



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 19 2012

The Honorable Mary Fallin
Governor of Oklahoma
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

In February of this year, the Oklahoma Water Resources Board (OWRB) filed suit in the Oklahoma Supreme Court to adjudicate water rights in southeastern Oklahoma. The OWRB petition put at issue water rights held by the United States, including those held by the United States on behalf of the Chickasaw and Choctaw Nations. As you know, the United States recently removed this case to the United States District Court for the Western District of Oklahoma. The Department of Justice filed the removal notice on March 12 in order to comply with a statutory deadline that could not be extended.

I want to assure you that the United States' overriding interest in this matter is to facilitate a negotiated resolution of this matter. In the short term, filing the removal notice was intended to put the OWRB and the Choctaw and Chickasaw Nations' (Nations) litigation against the State and Oklahoma City on hold, providing a "time out" from courtroom battles and thus an opportunity for the parties to explore paths toward a negotiated resolution of the underlying dispute.

Both the State and the Nations have expressed continued interest in seeking a negotiated resolution of some or all of the issues currently raised. The United States favors negotiation rather than litigation in resolving Indian water rights-related issues. We remain hopeful that a solution can be found that does not require what could become a large, complicated, and lengthy water rights adjudication that could pit the Nations and the State against one another with Oklahoma water users caught in the middle. Such litigation would promote further divisions rather than a partnership aimed at addressing common concerns. Now that the Board has brought the United States into the dispute by seeking to initiate a water rights adjudication consistent with the McCarran Amendment, we will make every effort to facilitate a productive conversation among the parties.

If, in the end, a comprehensive water rights adjudication must take place, we would welcome the opportunity to discuss the proper forum for conducting the adjudication. Unfortunately, deadlines that could not be moved required us to file a notice of removal prior to having time to fully explore these issues and have further dialogue with the State and other interested parties.

Please feel free to call me about this matter. Also, do not hesitate to have your staff coordinate with our Indian water rights team led by Ms. Letty Belin in my office. Ms. Belin is working on the matter with Mr. Fritz Holleman of our Solicitor's office.

Sincerely,

A handwritten signature in cursive script that reads "Ken Salazar". The letters are fluid and connected, with a prominent "K" and "S".

Ken Salazar

cc: E. Scott Pruitt, Oklahoma Attorney General