look at Exhibit 1C for me? Is  
7 that your declaration filed with the application in this  
8 matter?  
9 A. This is.  
10 Q. Was that a yes?  
11 A. Yes. I'm sorry.  
12 Q. Okay. Does the declaration accurately  
13 describe your leasing efforts in the unit?  
14 A. It does.  
15 Q. There is -- I think I've asked you about  
16 these already, but subject to one thing. You listened  
17 to the discussion about risk penalty between Mr. Brown  
18 and Mr. Piotrowski?  
19 A. Correct.  
20 Q. You don't have any personal knowledge of the  
21 amount spent by working interest partners?  
22 A. I have no idea.  
23 Q. And has the proposed drill site been leased?  
24 A. It has.  
25 Q. And is it subject to a surface use

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1 agreement?  
2 A. There is one attached to it, yes.  
3 Q. Okay.  
4 MR. CHRISTIAN: That is all the questions I  
5 have for you.  
6 HEARING OFFICER: Thank you, Mr. Christian.  
7 Mr. Piotrowski? You may ask questions at this time.  
8 CROSS-EXAMINATION  
9 QUESTIONS BY MR. PIOTROWSKI:  
10 Q. Thank you. Mr. Moore, would you please take  
11 a look at the Exhibit SR5? That's the corrected plat.  
12 A. Yes, sir.  
13 Q. There is, along the northwest corridor of  
14 Section 15, that portion of it that's included in the  
15 unit here, do you see the subdivision, the homes that  
16 have been divided -- the land's been divided into home  
17 sites?  
18 A. I'm making sure we're on the same place.  
19 It's, I guess that would be the railroad track and  
20 Highway 95 area?  
21 Q. Yeah. Specifically the area just west of  
22 Highway 95 in Section 15. Do you see that?  
23 A. I guess I'm with you. Are you above the  
24 line or below the line?  
25 Q. Well, we'll stick to above the line, above

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1 the red line on SR5. Did you work in this neighborhood,  
2 trying to obtain leases?  
3 HEARING OFFICER: Mr. Piotrowski, for  
4 clarity, are you talking about the same area we were  
5 discussing with Mr. Brown?  
6 MR. PIOTROWSKI: Yes.  
7 HEARING OFFICER: I just wanted to clarify  
8 that. Thank you. Go ahead.  
9 BY MR. PIOTROWSKI:  
10 Q. Do you recall working to try to obtain  
11 leases from homeowners in this area?  
12 A. I did not.  
13 Q. Okay. Do you know who did?  
14 A. I do not know who did, because there was no  
15 need -- let me answer your question. There was no need  
16 to approach these owners, being that that ground was  
17 leased prior to homes being built on it. And those  
18 homes were subject to a prior oil and gas lease.  
19 Q. Okay. Who was that lessor?  
20 A. I'm not prepared to answer that. I don't  
21 have those notes.  
22 Q. Do you -- are you in charge of recording  
23 leases in the public records system at Payette County  
24 when you secure leases in that area?  
25 A. I'm not -- I mean, I'm not in charge. The

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1 landman that would take the lease would send it in for  
2 recording.  
3 Q. And is it your practice to record the leases  
4 you were able to obtain?  
5 A. Either record the lease or memorandum of,  
6 yes.  
7 Q. Okay. And looking in particular at the area  
8 just next to Highway 95, there's a cul-de-sac there. I  
9 will tell that I have looked at the maps. That  
10 cul-de-sac is called Tamarack Court. Do you have any  
11 idea who it is that supposedly leased the mineral rights  
12 under Tamarack Court to anyone?  
13 A. I'm not sure I'm following your question, as  
14 far as Tamarack Court. Are you talking about the street  
15 or the homes?  
16 Q. The mineral rights. So let me make sure  
17 we're real clear. In that little neighborhood that's in  
18 the northwest corner of Section 15, right next to  
19 Highway 95 there is a cul-de-sac that is -- on this plat  
20 it shows as 1, 2, 3, 4, 5, 6, 7 of those properties are  
21 recorded here that's having had their mineral rights  
22 leased. Do you see that?  
23 A. Yes.  
24 Q. Okay. Who is it that leased the mineral  
25 rights for that property?

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1 A. I don't know who leased it. That's what I'm  
2 saying. Before that was subdivided, it was leased. The  
3 property was leased.  
4 Q. Okay. Were you involved in preparing this  
5 map, SR5?  
6 A. I helped give direction, yes.  
7 Q. And who else helped give direction on that?  
8 A. Other contractors.  
9 Q. Who was that?  
10 A. We had a gentleman named Rodney and a lady  
11 named Christy.  
12 Q. And in the course of preparing this, I mean,  
13 what documents did you rely on to figure out which of  
14 these plots or lots were leased and which weren't?  
15 A. We worked off of the prior operator's lease  
16 records, and we used the Payette County document search  
17 engine.  
18 Q. So do you have a personal knowledge, and by  
19 personal knowledge I mean, you have yourself looked at a  
20 document or a record or participated in obtaining a  
21 lease for this property that is now what I've identified  
22 for you as Tamarack Court?  
23 A. I want to say I personally saw the original  
24 lease for that ground, which is why we did not include  
25 them in our efforts. But that was so long ago, and I'm

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1 not -- I'm not prepared to say who it was, but I am  
2 confident enough to say that property was leased prior  
3 to those homes being there.  
4 Q. Would it modify your confidence at all if I  
5 told you that there was no public record of a lease on  
6 those eight lots?  
7 MR. CHRISTIAN: Objection. Lack of  
8 foundation. And he's testified that the lease predated  
9 the lots.  
10 HEARING OFFICER: I'll sustain that  
11 objection. Thank you.  
12 BY MR. PIOTROWSKI:  
13 Q. When a piece of land is subdivided, in fact,  
14 don't the various liens and leases and other -- other  
15 documents and records affecting land, don't they also  
16 apply to the lot that is part of a subdivision?  
17 MR. CHRISTIAN: Objection. Calls for  
18 speculation.  
19 HEARING OFFICER: Actually, I'm going to  
20 allow that question. I'm looking at Term No. 4: Are  
21 the proposed terms, including those addressed at  
22 drilling and operating a well.  
23 The question seems to be in the present  
24 tense, and I would say it falls under operating a well.  
25 So with that I'll allow the question, Mr. Piotrowski.

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1 You may ask it again or rephrase it.  
2 BY MR. PIOTROWSKI:  
3 Q. It's going to be harder than it might seem.  
4 Isn't it true, sir, that a mineral lease of a piece of  
5 property that subdivides also is effective against the  
6 subdivided lots?  
7 A. It's effective against. Let me -- I think I  
8 know where you're going. Let me try to answer it in my  
9 simple mind. So let's say this bare ground, there was  
10 horses on it and there was a lease on it. Say a home  
11 builder bought that piece of ground to develop home  
12 lots, as long as the deed did not say the prior owner  
13 reserves the minerals, that lease goes -- it attaches  
14 itself to every lot on that ground. By virtue, it goes  
15 with that sale.  
16 Q. And would you agree with me that the lack of  
17 a public record of a lease on one of those lots is one  
18 of the pieces of information you would rely on, as a  
19 landman, to determine if the mineral rights of a lot  
20 were leased or not?  
21 A. I would use it as one tool, yes.  
22 Q. Okay. Do you -- and you don't remember who,  
23 this piece of land I've been focusing on that is  
24 currently Tamarack Court, you don't recall who might  
25 have owned in the past that leased the mineral rights,

