

BEFORE THE IDAHO DEPARTMENT OF LANDS

**In the Matter of Application of Snake River Oil)
and Gas, LLC, to Integrate the Spacing Unit)
Consisting of the SE¼ of Section 15, the E ½ of)
the SW¼ of Section 15, and the NE ¼ of Section)
22, Township 8 North, Range 5 West, Boise)
Meridian, Payette County, Idaho)
)
)
**SNAKE RIVER OIL AND GAS, LLC,)
Applicant.)
)
)
)
)****

Agency Docket No. CC-2025-OGR-01-005

**OBJECTION TO AND REQUEST FOR
DISMISSAL OF APPEAL AS
UNTIMELY**

Applicant Snake River Oil and Gas objects to the “Appeal of Administrator’s Order of Integration,” filed in this matter by unnamed “objecting, nonconsenting owners”¹ on February 16, 2026 and sent by email on that date to Applicant, the Administrator, and IDL staff.² The appeal is untimely. The objecting owners’ counsel received a copy of the Administrator’s order by email on January 28, 2026, and this was the “date of issuance” of the order pursuant to Idaho Code §47-328(4). The deadline to file an appeal was fourteen days from the date of issuance, or February 12,

¹ The appeal states only that it is filed on behalf of “objecting nonconsenting owners,” but does not identify which owners. Because only an owner who timely filed an objection or other response to an integration application may file an appeal (Idaho Code § 47-328(4)), the reference in the appeal can only mean the owners on whose behalf Mr. Piotrowski filed an objection to the application on October 30, 2025 (Julie Fugate, Darleen Walker, Sharon Harmon, Doris Craig, Larry Morris, Charlene Gomez, and John Sandquist). See IDL Docket No. CC-2025-01-005, at <https://ogcc.idaho.gov/hearing-archives/docket-no-cc-2025-ogr-01-005/>, filing 07.

² The appeal recites that it was also served by certified mail to the recipients on February 16, 2026 (see Appeal, p. 13), but February 16 was a federal holiday. The certified mailing label on the mailed copy, a copy of which is attached, reflects that it was actually mailed the next day, on February 17, 2026. Idaho Code §47-328(4) requires an appellant to “provide the administrator with proof of service of the appeal materials on other persons as required in this section.” The objecting owners do not appear to have provided copies of certified mailing receipts to the Administrator.

2016. Because no appeal was filed by that date, the Administrator’s order became the final order. The untimely appeal must be dismissed as a result.

Idaho Code §47-328 provides: “An appeal must be filed with the administrator within fourteen (14) days of the date of issuance of the administrator’s written decision. The date of issuance shall be three (3) days after the administrator deposits the decision in the U.S. mail, or the date on which he remits the decision electronically.” If no appeal is filed within the required time, “the decision of the administrator shall become the final order.” Idaho Code § 47-328(6).

Every “owner who timely filed an objection or other response” to the integration application, and thus was entitled to file an appeal pursuant to Idaho Code § 47-328(4), received the Administrator’s order by email on January 28, 2026. *See* Order for Integration, p. 15 (certificate of service indicating delivery of the order via email to all parties), available at https://ogcc.idaho.gov/wp-content/uploads/2026.01.28_OrderforIntegration-CC2025OGR01005.pdf. A copy of the email with the order to the parties who participated at the hearing, and others, is also attached hereto.³ Thus, January 28, 2026 was the “date of issuance” of the Administrator’s order.

Fourteen days after January 28, 2026 was Thursday, February 12, 2026. The fact that the objecting owners’ counsel also received an additional copy of the order by mail does not mean they were entitled to more than fourteen days from the date of issuance to file an appeal.⁴ No

³ The appeal omits these facts.

⁴ For the objecting owners’ position that the date of issuance of the Administrator’s order was three days after mailing to be correct, the relevant language in Idaho Code § 47-328(4) would have to say: “The date of issuance shall be three (3) days after the administrator deposits the decision in the mail, or the date on which he remits the decision electronically, *whichever is later*.” But the statute does not say this, and the extra words cannot be added. *See, e.g., City of Huetter v. Keene*, 150 Idaho 13, 15, 244 P.3d 157, 159 (2010) (“We cannot add by judicial interpretation words that are not found in the statute as written.”). As discussed further below, however, the appeal is untimely even if the appeal period were to run from three days after mailing of the order.

appeal having been filed by any qualified party by February 12, the Administrator's decision became the final order. The appeal is untimely.

