

BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

In the Matter of the Application of AM Idaho,)
LLC and Alta Mesa Services, LP to Establish a)
Spacing Unit and for Integration of All)
Uncommitted Owners in the Proposed Unit)
Consisting of the SE ¼ of Section 9, the SW ¼ of)
Section 10, the NW ¼ of Section 15, and the NE)
¼ of Section 16, Township 8 North, Range 5 West,)
Boise Meridian, Payette County, Idaho.)
AM Idaho, LLC and Alta Mesa Services, LP,)
Applicants.)

Docket No. CC-2016-OGR-01-004

FINAL ORDER

The Idaho Oil and Gas Conservation Commission (“Commission”) held a hearing at its meeting on Tuesday, April 23, 2019, to address the Commission’s compliance with the August 13, 2018 and February 1, 2019 Memorandum Decisions and Orders entered by the United States District Court for the District of Idaho in *Citizens Allied for Integrity and Accountability, Inc. et al., v. Schultz et al.*, Case No. 1:17-cv-00264-BLW (hereinafter “*CAIA v. Schultz*”).¹

The Memorandum Decisions and Orders in *CAIA v. Schultz* directed the Commission to: (1) vacate the Commission’s March 7, 2017 Final Order² spacing and integrating the above-captioned unit in Docket No. CC-2016-OGR-01-004; (2) vacate the Oil and Gas Division Administrator’s July 16, 2018 Findings of Fact, Conclusions of Law, and Order³ amending the

¹ *Citizens Allied for Integrity & Accountability, Inc. v. Schultz*, 335 F. Supp. 3d 1216 (D. Idaho 2018); *Citizens Allied for Integrity & Accountability, Inc. v. Schultz*, No. 1:17-CV-00264-BLW, 2019 WL 418406 (D. Idaho Feb. 1, 2019).

² The Director’s Amended Order and Withdrawal of January 17, 2017 Order was issued January 23, 2017 (“Director’s Amended Order”). After appeal by mineral owners Charlene Quade, Brittany and Cristian Sandoval, and Rachael Holtry, the Commission affirmed and adopted the Director’s Amended Order in its entirety and issued its March 7, 2017 Final Order.

³ In April 2018, AM Idaho, LLC and Alta Mesa Services, LP (“Applicants”) filed a petition to amend the 2017 Director’s Amended Order adopted by the Oil and Gas Commission. The Oil

March 7, 2017 Final Order in the same docket; (3) rescind any leases entered as a result of the March 7, 2017 Final Order and July 16, 2018 Administrator Order; and (4) “hold a new hearing that complies with due process by explaining the factors that will be considered when determining whether the terms and conditions of an integration order are ‘just and reasonable.’” *CAIA v. Schultz*, 335 F. Supp. 3d 1216, 1230 (D. Idaho 2018).

Prior to the Commission’s April 23, 2019 hearing, the Commission issued its March 27, 2019 Notice of Hearing to Vacate Order in Docket No. CC-2016-OGR-01-004. That notice allowed the parties to Docket No. CC-2016-OGR-01-004 to be heard regarding compliance with the Memorandum Decisions and Orders in *CAIA v. Schultz*. Specifically, the Commission allowed opportunity for motions and responses and asked for written comments on “the procedures and steps” it should take to determine the factors to be considered when determining compliance with the statutory requirement that “[e]ach such integration order shall be upon terms and conditions that are just and reasonable.” Idaho Code § 47-320(1).

The Commission received written comments from mineral interest owners within the unit, and from other persons that live outside the unit. The Commission also received a Motion to Enlarge Notice and Continue Hearing, filed by James Piotrowski on behalf of mineral interest owners Rachael Holtry and Charlene Quade. The motion asked the Commission to continue the hearing to a later date to allow for additional notice. The Applicant AM Idaho, LLC filed a response, arguing that the motion should be denied as speculative and that additional notice was not required.

and Gas Division Administrator (“Administrator”) issued his Findings of Fact, Conclusions of Law, and Order on July 16, 2018, which granted the Applicants’ petition to amend with certain modifications as explained in the July 16, 2018 Order.

At the Commission's April 23, 2019 hearing, the Commission allowed the parties and mineral interest owners in the above-captioned proceeding an opportunity to be heard regarding the Commission's compliance with the Memorandum Decisions and Orders in *CAIA v. Schultz*. The Commission also accepted public comment regarding the Commission's compliance with the Memorandum Decisions and Orders in *CAIA v. Schultz*. Following the opportunity for comment and argument, Commission unanimously voted to order the action below and issues this Final Order as its decision pursuant to Idaho Code § 67-5246(1) and IDAPA 04.11.01.740.

ORDER

Based on the Memorandum Decisions and Orders issued in *CAIA v. Schultz* and title 47, chapter 3, Idaho Code, the Commission:

- (1) vacates the Commission's March 7, 2017 Final Order spacing and integrating the above-captioned unit in Docket No. CC-2016-OGR-01-004;
- (2) vacates the Administrator's July 16, 2018 Findings of Fact, Conclusions of Law, and Order amending the March 7, 2017 Final Order in Docket No. CC-2016-OGR-01-004;
- (3) rescinds any leases entered as a result of the March 7, 2017 Final Order and July 16, 2018 Administrator Order;
- (4) remands the case to the Administrator for future proceedings consistent with the Commission's April 23, 2019 decision that identification of the factors the Administrator will consider in determining whether the terms of an integration order fulfill the "just and reasonable" requirement of Idaho Code § 47-320(1) are to be made by administrative order prior to the holding of an evidentiary hearing on the merits of the integration application required by Idaho Code § 47-328(3)(d); and

(5) directs the Administrator to make a ruling on the notice issues raised in Mr. Piotrowski's motion.


PROCEDURES AND REVIEW

This is the Commission's final order in this matter. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Commission will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5246(4).

Any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (1) a hearing was held; (2) the final agency action was taken; (3) the party seeking review of the order resides, or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency action is located. Idaho Code §§ 67-5270; 5272.

An appeal must be filed within twenty-eight (28) days of (a) the service date of this Final Order or (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. Idaho Code § 67-5274.

Dated this 29 day of April 2019.



Betty Coppersmith
Chairman
Idaho Oil and Gas Conservation Commission

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May 2019, I caused to be served a true and correct copy of *Final Order* by the method indicated below and addressed to the following:

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- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Carrie, Jay & Jolinda Stringer Family Trust
PO Box 160
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Superior Properties LLC
PO Box 2596
Eagle ID 83616

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Vincent & Dawn Talbott
1008 Jonathan St
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Richard Darren Torgersrud
655 Montgomery St #18
San Francisco CA 94111

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Guillermo Trujillo, III
2505 Applewood Ave
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Amanda Tschida
911 NW 24th St
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Brian Vanderoord
2729 Dogwood Ave
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Elisabeth Venegas
1006 Golden Ave
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Gina Villanueva
650 Syringa Springs Dr
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Kenneth & Rei Walston Family Trust
1011 Jonathan St
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Thomas & Carol Jo Weller Trust
PO Box 961
Payette ID 83661

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Harry & Linda Wightman
2600 Winesap Ave
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

RyWest Homes Inc
125 Beech St
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Carl Henderson et ux, Poppy Henderson
8399 Washoe Rd
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Lowell Davis et ux Geraldine Davis
8407 Washoe Rd
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested

Carol Winger
1577 Tamarack St
Fruitland ID 83619

- U.S. Mail, postage prepaid
- Hand Delivery
- Certified mail, return receipt requested


Kourtney Romine
Kourtney Romine, Administrative Assistant