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1 do you?  
2 A. I don't recall. I didn't come prepared to  
3 talk about that.  
4 Q. And you didn't personally retain the lease  
5 on that property, did you?  
6 A. I did not.  
7 Q. So as you sit here today, other than the  
8 information -- other than the fact that the map shows  
9 it's leased, you don't have any personal knowledge  
10 whether those mineral rights are leased or not, do you?  
11 A. I cannot say that I do, no.  
12 Q. Now, the unit here is 300 acres. Is that  
13 right?  
14 A. That's correct.  
15 Q. Okay. And so just to make sure I understand  
16 this, because I know measurements in different fields  
17 can be different. I recently had a lengthy discussion  
18 with a sailor about miles, and we were not  
19 communicating. So when you say 300 acres, that's means  
20 there's no unusual math here. In a 300-acre spacing  
21 unit, 3 acres would constitute 10 percent of that  
22 unit -- or I'm sorry, 1 percent of that unit. Right?  
23 A. Correct.  
24 Q. I just want to make sure on that. And since  
25 this corrected plat was prepared earlier this year, and

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1 given to Mr. Thum, have there been any other leasing  
2 activities taking place in this unit?  
3 A. I'm not sure when the plat -- all I can say  
4 is since the filing of this unit, there's been no  
5 further efforts.  
6 Q. Okay. And regardless of efforts, have there  
7 been any additional leases signed since the filing?  
8 A. There has not.  
9 Q. Okay. Thank you. That's all I have.  
10 HEARING OFFICER: Thank you, Mr. Piotrowski.  
11 Ms. McLain, do you have any questions of the witness?  
12 MS. McLAIN: I do on not. Thank you.  
13 HEARING OFFICER: Thank you. Ms. Vega, do  
14 you have any questions of the witness?  
15 MS. VEGA: No, thank you.  
16 HEARING OFFICER: Mr. Christian, does Snake  
17 River have any redirect for the witness?  
18 MR. CHRISTIAN: Briefly, Mr. Administrator.  
19 Thank you.  
20 REDIRECT EXAMINATION  
21 QUESTIONS BY MR. CHRISTIAN:  
22 Q. Mr. Moore, going to the questions raised by  
23 Mr. Piotrowski, if one were to go search by address  
24 under the lots in Tamarack Court or by the name of the  
25 current owner, you wouldn't necessarily discover, on

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1 the -- in the public terminal, for example, at the  
2 recorder's office, you wouldn't discover a lease granted  
3 by a prior owner over the larger property, would you?  
4 A. No. Not initially.  
5 Q. You'd have to go back in time, through the  
6 chain of title?  
7 A. You'd have to run chain of title.  
8 Q. So if someone didn't run chain of title,  
9 it's possible they wouldn't have picked up the existing  
10 lease?  
11 A. It's possible.  
12 Q. And while you didn't personally take every  
13 lease in this unit, you directed the team that both  
14 researched existing leases and attempted to take new  
15 ones?  
16 A. Yes.  
17 Q. And as a company, Snake River has, in its  
18 records, copies of the leases within the unit?  
19 A. Yes.  
20 Q. Although there it isn't any requirement in  
21 the statute that the application for integration include  
22 copies of every lease, is there?  
23 A. Right.  
24 MR. CHRISTIAN: I don't have any other  
25 questions.

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1 HEARING OFFICER: Thank you, Mr. Christian.  
2 Mr. Moore, I don't have any additional questions for you  
3 at this time. You're welcome to step down. And also at  
4 this time, as we approach 11:00, I'm going to call about  
5 a 10-minute recess, if everyone's okay with that.  
6 Mr. Gozzo, if you could keep the Zoom going, but you're  
7 welcome to pause the recording.  
8 MR. GOZZO: Mr. Hearing Officer, the  
9 recording has been paused.  
10 (A break was taken.)  
11 MR. GOZZO: The recording has been resumed.  
12 HEARING OFFICER: Thank you, Mr. Gozzo.  
13 Everyone, thank you for that break. Mr. Christian, you  
14 may call your next witness.  
15 MR. CHRISTIAN: Thank you,  
16 Mr. Administrator. I call Dave Smith, who should be on  
17 Zoom.  
18 HEARING OFFICER: Mr. Smith is unmuted and  
19 on Zoom. I will offer the oath to Mr. Smith.  
20 DAVID SMITH,  
21 First duly sworn to tell the truth related to said  
22 cause, testified as follows:  
23 HEARING OFFICER: Thank you, Mr. Smith, you  
24 affirm that. You may proceed.  
25 ///

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1 DIRECT EXAMINATION  
2 QUESTIONS BY MR. CHRISTIAN:  
3 Q. Thank you. Mr. Smith, if you have any  
4 trouble hearing me, let me know. I'll try to speak  
5 loudly. Can you state your name for the record and let  
6 me know where you are?  
7 A. My name is David Smith. I'm in Houston,  
8 Texas, at my office.  
9 Q. And what is your occupation?  
10 A. Geologist, practicing in the oil and gas  
11 field and have been for a little over 38 years.  
12 Q. And can you just briefly summarize your  
13 educational background?  
14 A. I earned a Bachelor of Science in Geology  
15 from Virginia Tech University.  
16 Q. And do you provide geology and geophysical  
17 consulting services to Snake River Oil and Gas?  
18 A. Yes, I do.  
19 Q. Are you familiar with the existing  
20 Fallon 110 in the spacing unit that's at issue here?  
21 A. I am.  
22 Q. Do you have Exhibit SR4 with you?  
23 A. I believe so.  
24 HEARING OFFICER: Mr. Smith, can you please  
25 try to stay close to the mic? Because as you move away,

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1 we don't hear it.  
2 THE WITNESS: Okay. I have an exhibit up on  
3 a separate monitor here.  
4 BY MR. CHRISTIAN:  
5 Q. And does that exhibit show, in fairly  
6 rudimentary fashion, the path of the Fallon 110 well  
7 bore?  
8 A. Yes. That's an exhibit that created, and  
9 that is in fact the exact path of the Fallon 110 well  
10 bore from the post drill or while-it-was-drilling survey  
11 by John Clark, the directional driller. This was filed  
12 with the State.  
13 Q. Okay. And the surface location would be at  
14 the top or north end of that dotted line?  
15 A. Yes, it is.  
16 Q. And the bottom hole would be at the bottom  
17 or south end of the dotted line where there appears to  
18 be a half shaded starburst character?  
19 A. Yes. That's a little circle, and the  
20 annotation 1-10 is to the left of. That's the bottom  
21 hole below 5,000 feet.  
22 Q. There are some notations and numbers partway  
23 up the path of the well bore. Can you tell me what  
24 those represent?  
25 A. Yes. About 2/3 of the way or so down from

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1 the top, the surface locate on the Fallon property,  
2 you'll see two circles, and on the left side one says  
3 Sand B. That's top of Sand B, the producing sand, and  
4 just below that it says, Sand B base, and then to the  
5 right of the well bore are two numbers. Those are the  
6 measured depths, 3,772 is the measured depth to the top  
7 of the Sand B, and 3,937 is the measured depth in the  
8 well bore to the base of Sand B.  
9 Q. Can you explain what you mean when you say  
10 measured depth?  
11 A. Certainly. This well was drilled, as has  
12 been discussed, on the Fallon property, on the north  
13 side, northwest side of the Payette River -- northeast  
14 side of the Payette River, in a big cattle field,  
15 basically. And it was drilled vertically to  
16 approximately 1,100 feet, and surface casing was set  
17 inside of the existing roughly 200-foot conductor  
18 casing, so the well is vertical to about 1,100 feet.  
19 And then below that point the well has gradually  
20 deviated to the south, southwest. It crosses off the  
21 Fallon property at approximately 2,300 feet, true  
22 vertical depth or 2,380 measured depth.  
23 Just to explain the difference between  
24 measured depth and true vertical depth, measured depth  
25 is the actual, if you were running a wire line tool in

