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# Independent-Enterprise

## Drilling continues in Fruitland, despite lawsuit

- [by Corey Evan Independent-Enterprise](#)

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FRUITLAND — While the Fallon 1-10 gas well in Payette has mostly sat idle this year, with only cattle grazing outside of its fenced-off equipment, drilling activity continues just on the other side of the Payette River. Drilling by Snake River Oil and Gas Company’s crews continues on the planned Barlow 2-14 gas well in northeast Fruitland, even with an active lawsuit in progress against the Idaho Oil and Gas Conservation Commission.

The lawsuit was filed by Citizens Allied for Integrity and Accountability. As stated by Shelley Brock, president of Citizens Allied, she has already observed at least one person experienced related health effects from the project.

“We just know they have been making a lot of noise and I have at least 1 [Citizens Allied] member complaining about sore throat and sinus problems she thinks is related to the drilling of Barlow 2-14,” wrote Brock in an email to the newspaper Wednesday. “We know the wells put out toxic VOC’s [volatile organic compounds] while flaring and can impact people as far away as 2 miles, so it’s something that concerns us.”

Noteworthy is that Brock is employed through Saint Alphonsus Health System.

In their complaint as outlined attorney James Piotrowski, Citizens Allied alleges violations of property rights by the conservation commission and Snake River Oil and Gas. The suit specifically names Dustin Miller, director of the Idaho Department of Lands, Betty Coopersmith, Marc Shigeta, James Classen and Ray Hinchcliff, members of the conservation commission, as defendants. Shigeta is also a Payette County Commissioner.

“Plaintiff landowners bring suit to challenge a decision of the Idaho Oil and Gas Conservation Commission which approved the drilling of a well to extract natural gas and related products from their property and to allow a private corporation to drill for, capture and sell their valuable assets against their will, at prices they did not agree to, and without providing them adequate due process of law,” the lawsuit reads, in part. “The Idaho Oil and Gas Conservation Commission approved the drilling of a single well for a single pool of gas in a prior proceeding. Dissatisfied with this earlier deprivation of the Plaintiffs’ property rights, in 2021 the Commission and the Idaho Department of Lands approved a new deprivation of separate property against the same land owners, this time without even a false showing of due process. The approval of a second well, constitutes a new injury in that it initiates a second forced sale of Plaintiffs’ property against their wishes. All of this constitutes a violation of the rights of Idaho property owners to control the use and disposition of property they own, and to avoid such deprivation of rights without due process of law.”

In an Oct. 5 email conversation shared with the newspaper by Brock, Piotrowski said the experience felt like *deja vu*.

“We filed the lawsuit, but we don’t have a court order that says they cannot drill,” wrote Piotrowski. “There’s not enough here as a legal matter to get a preliminary injunction, which is what it would take to prevent the drilling. It’s clear that SROG decided to drill **DESPITE** the lawsuit. And there’s really nothing we can do about it. It’s a lousy situation, but the same one we faced in Fallon 1-10.”

However, according to Ysabel Bilbao, a representative speaking on behalf of Snake River Oil and Gas, the project remains legal to the best of her knowledge.

“All permits are in hand and all regulations have been followed. Based on veiled threats by [Citizens Allied], IDL engaged in extraordinary and extended hearing processes which clearly evidenced Snake River’s rights,” wrote Bilbao in an Oct. 14 email. “At the most recent hearing, the mineral owners [Citizens Allied] has encouraged and backed financially barely used the process that was provided. They had the opportunity to appeal the most recent order to the Idaho Oil and Gas Conservation Commission, and chose not to. All of this makes it clear their aim is not regulation, but to stop development entirely. Snake River will not bow to what it sees as harassment and wrongful interference in their ongoing business.”

Bilbao said that some neighbors have actually gone out of their way to be welcoming to crews working on the well.

“It should be noted that neighbors have regularly cooked meals for the drilling hands and invited them to their houses to eat.”

As far as safety goes, Bilbao said that the company is working to ensure the safety of all involved.

“We are in regular correspondence with all safety regulators and have annual meetings and updates with first responders. Two dozen wells have already been drilled in the area in recent years, and many have been productive and benefited mineral interest owners and the state, with no issues.”

Regarding royalty payments, she noted that most leases in Idaho and Oregon have a 1/8 royalty rate, and that prices per acre range from \$10 to \$100 based on risk level.