

Idaho

I. Administration

1. Agency regulating oil and gas exploration/production: Idaho Department of Lands (IDL), Idaho Oil and Gas Conservation Commission.
2. Contact for regulatory updates: James Thum, Oil and Gas Division Program Manager, 208-334-0243, Idaho Department of Lands, 300 N. 6th St., Suite 103, Boise, Idaho 83702
Contact for leasing updates: Mike Murphy, Minerals Leasing Program Manager, 208-334-0290, Idaho Department of Lands, 300 N. 6th St., Suite 103, Boise, Idaho 83702
3. Docketing procedure: The Department will assign a docket number and enter the proceedings when a proceeding is initiated.
 - a. Emergency orders: Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.
 - b. Notice: Varies based on the proceeding. Notice requirements are found in applicable statutes and rules, including title 47, chapter 3, Idaho Code and the Rules Governing Conservation of Oil and Natural Gas in the State of Idaho (IDAPA 20.07.02)
4. Agency regulating air emissions: Idaho Department of Environmental Quality
5. Agency regulating water quality: Idaho Department of Environmental Quality

II. License

1. License required: N/A
2. Conditions of license: N/A

III. Bond/Surety

1. Purpose of surety: Generally for regulatory compliance, well plugging, surface reclamation, IDAPA 20.07.02.220. Geophysical operations, IDAPA 20.07.02.100.03. Surface use bond, Idaho Code § 47-334. Inactive well bonds, IDAPA 20.07.02.220.03; Additional bonding for sufficient reason, IDAPA 20.07.02.220.04.
2. Plugging and restoration: Both are required. IDAPA 20.07.02.220.01
3. Compliance bond required: Yes

4. Types of surety accepted: Cash or surety bond. IDAPA 20.07.02.220.05.
5. Conditions of bond:
 - a. Amount per well: Not less than \$10,000 plus \$1 per foot. IDAPA 20.07.02.220.
 - b. Amount of blanket bond: Up to ten (10) wells, fifty thousand dollars (\$50,000); Eleven (11) to thirty (30) wells, one hundred thousand dollars (\$100,000); More than thirty (30) wells, one hundred fifty thousand dollars (\$150,000). IDAPA 20.07.02.220

IV. Land Leasing Information

1. Leasing method: Cash bonus bidding at oral auction, online auction, or other method of competitive bidding authorized by the Board. IDAPA 20.03.16.022.01.
2. Notice method: A notice of lease auction shall be published at least once per week for the four consecutive weeks prior to the date of auction in a newspaper of general circulation in the county in which the nominated lease is located and in a newspaper in general circulation in Ada County. Also, the Idaho Department of Lands shall provide specific, related information on its website. IDAPA 20.03.16.022.06.
3. Minimum bidding \$ (per acre): The minimum successful bid is that of the nominator, after paying the \$250.00 nomination fee, who would then owe the first year's annual rental of \$3.00 per acre with a minimum of \$250 per lease. At auction, the minimum bid increment is \$1.00. IDAPA 20.03.16.022.07.
4. Qualification of the bidder: Any "person" as defined under IDAPA 20.03.16.010.16, who is also a qualified applicant and lessee under IDAPA 20.03.16.020.
5. State statutes: Title 47, Chapter 8, Idaho Code
6. Maximum acres: 640 or one section, unless otherwise determined by the Director. IDAPA 20.03.16.010.19.c. and IDAPA 20.03.16.022.03.
7. Royalty rates: No less than 12.5% of oil and/or gas or natural gas plant liquids produced and saved.
8. Agency in control of leasing: Idaho Department of Lands

