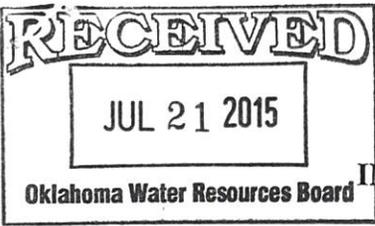


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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUL 20 2015

TIM RHODES
COURT CLERK

30

OKLAHOMA FARM BUREAU LEGAL
FOUNDATION, et al.

Petitioners,

v.

OKLAHOMA WATER RESOURCES BOARD,

Case No. CV-2013-2414

Respondent,

v.

TISHOMINGO NATIONAL FISH HATCHERY,
et al.,

Other Parties of Record.

**PETITIONERS' OBJECTION IN RESPONSE TO CPASA'S MOTION TO STRIKE
PETITIONERS' BRIEF-IN-CHIEF**

Petitioners Oklahoma Farm Bureau Legal Foundation, Pontotoc County Farm Bureau, Oklahoma Independent Petroleum Association, Environmental Federation of Oklahoma, Oklahoma Aggregates Association, Oklahoma Cattlemen's Association and TXI (collectively "Petitioners" hereinafter) hereby respond and object to CPASA's motion to strike. In support hereof, Petitioners show the Court as follows:

1. This action is an *appeal* of an Oklahoma Water Resources Board ("OWRB") final order brought pursuant to the Oklahoma Administrative Procedures Act ("OAPA"), 75 O.S. § 318. Such appeals are governed exclusively by the OAPA. *Conoco, Inc. v. State Dept. of Health*, 1982 OK 94, 651 P.2d 125, 128-129. There is nothing in the OAPA which sets a page limit on appeal briefs. A briefing schedule was specifically requested pursuant to 75 O.S. § 321.

2. Petitioners' Brief-in-Chief is *not* a Local Rule 37 motion, application, response or brief in support of a motion required by Rule 4 of the Rules for District Courts, therefore it is not subject to the page limitations discussed in Local Rule 37.

3. The number of pages to be allowed in the Brief-in-Chief, Responses and Replies is something which probably should have been addressed at the Scheduling Conference, although no one raised the issue.

4. Petitioners agree with CPASA that the issues presented herein are "of utmost importance" to all of the parties involved. For Petitioners, the OWRB is attempting to restrict the right of farmers, ranchers and landowners to one-tenth of the amount of groundwater that all other landowners in the state are permitted to use. Given the vital importance of water, the case had profound implications for the Petitioners and their members. Therefore, Petitioners submit that a brief of fifty pages in length is not unreasonable or excessive under the circumstances. Petitioners certainly have no objection to respondents filing briefs of equal length.

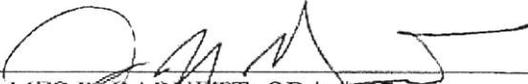
WHEREFORE, the above-premises considered, Petitioners submit that CPASA's motion to strike has no legal basis and, therefore, it should be denied.

Respectfully Submitted,


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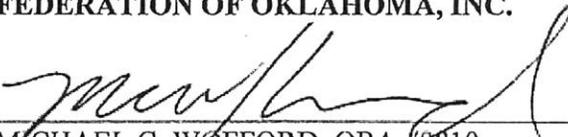
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2015, a true and correct copy of the above and foregoing was mailed, by depositing it in the U.S. Mail, postage prepaid to:

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