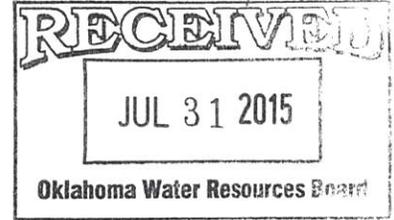


IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Legal



OKLAHOMA FARM BUREAU LEGAL)
FOUNDATION, et al.,)
)
 Petitioners,)
)
v.)
)
OKLAHOMA WATER RESOURCES BOARD,)
)
 Respondent,)
)
v.)
)
TISHOMINGO NATIONAL FISH)
HATCHERY, et al.,)
)
 Other Parties of Record.)

Case No. CV-2013-2414

District Judge Barbara Swinton

**CPASA’S REPLY IN SUPPORT OF ITS MOTION TO
STRIKE PETITIONERS’ BRIEF-IN-CHIEF**

Citizens for the Protection of the Arbuckle-Simpson Aquifer (“CPASA”) hereby reply in support of its Motion to Strike Petitioners’ Brief-In-Chief (Petitioners’ Brief). CPASA adopts and incorporates the authority and argument contained in numbered paragraphs 1 through 11 of the Oklahoma Water Resources Board’s (“OWRB’s”) Combined Response and Request for Leave of Court to Exceed Briefing Page Limit for Its Response Brief. Additionally, CPASA shows the Court as follows:

1. Petitioners’ outrageous assertion that its appeal is governed “exclusively by the OAPA” is directly contradicted by Petitioners’ own actions. For example, the Oklahoma Administrative Procedures Act (“OAPA”) does not require Certificates of Service to be included in all filings with this Court, yet Petitioners have included such a certificate in each of their filings. Similarly, the OAPA does not provide for a scheduling order, yet Petitioners willingly

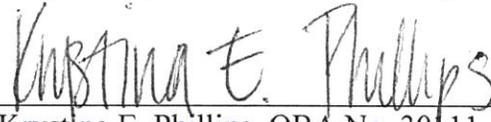
agreed to said order. Petitioners' claim that this action is not bound by District Court or Local Court rules is disingenuous, at best, in light of their previous adherence to the rules. Obviously, Petitioners only wish this Court to enforce its rules when it is advantageous to Petitioners.

2. Petitioners concede that the page limitation issue "probably should have been addressed at the Scheduling Conference, although no one raised the issue." Petitioners' Response at 2, ¶ 3. More accurately, *Petitioners* never raised the issue. CPASA had no need to raise the issue of page limitations because it always understood the District Court and Local Court rules to apply (*i.e.*, 20 pages for briefs-in-chief and 5 pages for reply briefs).

3. However, the scheduling conference was not the only opportunity for Petitioners to clarify the briefing limits. Petitioners could have contacted CPASA and OWRB prior to its filing deadline to request an agreed briefing limit. Such a request is common and CPASA would have readily cooperated in agreeing to page limitations for the brief-in-chief, answer briefs, and reply brief. Additionally, Petitioners could have filed a motion requesting permission to file an oversized brief.

4. This problem is *entirely* of Petitioners' making. They had ample opportunity to address the page limitation issue through various avenues, yet chose to file a brief more than twice the allowable length in defiance of this Court's Local Rules. In the interest of fairness, CPASA respectfully requests this Court allow Respondents file answer briefs of equal length to Petitioners' Brief-In-Chief and prohibit Petitioners from filing a reply. Additionally, CPASA requests this Court determine CPASA's motion without a hearing and without further delay and grant any and all other relief that the Court deems proper.

Respectfully submitted this 8th day of July, 2015.



Krystina E. Phillips, OBA No. 30111
Deanna L. Hartley, OBA No. 19272
INDIAN AND ENVIRONMENTAL LAW GROUP, PLLC
218 East 12th Street
Ada, Oklahoma 74820
Telephone: (580) 453-7051
Fax: (918) 398-0514

ATTORNEYS FOR CPASA

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of July, 2015, a true and correct copy of the foregoing instrument was deposited in the United States mail, to the following persons, postage prepaid, first class:

L. Mark Walker

Scott A. Butcher

CROWE & DUNLEVY

A Professional Corporation

Braniff Building

324 North Robinson Avenue, Suite 100

Oklahoma City, Oklahoma 73102

Michael C. Woffard

James R. Barnett

Michael Minnis

DOERNER, SAUNDERS, DANIEL &
ANDERSON, LLP

105 N. Hudson Ave., Suite 500

Oklahoma City, Oklahoma 73102-4805

Ms. Gloria L. Webb

Ed Webb, III, Esq.

1250 West Webb Road

Tishomingo, OK 73460

Robert Singletary

Sara Gibson

Jonathan Allen

Oklahoma Water Resources Board

3800 North Classen Boulevard

Oklahoma City, OK 73118

Mr. Joe S. Duncan

P.O. Box 45

Connerville, Oklahoma 74836

Tishomingo National Hatchery

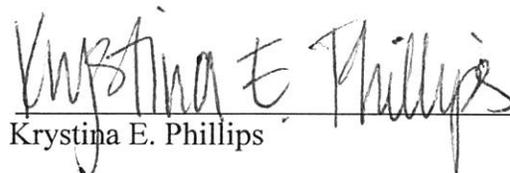
5501 OK Highway 7W

Tishomingo, OK 73460

Mr. Rogelio Trevino

932 West 10th Street

Sulphur, OK 73086



Krystina E. Phillips