

BEFORE THE IDAHO DEPARTMENT OF LANDS

In the Matter of the Application of Snake River Oil) Docket No. CC-2020-OGR-01-002
and Gas, LLC for Spacing Order Consisting of the)
SE ¼ of Section 10, the SW ¼ of Section 11, NW)
¼ of Section 14, and the NE ¼ of Section 15,) **PREHEARING ORDER &**
Township 8 North, Range 5 West, Boise Meridian,) **NOTICE OF HEARING**
Payette County, Idaho.)
Snake River Oil and Gas, LLC, Applicant.)
_____)

On July 13, 2020, pursuant to the June 5, 2020 *Order Vacating Hearing; Order Setting Deadline for Prehearing Motions; Notice of Prehearing Conference* (“*Notice of Prehearing Conference*”) a telephonic prehearing conference was held in the above-captioned matter, as provided for in IDAPA 04.11.01.510. All parties who participated in the Conference attended via telephone and Mick Thomas, the Oil and Gas Division Administrator of the Idaho Department of Lands (“Administrator”) conducted the proceedings as the presiding officer while Deputy Attorney General Kristina Fugate, attended on behalf of the Administrator.

PREHEARING ORDER

Pursuant to IDAPA 04.11.01.513, the hearing officer enters this Prehearing Order:

1. The following individuals participated in the Prehearing Conference: Michael Christian, attorney for Applicant; Deputy Attorney General Joy Vega, attorney for the Idaho Department of Lands; and James Thum, Oil and Gas Program Manager for the Idaho Department of Lands.
2. The hearing officer proposed an August 27, 2020 hearing date with possible options to hold the hearing via videoconferencing, by telephone, or in-person. All participating parties agreed that conducting an evidentiary hearing via Zoom videoconferencing would be acceptable to ensure compliance with COVID-19 requirements. All participating parties also indicated they

had the technology to participate in the hearing via Zoom. The hearing officer also proposed holding an evening public witness portion of the hearing via Zoom with an option to submit public witness testimony in-person in Fruitland. No participating parties objected to holding the public witness testimony in this format.

3. The evidentiary hearing shall be held on August 27, 2020, via Zoom. The hearing will start at 9:00 am (MT). If additional time is necessary, the evidentiary hearing will continue at the same time on Friday, August 28, 2020. Interested persons will have the opportunity to present public testimony as public witnesses at a separate evening session of the hearing on August 27, 2020 at 6:00 pm (MT), pursuant to Idaho Code § 67-5242(3)(c) and IDAPA 04.11.01.355. The Administrator may set time limits for public testimony. Public witness testimony will be held via Zoom videoconference with an in-person testimony option available in Fruitland for those persons who may not have the technology to use Zoom. Please see the Notice of Hearing, below, for additional attendance details.
4. Witness lists, prepared testimony, exhibit lists, and electronic copies of all exhibits shall be electronically filed with the Administrator and copies shall be electronically served on the parties attending the prehearing conference on or before August 24, 2020 by 9:00 am (MT). The Administrator will post those documents on the hearing website prior to the hearing.
5. Parties are strongly encouraged to stipulate to the admission of exhibits in advance of the hearing. Parties are encouraged to indicate to the Administrator which exhibits have been stipulated to by August 24, 2020. Stipulations may also be entered orally on the record at the hearing.

6. Exhibit labels / numbers: Snake River shall identify exhibits with “SR” followed by consecutive numbers (e.g., 1, 2, 3); the Department shall identify exhibits with “IDL” followed by consecutive numbers.
7. No party has submitted a request for subpoena, and no subpoenas have been issued under IDAPA 04.11.01.525, or pursuant to Idaho Code § 47-329(2).
8. Documents submitted into the administrative record in this matter can be viewed online at: <https://ogcc.idaho.gov/administrative-hearings/>. The Administrator has also attached to this Prehearing Order a list of documents submitted into the record (Exhibit A).
9. The Administrator’s Notice of Prehearing Conference did not set a objection and response deadline pursuant to Idaho Code § 47-328(3)(c). The objection and other response deadline is now set for August 13, 2020 at 5:00pm.

