



Mary Fallin
Office of the Governor
State of Oklahoma

February 2, 2012

Via Counsel of Record
Michael Burrage
Whitten Burrage
1215 Classen Drive
Oklahoma City, OK 73103

Governor Anoatubby and Chief Pyle,

When the Chickasaw and Choctaw Nations sued the State of Oklahoma in federal court on August 18, 2011, you claimed rights to all the waters in 22 counties in southeastern Oklahoma, and asked the federal court to stop the State of Oklahoma from taking actions related to those waters, “unless and until a comprehensive [stream] adjudication...has been completed” determining your tribal rights.

Working in good faith, the State of Oklahoma agreed to initiate just such an adjudication so that a court of law could finally and conclusively determine what rights, if any, the Nations have to the waters of those 22 counties in southeastern Oklahoma. Strangely enough, you have now indicated you have changed your mind and have cried “foul” over the State's agreement, and are now taking every action possible to prevent that adjudication from occurring.

As you know, the State of Oklahoma has repeatedly told you that that the adjudication is a necessary response to your lawsuit against the State of Oklahoma – the litigation that you initiated. The fact of the matter is that the State would never have even contemplated such an adjudication but for the lawsuit you filed.

As you also know, before mediation began, the State of Oklahoma repeatedly told you that if you will agree to dismiss your lawsuit (without prejudice, which preserves your ability to re-file it in the future), it will not initiate the adjudication, and it will continue to mediate this dispute with the same mediator, and under the same mediation rules, for so long as such mediation is productive. That offer still stands.

I am asking for the sake of our citizens, businesses, taxpayers and frankly, our image as a state, not to mention the huge cost our state will have to bear for a prolonged lawsuit, that you continue to work with the citizens and State of Oklahoma to find a resolution through mediation.

If you are truly interested in mediation over litigation, you will dismiss your lawsuit.

Sincerely,

A handwritten signature in cursive script that reads "Mary Fallin".

Mary Fallin
Oklahoma Governor