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IDAPA 20
TITLE 07
CHAPTER 01

20.07.01 - RULES OF PRACTICE AND PROCEDURE BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

000. (RESERVED)

001. TITLE AND SCOPE.
These rules shall be known and designated as the "Rules of Practice and Procedure before the Idaho Oil and Gas Conservation Commission" and shall apply in all proceedings before said Commission relating to the conservation of oil and gas, and in the administration by said Commission of the Oil and Gas Conservation Laws of the state of Idaho and the rules adopted by this Commission thereunder. (10-21-92)

002. -- 019. (RESERVED)

020. COMMENCEMENT OF PROCEEDINGS.
All proceedings shall commence with the filing of six (6) copies of a verified application or complaint to the director as secretary of the Commission, and the payment to the director of a filing fee of fifty dollars ($50). (10-21-92)

021. -- 029. (RESERVED)

030. DOCKET AND COPIES.
When a proceeding is instituted, the director of the Commission shall assign it a number and enter the proceedings, with the date of its filing, on a separate page of a docket provided for such purpose. Thereafter, six (6) copies of all pleadings offered in the same proceeding shall be filed and shall bear the docket number so assigned and be noted with the date of filing upon such docket page or a continuation thereof. (10-21-92)

031. -- 039. (RESERVED)

040. ADDITIONAL COPIES.
The director may, at any time, require a party to furnish such additional copies of any pleading filed by it as may be deemed necessary. (10-21-92)

041. -- 049. (RESERVED)

050. NOTICE OF COMPLAINTS AND APPLICATIONS.
The manner and time for giving notice of complaints and applications, and the time and place for hearings shall be in accordance with the provisions of the Oil and Gas Conservation Laws of the state of Idaho, provided, however, the Commission may, in any proceeding, give such additional notice(s) as it deems necessary or proper under the circumstances. (10-21-92)

051. -- 059. (RESERVED)

060. PLEADINGS REQUIRED AND RIGHT TO BE HEARD.
Except as provided in Section 001, it shall not be necessary in any proceeding that any pleading other than the original complaint or application be filed by any interested party in order that a hearing may be held, and any interested person shall be entitled to be heard at any hearing without the necessity of filing any pleading or entering any appearance in the proceeding prior to the day of hearing. Persons desiring to contest any application may, without being required to do so, file with the Commission notice of such opposition including the reasons therefor. (10-21-92)

061. -- 069. (RESERVED)

070. ATTORNEYS.
Any person appearing before the Commission or its examiners in a representative capacity shall be precluded from examining or cross-examining any witness in any hearing unless such person shall be an attorney licensed to practice

law in the state of Idaho or a nonresident attorney associated with an Idaho attorney. (10-21-92)

071. -- 079. (RESERVED)

080. SUBPOENAS.
The director shall have the power to and shall issue subpoenas requiring attendance of witnesses and the production of books, papers, and other instruments to the same extent and in the same manner and in accordance with the procedure provided in the Rules of Civil Procedure of the State of Idaho. (10-21-92)

081. -- 089. (RESERVED)

090. DEPOSITIONS.
Depositions may be taken by parties to a proceeding and used before the Commission in the same manner and under the same conditions prescribed in the Rules of Civil Procedure of the State of Idaho relating to the taking and use of depositions in the courts of this state. (10-21-92)

091. -- 099. (RESERVED)

100. OIL AND GAS CONSERVATION LAWS.
The Commission adopts the rules of practices and procedure contained in the Rules of Civil Procedure of the State of Idaho insofar as the same may be applicable and not inconsistent with the Oil and Gas Conservation Laws of the State of Idaho and the rules promulgated by the Commission under the authority of said laws. (10-21-92)

101. -- 109. (RESERVED)

110. PETITION TO PROMULGATE, AMEND, OR REPEAL RULES.
Any interested person may petition the Commission for the promulgation, amendment, or repeal of any rule by filing a written petition with the director pursuant to Section 67-5206, Idaho Code. Upon receiving such a petition, the director shall submit it to the Commission for consideration. The Commission, as soon as practicable, shall either (1) deny the petition in writing (stating its reasons for the denial) or (2) initiate rulemaking proceedings pursuant to the appropriate provisions of the laws of the state of Idaho. (10-21-92)

111. -- 119. (RESERVED)

120. APPOINTMENT OF HEARING OFFICERS.
The Commission may appoint one (1) or more hearing officers in accordance with the laws of the state of Idaho to conduct hearings in accordance therewith. (10-21-92)

121. -- 129. (RESERVED)

130. HEARINGS BEFORE THE COMMISSION.
The following matters and proceedings shall in all cases initially be set for hearing before the Commission. (10-21-92)

01. Discretionary. Matters which the Commission or the director, in their discretion, believes should be heard by the Commission. (10-21-92)

02. Applicant Request. Matters in which the application or motion pursuant to which the hearing is held specifically requests that the hearing be held before the Commission. (10-21-92)

03. Commission Motion. Proceedings initiated on the motion of the Commission for the enforcement of any rule, regulation, order, or statutory provision (10-21-92)

