

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application)
of Snake River Oil and Gas, LLC to)
integrate unleased mineral)
interest owners, in the spacing)
unit consisting of Section 30,) Application For
Township 8 North, Range 4 West,) Integration No.
Boise Meridian, Payette County,) CC02022-OGR-01-002
Idaho.)
Snake River Oil and Gas, LLC,)
Applicant.)
_____)

TRANSCRIPT OF RECORDED HEARING

DATE/TIME: OCTOBER 13, 2022, at 9:00 a.m.
LOCATION: Fruitland City Hall, 200 S. Whitney Dr.
Fruitland, Idaho

TRANSCRIBED BY:
JEFF LAMAR, C.S.R. No. 640
Notary Public

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1 MICK THOMAS HEARING OFFICER
 2
 3 APPEARANCES OF COUNSEL:
 4 For Applicant:
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 22
 23
 24
 25

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1 (Beginning of audio file.)
 2 THE HEARING OFFICER: We are now on the record
 3 in Docket No. Contested Case -- or CC-2022-OGR-01-002.
 4 It's now 9:01, 9:02 a.m., Thursday, October 13th, 2022.
 5 We're at the Fruitland City Hall in Fruitland, Idaho.
 6 This is the time set to determine the
 7 factors I will consider when determining whether the
 8 terms and conditions of an integration order are just
 9 and reasonable as provided in Idaho Code 47-320 sub (1)
 10 for the spacing unit consisting of Section 30, Township
 11 8 North, Range 4 West, Boise Meridian, Payette County,
 12 Idaho.
 13 My name's Mick Thomas. I am the division
 14 administrator for minerals, navigable waterways, and
 15 oil and gas within the Idaho Department of Lands
 16 presiding over and conducting this hearing today
 17 pursuant to Idaho Code 47-328.
 18 Before I continue, I want to let everyone
 19 know that I have reviewed all of the briefs and the
 20 comments. I will give equal weight to written and oral
 21 comments and arguments.
 22 Some housekeeping: This hearing is in
 23 person with a virtual component via Zoom. The hearing
 24 is being recorded in Zoom, as required by IDAPA
 25 04.11.01.651. We also have a backup recording device

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1 recording the hearing.
 2 For those on Zoom, please mute your
 3 microphones until you are called on. Please speak
 4 loudly and clearly when it is your turn. If there is a
 5 disturbance, you will be reminded to mute your
 6 microphone. If the disturbance continues, you may be
 7 muted and/or disconnected.
 8 For those appearing in person, it is
 9 important that you identify yourselves by stating your
 10 name before you speak. I have a podium right up here
 11 that's in close proximity to my laptop and the
 12 recording device. I would ask, if possible, that you
 13 come up and provide comment at the podium. If you're
 14 unable to, just let me know, and we'll move the stuff
 15 over to you. Okay?
 16 Documents in this record, Docket No.
 17 CC-2022-OGR-01-002, are on the Commission website, the
 18 OGCC website, at
 19 ogcc.idaho.gov/administrative-hearings.
 20 As my September 7th, 2022 notice indicates,
 21 this hearing is addressing the scope of factors used to
 22 determine -- used to determine -- excuse me -- just and
 23 reasonable. I am not addressing today what terms are
 24 in fact just and reasonable. That is a question for a
 25 future evidentiary hearing held at a later date.

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1 I have allowed briefing and submittal of
 2 affidavits on this issue of the scope of factors used
 3 to determine just and reasonable, and I plan to take
 4 only arguments at this hearing.
 5 I want to again clarify that the deadline
 6 for upcoming uncommitted owners to respond to the
 7 application has not passed, and they can still
 8 participate in the future evidentiary hearing on this
 9 integration application. Witnesses and evidence may be
 10 submitted at that evidentiary hearing as well.
 11 We'll proceed with the hearing as follows:
 12 I will first hear arguments from the applicant, Snake
 13 River Oil and Gas. This will be followed by arguments
 14 from uncommitted owners within the proposed units,
 15 afterward I will accept arguments from the Idaho
 16 Department of Lands, then Snake River Oil and Gas will
 17 have an opportunity for rebuttal.
 18 After argument is complete, I will accept
 19 public comment. I will limit these comments to five
 20 minutes. I'll first take public comments from those
 21 appearing in person, and then public comments from
 22 anyone who participates via Zoom.
 23 Again, I would like for anyone who speaks
 24 to state your name for the record. If you are here as
 25 a representative, please indicate your own name, as