V. Setbacks

1. What rules/regulations/policies does your jurisdiction have in regard to well setbacks from private residences and/or other habitable structures for use by humans or animals? Wells cannot be constructed within 300 feet from an existing occupied structure, but that setback may be decreased to not less than 100 feet from an existing occupied structure with the express written permission from the structure's owner. Idaho Code § 47-319.
2. Are there other sources of information on this matter that you could identify?
 - a. County Ordinances
 - i. Gem County Code Title 11 (proposed 2016) - Section 8 Part C, No. 1: 1000 feet from residences and/or 100 year flood plain, 2000 feet from schools and hospitals, 200 feet from the property line of any property containing a residence.
 - ii. Payette County Ordinance Chapter 20, Section 8-20-7, Part C, No. 1: minimum 200 foot setback from "the mineral interest owner" and the property line.
 - iii. Valley County Ordinance Chapter 12, Section 9-12-7, Part C, No. 1: defers to setbacks in Idaho Code § 47-3 and IDAPA 20.07.02 or a minimum of 200 feet from the property line.
 - iv. Washington County Chapter 19, Section 5-19-5-7, Part A : minimum 500 foot setback from occupied structures.
 - b. City / Local Ordinances
 - i. City of Eagle Ordinance No. 792, Site Design and Installation, Section c. Setbacks / Location (2018) – wells, tank batteries, gas processing facilities minimum of ½ mile (2640 feet) from the property line of an occupied structure, place of worship/assembly, medical facility/hospital, school, domestic water well, canal, ditch, natural or ordinary high water mark of surface waters; minimum ¼ mile (1320 feet) from a highway. No construction allowed within the FEMA special flood hazard area. Exceptions of not less than ¼ mile may be granted by express written permission of the owner of the occupied structure or domestic water well.
 - ii. City of Fruitland Chapter 19 Oil and Gas Operations, 10-19-7: Site Design and Installation: Section C. Setbacks / Location (2018) – oil and gas wells minimum of 1200 feet from the nearest property line of an existing occupied structure, church, school, hospital/medical facility, or place of assembly, domestic water well, canal, ditch or natural or ordinary high-water mark of surface waters; minimum 800 feet from a highway. No construction allowed within the FEMA special flood hazard area. Exceptions of not less than 100 feet may be granted by express written permission of the owner of the occupied structure or domestic water well.

iii. City of Payette Chapter 17.90 Oil and Gas Operations, Section 17.90.070: Site Design and Installation, B. Setbacks (2014):

1. No oil or gas facility shall be permitted within a 100-year floodplain as mapped and designated by the federal emergency management agency (FEMA).
 2. Setbacks shall not apply to roads used solely for the purpose of accessing oil or gas facilities.
 3. Setbacks shall be measured from the center of roads and from the seasonal high water mark of watercourses, or the outer boundary of the affected surface water feature.
 4. No oil or gas facility shall be permitted within the following distances of the following geographic features and structures:
 - a. Inhabited dwelling: Six hundred fifty feet (650');
 - b. Structure used as a place of assembly, school or institution: One thousand feet (1,000');
 - c. Nonresidential structure: Two hundred feet (200');
 - d. Any state, federal or city publicly dedicated road or highway: Two hundred feet (200');
 - e. Surface water features: Three hundred feet (300');
 - f. Existing water well permitted by the state engineer and used by less than five (5) households: Two hundred feet (200');
 - g. Existing water well permitted by the state engineer used by five (5) or more households: One thousand feet (1,000');
 - h. Within a designated cultural, historic or archaeological resource as recommended according to the applicable surface management agency (e.g., SHPO). The city council has the discretion to permit deviation from the prescribed setbacks based on the operator's demonstrated ability to protect and/or mitigate the impacts on the foregoing features, and with the written agreement of the surface property owner or tenant, or, where applicable, the adjacent surface property owner or tenant, or, where applicable, the adjacent surface property owner or tenant, and/or the appropriate surface management agency.
- iv. City of Wilder, Ordinance No. 602, Title 9 Chapter 17 Gas and Oil Operations, Section 9-17-7: Site Design and Installation, Section C. Setbacks/Location – minimum 200 feet from the residence of the mineral interest owner and 200 feet from the property line; unless expressly agreed upon by all affected parties including adjacent landowners affected by the reduced setback.

VI. Spacing

1. Spacing requirements: Idaho Code §§ 47-317, 47-318. In the absence of an order otherwise, the following applies:

- a. Density: Oil well state-wide spacing is one well per 40 acre governmental quarter-quarter section. Gas well state-wide spacing is one well per 160 governmental quarter section or 640 acre governmental section. Idaho Code § 47-317.
 - b. Lineal: Vertical oil and gas wells have a 990-foot minimum separation. Horizontal wells have a 1,320-foot minimum setback from other wells completed in the same formation. Idaho Code § 47-317.
2. Exceptions: Idaho Code § 47-318
- a. Basis: Discretion of the Department based on presentation of good cause by applicant.
 - b. Approval: Application to be filed with Department.

