

BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

Randy and Thana Kauffman, *Complainants*,) Docket No. CC-2017-OGR-01-002
)
v.) **NOTICE OF HEARING**
)
AM Idaho, LLC and Alta Mesa Services, LP,)
Respondents.)
_____)

NOTICE IS HERBY GIVEN that the Idaho Oil and Gas Conservation Commission (“Commission”) will hold a hearing on the merits of the complaint filed by Randy and Thana Kauffman on **Thursday, October 18, 2018, at 1:30 p.m. (MST)**. The hearing will be held in the Garnet Conference Room at the Idaho Department of Lands office located at 300 N. 6th St., Boise, Idaho. The Commission is authorized to conduct this hearing pursuant to Idaho Code § 47-328 and Idaho Code § 47-331(4). A telephonic prehearing conference noticed herewith for September 24 at 8:00 AM.

The Commission has appointed Jason S. Risch, attorney at law, to serve as the presiding officer at the hearing. The Commission members will sit at the hearing consistent with IDAPA 04.11.01.414. After the hearing, Mr. Risch will prepare a recommended order for the Commission's consideration which will be issued in accordance with IDAPA 04.11.01.720. The Commission will make the final decision in this matter.

This proceeding is governed by the Oil and Gas Conservation Act (Chapter 3, Title 47, Idaho Code); and to the extent they do not conflict with or are superseded by the Conservation Act: the Idaho Administrative Procedure Act (Chapter 52, title 67, Idaho Code); Idaho Rules of Administrative Procedure of the Attorney General (IDAPA 04.11.01); and the Rules Governing Conservation of Oil and Natural Gas in the State of Idaho (IDAPA 20.07.02).

A copy of the statutes are available at the Idaho Legislature's website: <https://legislature.idaho.gov/statutesrules/> and 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>.

All pleadings, responses, and other documents should be served on all parties and filed by mailing or e-mailing one copy to the presiding officer Jason S. Risch at:

Risch Pisca, PLLC
407 W. Jefferson
Boise, Idaho 83702
Email: courts@rischpisca.com

and by mailing or e-mailing one copy to the Commission secretary at:

Idaho Department of Lands
Attention Mick Thomas
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, ID 83720
Email: mthomas@idl.idaho.gov

All parties are expected to appear in person at the hearing unless exception is requested of the presiding officer. The Complainants are appearing *pro se*, without representation and the *Respondents* are appearing by and through their counsel of record Michael Christian of the law firm Marcus, Christian, Hardee & Davies, LLP.

Prior to the hearing the parties shall communicate and confer in a good faith effort to stipulate and agree to the items listed in the attached draft *Pretrial Stipulation* (Exhibit A). The stipulation shall be signed by all parties and filed no later than 5:00 PM September 21, 2018. In the event the parties cannot agree on every item proposed in the attached stipulation the parties shall notify the presiding officer of which items have been agreed upon and which have not by

the deadline stated above. Any unresolved pretrial issues will be resolved at the telephonic prehearing conference noticed herewith.

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 IDL by 5:00pm (MST) Thursday September 18, 2018.

Inquiries about scheduling, hearing facilities, etc. should be directed to Diane Griffin, Administrative Assistant, Idaho Department of Lands, 300 N. 6th Street, Suite 103, P.O. Box 83720, Boise, ID 83720; e-mail: dgriffin@idl.idaho.gov; phone: (208) 334-0285.

DATED this 13th day of September, 2018.