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1 well as those who you are representing. I may ask
 2 clarifying questions while you're speaking.
 3 Taking appearances in the order as I've
 4 described.
 5 Mr. Christian, will you please identify
 6 yourself and who you represent for the record.
 7 MR. CHRISTIAN: Thank you, Administrator.
 8 Michael Christian. I represent the applicant, Snake
 9 River Oil and Gas.
 10 THE HEARING OFFICER: Thank you.
 11 Mr. Piotrowski, can you please unmute and
 12 identify yourself and who you represent.
 13 MR. PIOTROWSKI: James Piotrowski, Piotrowski
 14 Durand, PLLC, here representing Steven and Robin
 15 Bishop, Amie and Jason Echevarria, Rex Wilson, and
 16 Patricia and Greg Fleshman, as well as Citizens Allied
 17 for Integrity and Accountability.
 18 THE HEARING OFFICER: Thank you, Mr. Piotrowski.
 19 Ms. Kaufmann, can you please identify who
 20 you -- identify yourself and who you represent.
 21 MS. KAUFMANN: Sure. My name is Angela
 22 Kaufmann. I'm a deputy attorney general, and I'm here
 23 today for the Idaho Department of Lands.
 24 THE HEARING OFFICER: Thank you.
 25 Are there other uncommitted mineral

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1 interest owners in the proposed unit that plan to
 2 participate today, either in the room or via Zoom?
 3 Okay. Thank you. For the record, no one
 4 came forward there.
 5 Let's begin with the arguments. I first
 6 invite Snake River Oil and Gas to provide argument.
 7 Go forward, Mr. Christian.
 8 MR. CHRISTIAN: Thank you.
 9 Administrator, again, Michael Christian. I
 10 represent the applicant, Snake River Oil and Gas.
 11 I will start with a general observation
 12 that the Commission and the Department have the
 13 authority and the obligation to -- to encourage the
 14 development of hydrocarbon resources under the Act
 15 while protecting correlative rights and preventing
 16 waste. And as you're aware under the Act that the Act
 17 dictates that in the event of a conflict, the
 18 prevention of waste is paramount.
 19 Snake River concurs with the Department
 20 regarding the factors that should be considered in
 21 reaching an integration order. The factors that had
 22 been proposed by Snake River and the Department appear
 23 to be identical.
 24 The same factors have been used in previous
 25 integration proceedings in the aftermath of the

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1 judgment in Kye versus Schultz [phonetic]. And the
 2 applicant is unaware of any site-specific conditions
 3 here that compel any additional or different factors.
 4 The uncommitted mineral interest owners in
 5 their -- the briefing that they have submitted appear
 6 to confuse the purposes and function of integration
 7 proceedings with those related to well permit
 8 applications, which already cover many of the subjects
 9 raised by the uncommitted owners.
 10 They also ignore that several subjects they
 11 raise are already covered in the Act section on
 12 integration section, 47-320. Section 320 sub (1)
 13 actually provides for the issuance of an integration
 14 order for the drilling of a well or wells in a unit.
 15 It does not limit the operator to a single well in the
 16 unit. That issue has also already been decided by the
 17 Commission in a previous proceeding.
 18 Section 320 does not require the
 19 designation of a specific well or well location in the
 20 integration order. The details of any proposed well
 21 and its drilling and operation are addressed at length
 22 in the oil and gas rules, specifically at Rules 200 and
 23 310 through 420.
 24 Likewise, permission for and the details of
 25 well treatments are already covered in the rules,