Even if the objecting owners were correct that the appeal period started three days after the certified mailing of the Administrator's order, the appeal would still be untimely. As the objecting owners acknowledge, the end of that period was February 14, 2026. *See* Appeal, p. 2 ("Appeals are to be filed within 14 days, such period to commence three days after service. *As that date was February 14, 2026, a Saturday*, the time to appeal ran until the following Monday, February 16, 2026, which was a state and national holiday (President's Day), making the appeal deadline February 17, 2026."). However, the objecting owners cite no authority for the proposition that February 14, 2026 would not have been the appeal deadline because it was a Saturday (assuming solely for purposes of argument that the date of issuance of the Administrator's order was three days after copies were mailed).

In fact, the law is clear that it would have been the deadline. Idaho Code § 73-109 provides: "The time in which any act provided by law is to be done is computed by excluding the first day, and including the last unless the last is a holiday and then it is also excluded." Notably, Idaho Code § 73-109 does not say "weekend or holiday." It says only "holiday." Idaho Code § 73-108 provides that, among other dates, every Sunday and the third Monday in February are holidays. Saturdays, however, are not holidays under § 73-108.

The objecting owners were able to file the appeal with the Administrator by email, and could have done so on a Saturday. The Eagle, Idaho post office from which the certified mailings of the appeal were sent has operating hours on Saturdays. *See* <https://tools.usps.com/locations/details/1361588>. Nothing prevented the objecting owners

from filing and perfecting their appeal by February 14. Thus, even if they were not wrong about the date of issuance of the Administrator’s order, their appeal was still untimely.

The appeal filed on February 16 and mailed on February 17 is untimely and must be dismissed, without engaging its unsupported substantive allegations and arguments.⁵

DATED this 23rd day of February, 2026.

HARDEE, PIÑOL & KRACKE, PLLC



MICHAEL CHRISTIAN
Attorney for Applicant

⁵ It appears the Appeal also was not properly served and thus would not have been perfected even if it were not untimely. Idaho Code § 47-328(4) requires an appellant to “serve a copy of the appeal materials on any other person who participated in the proceedings, by certified mail, or by personal service.” One other owner, Shane DeForest, filed an objection to the application on October 14, 2025. *See* <https://ogcc.idaho.gov/wp-content/uploads/26-PC-W.BARLOW-PC0001.pdf>. He was not served with a copy of the appeal. While “participated in the proceedings” is not defined in §328(4), because any owner who filed a timely objection or other response to the application is entitled to appeal, logically the ability to respond to an appeal must be extended to the same group of people.

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 OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



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Retail



RDC 99

U.S. POSTAGE PAID
 FCM LG ENV
 EAGLE, ID 83616
 FEB 17, 2028



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Snake River Oil and Gas
 c/o Michael Christian
 Hardee, Pinol & Kracke, PLLC
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Order for Integration - OAH 25-320-OG-04 / IDL CC-2025-OGR-01-005

From Kourtney Romine <kromine@idl.idaho.gov>

Date Wed 1/28/2026 9:19 AM

To Filings <filings@oah.idaho.gov>; Scott Zanzig <scott.zanzig@oah.idaho.gov>; Elaine Maneck <elaine.maneck@oah.idaho.gov>; Mike Christian <mike@hpk.law>; 'James Piotrowski' <james@idunionlaw.com>; marty@idunionlaw.com <marty@idunionlaw.com>; ramblingman3143@gmail.com <ramblingman3143@gmail.com>; sjb@msbtlaw.com <sjb@msbtlaw.com>; sgrimes@fruitland.org <sgrimes@fruitland.org>; John Richards <jrichards@idl.idaho.gov>; Kayleen Richter <KRichter@idl.idaho.gov>; James Thum <jthum@idl.idaho.gov>; Kayla Dawson <kdawson@idl.idaho.gov>

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 1 attachment (13 MB)

2026.01.28_OrderforIntegration-CC2025OGR01005.pdf;

Good morning,

In the matter of Application for order to integrate unleased mineral interest owners in the spacing unit consisting of the SE ¼ of Section 15, the E ½ of the SW ¼ of Section 15, and the NE ¼ of Section 22, Township 8 North, Range 5 West, Payette County, Idaho; Snake River Oil & Gas LLC, Applicant; OAH Case No. 25-320-OG-04 / IDL Case No. CC-2025-OGR-01-005, please see attached *Order for Integration*.

Sincerely,

Kourtney Romine
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