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1 the well, it's the actual distance that the well drills.  
2 True vertical depth would be the distance that at that  
3 point is from the surface. So if the well is vertical,  
4 true vertical depth and measured depth are the same.  
5 But as the well achieves a little inclination and  
6 progressively more inclination, measured depth becomes  
7 longer than true vertical depth. You can imagine, if  
8 you were suspending a rope from a ceiling, you had a  
9 10-foot high ceiling and 10-foot long rope, if you bent  
10 the rope at an angle to reach the floor, you might have  
11 to make it 11 feet or 12 feet, depending on the angle of  
12 the inclination.  
13 Q. Do you have Exhibit SR3 available to you  
14 there?  
15 A. I believe so.  
16 Q. It starts with a May 10, 2021 letter to  
17 Mr. Thum. Do you see that?  
18 A. I believe so.  
19 Q. And if you go to --  
20 A. Yes, I do.  
21 Q. If you go the last page of that exhibit, it  
22 should say type and directional drilling in the upper  
23 right-hand corner. Do you see that?  
24 A. Yes, I do.  
25 Q. Okay. Is that an illustration of at least

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1 the planned directional drilling of the well as you just  
2 described it from, basically looking at it from the  
3 side?  
4 A. Yes. And on that particular exhibit, you  
5 can see, in the upper right is a plan view or a map  
6 view, which you would be -- if you were overhead, and  
7 you can see the surface location of the Fallon 110 is  
8 indicated, and then the well path progresses to the  
9 south, southwest. Over on the left side of that diagram  
10 is a side-view, and that shows the well. You see the  
11 13 3/8, that's the conductor casing set at about maybe  
12 300 feet or so, 200 feet. Should I continue?  
13 Q. Yes. But make sure you have your microphone  
14 close to you.  
15 A. Okay. Then if you're looking at the left  
16 side of the diagram, you can see there's another  
17 indication, the scale on the far left shows true  
18 vertical depth in feet, and you see 800 feet,  
19 1,200 feet, et cetera. There's a little notation on the  
20 well bore path that's says 9 and 5/8. That's what we  
21 would call the shear on the bottom of the surface casing  
22 to protect the surface waters, and that's at 1,080  
23 measured depth and true vertical depth.  
24 Below that you can see that the build has  
25 started, and the little degree numbers to the right of

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1 the well bore path are the inclination as well is  
2 progressively inclined and kicked to the south,  
3 southwest 5 degrees, 10 degrees, 15, 20. Et cetera.  
4 Then you start what's call the tangent section where the  
5 well is straight at about 34 degrees, then you start the  
6 drop and target top, Fallon 110 Target, that would be  
7 our target, which was the top of the B sand.  
8 And that well was what we call an S curve,  
9 and the well is allowed to drop back to vertical to the  
10 lower part of the hole.  
11 Q. So this page showing the directional  
12 drilling plan reflects the target at the top of the  
13 Sand B. Right?  
14 A. It does. And this is the pre-drill plan,  
15 and the post-drill plan is very close to this, with the  
16 exception that we encountered our target, from memory,  
17 about 75 feet deeper.  
18 Q. What is -- what's below the bottom of the  
19 targeted sand? I say because I know the well goes to a  
20 total depth beyond about 5,000 feet.  
21 A. Yes. Sand B itself is fairly thick. I  
22 don't remember exactly how much we encountered here.  
23 Maybe 150 feet or so of it, again, from memory. Then  
24 below that, we encountered clay stone, and other sands  
25 that were wet and water saturated. And then we, near

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1 the bottom of the hole we encountered a basalt layer  
2 that we had predicted from the seismic that we wanted to  
3 drill to establish a good time/depth correlation.  
4 Q. Starting from the surface location, and I'm  
5 going to go back to your Exhibit SR4 that you prepared.  
6 Starting from the surface location, I think there's  
7 already been testimony to this effect, but can you  
8 identify the property under which the well bore passes?  
9 A. Yes. Okay. Are we working from the exhibit  
10 that I made?  
11 Q. Yes.  
12 A. Okay. You can see that the well starts on  
13 the Fallon property. And again, it was drilled  
14 vertically to about 1,100 feet, and gradually kicked to  
15 the south, southwest. And it goes off the Fallon  
16 property, which was leased, or is leased, at  
17 approximately 2,300 feet true vertical depth, 2,380  
18 measured depth. Then it starts to cross under the  
19 Payette River, and it exits the river at approximately  
20 729 feet of lateral displacement, and at that point it's  
21 about 2,830 true vertical depth below the surface, or  
22 3,017 feet measured depth.  
23 Then it crosses the first tract, which was  
24 unleased. On this plat it's identified by an acreage  
25 number, 5.4201. And neighboring tract is -- those were

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1 two City of Fruitland tracts. The neighboring tract is  
2 identified by 12.8669 up near the top. And so it enters  
3 those properties at -- well, as I said, when you exit  
4 the river tract, it's about 3,017 measured depth. As  
5 you follow along the well bore, you can see an  
6 annotation, 3,772. That's measured depth for the top of  
7 Sand B. And it exits Sand B at 3,937 measured depth.  
8 And then the well bore itself continues  
9 drilling. Again, this was a frontier area. Oftentimes  
10 we'll drill below the objective sand to see what else is  
11 there and to search for a production in deeper sands.  
12 And specifically in this well we wanted to tie to a very  
13 hard basalt layer that we predicted would be there, from  
14 the seismic data, to establish a good time/depth  
15 correlation.  
16 So the lower part of the well bore is --  
17 continues on and goes under the long skinny tract, which  
18 is, I believe, owned by Anadarko, railroad right-of-way,  
19 and the tract that's labeled 4.2490, I believe that's  
20 the Hicks' tract.  
21 Q. And can you say roughly at the time the well  
22 bore exits the City of Fruitland property, what it's  
23 true vertical depth is?  
24 A. When it exits the City of Fruitland  
25 property?

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1 Q. Yes. When it goes under the Anadarko and  
2 Hicks' properties.  
3 A. Yes. 3,750 true vertical depth, 4,110  
4 measured depth.  
5 Q. Okay. Did you find anything productive  
6 after the targeted sand interval?  
7 A. No. Above the basalt, which was, I'm going  
8 to say below 5,000 feet somewhere -- I don't have the  
9 log this front of me -- we found a little tough layer on  
10 top of the basalt that had some shows of gas and oil,  
11 and we attempted a completion and perforated it, and oil  
12 flowed, essentially water and a little bit of gas, but  
13 it was noncommercial. So we plugged back from there and  
14 tested the primary objective, which was the B sand up at  
15 those intervals indicated.  
16 Q. Okay. Has the Fallon 110 well ever been  
17 produced?  
18 A. It was only produced on test. That's a  
19 normal part of oil field operations, just to make sure  
20 you can have what looks like pay on the log, but the  
21 definitive test is to run casing, cement it, and then  
22 perforate it, and test it, so we had a test there and it  
23 was tested at 3.6 million or 3.8 a day, something like  
24 that, for some number or hours. I don't remember  
25 exactly how long. But it's never been hooked up for

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1 production.  
2 Q. Is it possible to reach the target interval  
3 location by drilling to it vertically?  
4 A. If you drilled this well vertically on the  
5 Fallon location, you would just be accessing the edge of  
6 the reservoir, and it would be a noncommercial -- it  
7 would be a noncommercial well. You would encounter  
8 maybe 10 or 20 feet of pay. I've thought about how to  
9 talk about this. In the August hearing of last year,  
10 structure maps and isopach maps were provided. I don't  
11 know if we can access them or show them in this hearing,  
12 but it's in the public record, and see where the  
13 Fallon 110 surface location is. It's in the edge of the  
14 net pay isopach map.  
15 So if you drilled a vertical well, you would  
16 not be accessing the reserves under these tracts and  
17 under this unit, and in my opinion, you would be wasting  
18 those reserves by not being able to produce them.  
19 Q. And the well was drilled from the Fallon  
20 surface location because that was the surface area that  
21 was available. Is that right?  
22 A. It was a large tract that was available to  
23 be drilled from, and the other reasons are, we do try to  
24 be good neighbors and not put a rig in the middle of the  
25 neighborhood or in town. If there's a large tract that