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1 specifically at Rules 210 and 211.
 2 The remainder of the issues raised by the
 3 uncommitted owners are already covered either by the
 4 factors -- by the factors that have been proposed by
 5 the Department and Snake River.
 6 The process arguments they make are either
 7 contrary to the clear terms of the Act or already
 8 covered by the factors proposed by the Department and
 9 the applicant. Most, if not all, of the interests
 10 alleged in their brief are either outside the scope of
 11 integration under the statute or already covered by
 12 other areas of the Act and rules as I've just
 13 discussed.
 14 Nothing in the judgment in Kye versus
 15 Schultz requires a granular examination of every facet
 16 of the oil and gas business, including postproduction
 17 transportation, processing, and marketing before
 18 mineral interests may be integrated.
 19 I don't believe that the uncommitted owners
 20 have submitted any authority regarding the
 21 consideration of the various noneconomic factors
 22 unrelated to the purposes of the Act in describing just
 23 and reasonable terms of an integration order.
 24 Similar terms do not appear to be included
 25 in or discussed in other states' integration orders and

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1 cases. To the contrary, other states' integration or
 2 pooling orders are often standardized and incorporate
 3 the terms related to preventing waste and the
 4 development of the resource and protecting correlative
 5 rights. For example, often using a joint operating
 6 agreement based on an APL Form 610, in so long as the
 7 operator's complied with the various and statutory
 8 prerequisites and scope similar to the application for
 9 integration here.
 10 Likewise, evaluation of non-mineral
 11 property values is not an appropriate consideration in
 12 determining just and reasonable terms of integration.
 13 It is unrealistic for operators to have to prove future
 14 financial values of every property in the unit when
 15 seeking integration, effectively having to prove a
 16 negative in the future.
 17 Again, the Act does not appear to provide
 18 the Commission with authority to police private,
 19 non-mineral property interests. I will note surface
 20 owner protections are contained within the Act at
 21 Section 47-334. They include specific procedures and
 22 requirements, but do not provide authority for the
 23 Commission to vary from them.
 24 With respect to the mineral owners' due
 25 process arguments, appropriate parties to this matter

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1 are currently being afforded due process, not only by
 2 the procedure set forth in the Act and the rules, but
 3 also by adjustments made to the proceedings on this
 4 application specifically.
 5 For every integration application
 6 submitted, public comments can be submitted to the
 7 Department of Lands to review prior to permit approval
 8 or denial. And while they can't participate as a -- in
 9 a proceeding as a party, public witnesses can submit
 10 written or oral statements or exhibits at a hearing
 11 under the AG's rules.
 12 For this matter, the preliminary hearing on
 13 factors to be considered to reach just and reasonable
 14 terms and conditions has been moved obviously here to
 15 Fruitland. There's an expanded briefing schedule
 16 provided for by the Administrator, which has allowed
 17 interested parties an even greater opportunity to be
 18 heard. Ultimately, to the extent an interested party
 19 wants to be heard, an opportunity is available to do
 20 so.
 21 The Commission is bound by its duty to
 22 regulate the exploration for and production of oil and
 23 gas to prevent the waste of oil and gas and to protect
 24 correlative rights, which mirrors the stated purpose of
 25 the Act itself. And I would direct you to Section 315

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1 sub (1) of the Act. Again, the responsibility of the
 2 Department and the Commission to prevent waste is
 3 paramount.
 4 Due process in this context does not equate
 5 to essentially a free-for-all to theorize about the
 6 supposed effects of oil and gas development in general.
 7 More appropriate venues exist for policy questions,
 8 specifically the legislature.
 9 Rather the focus under the Act remains on
 10 issuing an integration order that promotes economic
 11 development, prevents waste, and protects correlative
 12 rights. Mineral interest owners are free to present
 13 evidence regarding site-specific impacts to them from
 14 the proposed integration and to the proposed terms and
 15 conditions related to that evidence to the extent
 16 consistent with the Act and the Commission's
 17 jurisdiction under it.
 18 The factors -- I would submit the factors
 19 proposed by the Department and the applicant are
 20 sufficient for that purpose.
 21 Thank you.
 22 THE HEARING OFFICER: Thank you, Mr. Christian.
 23 I have a few questions for you.
 24 MR. CHRISTIAN: Yes.
 25 THE HEARING OFFICER: You -- I think you covered