04. Rule Proceedings. Proceedings held for the purpose of considering the amending, removing, or adding of a statewide rule. (10-21-92)

131. -- 139. (RESERVED)

140. HEARINGS BEFORE A HEARING OFFICER.
Except as provided in Section 130, all matters and proceedings for which a hearing is required may initially be set for public hearing before a hearing officer. If, after a matter or proceeding has been set for hearing before a hearing officer, a party who may be affected by an order of the Commission in the matter or proceeding shall file with the Commission more than three (3) days prior to the date set for the hearing on the matter or proceeding, a written objection to hearing of such matter or proceeding before an examiner and a request for a hearing before the Commission, the hearing officer shall, at the time and place specified in the notice of such hearing, enter an order continuing the hearing to a day certain, and setting the matter or proceeding for hearing before the Commission. If notice of the hearing to be held before the hearing officer has been given as required by law, no new notice shall be necessary, but the Commission may give an additional notice of the continuance of the hearing that it deems necessary or proper under the circumstances. (10-21-92)

01. Informal Hearings. Hearings before hearing officers shall be conducted informally. Oral statements may be made and/or questions asked by any interested party or by the hearing officer, but no transcript shall be made thereof. The record of such a hearing shall consist solely of the appearances of interested parties and the verified application and any exhibits, pleadings, written statements, or other documentary evidence submitted by the interested parties. (10-21-92)

02. Recommended Action. Upon conclusion of a hearing before a hearing officer, the hearing officer shall advise the interested parties of the action which will be recommended to the Commission. Such recommendation may be for the granting of the application, in whole or in part, for the denial thereof, or for an order setting the matter for rehearing before the full Commission by filing a written request therefor within three (3) days after the conclusion of the hearing. (10-21-92)

141. -- 149. (RESERVED)

150. REHEARING BEFORE THE COMMISSION.
If a request for hearing has been timely filed by any interested party, if rehearing is recommended by an hearing officer, or if the Commission is of the opinion that an order should not be entered as recommended by the hearing officer, the Commission shall order a rehearing of the matter. Such rehearing shall be conducted as a de novo proceeding in the same manner as other hearings before the Commission. (10-21-92)

151. -- 159. (RESERVED)

160. RECORD OF HEARINGS BEFORE A HEARING OFFICER.
Promptly after the conclusion of any hearing conducted by a hearing officer, the hearing officer shall certify the record of the hearing to the Commission and make his report and recommendations for the disposition of the matter or proceedings by the Commission. The Commission shall consider the report and recommendations of the hearing officer and the record of the hearing and shall enter its order within thirty (30) days after the conclusion of the hearing. (10-21-92)

161. -- 169. (RESERVED)

170. OPERATIONS ADMINISTRATIVELY APPROVED -- NOTICE.
In all cases in which the applicant requests approval of an operation which under the statutes or rules of the Commission may be approved by the director as an administrative matter, the applicant shall file his application therefor as provided in Section 020. The application shall set forth all material facts involved including any specific information required by the rule or statute authorizing administrative approval of the operation. In addition to any other notice required by the statute or these rules, the applicant shall notify those owners as defined by the Idaho Conservation Law of lands within one-half (1/2) mile from the well(s) in which such operation is to be undertaken. In the event the application is for an exception to the well location requirements of a Commission order establishing drilling and spacing units, then the applicant shall, in addition to any other notice required by statute, give the notice required by Section 47-321(d), Idaho Code, and any amendments thereto. The notice to be given by applicant shall be by mail (registered or certified where so required by statute or by these rules) and shall set forth the nature of the application and the lands thereby affected. Proof of the mailing of such notice shall be by affidavit, which shall contain a list of names and addresses of all parties given notice by applicant, and such affidavit must be filed with the

director before any action is taken on the application. The operation proposed in the application shall be approved by the director administratively and without hearing unless: (10-21-92)

01. **Applicant Request**. The applicant requests a hearing. (10-21-92)

02. **Written Objection**. A written objection to the application by a person entitled under these rules or by statute to receive notice by mail of the filing of the application, is filed with the director within fifteen (15) days after the required mailing is shown to have been made. Provided that, if all such persons otherwise entitled to notice by mail of the filing thereof, said director may immediately approve the application without awaiting the expiration of said fifteen (15) day period if none of the contingencies specified in Section 170 have occurred. (10-21-92)

03. **Director's Discretion**. The director, in his discretion, is of the opinion that a hearing is necessary or desirable. (10-21-92)

04. **Disapproval of Application**. The director determines that the application should be disapproved. (10-21-92)

05. **Notice of Denial**. If the application is not approved, the director shall promptly advise the applicant and state the reasons therefor. (10-21-92)

06. **Notice of Hearing**. If any such written objections to such application are properly filed, as above provided, or if the director determines that a hearing is necessary or desirable or, if the applicant requests a hearing, the application shall be set for hearing and notice of the time, place, and purpose of the hearing shall be given by the director to the applicant and all owners to whom the applicant gave notice of the filing of the application at least ten (10) days before the date of such hearing. Such notice shall be by registered or certified mail with return receipt requested. (10-21-92)

171. -- 999. **(RESERVED)**

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