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1 we can use that is less intrusive, we would prefer to do  
2 that. In this case, there was a nice tract that the  
3 Fallon entity was willing to lease to us, and it just  
4 made more sense to put the location on the other side of  
5 the river, next on to 95, with good truck access, keep  
6 the trucks out of town. And it would also be easier to  
7 hook up and take the flow line ultimately away from the  
8 well and hook up to the gathering system, without having  
9 to go through neighborhoods and people's homes and  
10 businesses and things like that.  
11 Q. Mr. Smith, do you have experience in other  
12 states with wells being drilled directionally or  
13 horizontally?  
14 A. Yes.  
15 Q. Does that sometimes occur in integrated or  
16 pool units?  
17 A. Very often, yes.  
18 Q. In your experience, does the well bore  
19 sometimes or often pass under integrated or pool tracts?  
20 A. Very often it does.  
21 MR. CHRISTIAN: That's all the questions I  
22 have for you. Thank you.  
23 HEARING OFFICER: Thank you, Mr. Christian.  
24 Mr. Piotrowski, you may ask questions of the witness.  
25 ///

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1 CROSS-EXAMINATION  
 2 QUESTIONS BY MR. PIOTROWSKI:  
 3 Q. Are you able to hear me?  
 4 A. Sorry. Did you say something?  
 5 HEARING OFFICER: Mr. Piotrowski was frozen  
 6 by technology. He seems to be live now.  
 7 Mr. Piotrowski, you may ask questions of Mr. Smith at  
 8 this time.  
 9 MR. PIOTROWSKI: Thank you.  
 10 BY MR. PIOTROWSKI:  
 11 Q. Are you able to hear me now?  
 12 A. Yes, sir.  
 13 Q. Thank you. I think you already answered  
 14 this, but I want to make sure I understand. It would be  
 15 possible, but it would not be commercially reasonable to  
 16 access the Sand B reservoir or pool here from the  
 17 current location of the wellhead on the Fallon  
 18 Enterprises, former Fallon Enterprises property, without  
 19 drilling under unleased land. Right?  
 20 A. You can access the sand drilling vertically  
 21 from the Fallon well, but you would encounter a small --  
 22 I think on my isopach map it was less than 20 feet of  
 23 pay. So you would not be able to access the reserves.  
 24 In order to access the reserves, which is the intention  
 25 of the well, you would need to drill to the south,

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1 southwest. Does that answer your question, sir?  
 2 Q. I think so. On the map you prepared,  
 3 showing the path of the well bore, you indicated there  
 4 was Sand B and a Sand B base respectively at 3,772 feet  
 5 and 3,937 feet. That's -- which type of measurement is  
 6 that? Is that true depth or the other one?  
 7 A. Those are measured depths, and we usually  
 8 like to do that because that way you can reference it  
 9 back to the log which is recorded in a measured depth.  
 10 Q. Okay. And so it's going to be, again, the  
 11 difference between measured depth and true depth, so I  
 12 understand.  
 13 A. Okay. So if you were -- if you had -- if  
 14 you had a plumb bob and it was hanging on a string and  
 15 the string was 10 feet long, its true vertical depth  
 16 from the top of the string to the base of the plumb bob  
 17 would be 10 feet, and also the measured depth. But you  
 18 can imagine, if you grab that plumb bob and you pulled  
 19 it to the side, it's going to rise up off the floor. So  
 20 in order to contact the floor, you'd need to have a  
 21 longer string. That would be your measured depth.  
 22 So the greater the measured depth is, the  
 23 greater the inclination of a well, the more, the greater  
 24 that measured depth is going to be above true vertical  
 25 depth. And if I may, sir, to answer your question, if

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1 you go back to one of the exhibits that was provided --  
 2 let me see if it has any of that on there. Yeah. Okay.  
 3 The one that we were looking at a little while ago with  
 4 the plan from Titan Directional Drilling.  
 5 Q. Right.  
 6 A. If you look at the bottom of that page, it  
 7 has something called section details, and you can see --  
 8 HEARING OFFICER: Mr. Smith.  
 9 THE WITNESS: -- number 1, measured depth  
 10 zero; inclination, zero; azimuth, zero; true vertical  
 11 depth, zero. You go down to No. 2, and it's 1,180  
 12 measured depth, and you go over, it's 1,180 TVD. And  
 13 No. 3, that's top of the Telegent section, we're at  
 14 2,319 measured depth, the inclination is 34 degrees,  
 15 azimuth -- that's a compass direction -- is 202.97, and  
 16 TVD is 2,253, so you can see 2,253 TVD, that's something  
 17 less than 2,319.  
 18 When you get down to the top of the  
 19 Fallon 110 target, that's 3,674 measured depth and the  
 20 TVD is 3,374. So it's about 300 feet -- true vertical  
 21 depth is 300 feet less than measured depth. And in  
 22 fact, this was the pre-drill plan, this exhibit, what's  
 23 filed with the State, this was filed with the State with  
 24 the permit, the original drilling permit, and also we  
 25 filed an after action, if you will, directional survey

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1 of what was actually drilled. In that case you'll see  
 2 that, where on the plan here we intended to hit measured  
 3 depth the top of the sand at 3,674, we hit it at 3,772,  
 4 so it was about a hundred feet below to expectation,  
 5 which might sound like a big miss, but in frontier area  
 6 that's not bad. Because we work in a time with the  
 7 seismic data and you have to convert that to depth, and  
 8 our information to do that is pretty spotty in a lot of  
 9 instances.  
 10 HEARING OFFICER: Mr. Piotrowski, you  
 11 garbled out there. Can you repeat that?  
 12 MR. PIOTROWSKI: It was not a question, so I  
 13 don't need repeat to or withdraw it.  
 14 BY MR. PIOTROWSKI:  
 15 Q. Thank you for that explanation, Mr. Smith.  
 16 So I had it in my notes, you testified about the depths  
 17 at which the well crosses into -- I think you testified  
 18 about where it crosses into the Anadarko land, the  
 19 railroad right-of-way. Could you repeat that again,  
 20 please?  
 21 A. I believe it's 2,110 measured depth, 3,750  
 22 true vertical depth. That would be the start -- the way  
 23 it's termed is vertical section, essentially a lateral  
 24 displacement. That would be a lateral displacement of  
 25 1,314 feet from the surface location.



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1 Q. Okay. Mr. Smith, I know you didn't testify  
2 about this on direct examination, but Mr. Brown  
3 indicated you might be someone I could ask about it.  
4 Can you explain to me in general terms, because the term  
5 shows up in the leases, what are well treatments?  
6 HEARING OFFICER: Mr. Piotrowski, I believe  
7 you asked, what are well treatments?  
8 MR. PIOTROWSKI: Yes.  
9 THE WITNESS: A well treatment, in my  
10 view -- and I'm going to preface this by saying I am a  
11 geologist. I have a lot of operations experience, but  
12 I'm a geologist. (Unintelligible.) I actually used to  
13 work on drilling rigs when I was college. A well  
14 treatment is anything you do to the well to help it  
15 produce, typically. It could be something at the  
16 surface, where you can have a waxy crude, you do  
17 something to prevent it from plugging up your well  
18 lines. Or if it's something down a hole, it could be as  
19 simple as running a swab line, a baler to swab sand out  
20 the well bore that's producing sand, or it could be  
21 something as simple as using some field-produced water  
22 to inject into the perforations to clean them out or  
23 swab it in.  
24 BY MR. PIOTROWSKI:  
25 Q. Okay. Is there any way, as we sit here now,

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1 is there any way to predict what well treatments may be  
2 necessary to keep the Fallon 110 producing at its best  
3 capacity in the future?  
4 A. From our experience in the area, these  
5 reservoirs are what we would call good porosity and  
6 permeability, so also you'd call it a conventional  
7 reservoir. So you really don't need to do a whole lot  
8 other than perhaps maybe treat for scale or  
9 (unintelligible), or bale if there's some sand,  
10 something like that. These reservoirs are not  
11 candidates to be fractured. I'm sure you and your  
12 clients are concerned about fracturing, and it's just --  
13 it's not in the cards, in my view out here. These are  
14 high-quality reservoirs. Where fracturing typically  
15 occurs is in much lower quality reservoirs. We haven't  
16 fracked anything up here in the 11 wells or so that  
17 we've drilled. And in this particular well, you know,  
18 we have the logs that show high-quality reservoir, good  
19 porosity, good perm. We have a test that shows it  
20 produces at commercial rates. I don't see a need. It  
21 would just be an unnecessary expense, and I don't know  
22 that it would even be allowed under current state law to  
23 begin with, so it's not something that's being  
24 considered.  
25 Q. Based on what you know of this spacing unit,