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1 a few of these in your opening just now, but I want to
 2 ask them specifically.
 3 Could you share what industry of standards
 4 are when setting just and reasonable terms?
 5 MR. CHRISTIAN: Broadly speaking, industry
 6 standards would be whether -- in the context of
 7 integration, would be, for example, whether a form or
 8 joint operating agreement that's proposed is in wide
 9 use in the industry.
 10 In this case I think it's generally
 11 understood, for example, that Form 6 to the APL --
 12 Form 610 is very widely used in the industry and relied
 13 upon by other states, commissions, and regulators as a
 14 form they use in pooling or integration proceedings.
 15 Likewise, whether a form of lease that's
 16 proposed is -- is of a form that is common in the
 17 industry would be another question to ask. And, you
 18 know, the broad term that's used is a producer's 80
 19 acres allow different versions of that.
 20 But -- but the applicant has in the past,
 21 and should in the future, put on evidence that a form
 22 of lease is both widely used in the area in the
 23 industry already on voluntary terms, and perhaps widely
 24 used by it elsewhere and by other operators.
 25 Thank you for your question.

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1 THE HEARING OFFICER: Thank you, Mr. Christian.
 2 An additional question: Should there be a
 3 specific factor used to determine just and reasonable
 4 terms that considers how many wells are proposed and
 5 the appropriateness of terms for that number of wells?
 6 Why? Why not?
 7 MR. CHRISTIAN: Well, first of all, the -- I
 8 think the -- I think the Act as it exists already
 9 allows within, for example, a default spacing unit for
 10 multiple wells, as long as a well is being drilled to
 11 and completed in a separate source of supply.
 12 And so to the extent you want to impose a
 13 factor, I suppose that would be it is does the -- does
 14 the applicant propose or intend to drill wells to -- if
 15 they intend to drill more than one well, do they intend
 16 to drill wells to separate sources of supply?
 17 Which I think would be generally something
 18 for them to answer in the context of integration,
 19 although I think the question of the technical details
 20 of that would be more appropriately answerable in the
 21 well permit application process.
 22 THE HEARING OFFICER: Thank you, Mr. Christian.
 23 One more question.
 24 MR. CHRISTIAN: Yes, sir.
 25 THE HEARING OFFICER: Should factors used to

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1 determine just and reasonable terms consider the use of
 2 an uncommitted owner's lands, including whether a well
 3 bore or pipeline may physically cross that land of an
 4 uncommitted mineral interest owner?
 5 MR. CHRISTIAN: I think it's appropriate to --
 6 that's a factor that could be considered, I think, for
 7 surface uses, for pipe -- for either pipeline or well
 8 bore. I mean I think it's -- that falls under the
 9 rubric of encouragement of development and prevention
 10 of waste in correlative -- and protection of
 11 correlative resources if -- if -- if product -- if
 12 hydrocarbons would be wasted, absent the ability for a
 13 well bore to cross under an integrated party's land,
 14 then -- then the prevention of waste would be paramount
 15 and the -- that traverse should be allowed.
 16 So I don't think it's an unreasonable
 17 factor to consider, but I think it has to be viewed in
 18 the context of the purposes of the Act.
 19 THE HEARING OFFICER: Thank you, Mr. Christian.
 20 Those are all the questions I have.
 21 MR. CHRISTIAN: Thank you.
 22 THE HEARING OFFICER: Good morning,
 23 Mr. Piotrowski. I'd ask for you to unmute, please, and
 24 invite you to provide argument at this time.
 25 MR. PIOTROWSKI: Thank you, Mr. Thomas.

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1 We have submitted a brief in the matter. I
 2 don't want to repeat any of the arguments set out
 3 therein. You've assured us that both written and oral
 4 arguments submitted to the Commission will be, you
 5 know, equally considered. So please consider the
 6 briefs submitted.
 7 And let me raise some slightly different
 8 points here this morning. It is impossible, impossible
 9 for you to determine whether the terms of integration
 10 will be just and reasonable, particularly if you adopt
 11 the position set forth by Snake River Oil and Gas.
 12 Please allow me to explain. What you are
 13 not allowed to address, Mr. Thomas, by the statute is
 14 the amount of the royalty payment, nor the amount of
 15 the bonus payment. This is an economic transaction.
 16 My client own oil and gas. Well,
 17 presumably. We -- certainly Snake River believes that
 18 my clients own oil and gas. Snake River wants to buy
 19 it. And my clients don't want to sell it at the price
 20 that they've been offered. This is a financial
 21 transaction.
 22 You are to force that transaction to
 23 happen, and yet you can't modify the price in any way
 24 whatsoever. It is impossible to make -- to ensure that
 25 a transaction of an economic nature is just and