VII. Pooling

- 1. Authority to establish voluntary: Idaho Code § 47-320.
- 2. Authority to establish compulsory: Idaho Code § 47-320.

VIII. Unitization

- 1. Compulsory unitization of all or part of a pool or common source of supply: Idaho Code § 47-321.
- 2. Minimum percentage of voluntary agreement before approval of compulsory unitization:
 - a. Working interest: A unit operations plan must be signed and approved in writing by owners who will be required to pay at least 67% of the costs of the unit operation and signed and approved in writing by the working interest owners of at least 67% of the production of the unit operations.
 - b. Royalty interest: N/A

IX. Drilling Permit

- 1. Permits required for: Idaho Code § 47-316(3)
 - a. Drilling a producing or service well: Yes
 - b. Seismic drilling: Yes

- c. Recompletion: Yes, in a different source of supply. IDAPA 20.07.02.200; otherwise sundry notice and Well Completion / Recompletion Report within 30 days. IDAPA 20.07.02.340.
 - d. Plugging and abandoning: Yes, if not completed within one (1) year from issuance of permit to drill. IDAPA 20.07.02.502.
2. Permit fee: Idaho Code § 47-316(3)
- a. Drilling: \$2,000
 - b. Seismic drilling: \$800 to \$2500 (Depending on type and scope)
 - c. Recompletion: \$500 to deepen, \$1,000 to treat or fracture, \$1,000 to a new source of supply.
 - d. Plugging and abandoning: \$500
3. Require filing report of work performed: Yes; within 30 days of completion of work.
4. Sundry notices used: Yes

X. Vertical Deviation

1. Regulation requirement: IDAPA 20.07.02.330
- a. When is a directional survey necessary: If well deviates unreasonably from vertical. Bottom-hole location survey required for all holes.
 - b. Filing of survey required: Yes
 - c. Format of filing: Digital and paper.

XI. Casing and Tubing

1. Minimum amount required:
- a. Surface casing: 10% of total depth or, if pressures and formations are unknown, 200 feet. Must be seated through a sufficient series of lithologic units of low permeability and competency such as claystone, siltstone, basalt, etc., to insure a solid anchor for blow out prevention equipment and to protect usable ground water from contamination. IDAPA 20.07.02.310.
 - b. Production casing: At least 100 feet of overlap in next larger casing required. IDAPA 20.07.02.330.08

2. Minimum amount of cement required:
 - a. Surface casing: Cement to surface.
 - b. Production casing: Depends on conditions and casing program design, API SPEC 10A must be followed.
 - c. Setting time: API SPEC 10A must be followed.
3. Tubing requirements:
 - a. Oil wells: API SPEC 5CT must be followed.
 - b. Gas wells: API SPEC 5CT must be followed.

XII. Hydraulic Fracturing

1. Permitting:
 - a. Before drilling: Submit an application as per IDAPA 20.07.02.210 and 211 if well treatment or fracturing is anticipated.
 - b. Before fracing: Submit an application as per IDAPA 20.07.02.210 and 211.
 - c. How long before: IDL will approve or deny the application in a timely and efficient manner. Idaho Code § 47-316(e)
2. Reporting requirements: Post treatment reporting is required as listed in IDAPA 20.07.02.210.06 and 211.05.
 - a. Where reported: To IDL, FracFocus
 - b. When reported: Within 30 days of well treatment
3. Source water requirements: Source must be identified, or type of base fluid. IDAPA 20.07.02.210
4. Mechanical integrity: Yes, per guidelines under IDAPA 20.07.02.320.
 - a. Cementing log required: Yes per IDAPA 20.07.02.341.03.
 - b. Pressure testing: See guidelines under IDAPA 20.07.02.320.
 - c. Pressure monitoring: Yes
 - d. Blowout preventer required: N/A
5. Disposal of flowback fluids:

- a. Retaining pits: Method and timeline for fluid disposal must be in application, and post-treatment reporting requires verification of disposal. Application must also include size and design of storage pits.
 - b. Tanks: Method and timeline for fluid disposal must be in application, and post-treatment reporting requires verification of disposal. Temporary storage or evaporation can be permitted.
 - c. Approved discharge to surface water: No.
 - d. Underground injection: No, Class II injection wells are currently not allowed in Idaho.
6. Chemical disclosure requirement:
- a. Mandatory: Yes
 - b. Where disclosed: In application and report to fracfocus.org
 - c. When disclosed (pre-fracing, post-fracing, both): Both
 - d. Time limit to disclose: 30 days after treatment
 - e. Information required to be disclosed: For well treatments generally: Additives, meaning any substance or any combination of substances including proppant, having a specified purpose that is combined with base treatment fluid by trade name, if available, and MSDS for each additive; Type of proppant(s); Anticipated percentages by volume and total volumes of base treatment fluid, individual additives, and proppant(s);