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1 are you able to rule out that there could be other  
2 hydrocarbon reservoirs that could be developed in the  
3 future?  
4 A. I think we have high-quality logs that we've  
5 collected in this well. We have what's called mud  
6 loggers. These are professionals that are on the well,  
7 usually four of them. They operate in two-man teams,  
8 12 hours on, 12 hours off. They sample the rocks we're  
9 drilling through, they sample the fluids, they use a  
10 mass spectrometer to see what those fluids are. So I  
11 think we have a pretty good idea what's in this well  
12 bore.  
13 We did test one sort of surprise zone down  
14 deeper. It did not work. And everything below this  
15 Sand B that's the current completion by the logs and the  
16 mud loggers was wet sand or clay stones. So there is  
17 another zone above Sand B which we call Sand A, which is  
18 behind pipe. I don't have those depths right off the  
19 top of my head, but there would be an up-hole completion  
20 in the future.  
21 Q. Are there other potential structures, not  
22 necessarily limited to what could be reached from the  
23 existing well, but can we rule out other potential  
24 structures in the spacing unit that might be developed  
25 commercially?

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1 A. I think we have good quality to excellent  
2 quality 3D seismic over the unit. I say sometimes good  
3 quality because you'd ideally like to have a complete 3D  
4 survey. In some instances we were not able to use  
5 sources or receivers (unintelligible) operating around  
6 town, but the data is really good. I think we have  
7 designed a well that was going to test what's in this  
8 unit, and I think we've done that in the past. You can  
9 never rule anything out much, much deeper, but we don't  
10 see it at this point.  
11 MR. PIOTROWSKI: I think that's all the  
12 questions I have.  
13 THE COURT: Thank you, Mr. Piotrowski.  
14 Ms. McLain, you may ask questions of the witness if  
15 you'd like.  
16 MS. MCLAIN: I do not have any questions.  
17 Thank you.  
18 HEARING OFFICER: Ms. Vega, you may ask  
19 questions if you'd like.  
20 MS. VEGA: Thank you, Mr. Thomas. I also do  
21 not have any questions for this witness.  
22 HEARING OFFICER: All right. Does Snake  
23 River have any redirect for this witness?  
24 MR. CHRISTIAN: I do not, Mr. Administer.  
25 HEARING OFFICER: All right. Mr. Smith,

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1 you're getting done here. I don't have any follow-ups  
2 with you either, so you're free to go. Mr. Christian,  
3 do you have any additional witnesses you'd like to call?  
4 MR. CHRISTIAN: I do not, sir.  
5 HEARING OFFICER: Thank you for that. Next  
6 up, Mr. Piotrowski, do you have any witnesses you'd like  
7 to call?  
8 MR. PIOTROWSKI: Yes, I do. Let me call  
9 Julie Fugate.  
10 JULIE FUGATE,  
11 First duly sworn to tell the truth related to said  
12 cause, testified as follows:  
13 HEARING OFFICER: Mr. Piotrowski, you may  
14 proceed.  
15 DIRECT EXAMINATION  
16 QUESTIONS BY MR. PIOTROWSKI:  
17 Q. Thank you. Ms. Fugate, where do you live?  
18 A. I live at 1861 Northwest 24th Street,  
19 Fruitland.  
20 Q. Is that inside or outside of the spacing  
21 unit for the Fallon 110?  
22 A. It's outside.  
23 Q. So tell me, do you have any association with  
24 an organization known as Citizens Allied for Integrity  
25 and Accountability?

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1 A. Yes. I'm a member and also a board member,  
2 and I'm also a volunteer.  
3 Q. Are you familiar in general with the  
4 Fallon 110 spacing unit?  
5 A. Yes.  
6 Q. And how are you familiar with it?  
7 A. I have been working on that for a few years  
8 now and I'm a volunteer, so I've been involved too.  
9 Q. What sorts of things do you do as a  
10 volunteer that relate to the Fallon 110 spacing unit?  
11 A. I talk to CAIA members and -- for that  
12 spacing unit, and I also do document searches.  
13 Q. Let me draw your attention to the document  
14 that's originally Exhibit A to the integration  
15 application, which was the plat of the spacing unit  
16 here. Do you have that in front of you?  
17 A. Yes, I do.  
18 Q. Okay. Let me draw your attention in  
19 particular to the northwest corner of Section 15 on that  
20 plat. Do you see that?  
21 A. Yes.  
22 Q. Just to be clear, because the testimony's  
23 already been -- this particular map shows a little more  
24 than just the limits of the spacing unit. Do you agree  
25 with that?

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1 A. Yes.  
2 Q. And are you familiar on this map with an  
3 area known as Tamarack Court?  
4 A. Yes.  
5 Q. And is that down in Section 15, alongside  
6 Highway 95?  
7 A. Yes.  
8 Q. Do you happen to know who currently owns the  
9 properties along Tamarack Court?  
10 A. Yes, I do.  
11 Q. How do you know that?  
12 A. I did some property searches, and found the  
13 property using the Payette County website.  
14 Q. And within the spacing unit, how many  
15 properties are there currently on Tamarack Court?  
16 A. I believe there's nine.  
17 Q. Outside of those properties, do you have any  
18 way of telling whether any of those properties have  
19 been -- have leased their mineral rights?  
20 A. The document search I did shows that none of  
21 them have leased their mineral rights.  
22 Q. And what -- whose documents did you search  
23 to come to that conclusion?  
24 A. I -- I went to the current property owner,  
25 and then I also went to the prior owners, which included

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1 several construction companies, and I could not find any  
2 leases in the name of Pelican Development or Leroy  
3 Atwood for these properties, and I couldn't find any --  
4 Q. Let me stop you there if I could, please.  
5 The question I was asking you, where do you find these  
6 records?  
7 A. Excuse me. On the website that has a  
8 document search, Payette County website.  
9 Q. So are these documents maintained by the  
10 county clerk?  
11 A. Yes.  
12 Q. So do they allow you to search for documents  
13 that relate to certain individual or business names?  
14 A. Yes.  
15 Q. And did you search for mineral leases  
16 associated with the current owners of the properties on  
17 Tamarack Court within the basin?  
18 A. Yes, I did.  
19 Q. And did you find any leases associated with  
20 those?  
21 A. No. No leases associated with those  
22 property owners.  
23 Q. And were you able to determine who was the  
24 developer of this land, that subdivided the current  
25 lots?