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1 reasonable if you can't control anything about the
 2 price.
 3 I want your Lexus. I'm willing to pay one
 4 dollar for it. And if the statute says you must give
 5 it to me for one dollar, then that is statutorily
 6 required. It is not just nor reasonable.
 7 That is precisely the position my clients
 8 find themselves in. You're telling them that you, on
 9 behalf of the Commission, are going to set just and
 10 reasonable terms when you don't have the power. You
 11 haven't been given the power to affect economic terms.
 12 You have also now been told, and the
 13 position that Snake River takes, and the position that
 14 the Commission takes, is that you may not address
 15 surface tread path, that that's not something that is
 16 allowed to be considered in just and reasonable terms.
 17 You are being told that the number of wells
 18 that will be drilled -- in other words, the number of
 19 times that my clients will suffer a trespass, you
 20 cannot address that as part of just and reasonable
 21 terms of the Snake River [unintelligible].
 22 They tell you that well treatment
 23 [unintelligible], you can't address those, that that is
 24 to be addressed in some other proceeding.
 25 They will tell you that the appropriate

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1 bonding level for this project is not something that
 2 you can address in setting just and reasonable terms.
 3 Instead Snake River tells you all of those
 4 items are either entirely established as a matter of
 5 statute or should be addressed only in the well
 6 drilling permit process.
 7 Well, the well drilling permit process does
 8 not require just and reasonable terms. It does not
 9 require fairness to the mineral owners. And so that's
 10 not an answer. It doesn't address the real issue here.
 11 The real issues here are what is the gas
 12 worth? How much should the owner of that gas get,
 13 versus the out-of-state corporation that wants to come
 14 in and extract it from under our property? What
 15 surface protections will there be against trespass?
 16 What subsurface protections will there be against
 17 trespass? What protections will be provided in the
 18 event of an accident in the drilling or extraction
 19 process?
 20 All of these things are necessary to
 21 deciding whether integration is just and reasonable.
 22 And yet you've been denied the power to
 23 determine any of it. It's not your fault, Mr. Thomas.
 24 It's the legislators' fault, as Mr. Christian properly
 25 pointed out. They have set up a statutory system that

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1 doesn't give you the power to determine whether --
 2 whether the terms are just and reasonable.
 3 So let me address what would be necessary,
 4 at a bare minimum, to set just and reasonable terms in
 5 the compelled, forced economic transaction.
 6 First of all, you'd have to address the
 7 royalty amount. But you're not allowed to. Why 1A --
 8 why 12-and-a-half percent? Why not 15 percent? Why
 9 not 25 percent?
 10 Those are reasonable questions. And if you
 11 are decided what is a just price for my clients'
 12 mineral interest, you'd ask those questions, you'd
 13 develop answers to those questions, yet you are not
 14 allowed to do so.
 15 You address the bonus payment, because this
 16 is an economic transaction. This is a sale. And it is
 17 not a sale between two willing arm's length transaction
 18 participants. And so in the absence of an arm's length
 19 transaction, you have to decide what is just.
 20 Well, what was just to one property owner
 21 is not necessarily just to another. And yet you are
 22 not allowed to determine a just or reasonable bonus
 23 payment.
 24 You would address the number of wells. The
 25 terms of a deal that call for a single trespass across

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1 somebody's property are quite different from the terms
 2 of a deal that would allow continuous or multiple
 3 trespasses across a person's property.
 4 If I sell an easement for a single use, if
 5 I tell, for instance, a utility company, yes, you may
 6 cross my land one time to access other property to do
 7 something you need to do, and you gave me \$10 for that
 8 one-time access, it is not then reasonable to say,
 9 well, that \$10 is also all that you get for permanent
 10 and continuous access for the next 30 years. That's
 11 just neither just nor reasonable.
 12 Likewise, the number of wells is relevant.
 13 If you tell me I want to trespass on your property and
 14 take your minerals via a well, now that's one thing.
 15 If you tell me you want to drill ten wells around my
 16 house, that's entirely a different matter, and that
 17 would require different just and reasonable terms. And
 18 yet, Mr. Christian would have you believe you have no
 19 power to address that. And he may be right. The
 20 Commission believes you have no power to address that.
 21 The process here is intended not to elevate
 22 correlative rights over property rights. It is not to
 23 elevate developed over all other interests. The
 24 purpose of the statute is to establish that -- or is to
 25 encourage development, but to encourage development of

