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Subject: Case No 2023-OGR-01-001
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Attachments: [Brief in Support of Continuance.pdf](#)

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Ms. Romine,

Attached for filing in the above-referenced Case is the Brief of Certain Non-Consenting Owners in Support of the Motion for Continuance previously filed by Kahle Becker on behalf of certain other non-consenting owners.

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BEFORE THE IDAHO DEPARTMENT OF LANDS

In the matter of the Application of Snake)	
River Oil and Gas, LLC to Integrate a)	Case No. CC-2023-OGR-01-001
Spacing Unit Consisting of Section 24,)	
Township 8 North, Range 5 West, Boise)	BRIEF OF NON-CONSENTING
Meridian)	OWNERS IN SUPPORT OF
)	MOTION TO CONTINUE
)	
)	
_____)	

COME NOW Citizens Allied for Integrity and Accountability (CAIA),
Joey Ishida, Brenda Ishida, Juanita Lopez, Sarah Weatherspoon, David George, Jessica Ishida
Sanchez, Juan Sanchez Jr, Gary Hale, Ryan Gentry, Mark Vidlak, and Mary Ann Miller, by and
through counsel and hereby submit their brief in support of the motion to continue previously
submitted by Jordan and Dana Gross and Little Buddy Farm, LLC.

A continuance in this case is well justified by the facts, and good cause exists therefore.
As the Commission and Department are well aware, undersigned counsel has represented CAIA
and a number of non-consenting owners in integration proceedings similar to this one over the
last 6 years. Nonetheless, each integration application is unique, and the Commission has
recognized that unique nature by commanding, at its April 23, 2019 meeting that in each case the
factors relevant to determining just and reasonable terms shall be established anew so as to

reflect differences in circumstances. The suggestion by Snake River Oil and Gas that the Commission and its Administrator should simply reuse the same set of factors from prior cases is in direct derogation of this command by the Commission to its Administrator. Thus, each such proceeding must be treated as an independent one, with decisions tied to that particular set of circumstances. This case demonstrates the wisdom of that approach.

On Tuesday, February 21, 2023, undersigned counsel was informed that the eleven homeowners identified herein wished to challenge or object to the integration application with the assistance of counsel. It is impossible, in the timeframes provided by rule and order, for those 11 individuals to seek, obtain, and receive the benefit of legal counsel regarding their expensive and critically important property rights. For most such individuals, the property implicated in this proceeding is their home. To force such individuals to respond on a shortened timeframe, where there is absolutely no legitimate basis expressed by Snake River Oil and Gas or any other party to this proceeding to rush into the hearing process would violate due process rights, exceed the powers of the Commission, be arbitrary and capricious, and would violate the provisions of IDAPA and the regulations adopted thereunder relating to the conduct of such hearings.

Snake River Oil and Gas's objection to the motion to continue does not appear to be offered in good faith as Snake River could have filed earlier. Furthermore, Snake River presents no reason whatsoever to rush this matter to conclusion. A mere perusal of the application indicates that Snake River has spent what likely amounts to years engaging in seismic analysis, purchasing leases, and preparing its case and its application. Landowners who did not wish to lease to Snake River had no way to know when or if an application would ever be filed. Providing them and their counsel a reasonable period of time to prepare their submissions would

serve the interests of justice, and is required by principles of due process and fair administrative procedure.

The non-consenting owners identified herein join in the motion to continue.

Dated this 22nd day of February, 2023.

PIOTROWSKI DURAND, PLLC

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

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing document to be served on the parties indicated below, via electronic mail, this 22nd day of February, 2023.

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