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1 A. Yes. As far as I could see, it looks like  
2 it was Leroy Atwood or Pelican Development.  
3 Q. And is Pelican Development a company that is  
4 at least partially owned and operated by Leroy Atwood?  
5 A. Yes.  
6 Q. Have you found any mineral rights leases  
7 executed by Leroy Atwood in Payette County?  
8 A. I found some. About 10 oil and gas leases  
9 associated with Leroy Atwood.  
10 Q. And were any of those leases for property in  
11 the northeast corner of Section 15?  
12 A. No. None of them.  
13 Q. And did you search for mineral rights leases  
14 executed by Pelican Development?  
15 A. Yes. I did a search for Pelican Development  
16 and Pelican and Pelican, Inc., and I did not find any  
17 leases.  
18 Q. Now, these lots on Tamarack Court, did the  
19 current owner -- are you able to tell who the current  
20 owners bought the property from?  
21 A. Yes. I was able to determine that from  
22 looking at the deeds.  
23 Q. And you know, in my experience, oftentimes  
24 the properties like this with new homes are purchased  
25 from a construction company that actually built the

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1 homes. Was that the case for any of these lots?  
2 A. Yes. There were six that I could tell off  
3 the top of my head that identified three different  
4 construction companies.  
5 Q. And were you able to find -- did you search  
6 for mineral leases for those three construction  
7 companies?  
8 A. I did a search under Y West Homes, and there  
9 was no leases. And I can't remember. This week I've  
10 been doing the searches. I don't remember if I went  
11 into BK Construction or Rand Development, but I did go  
12 into Y West Homes.  
13 Q. Is that one of the construction companies  
14 that built some of these houses?  
15 A. Yes.  
16 Q. And in the course of preparing to testify  
17 today, did you review the Resume of Efforts showing who  
18 the landmen contacted when they contacted them about  
19 leasing?  
20 A. Yes, I did.  
21 Q. And did you find any entries in that Resume  
22 of Efforts that related to leasing the property that is  
23 currently Tamarack Court?  
24 A. No. There's none.  
25 Q. And did you find reference to attempts to

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1 contact Leroy Atwood in that Resume of Efforts?  
2 A. Please ask that again.  
3 Q. Sure. In the course of trying to secure the  
4 leases in this spacing unit, do you know whether the  
5 landmen said they attempted to contact Leroy Atwood?  
6 A. Yes. I can see that in the landmen notes.  
7 Q. Do any of those notes indicate that  
8 Mr. Atwood executed any leases --  
9 A. No.  
10 Q. To your knowledge, based on your experience  
11 in doing property research in this area, would you  
12 expect mineral leases to show up in the public record  
13 for Payette County, if they had been executed?  
14 THE WITNESS: Yes.  
15 MR. CHRISTIAN: Objection. Lacks  
16 foundation. Calls for speculation.  
17 HEARING OFFICER: Mr. Christian, I'll allow  
18 the question. Go ahead, Mr. Piotrowski.  
19 BY MR. PIOTROWSKI:  
20 Q. Now, in the course of reviewing this  
21 particular spacing unit, have you made any effort to  
22 look at the notice of mailing that was submitted to the  
23 Department of Lands by Snake River Oil and Gas?  
24 A. At the certified mail receipts?  
25 Q. Yes. Did you look at those?

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1 A. Yes, I did look at those.  
2 Q. And is there anything in there indicating  
3 that any notice was mailed to the current owners of the  
4 property on Tamarack Court?  
5 A. No. There's no -- none are listed.  
6 Q. Have you had personal contact with any of  
7 the owners of Tamarack Court?  
8 A. Yes, I have.  
9 Q. And have any of them informed you that they  
10 leased their mineral rights?  
11 A. No. I did not get that information from the  
12 ones I talked to.  
13 Q. Did any of them deny having leased their  
14 mineral rights.  
15 A. No. They have received no documentation at  
16 all regarding oil and gas.  
17 MR. PIOTROWSKI: Thank you, Ms. Fugate.  
18 That's all the questions I have.  
19 (Court reporter clarification.)  
20 HEARING OFFICER: Thank you. I think I can  
21 offer it. F-u-g-a-t-e.  
22 HEARING OFFICER: Mr. Christian, you may ask  
23 questions of the witness at this time.  
24 MR. CHRISTIAN: Thank you, Mr. Administer.  
25 ///

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1 CROSS-EXAMINATION  
2 QUESTIONS BY MR. CHRISTIAN:  
3 Q. Ms. Fugate, good afternoon. I guess almost  
4 good afternoon. Can you can tell me what your  
5 educational background is?  
6 A. Yes, I have a bachelor's and a master's  
7 degree in speech pathology and audiology.  
8 Q. Do you have any professional training or  
9 education in land and title issues?  
10 A. No. None.  
11 Q. Have you ever prepared a title opinion for a  
12 piece of property, for example?  
13 A. No.  
14 Q. Okay. You are a board member of CAIA. Did  
15 I hear that correctly?  
16 A. That's correct.  
17 Q. And a volunteer?  
18 A. Yes.  
19 Q. As a board member, have you been involved in  
20 the decisions of CAIA to participate in and object to  
21 various oil and gas applications during your membership?  
22 A. We've had discussions regarding  
23 applications.  
24 Q. Is it true that, generally speaking, CAIA's  
25 objective, as set forth in your discussions, is to keep

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1 the applications from being successful?  
2 MR. PIOTROWSKI: Objection.  
3 HEARING OFFICER: Mr. Piotrowski, I'll  
4 sustain that. Mr. Christian, go ahead.  
5 BY MR. CHRISTIAN:  
6 Q. You testified about property searches and  
7 finding property owners. I think I heard you testify  
8 that you determined who the current owners of the lots  
9 on Tamarack Court are. Is that correct --  
10 A. Yes.  
11 Q. And you determined that they purchased from  
12 either Pelican Development or Leroy Atwood. Do I have  
13 that correct?  
14 A. Yes. Let me look at the dates. Two of  
15 them -- let's see.  
16 Q. Let me see --  
17 A. There's two from Rand Development, and  
18 there's two from BK Construction, and there is two from  
19 Roy West Homes. I did six of them.  
20 Q. So do I understand correctly that your  
21 research appears to show that Leroy Atwood and/or  
22 Pelican Development subdivided the property and then  
23 sold lots to builders, who then sold to the ultimate  
24 homeowners?  
25 A. Yes. That's my understanding.

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1 Q. Okay. But you did not go back any further  
2 than Leroy Atwood or Pelican Development in your  
3 research?  
4 A. No.  
5 Q. So if an owner, whoever it was, that sold to  
6 Mr. Atwood or Pelican Development, had leased their  
7 minerals to Alta Mesa or Snake River or anybody else,  
8 you wouldn't know that?  
9 A. That's correct.  
10 Q. Does the name Patricia Stradley have any  
11 familiarity to you?  
12 A. No.  
13 Q. Would you be able to dispute it if I told  
14 you that Ms. Stradley owned the property prior to Leroy  
15 Atwood or Pelican Development?  
16 A. No.  
17 Q. Would you be able to dispute it if I told  
18 you that Ms. Stradley leased her minerals to someone  
19 before the property was sold to Mr. Atwood or Pelican  
20 Development?  
21 A. Was that a question?  
22 Q. Yes.  
23 A. Can you repeat that, please?  
24 Q. Can you dispute -- if I tell you that  
25 Ms. Stradley leased the minerals for that larger

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1 property before it was subdivided, could you dispute  
2 that?  
3 A. No.  
4 Q. So the limit of your knowledge is that no  
5 one from Mr. Atwood or Pelican Development forward  
6 leased their minerals?  
7 A. That's correct.  
8 Q. Okay. But if the property had been leased  
9 prior to the time Mr. Atwood or Pelican Development took  
10 ownership, he would have purchased it subject to that  
11 lease. Right?  
12 MR. PIOTROWSKI: Objection. Foundation.  
13 HEARING OFFICER: I'll allow the question.  
14 THE WITNESS: I don't have the knowledge to  
15 answer that question.  
16 BY MR. CHRISTIAN:  
17 Q. Okay. If the property was leased  
18 previously, there would be no reason for Snake River to  
19 attempt to lease any of the current property owners,  
20 would there?  
21 A. No.  
22 Q. And likewise, there would be no reason for  
23 them to mail them notice of the proceeding if their  
24 property was already subject to a lease, would there?  
25 A. That's true.

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1 MR. CHRISTIAN: I don't have any other  
2 questions.  
3 HEARING OFFICER: Thank you, Mr. Christian.  
4 Ms. McLain, you may ask questions of the witness at this  
5 time.  
6 MS. MCLAIN: Thank you. I have no questions  
7 for this witness.  
8 HEARING OFFICER: Ms. Vega, you may ask  
9 questions at this time.  
10 MS. VEGA: Thank you, Mr. Thomas. I also  
11 don't have any questions for Ms. Fugate.  
12 HEARING OFFICER: Thank you.  
13 Mr. Piotrowski, do you have any redirect for this  
14 witness?  
15 MR. PIOTROWSKI: Thank you.  
16 REDIRECT EXAMINATION  
17 QUESTIONS BY MR. PIOTROWSKI:  
18 Q. Ms. Fugate, have you done your best to  
19 search the public records for leases that affect any of  
20 these properties on Tamarack Court?  
21 A. Yes.  
22 Q. And is there any evidence that you've been  
23 able to find in the public record that there was ever a  
24 lease filed affecting this property?  
25 A. No.