By: 

JASON S. RISCH, Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2018, I caused to be served a true and correct copy of the following items in the Docket No: CC-2017-OGR-01-002: *Notice of Hearing* by the method indicated below and addressed to the following:

AM Idaho, LLC
c/o Michael Christian
Marcus, Christian, Hardee & Davies, LLP
737 North 7th Street
Boise ID 83702-5595

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: mchristian@mch-lawyer.com

Randy and Thana Kauffman
4040 Little Willow Rd.
Payette ID 83661

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: [REDACTED]

Mick Thomas
Division Administrator
Idaho Department of Lands
PO Box 83720
Boise ID 83720-0050

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: mthomas@idl.idaho.gov

Kristina Fugate
Deputy Attorney General
PO Box 83720
Boise, Idaho 83720-0010

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: kristina.fugate@ag.idaho.gov



Corinne Prindle

BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

Randy and Thana Kauffman, *Complainants*,) Docket No. CC-2017-OGR-01-002
)
v.) **PRETRIAL STIPULATION**
)
AM Idaho, LLC and Alta Mesa Services, LP,)
Respondents.)
_____)

The *Complainant* and *Respondent* hereby stipulate and agree to the following in regard to the above captioned matter which will be called up for a hearing on October 18, 2018 as detailed in the *Notice of Hearing* previously issued:

1. Witness lists, prepared testimony, exhibit lists, and copies of the exhibits shall be filed on or before September 28, 2018. The parties shall provide exhibits, exhibit lists, witness lists, and prepared testimony to Commission and each other in electronic or CD format.

2. Stipulations may be filed prior to the hearing or entered orally on the record at the hearing. Stipulations filed prior to the hearing shall be filed by October 5, 2018.

3. Complainant shall identify exhibits with numbers (e.g., 1, 2, 3) and Respondent shall use letters (e.g., A, B, C).

4. No party has submitted a request for subpoena, and no subpoenas have been issued under IDAPA 04.11.01.525, or pursuant to I.C. § 47-329.

5. All Parties will be permitted to present evidence and testimony at the Hearing in response to pleadings that filed on December 7, 2017.

6. Pursuant to IDAPA, in conducting the Hearing, the Presiding officer(s) are not bound by the Idaho Rules of Evidence. Evidence will be admitted "to assist the parties' development of the record, not excluded to frustrate the development." (IDAPA 04.11.01.600). The Presiding

officer may exclude evidence that "is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho." (IDAPA 04.11.01.600). Notwithstanding the above pro se litigants are held to the same standards and rules as those represented by an attorney. (*Golay v. Loomis*, 118 Idaho 387, 392 (1990)).

7. The parties should be prepared to establish the proper foundation and relevance of witness testimony and documentary evidence presented at the Hearing, including the qualifications of persons testifying as to technical or scientific conclusions, and the basis of such technical or scientific conclusions.

8. Parties and witnesses will appear and testify at the hearing in person.

9. Parties introducing exhibits at the Hearing will provide at least ten (10) paper copies of said exhibits at the Hearing allowing one for the presiding officer, one for each Commissioner, one for the opposing party, one for the parties own reference, one for the Department, and another to be introduced in the record as the official Exhibit which will also be used for witness reference. In the event an exhibit is too lengthy, voluminous or detailed to be printed the parties will provide the same electronically in advance.

DATED This ___ day of September, 2018.

Marcus, Christian, Hardee & Davies, LLP
Attorneys for AM Idaho, LLC

By: _____
MICHAEL CHRISTIAN, of the firm

Randy and Thana Kauffman

By: _____
RANDY AND THANA KAUFFMAN

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of September, 2018, I caused to be served a true and correct copy of the following items in the Docket No: CC-2017-OGR-01-002: *Pretrial Stipulation* by the method indicated below and addressed to the following:

AM Idaho, LLC
c/o Michael Christian
Marcus, Christian, Hardee & Davies, LLP
737 North 7th Street
Boise ID 83702-5595

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: mchristian@mch-lawyer.com

Randy and Thana Kauffman
4040 Little Willow Rd.
Payette ID 83661

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: [REDACTED]

Mick Thomas
Secretary for the Commission and
Division Administrator
Idaho Department of Lands
PO Box 83720
Boise ID 83720-0050

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail
- Email: mthomas@idl.idaho.gov

Kristina Fugate
Deputy Attorney General
PO Box 83720
Boise, Idaho 83720-0010

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- Hand Delivery
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- Email: kristina.fugate@ag.idaho.gov