For hydraulic fracturing specifically: IDAPA 20.07.02.211.
 - f. Trade secret protection: Title 74, chapter 1, Idaho Code.
 - g. Required disclosure to health/emergency personnel: Yes

XIII. Underground Injection

- 1. Agencies that control the underground injection of fluid by well class: Idaho Department of Water Resources.

XIV. Completion

- 1. Completion report required: Yes. Idaho Code § 47-324, IDAPA 20.07.02.340.
 - a. Time limit: 30 days after completion.

- b. Where submitted: IDL
- 2. Well logs required to be filed: Yes. Idaho Code § 47-324, IDAPA 20.07.02.341.
 - a. Time limit: 30 days after being run.
 - b. Where submitted: IDL
 - c. Confidential time period: 180 days after log is run; an additional 6 months can be requested by operator and granted at discretion of IDL. Idaho Code § 47-327.
 - d. Available for public use: Yes, after confidential time period expires.
 - e. Log catalog available: IDL O&G website, both PDF and LAS copies if available.
- 3. Multiple completion regulation:
 - a. Approval obtained: Yes. IDAPA 20.07.02.201.
- 4. Commingling in well bore:
 - a. Approval obtained: Yes, upon approval by IDL. Idaho Code § 47-323, IDAPA 20.07.02.201.04.

XV. Oil Production

- 1. Definition of an oil well: IDAPA 20.07.02.010.33: Any well capable of primarily producing oil in paying quantities, but not a gas well.
- 2. Potential tests required:
 - a. Time interval: Within 30 days following the completion or recompletion of each well producing oil and gas. IDAPA 20.07.02.340. Thereafter for a twenty-four (24) hour period every six (6) months. Idaho Code § 47-324(3).
 - b. Witness required: No
- 3. Maximum gas-oil ratio: Ratio must be less than 5,000:1 for an oil well, but Commission can by order set a field-specific ratio. IDAPA 20.07.02.403.
 - a. Provision for limiting gas-oil ratio: Inefficient ratios that lead to waste are prohibited, but that ratio is not defined.
 - b. Exception to limiting gas-oil ratio: No

4. Bottom-hole pressure test reports required: Idaho Code § 47-324(3)
 - a. Periodical bottom-hole pressure surveys: Every six months.
5. Commingling oil in common facilities: Idaho Code § 47-323.
6. Measurement involving meters: Yes, or by tank levels. Corrections for impurities, temperature, and specific gravity are required. IDAPA 20.07.02.401.
7. Production reports: Idaho Code § 47-324.
 - a. By lease: No.
 - b. By well: Yes, filed monthly.
 - c. Time limit: Reports must be filed before the fifteenth day of the second calendar month following the month of production.

XVI. Gas Production

1. Definition of a gas well: IDAPA 20.07.02.010.24:
 - a. A well which produces primarily natural gas;
 - b. Any well capable of producing gas in commercial quantities and also producing oil from the same common source of supply but not in commercial quantities; or
 - c. Any well classed as a gas well by the Commission for any reason.
2. Pressure base ____ 14.73 ____ psia @ ____ 60 ____ degrees F.
3. Initial potential tests:
 - d. Time interval: Within 30 days following the completion or recompletion of each well producing oil and gas. IDAPA 20.07.02.340. Thereafter for a twenty-four (24) hour period every six (6) months. Idaho Code § 47-324(3).
 - a. Witness required: No.
4. Bottom-hole pressure test reports required: Idaho Code § 47-324(3)
 - a. Periodical bottom-hole pressure surveys: Every six months.
5. Commingling of gas in common facilities: Idaho Code § 47-323.
6. Measurement involving meters: Yes. IDAPA 20.07.02.402.01.

7. Production reports: Idaho Code § 47-324.

- a. By lease: No.
- b. By well: Yes, filed monthly.
- c. Time limit: Reports must be filed before the fifteenth day of the second calendar month following the month of production.