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1 Q. Other than Mr. Christian's questions about  
2 an unidentified owner, Stradley or something like that,  
3 do you have any reason to believe that anybody has  
4 executed a lease on these properties?  
5 MR. CHRISTIAN: Objection. Calls for  
6 speculation. She testified she didn't look.  
7 HEARING OFFICER: Mr. Piotrowski, first of  
8 all -- I'll allow the question. Go ahead,  
9 Mr. Piotrowski.  
10 BY MR. PIOTROWSKI:  
11 Q. Other than the questions by Mr. Christian,  
12 do you have any reason to believe that anybody, named  
13 Stradley or otherwise, and based on your searches of the  
14 public record, do you have any reason to believe already  
15 had mineral leases on those properties?  
16 A. Based on my review of the records, and also  
17 Exhibit E, there's repeated attempts that landmen  
18 contacted Pelican Development and Mr. Atwood, and in all  
19 cases there was no response. And that leads me to  
20 believe that it's possible that there was never a lease,  
21 because they're still trying to get people in that area,  
22 that unit, spacing unit, to sign leases.  
23 Q. And just to sum up, you found no evidence of  
24 any leases for these properties. Right?  
25 A. No.

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1 MR. CHRISTIAN: Objection. Asked and  
2 answered.  
3 MR. PIOTROWSKI: Thank you very much.  
4 HEARING OFFICER: Thank you, Mr. Piotrowski.  
5 Again, I'll allow the question, although it's already  
6 been answered. I do have a question just for  
7 clarification, Ms. Fugate.  
8 EXAMINATION  
9 QUESTIONS BY HEARING OFFICER:  
10 Q. I know we have -- they've discussed your  
11 record searching to some degree. You mentioned earlier  
12 you had had, I believe, conversations with the people in  
13 Tamarack Court. Just for clarification, did you share  
14 with us that -- the folks you spoke with had no  
15 recollection whether they had or had not, you know,  
16 agreed to a lease for the mineral interest?  
17 A. Yeah. The ones I talked to had not signed a  
18 lease. They had received no documents regarding oil and  
19 gas.  
20 HEARING OFFICER: Thank you, Ms. Fugate. I  
21 appreciate it. You are free to go. Mr. Piotrowski you  
22 may call your next witness.  
23 MR. PIOTROWSKI: I have no further  
24 witnesses.  
25 HEARING OFFICER: Thank you. Look at my

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1 notes a little bit here. Ms. McLain, do you have any  
2 witnesses you'd like to call forward?  
3 MS. MCLAIN: I do not. Thank you.  
4 HEARING OFFICER: Thank you. Ms. Vega, do  
5 you have any witnesses you'd like to call forth at this  
6 time.  
7 MS. VEGA: No, thank you.  
8 HEARING OFFICER: Okay. Let me make sure  
9 I've got all my notes before we go further. All right.  
10 All right, well, then, with that, I am now going to  
11 begin by -- the parties may now offer closing arguments.  
12 We are doing well on time. I am going to limit closing  
13 arguments to 20 minutes, beginning with Snake River Oil  
14 and Gas.  
15 Excuse me, before I go into this.  
16 Mr. Piotrowski, I'm remiss. I agreed that you could  
17 call Mr. Brown back up, so let's --  
18 MR. PIOTROWSKI: I've chosen not to do that.  
19 HEARING OFFICER: You've chosen not to do  
20 that? All right. Thank you, Mr. Piotrowski, for your  
21 patience on that. Now, Snake River may offer closing  
22 arguments at this time.  
23 MR. CHRISTIAN: Thank you,  
24 Mr. Administrator. I'll try to keep it a whole lot  
25 shorter. I will suggest to you that the applicant has

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1 supplied, both by way of its application materials and  
 2 exhibits and testimony, information to satisfy the  
 3 requirements of 47-320, Idaho Code 47-320 for  
 4 integration of this spacing unit. The Resume of  
 5 Efforts, and Mr. Moore's testimony reflects that good  
 6 faith and diligent efforts were made to lease in the  
 7 area for at least 120 days prior to the application.  
 8 The percent leased is above the 55 percent threshold for  
 9 integration under that provision. The applicant has  
 10 provided forms of lease and joint operating agreement,  
 11 which subject to some of the comments and agreements  
 12 that were reached in the testimony, are just and  
 13 reasonable under the circumstances.  
 14 The opponents to the application have not  
 15 apparently offered any different terms and conditions,  
 16 or any testimony to support any different terms and  
 17 conditions. The issue raised through Ms. Fugate's  
 18 testimony is, I would submit, entirely lacking in  
 19 foundation. She acknowledged in her testimony that she  
 20 did not search past the ownership of the developer of  
 21 the ground into subdivided lots, and her -- any  
 22 conclusion that the property is unleased is entirely  
 23 speculative because she did not search the entire chain  
 24 of title.  
 25 Irrespective of that, or despite that, Snake

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1 River did determine who leased the property, which was  
 2 the name I asked Ms. Fugate, and we're happy to  
 3 provide -- to supplement the record with evidence of  
 4 that lease if necessary. But I would submit that  
 5 Ms. Fugate's testimony was entirely lacking and of  
 6 insufficient foundation to even raise the issue.  
 7 Through Mr. Smith's testimony, I think we  
 8 established that the existing well is -- and use of it  
 9 to produce the target reservoir is entirely reasonable  
 10 and necessary, and that the presence of well bores under  
 11 integrated tracts is -- in other jurisdictions, is not  
 12 an unusual circumstance. So with that I would request  
 13 that the application be granted.  
 14 HEARING OFFICER: Thank you, Mr. Christian.  
 15 Mr. Piotrowski, you may make a closing argument at this  
 16 time.  
 17 MR. PIOTROWSKI: Thank you, Mr. Thomas. It  
 18 is the job of the Idaho Department of Lands to ensure,  
 19 not only be told, but to actually ensure that the  
 20 requirements of the statute have been met. The  
 21 department has so far not chosen to require the  
 22 applicant to actually produce any evidence that it has,  
 23 either one, obtained leases, or two, provided notice to  
 24 all the uncommitted identifiable owners.  
 25 What it does instead is provides an

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1 affidavit of Mr. Moore, or somebody in Mr. Moore's  
 2 position, which as Mr. Moore testified, was based on the  
 3 prior efforts of a bankrupt corporation that is no  
 4 longer in existence, and left the state of Idaho, left  
 5 existence while under a cloud of lawsuits. So we're  
 6 relying here on the word of Alta Mesa, given years ago,  
 7 and that relied upon by Mr. Moore, who did no  
 8 independent research, to conclude that indeed all of the  
 9 people who were entitled to notice of this proceeding  
 10 received that notice.  
 11 Against that evidence is the undisputed  
 12 fact, testified to by Ms. Fugate, that the public record  
 13 contains no evidence of mineral leases on at least six  
 14 tracts of what is now Tamarack Court. Mr. Christian  
 15 both denigrates the quality of the evidence presented in  
 16 this proceeding, but then offers to supplement his own  
 17 evidence later. If he has evidence, the time to present  
 18 it is now. The fact that they have not done so in the  
 19 face of countervailing evidence indicates that there is  
 20 a serious question about whether the rights, the mineral  
 21 rights underlying Tamarack Court have been leased or  
 22 not. And if they have not been leased, then those  
 23 owners are entitled to notice and an opportunity to  
 24 participate in this proceeding, notice they have so far  
 25 been denied. To approve an integration order in these