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1 our hydrocarbon resources at economically reasonable
 2 basis.
 3 If the cost of extracting the minerals
 4 exceeds the value of the minerals, Snake River Oil and
 5 Gas has the option to say, oh, no, we're not going to
 6 do that. We're not going to drill that well because it
 7 is not economically -- well, it's not profitable.
 8 My clients don't have that right. They had
 9 that right until Snake River filed this application.
 10 They had the right to say no, and that's not
 11 economically profitable. My one-eighth royalty and a
 12 hundred dollar bonus payment isn't going to make up for
 13 the loss that's been suffered.
 14 But you, Mr. Thomas, are being asked to
 15 decide under what terms will one party to this
 16 transaction be denied the right to say that's not
 17 profitable, and yet you haven't been given the tools to
 18 do so.
 19 So in addition to the arguments we raised
 20 in our brief, I would simply point out that if the
 21 determination of you as the Hearing Officer, and
 22 ultimately the Commission, because it is a Commission
 23 decision, not yours, if that decision is that a
 24 one-eighth royalty is all we got, a \$100 bonus payment
 25 is all we get, we don't get any limits on the number of

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1 wells, we don't get surface protection, we don't get
 2 subsurface protection, we don't get paid for trespass
 3 on our property, if that's the decision to be made, is
 4 that none of those things will be addressed in any
 5 proceeding, then you're implementing an
 6 unconstitutional statute.
 7 The fact is that unless the Commission has
 8 the power to address each and every one of these
 9 matters, it has not engaged in due process of law. It
 10 has instead engaged in the application and enforcement
 11 of a statute that strips people of property right
 12 without due process allowed.
 13 Thank you very much.
 14 THE HEARING OFFICER: Thank you, Mr. Christian
 15 sic]. I'm taking a few notes, and then I have a few
 16 questions for you.
 17 Would you mind waiting a moment?
 18 MR. PIOTROWSKI: Sure.
 19 THE HEARING OFFICER: Thank you.
 20 I'm sorry. I think I called you
 21 "Mr. Christian" accidentally.
 22 MR. PIOTROWSKI: I knew what you meant.
 23 THE HEARING OFFICER: That may have been
 24 egregious. I apologize for that.
 25 MR. PIOTROWSKI: No, no.

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1 THE HEARING OFFICER: And just while we're on
 2 the topic of humor, I drive a Toyota truck, not a
 3 Lexus. That would be great to have, by the way. But
 4 my truck is quite reliable.
 5 Back on focus here. Mr. Piotrowski, I have
 6 one question that you -- first question that you kind
 7 of alluded to in your statement just now and in your
 8 brief, but I want to clarify: Snake River Oil and Gas
 9 and the Department have proposed using the same factors
 10 used in prior integration, specifically Docket No.
 11 CC-2022-OGR-01-001 and Docket No. CC-2021-OGR-01-002.
 12 Do you agree with these factors? And if
 13 not, what is your alternative proposal?
 14 MR. PIOTROWSKI: No, we don't agree that those
 15 factors are sufficient or adequate.
 16 Our alternative proposal is that the --
 17 well, [unintelligible], and it is that the Commission
 18 consider the economic -- all economic and noneconomic
 19 factors that reflect a bond, the justness and the
 20 reasonableness of forcing someone to sell part of their
 21 home against their will.
 22 Let's be very clear that that's what the
 23 statute does. And to that extent, every factor that
 24 will relate to that forced sale, that compelled
 25 participation in a process which some property owners