NOTICE OF HEARING

NOTICE IS HERBY GIVEN that on Thursday, **August 27, 2020 at 9:00am (MT)** the Administrator Mick Thomas will hold an evidentiary hearing on Snake River Oil & Gas, LLC’s (“Snake River’s”) application for spacing order establishing a 640-acre spacing unit consisting of the SE ¼ of Section 10, the SW ¼ of Section 11, NW ¼ of Section 14, and the NE ¼ of Section 15, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho. If additional time is necessary, the evidentiary hearing will continue on Friday, **August 28, 2020 at 9:00 am**. The hearing will be held via Zoom videoconference. Idaho Department of Lands will e-mail a participation link to those parties who indicated their participation at the prehearing conference. The hearing will be broadcast live via Facebook Live. The link will be posted on the IDL website prior to the hearing.

Pursuant to Idaho Code § 67-5242(3)(c), interested persons will have the opportunity to present public testimony as public witnesses at a separate evening session of the hearing on **August 27, 2020 at 6:00 pm (MT)**. Those interested persons will have the rights and status in this matter as defined by IDAPA 04.11.01.355. The Administrator may set time limits for public testimony.

Public witness testimony will be held via Zoom videoconference with an in-person option for Zoom testimony also available for those persons who may not have Zoom technology available at home. The in-person option will take place Fruitland City Hall, 200 S Whitley Dr, Fruitland, ID 83619. The number of participants present at the City of Fruitland City Hall will be limited to comply with any COVID-19 physical distancing and safety requirements, including the wearing of masks if mandated. Those who intend to participate as public witnesses via Zoom or in-person should contact Kourtney Romine at kromine@idl.idaho.gov by **5:00 pm (MT) on Wednesday, August 26, 2020** to RSVP for the in-person option or obtain the login information for Zoom participation. Please note that comments via Zoom and in-person comments will be given the same weight and consideration regardless of the method used to testify.

Uncommitted owners within the area defined in Snake River's application (the SE ¼ of Section 10, the SW ¼ of Section 11, NW ¼ of Section 14, and the NE ¼ of Section 15, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho) may file objections or other responses to the spacing application. Idaho Code § 47-328(3)(c). If a person has already filed an objection or response in Docket No. CC-2020-OGR-01-002, it is not necessary to file again. All objections or other responses addressing the spacing application must indicate in the subject line that they are submitted in Docket No. CC-2020-OGR-01-002 and be received by the Administrator on or before 5:00pm (MST) on August 27, 2020.

All objections, responses, and other documents filed should be addressed as follows:

Idaho Department of Lands
Attn: Mick Thomas
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, ID 83720

Documents may also be filed via e-mail to kromine@idl.idaho.gov.

The purpose of this evidentiary hearing is to receive evidence and testimony regarding Snake River's application for a spacing order establishing the above-captioned 640 acre spacing unit. The Administrator is authorized to conduct this hearing pursuant to Idaho Code §§ 47-318 and 47-328. At this spacing evidentiary hearing, the Administrator will not consider evidence related to integration or "just and reasonable" terms and conditions of an integration order provided in Idaho Code § 47-320. The Administrator will issue a written decision within 30 days of the hearing. Idaho Code § 47-328(3)(e).

This proceeding is governed by the Oil and Gas Conservation Act (Chapter 3, title 47, Idaho Code); the Idaho Administrative Procedure Act (Chapter 52, title 67, Idaho Code); Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01), to the extent that the Rules of Administrative Procedure are not superseded by Oil and Gas Conservation Act; and the Rules Governing Conservation of Oil and Natural Gas in the State of Idaho (IDAPA 20.07.02). A copy of the Rules of Administrative Procedure are available at the Idaho Department of Lands office located at 300 N. 6th Street, Suite 103, Boise, Idaho, and at the Office of Administrative Rules Coordinator's website, <http://adminrules.idaho.gov>.

The hearing location meets the accessibility requirements of the Americans with Disabilities Act ("ADA"), in accordance with IDAPA 04.11.01.551. If a person requires assistance of the kind the agency is required to provide under the ADA in order to participate in or understand the hearing, the agency will supply the assistance upon request. Please submit any

requests to the Idaho Department of Lands by 5:00pm (MST) August 20, 2020. Inquiries about scheduling, hearing facilities, etc. should be directed to Kourtney Romine, Administrative Assistant, Idaho Department of Lands, 300 N. 6th Street, Suite 103, P.O. Box 83720, Boise, ID 83720; e-mail: kromine@idl.idaho.gov; phone: (208) 334-0283.

Dated this 21 day of July 2020.

A handwritten signature in black ink that reads "Mick Thomas". The signature is written in a cursive, flowing style.