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1 circumstances would be legal folly, to say the least.  
 2 And so the integration order should be delayed, at the  
 3 very least, until those property owners have been  
 4 notified, have been given an opportunity to object, and  
 5 have been given an opportunity to participate in this  
 6 hearing, which they have so far been denied. That's the  
 7 very least that should be required to satisfy the  
 8 statute in this case, which requires the notice that we  
 9 discussed, that I am discussing.  
 10 As to the other requirements, as to the  
 11 other just and reasonable factors, the evidence here  
 12 indicates that, yes, there was a \$100 bonus payment on  
 13 1/8 royalty. The bonding on this property is entirely  
 14 inadequate at present. The risk to residential  
 15 properties is substantially higher than the risk to  
 16 commercial and agricultural properties, for the simple  
 17 reason that commercial purchases are made on purely,  
 18 usually purely economic terms, whereas residential  
 19 purchases are made on entirely different terms.  
 20 This project, for it to go forward, should  
 21 be bonded at a level adequate to ensure that the  
 22 homeowners of these properties, those who are using  
 23 these properties for residential purposes, are entirely  
 24 protected in the event of catastrophic failure of the  
 25 well. The bonding amount should thus be set at the very

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1 least at the current assessed value of the properties in  
2 the unit. That's easily determined. We can pick out  
3 the assessed values on a given day and determine, that  
4 is the appropriate level of bonding. That's necessary  
5 in this case because, one, we are dealing with  
6 horizontal or directional drilling here. This not  
7 simple vertical drilling. Second, the indication is  
8 that the operator has already engaged in a trespass  
9 underneath the properties, or through the subsurface  
10 estates of several unleased properties. Third, the  
11 operator is unwilling to guarantee that there will be no  
12 well treatments conducted here. Although Mr. Brown was  
13 willing to say that he was not engaged in fracking, that  
14 term isn't really all that precisely defined, so it  
15 leaves open many other types of well treatments, and  
16 well treatments including any kind of pressurization or  
17 the injection of materials into the well bore, adds risk  
18 to the ground water, which ultimately adds risk to the  
19 values of these properties, and which could result in  
20 catastrophic use. For all these reasons -- finally, the  
21 fact is that the lease terms as they exist today allow  
22 both surface and subsurface occupation of non-consenting  
23 owners' properties, which should be prohibited entirely,  
24 both surface and subsurface.  
25 At the very least, the Department should

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1 recommend an appropriate bond, appropriate  
2 (unintelligible) on both surface and subsurface  
3 occupation, and that this proceeding not go any further  
4 until there is actual evidence that everybody who is  
5 entitled to notice of these proceedings has received it.  
6 Thank you very much.  
7 HEARING OFFICER: Thank you, Mr. Piotrowski.  
8 I appreciate that. Ms. McLain, do you have any closing  
9 arguments?  
10 MS. MCLAIN: I do not. Thank you.  
11 HEARING OFFICER: Thank you, Ms. Vega, do  
12 you have any closing arguments?  
13 MS. VEGA: Yes. Thank you, Mr. Thomas. I  
14 appreciate Mr. Piotrowski's comments and constructive  
15 criticisms. However, I would argue that the Department  
16 of Lands has in fact satisfied the statutory  
17 requirements of its -- in evaluating an integration  
18 application, Title 47 Chapter 3, does not require the  
19 applicant to submit actual leases, nor does the Idaho  
20 Code require that oil and gas leases be filed with the  
21 county assessor or the county recorder where that  
22 property is located.  
23 The statute requires an affidavit testifying  
24 under oath as to the record of efforts. The Excel file  
25 that was provided by Mr. Christian shows -- is able to

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1 be expanded and shows the efforts of the Snake River Oil  
2 and Gas from December 2020 forward, and those efforts  
3 appear to satisfy the statutory requirements of at least  
4 two attempted contacts, one of which is by certified  
5 mail.  
6 Additionally, back in May of this year the  
7 Department requested corrected and additional  
8 information on the application, and the applicant timely  
9 responded to that, with some corrected exhibits, some  
10 additional information, which is in the written record,  
11 as well as has been discussed today by several of the  
12 witnesses.  
13 When it comes -- so therefore, when it comes  
14 to the criticism that the Department has not satisfied  
15 the requirements of it, I would present to you that that  
16 is not correct, and it has in fact fulfilled the  
17 statutory obligations that it has been charged with. It  
18 is up to you, this tribunal, to determine ultimately  
19 whether or not the integration application should be  
20 approved or denied. But the Department is satisfied  
21 with the statutory obligations that have been submitted.  
22 Thank you.  
23 HEARING OFFICER: Thank you, Ms. Vega.  
24 Snake River, you may provide any rebuttal at this time.  
25 MR. CHRISTIAN: Mr. Administer, I'm going to

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1 let you rely on the record. I don't think I need to  
2 argue about things that aren't in the record.  
3 HEARING OFFICER: Thank you, Mr. Christian.  
4 I do want to have the opportunity if there's anyone else  
5 here who would like to speak today, they're welcome to  
6 come up at this time. Go ahead. Be sure and state your  
7 name clearly.  
8 STATEMENT BY SHARON SIMMONS,  
9 MS. SIMMONS: My name is Sharon Simmons. I  
10 live at 8680 Shannon Road, and I am an uncommitted  
11 property owner with the mineral rights still in my  
12 possession, I believe.  
13 We were talking about just and reasonable  
14 compensation for allowing Snake River to come on our  
15 property and deem us an area that will be totally  
16 unusable. And I don't know how Idaho determined what  
17 was just and reasonable in the \$100 per acre fee and the  
18 1/8 percent, because I know for a fact, in Pennsylvania,  
19 they pay a thousand dollars per acre, and 15 percent.  
20 That is a huge difference from what we're doing here in  
21 Idaho.  
22 And for Snake River to figure that  
23 everything they do, they get a 300 percent on top of  
24 their expenses. That's a huge amount of money. And  
25 then the owners of the land will get a certain

1 percentage after. The owners of the land take a huge  
2 risk. We risk everything we have. I do. Everything I  
3 have is in the value of my property. And through time,  
4 these casings are known to leak, ultimately destroying  
5 our water. And that's a huge price to pay to allow the  
6 drilling next to the river in this area. Thank you.

7 HEARING OFFICER: If you don't mind, I have  
8 one simple clarifying question. If you'll indulge me.  
9 You said you're a mineral interest owner. Are you a  
10 mineral interest owner within the proposed unit?

11 MS. SIMMONS: Yes, I am.

12 HEARING OFFICER: Thank you. That's all I  
13 needed.

14 MS. SIMMONS: I was uncommitted in that.

15 HEARING OFFICER: Thank you. I'd like to  
16 thank everyone for participating today. Tonight I will  
17 hold a public comment period at 6:00 p.m. in this venue.  
18 I will also take this matter under advisement and issue  
19 a written decision within 30 calendar days of this  
20 hearing, which will be October 18th. That adjourns our  
21 hearing. Thank you very much. Chris, you may stop the  
22 recording.

23 MR. GOZZO: The recording's been stopped.  
24 (Proceedings adjourned at 12:15 p.m.)

25 \* \* \* \* \*

1 **REPORTER'S CERTIFICATE**

2  
3 I, DIANA KILPATRICK, CSR No. 727, Certified  
4 Shorthand Reporter, certify;

5 That the foregoing proceedings were taken before  
6 me at the time and place therein set forth, at which  
7 time the witness was put under oath by me;

8 That the testimony and all objections made were  
9 recorded stenographically by me and were thereafter  
10 transcribed by me, or under my direction;

11 That the foregoing is a true and correct record  
12 of all testimony given, to the best of my ability;

13 I further certify that I am not a relative or  
14 employee of any attorney or party, nor am I financially  
15 interested in the action.

16 IN WITNESS WHEREOF, I set my hand and seal this  
17 24th day of September, 2021.

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19

20



21 **DIANA KILPATRICK, CSR, RPR**

22 **Notary Public**

23 **Hailey, Idaho 83333**

24 **My Commission expires January 13, 2023**

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