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1 find objectionable need to be considered.
 2 And so if you're not going to consider the
 3 economic effect of the oil extraction, if you're not
 4 going to consider appropriate bonding and assurance
 5 levels, and if you're not going to consider the value
 6 of the royalty and the bonus payment, I don't believe
 7 you can determine just and reasonable items.
 8 THE HEARING OFFICER: Thank you, Mr. Piotrowski.
 9 Additional question: In your -- in your
 10 opening brief, page -- I think it was page 8, heading
 11 B, topic B, just and reasonable terms should all -- you
 12 wrote -- you titled it, "Just and reasonable terms
 13 should also ensure the property owner's reasonable
 14 expectations, current property use," et cetera.
 15 Would you mind clarifying a little bit what
 16 you mean by "reasonable expectations"?
 17 MR. PIOTROWSKI: Certainly. My clients, at
 18 various different times for each of them, made a
 19 decision on how to invest their money. Buying a home
 20 is not merely about finding a residence. Buying a home
 21 is the single most important economic activity that
 22 most American families will ever engage in.
 23 I have never -- I mean I'm a, quote,
 24 "reasonably successful person" by economic standards, I
 25 have never purchased anything more expensive than the

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1 home I live in. And that has been true in every home
 2 I've lived in. When I lived in cheap homes, and when I
 3 lived in more expensive, it is always the biggest
 4 single investment a typical American family makes.
 5 That -- the value of that home is not just
 6 in providing a place to lay one's head. And not only
 7 is a home a person's castle, to use the old saying, but
 8 it reflects the assumption that if smart decisions are
 9 made, if you buy a good home in a reasonable location
 10 and you take reasonably good care of it that you will
 11 get to enjoy the market for real estate, which we at
 12 the moment is -- well, over the last five years in
 13 Idaho has been quite -- I'm not even sure what word to
 14 use.
 15 Let's just say that people are seeing
 16 massive gains in the value of their homes. Those are
 17 retirement funds. In addition to being a place to lay
 18 one's head, it is an investment in one's own future.
 19 And so the reasonable expectation of a
 20 person buying a home in rural Fruitland is that they
 21 will get to enjoy peace and quiet, clean air, clean
 22 water, and own an asset that will in all probability
 23 continue to appreciate over the course of the
 24 ownership, such that that home can then be used at some
 25 future point to allow one to retire, to pay for

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1 long-term care services is a very frequent use of those
2 funds.
3 And yet, these expectations, these
4 reasonable expectations of both owning a home and
5 owning a major investment can be damaged by an outsider
6 forcing my clients to sell a portion of their home.
7 Now, that portion may be underground. It is still a
8 portion of their home.
9 And in fact, it's not always underground.
10 Snake River will ask you to approve surface wells
11 [unintelligible]. And so the reasonable expectation to
12 the homeowner in Idaho are that you can put up a fence
13 and keep people off your property, including Snake
14 River Oil and Gas.
15 All of these things are the reasonable
16 expectation of the property owners in Idaho, and they
17 should all be addressed if we're to determine whether
18 certain terms are just and reasonable.
19 THE HEARING OFFICER: Thank you, Mr. Piotrowski.
20 I have one more question for you: Are the
21 four member -- are the four property owners mentioned
22 in your brief and at the opening of your statement
23 today, are those four property owners CAIA members?
24 MR. PIOTROWSKI: I'm not sure of their current
25 membership status, but I would assume so. They have

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1 asked me to represent them, and I did not -- I did not
2 ask that question as part of whether I would represent
3 them.
4 THE HEARING OFFICER: Thank you.
5 And do you have any -- I think I know the
6 answer to this, but just for clarity: Do you have any
7 additional clients in this unit that are CAIA members?
8 MR. PIOTROWSKI: I don't know the answer to
9 that.
10 THE HEARING OFFICER: All right.
11 Mr. Piotrowski, thank you very much. That will be all.
12 And I'll ask again, while I did just do in
13 the intro, are there any uncommitted mineral interest
14 owners in this basin unit in the room or on Zoom who
15 would like to speak at this time?
16 All right. There are none.
17 At this time I would invite the Department
18 to provide argument.
19 Ms. Kaufmann, you can unmute.
20 MS. KAUFMANN: Thank you, Mr. Thomas, and good
21 morning.
22 As you know, I think the Department of
23 Lands provided an opening brief and remarks, and at
24 this time we're just going to stand on those remarks.
25 We don't have anything in addition to add.