RICHARD "MICK" THOMAS

Minerals, Public Trust, Oil & Gas Division Administrator

CERTIFICATE OF SERVICE

I hereby certify that on this 21 day of July 2020, I caused to be served a true and correct copy of the following item in Docket No: CC-2020-OGR-01-002:
Prehearing Order & Notice of Hearing, by regular mail unless indicated otherwise and addressed to the following:

Kristina Fugate State House Mail
Deputy Attorney General
PO Box 83720
Boise ID 83720-0010

Joy Vega State House Mail
Deputy Attorney General
PO Box 83720
Boise ID 83720-0010

Mick Thomas Hand Delivery
Idaho Department of Lands
PO Box 83720
Boise ID 83720-0050

James Thum Hand Delivery
Idaho Department of Lands
PO Box 83720
Boise ID 83720-0050

Snake River Oil & Gas LLC
c/o Michael Christian
Smith + Malek
101 S. Capitol Blvd, Suite 930
Boise ID 83702

Frandonson Family Trust
2075 Killebrew Dr.
Payette, ID 83661

River Ridge Estates LLC
PO Box 2176
Tualatin, OR 97062

Lewis & Joann Sherrer
8200 N Pennsylvania Ave
Fruitland, ID 83619

Fruitland Capital Trust
PO Box 981
Payette, ID 83661

Kevin & Margery Clevenger
1970 NW 24th St
Fruitland, ID 83619

Brian Buffington
2410 Alder Dr
Fruitland, ID 83619

Douglas & Connie Dorsing
PO Box 1005
Fruitland, ID 83619

Troy & Teresa Odell
PO Box 1051
Fruitland, ID 83619

Lynn & Kristina Larsen
1770 NW 24th St
Fruitland, ID 83619

Steven & Michelle Cockerum
1219 NW 16th St
Fruitland, ID 83619

Anadarko Land Corp
Attn: Dale Tingen
1201 Lake Robbins Dr
The Woodlands, TX 77380

Jeanne Hurd
10675 N. Iowa Ave
Payette, ID 83661

James Piotrowski
1020 W. Main St, Suite 400
PO Box 2864
Boise, ID 83702

Lauren Burnett
604 Meadow Lark Ave
Fruitland, ID 83619

Kourtney Romine

Kourtney Romine
Administrative Assistant

Emailed courtesy copies to those who had emails on file for this case:

Kristina Fugate – kristina.fugate@ag.idaho.gov

Joy Vega – joy.vega@ag.idaho.gov

Mick Thomas – mthomas@idl.idaho.gov

James Thum – jthum@idl.idaho.gov

Michael Christian - mike@smithmalek.com / lauren@smithmalek.com

Mr. & Mrs. Taylor - taylor56889@msn.com

Jeanne Hurd - jeannehurd@gmail.com

James Piotrowski - james@idunionlaw.com / Molly@idunionlaw.com

Lauren Burnett - laurenburnett777@yahoo.com

EXHIBIT A

Table of Contents

Agency Record

In the Matter of the Application of Snake River Oil and Gas, LLC for Spacing Order Consisting of the SE ¼ of Section 10, the SW ¼ of Section 11, the NW ¼ of Section 14, and the NE ¼ of Section 15, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho

Snake River Oil & Gas, LLC, Applicant.

Docket No. CC-2020-OGR-01-002

Date	Document Name	Doc #
05/26/20	Applicant – Snake River Oil & Gas, LLC – Application for Spacing	1
05/26/20	Idaho Department of Lands – Email confirmation – receipt of application	2
06/02/20	Applicant – Snake River Oil & Gas, LLC – Supplemental Declaration of David M. Smith	3
06/02/20	Idaho Department of Lands – Email confirmation – receipt of Supplemental Declaration	4
06/02/20	Idaho Department of Lands – Response Letter to Spacing Application	5
06/03/20	Applicant – Snake River Oil & Gas, LLC – Proof of Mailings – Applications/Declarations	6
06/03/20	Idaho Department of Lands – Email confirmation – receipt of Proof of Mailings	7
06/05/20	Order Vacating Hearing; Order Setting Deadline for Prehearing Motions; Notice of Prehearing Conference	8
06/18/20	Response – Mr. & Mrs. Taylor	9
06/22/20	Response – Jeanne Hurd	10
06/25/20	Objection – James Piotrowski	11
07/14/20	Response – Lauren Burnett & Hearing Officer request to add to records	12
07/21/20	Prehearing Order & Notice of Hearing	13

Record available on the Idaho Oil and Gas Conservation Commission website on the Administrative Hearings page: <https://ogcc.idaho.gov/administrative-hearings/>