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Argus Observer

Parties react to denial of attorney fee recovery request

Brown: 'A wasteful lawsuit'

- [Corey Evan Argus Observer](#)
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PAYETTE COUNTY — The gas-fired conflict between officials at Eagle-based Citizens Allied for Integrity and Accountability and Snake River Oil and Gas stayed hot through the spring. A lawsuit filed in 2021 by Citizens Allied in the matter of the Barlow 2-14 gas site in Payette made its way to U.S. District Court Judge David Nye on March 20, with Nye ruling in favor of the Idaho Oil and Gas Conservation Commission and Snake River Oil and Gas.

The lawsuit alleged that the state violated its own rules by allowing Snake River Oil and Gas to proceed with drilling of two wells at the Barlow site, with a third well proposed, when originally only one well was approved according to Shelley Brock, president of Citizens Allied.

With this in mind, officials with the commission and Snake River Oil and Gas in turn filed a claim to recover more than \$224,000 in legal fees and other court costs. But on June 23, Nye denied this request to recover these fees.

Brock reached out to the Argus on Aug. 7 to share the organization's thoughts on the result of these court cases in a news release. The complaint was based on a 2016 integration order through which natural resources were drawn from beneath the homes of

mineral rights owners through the drilling of a single hydrocarbon well, according to Brock.

“Although the judge ultimately ruled that the statute of limitations had run out on CAIA’s complaint, the state’s allegation that our lawsuit was frivolous from the moment it was filed defies belief when you consider the State’s [attorney general] claims it required nearly 900 attorney hours to defeat that supposedly ‘frivolous’ case,” she wrote.

The release includes comments by James Piotrowski, attorney for Citizens Allied. He expressed disappointment in how he viewed state officials’ treatment of his client.

“The State of Idaho and the oil industry joined together to try to eliminate CAIA and punish its members, by claiming we brought a frivolous lawsuit,” wrote Piotrowski. “Fortunately, a well-respected Idaho judge agreed with us that CAIA does not bring frivolous lawsuits, and that in this case CAIA’s position had a reasonable basis in law and fact. The Oil and Gas Commission has demonstrated its opposition to public involvement in protecting Idaho from oil industry exploitation. The Commission and its lawyers chose once again to side with the oil industry instead of Idahoans.”

In a separate email to the newspaper on Wednesday, Richard Brown, co-owner of Snake River Oil and Gas, weighed in on the results of this ask.

“We knew that, because of the plaintiff-favoring rules around fee awards in Section 1983 cases, it was possible the judge would deny our motion, but we felt that the plaintiff’s case was so baseless that we considered it reasonable to request a fee award to recover the unnecessary amount of money we had to spend in legal fees,” wrote Brown. The State of Idaho also asked the courts for an award to recover its own losses in legal fees, unfortunately the State’s request was also denied. Ultimately this was a wasteful lawsuit that only created damages to community reinvestment and a waste of taxpayers’ money.”

In a separate email on Thursday, Sharla Arledge, public information officer for the Idaho Department of Lands, lamented that the cost of this lawsuit would be borne by taxpayers.

“Idaho’s Oil and Gas Conservation Commission was pleased the judge ruled in its favor with a summary judgement in a lawsuit brought by CAIA. The Commission had hoped CAIA would be held responsible for the cost of attorney fees in the lawsuit CAIA lost, thus repaying the citizens of Idaho for this expense. The judge did not allow for attorney fees so the citizens of Idaho will carry the expense of CAIA’s lost legal battle.”

Jennifer Riebe, a member of the commission, acknowledged that while citizens have the right to challenge the state of Idaho on matters like oil and gas, it’s still important that government officials do their due diligence in being responsible with taxpayer monies.

“Consequently, it seemed prudent to attempt to recover legal costs that are ultimately paid by the taxpayers. The fact that legal fees weren't awarded doesn't change the outcome or the strength of the decision.”

CLARIFICATION

The lawsuit alleged that the state violated its own rules by allowing Snake River Oil and Gas to proceed with drilling of two wells at the Barlow site, with a third well proposed, when originally only one well was approved according to Shelley Brock, president of Citizens Allied. A previous version of this article was unclear.