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1 THE HEARING OFFICER: Thank you, Ms. Kaufmann.
2 I, in turn, have no additional questions
3 for the Department at this time.
4 MS. KAUFMANN: Thank you.
5 THE HEARING OFFICER: At this point I would
6 allow Snake River to step forward, Mr. Christian, and
7 offer rebuttal.
8 MR. CHRISTIAN: Thank you, Administrator.
9 Briefly, Mr. Piotrowski's remarks and his
10 view of the just and reasonable scheme on behalf of his
11 clients really ignores the 90 -- roughly 90 percent of
12 the owners in the unit who have voluntarily leased and
13 wish to develop and the impact on their interests.
14 And it is -- it is not true that -- that
15 some of the interests that he's described of -- of
16 uncommitted interest owners, or any property owner, are
17 not considered. You know, as I've described already,
18 the -- the adequacy and safety of well drilling and
19 operation and well treatments are -- are addressed in
20 the rules. And there are -- and there are
21 opportunities -- opportunities for parties who think
22 their interests are being affected to, you know,
23 request notice and a hearing on a subject. Or they're
24 required, frankly.
25 So there are already opportunities in other

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1 areas for owners to participate, have a reasonable
2 opportunity to be heard on a subject, and ensure
3 that -- that their interests are protected in a number
4 of ways that just aren't part of the integration
5 process.
6 I -- I would also note that his -- his
7 continued description of the bonus and royalty as
8 only -- I think his suggestion is that the bonus and
9 the royalty only buy the oil and gas and that there are
10 these other things that he calls trespasses, which are
11 uncompensated. And that's just not true.
12 Certainly in the voluntary leasing context,
13 which is the analogue, your bonus and your royalty buy
14 a lease. They don't just buy the oil and gas. And the
15 bundle of rights that's purchased in the lease includes
16 subsurface access for the purpose of development and,
17 depending on the terms of the lease, surface access for
18 the purpose of development. So it is not true that
19 those things are not compensated.
20 And certainly in the past the applicant has
21 put on evidence that the bonus being paid to owners to
22 be integrated per the statute is the equal to the
23 highest bonus paid to any voluntary lessor in the unit
24 prior to application, which goes to the subject of just
25 compensation.

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1 The applicant has also put on evidence that
 2 the royalty being paid to all or virtually all of the
 3 owners in the unit is equal to the bonus that's being
 4 proposed in the form of lease submitted with the
 5 integration application.
 6 So it isn't true that there is no
 7 consideration of uncommitted owners' economic and other
 8 interests.
 9 But again, I submit to you at the end of
 10 the day that the uncommitted owners are -- they ignore
 11 that the just and reasonable process is interested in
 12 the rights of all parties involved, not just the
 13 uncommitted mineral interest owners.
 14 Thank you.
 15 THE HEARING OFFICER: Thank you, Mr. Christian.
 16 At this point arguments are complete. I
 17 would invite those first in person who wish to make
 18 public comment to step forward and do so.
 19 Specifically, Ms. Higby [phonetic], if
 20 you'd like me to bring the laptop back to you, you
 21 can -- I'll do that for you.
 22 MS. HIGBY: No, thank you.
 23 THE HEARING OFFICER: Okay.
 24 So is there anyone in the room who would
 25 like to provide public comment?

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1 All right. Thank you.
 2 I don't believe we have anyone else on Zoom
 3 from the public. I'll check again. All we have is
 4 Mr. Piotrowski and Ms. Kaufmann.
 5 So there's no public comment offered at
 6 this just and reasonable hearing.
 7 Okay. I don't know if anybody else has
 8 anything left to say, but I think I've pretty much
 9 flushed that out among the group.
 10 So with that, it is currently 9:40 a.m.
 11 This hearing is concluded. I'll take the -- I'll take
 12 the -- I'll take the -- I'll take the...
 13 (End of audio file.)
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REPORTER'S CERTIFICATE

1
 2
 3 I, JEFF LaMAR, CSR No. 640, Certified Shorthand
 4 Reporter, certify:
 5 That the audio recording of the proceedings was
 6 transcribed by me or under my direction.
 7 That the foregoing is a true and correct
 8 transcription of all testimony given, to the best of my
 9 ability.
 10 I further certify that I am not a relative or
 11 employee of any attorney or party, nor am I financially
 12 interested in the action.
 13 IN WITNESS WHEREOF, I set my hand and seal this
 14 21st day of October, 2022.
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JEFF LaMAR, CSR NO. 640
 Notary Public
 Post Office Box 2636
 Boise, Idaho 83701-2636
 My commission expires December 30, 2023

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