

From: [Molly Garner](#)
To: [Kourtney Romine](#); [Michael Christian \(mike@smithmalek.com\)](#); [Fugate, Kristina](#); [External - Joy M. Vega](#)
Cc: [James Piotrowski](#)
Subject: Motion of Non-Consenting Owners & CAIA to Strike SROGs Opening, Response, and Reply Briefs Dkt CC-2021-OGR-01-002
Date: Monday, June 21, 2021 03:07:48 PM
Attachments: [CAIA Motion to Strike 06-21-21.pdf](#)

Please find the attached for filing in Dkt. No. CC-2021-OGR-01-002, submitted on behalf of CAIA and Certain Non-Consenting Owners:

- Motion to Strike SROG's Opening, Response, and Reply Briefs

Thank you,

-Molly Garner
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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 ¼ of Section 9, SW 1/4 of Section 10, N 1/2 of the N 1/2 of the NW 1/4 of Section 15, and the N 1/2 of the NE 1/4 of the NE 1/4 of Section 16, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho)	Docket No. CC-2021-OGR-01-002
)	MOTION OF NON-CONSENTING OWNERS AND CAIA TO STRIKE SNAKE RIVER OIL AND GAS'S OPENING, RESPONSE AND REPLY BRIEFS
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COME NOW Dale Verhaeghe, Linda Dernoncourt, Sharon Simmons, Alan and Glenda Grace, Edward and Cheryl Adair, William and Roxie Tolbert, Wendell and Normal Nierman, Cheryl and Richard Addison, Jimmie and Judy Hicks, Antonio and Danielle Anchustegui, Philip and Kathleen Hendrickson, Dawna and George Jackson, Karen Oltman, Bonnie McGehee and Citizens Allied for Integrity and Accountability, by and through counsel of record and hereby move the Administrator to strike the opening, response and reply briefs submitted by Snake River Oil and Gas regarding determination of factors to be used in establishing just and reasonable terms.

The process is governed by the Rules of Administrative Procedure for contested case hearings adopted by the Idaho Attorney General. IDAPA 04.11.01. Those procedures provide that:

260. MOTIONS -- DEFINED -- FORM AND CONTENTS -- TIME FOR FILING
(RULE 260).

01. Motions Defined. All other pleadings requesting the agency to take any other action in a contested case, except consent agreements or pleadings specifically answering other pleadings, are called “motions.”

02. Form and Contents. Motions should:

- a. Fully state the facts upon they are based;
- b. Refer to the particular provision of statute, rule, order, notice, or other controlling law upon which they are based; and
- c. State the relief sought.

IDAPA 04.11.260.

This rule provides both the procedure and the basis for this motion.

On multiple occasions, Snake River Oil and Gas has exhorted the Administrator to refuse to recognize CAIA as a party in this matter, and to ignore or forego the decision of the Oil and Gas Conservation Commission to undertake the determination of “just and reasonable” factors on a case by case basis. Snake River has repeatedly “objected” to CAIA’s participation in this proceeding, starting in its Opening Brief at p. 2, in its Response Brief at pp. 3-4, and in its Reply Brief at p. 1.

As to abandonment of the process required by the IOGCC, Snake River’s Opening Brief sought a ruling to forego case-by-case analysis at pages 2-3 and in its Reply Brief at page 2

where it bemoans the existence of this “drawn out process.” These requests, either to ignore or eject CAIA from the proceeding, and/or to forego case-by-case determinations are matters that were not, and likely could not have been raised in the application for integration order. As a result, they must be raised, if at all, via a motion pursuant to IDAPA 04.11.260. Since the matters were not raised by motion, they should be struck. If Snake River is unwilling to raise these matters in appropriate fashion, they should not be permitted to raise them at all.

Pursuant to IDAPA 04.11.260, for the reasons stated herein, the non-consenting owners and CAIA move the Administrator to strike the Opening, Response and Reply Briefs submitted by Snake River Oil and Gas, or, in the alternative, those portions which present matter which may not, as a matter of law, be considered in the absence of a motion to so consider them. The moving parties request oral argument on this motion.

DATED this 21st day of June, 2021.

PIOTROWSKI DURAND, PLLC

 /s/ James M. Piotrowski
James M. Piotrowski
Attorneys for CAIA and Certain Non-
Consenting Owners

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2021, I caused to be served a true and correct copy of the following item in Docket No: CC-2019-OGR-01-002: *SUBMISSION OF NON-CONSENTING OWNERS AND CAIA RE: FACTORS FOR ESTABLISHING JUST AND REASONABLE TERMS* by the method indicated below and addressed to the following:

Idaho Department of Lands	U.S. Mail	<input type="checkbox"/>
Attn: Mick Thomas	Hand Delivery	<input type="checkbox"/>
300 N. 6 th Street, Suite 103	Certified Mail	<input type="checkbox"/>
PO Box 83720	E-Mail	<input checked="" type="checkbox"/>
Boise, ID 83720		
kromine@idl.idaho.gov		

Snake River Oil and Gas	U.S. Mail	<input type="checkbox"/>
c/o Michael Christian	Hand Delivery	<input type="checkbox"/>
Smith & Malek, PLLC	Certified Mail	<input type="checkbox"/>
101 S. Capitol Blvd, Suite 930	E-Mail	<input checked="" type="checkbox"/>
Boise, ID 83702		
mike@smithmalek.com		

Kristina Fugate	U.S. Mail	<input type="checkbox"/>
Deputy Attorney General	Hand Delivery	<input type="checkbox"/>
PO Box 83720	Certified Mail	<input type="checkbox"/>
Boise ID 83720-0010	E-Mail	<input checked="" type="checkbox"/>
kristina.fugate@ag.idaho.gov		

Joy Vega	U.S. Mail	<input type="checkbox"/>
Deputy Attorney General	Hand Delivery	<input type="checkbox"/>
PO Box 83720	Certified Mail	<input type="checkbox"/>
Boise ID 83720-0010	E-Mail	<input checked="" type="checkbox"/>
joy.vega@ag.idaho.gov		

James Thum	U.S. Mail	<input checked="" type="checkbox"/>
Idaho Department of Lands	Hand Delivery	<input type="checkbox"/>
PO Box 83720	Certified Mail	<input type="checkbox"/>
Boise ID 83720-0050	E-Mail	<input type="checkbox"/>

_____/s/_____
James M. Piotrowski
James M. Piotrowski