

On February 23, 2026, Applicant Snake River Oil and Gas, LLC (“Applicant”) filed by email its OBJECTION TO AND REQUEST FOR DISMISSAL OF APPEAL AS UNTIMELY. On February 26, 2026, Applicant filed the APPLICANT’S RESPONSE TO APPEAL electronically, by email.

Pursuant to authority in Idaho Code § 47-328(1), the appeal from the Administrator’s Order was heard by the Oil and Gas Conservation Commission (“Commission”) at a special meeting on March 13, 2026. At the meeting, the Commission heard oral argument from James Piotrowski, counsel for the Objecting Owners, and from Michael Christian, counsel for Applicant. The Commission, by unanimous vote, denied the Appeal.

ANALYSIS

Idaho Code § 47-328 provides the specific procedure and timing requirements for an appeal from the Administrator’s decision on an application for integration. That process is as follows:

The administrator’s decision on an application or a request for an order may be appealed to the commission by the applicant or any owner who filed an objection or other response to the application within the time required. 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.

Idaho Code § 47-328(4). “If no appeal is filed with the commission within the required time, the decision of the administrator shall become the final order.” Idaho Code § 47-328(6). The Administrator’s Order provided the text of Idaho Code § 47-328(4), putting all parties on notice of the procedure and timeframe for any appeal. Administrator’s Order, p. 13.

Objecting Owners assert that a reasonable interpretation of the relevant language of Idaho Code § 47-328(4) is that the date of issuance of the Administrator’s Order was three days after the Administrator mailed the decision either through the U.S. mail or via email, such that the deadline for appeal of the emailed decision would also be February 14, 2026, a Saturday. Objecting Owners

then assert that because the deadline fell on a Saturday, it is excluded and the deadline became Tuesday, February 17, 2026 (because Monday, February 16 was a state and federal holiday).

Applicant responds that the statute unambiguously provides that the three-day extension applies if the issued decision is only served through U.S. mail. And that the date of issuance when the decision is emailed is “the date on which [the Administrator] remits [the] decision electronically.” Idaho Code §47-328(4). In this matter, the statutory deadline means that the date of issuance was Wednesday, January 28, 2026, and the deadline to file an appeal was fourteen days later, on Wednesday, February 11, 2026. Applicant argues that the statute clearly separates mailing of a decision from electronically remitting a decision, and that under a plain reading of the statute the three-day extension only applies to physically mailed decisions, not electronically delivered decisions.

The Commission agrees with Applicant’s reading of Idaho Code § 47-328(4). The statute plainly provides a procedure for delivery of an issued order by either of two methods – delivery by U.S. mail or electronic delivery. “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.” Idaho Code § 47-328(4) (emphases added). Typically, “the word ‘or’ should be given its normal disjunctive meaning, unless that meaning would result in absurdity or produce an unreasonable result.” *State v. Rivera*, 131 Idaho 8, 10-11, 951 P.2d 528, 530-31 (1998) (citing *Filer Mut. Telephone Co. v. Idaho State Tax Comm’n*, 76 Idaho 256, 261-62, 281 P.2d 478, 480-81 (1955)); *see also State v. Herren*, 157 Idaho 722, 726, 339 P.3d 1126, 1130 (2014) (analyzing the disjunctive use of “or” in statute). Here, the word “or” separating depositing in the U.S. mail and remitting electronically is disjunctive, meaning that it

is a conjunction used to introduce an alternative. Thus, the statute unmistakably provides that issuance of the Administrator's Order via U.S. mail occurred three days after it was put in the U.S. mail. Or, alternatively, issuance of the Administrator's Order occurred on the day it was remitted electronically.

The "date of issuance" of the Administrator's Order under a plain reading of Idaho Code § 47-328(4) was January 28, 2026, the date it was electronically remitted to the parties by email. Pursuant to § 47-328(4), the deadline to file an appeal from the Administrator's Order was fourteen days later on February 11, 2026. Because no appeal was filed by that date, pursuant to Idaho Code § 47-328(6), the Administrator's Order became the final order on the application for integration in this matter, and no appeal on the merits was possible after that date. Thus, the Appeal filed on February 16, 2026, is untimely. The merits of the Appeal cannot come before the Commission, and it must be dismissed.

ORDER

Based on the analysis above and the Commission's review of the record of issuance of the Administrator's Order by email on the parties and the filing of the appeal, the written submissions of the Objecting Owners and the Applicant, and oral argument taken by the Commission at the March 13, 2026 hearing, IT IS HEREBY ORDERED that:

1. The Objecting Owners' Appeal is DENIED and DISMISSED as untimely under Idaho Code § 47-328(4).
2. The ORDER FOR INTEGRATION in Docket No. CC-2025-OGR-01-005 became the final order on the application for integration by operation of law on February 12, 2026, no timely appeal having been filed by February 11, 2026, pursuant to Idaho Code § 47-328(6).

PROCEDURES FOR THIS FINAL ORDER

Pursuant to Idaho Code § 47-328(5), this Order “shall not be subject to any motion for reconsideration.” “Judicial review of actions taken by the commission are governed by the provisions of chapter 52, title 67, Idaho Code.” Idaho Code § 47-328(7). Any party aggrieved by this final order may appeal this final order to district court by filing a petition in the district court of the county in which: (1) a hearing was held, (2) the final agency action was taken, (3) the party seeking review of the order resides, or (4) the real property or personal property that was the subject of the agency action is located. Idaho Code §§ 67-5270 and 67-5272. A petition for judicial review must be filed within twenty-eight (28) days of the service date of this Order. Idaho Code § 67-5273(2). The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this 18 day of March, 2026.

IDAHO OIL AND GAS
CONSERVATION COMMISSION



RAY HINCHCLIFF, Chairman

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2026, I caused to be served a true and correct copy of the foregoing by the following method to:

Shannon Chollett
Administrator, Oil and Gas Program
IDAHO DEPARTMENT OF LANDS
PO Box 83720
Boise, ID 83720-00110

Email: schollett@idl.idaho.gov

Kayleen Richter
IDAHO DEPARTMENT OF LANDS
PO Box 83720
Boise ID 83720-0010
Counsel for IDL

Email: krichter@idl.idaho.gov

James Thum
Program Manager, Oil and Gas
IDAHO DEPARTMENT OF LANDS
PO Box 83720
Boise ID 83720-0050

Email: jthum@idl.idaho.gov

Kourtney Romine
IDAHO DEPARTMENT OF LANDS
PO Box 83720
Boise ID 83720-0050
IDL Workflow Coordinator

Email: kromine@idl.idaho.gov

James Piotrowski
Marty Durand
PIOTROWSKI DURAND, PLLC
P.O. Box 2864
Boise, ID 83701
(208) 331-9200
Counsel for Objectors

Email: james@idunionlaw.com
marty@idunionlaw.com

Michael Christian
HARDEE, PIÑOL & KRACKE, PLLC
1487 S. David Lane
Boise, ID 83705
Counsel for Applicant

☒ Email: mike@hpk.law



REBECCA WILLS
Office of the Attorney General, Legal Assistant