



- J. Ray Lokey
  - K. Bob Donaho
  - L. Bruce Noble, for the Chickasaw National Recreation Area
  - M. Matt Mauck, for the Oklahoma Department of Wildlife Conservation
  - N. Laurie Anne Williams, for OklahomaRanch.com L.L.C.
  - O. Alan Woodcock, for the U.S. Fish & Wildlife Service
  - Q. Lewis Parkhill, for the City of Tishomingo
  - R. Amy Ford, for the Citizens for the Protection of the Arbuckle Simpson Aquifer
  - S. Krystina Phillips, for the CPASA
- II. Other qualified protestants to the application that are not listed in Section I above are those persons listed in section I of the Findings of the Conference Officer in PAN 10-05-IC and PAN 10-05-IC2, dated November 2, 2011.
- III. Appearing on behalf of the applicant in PAN 13-04-IC include the following:
- A. Elizabeth Nichols, Counsel
  - B. Geoff Canty, Technical Consultant
  - C. Peter Dawson, President, Arbuckle Aggregates, L.L.C.
- IV. Others attending the Informal Conference PAN 13-04-IC but making no presentation or statement for the record include:
- A. Jim Rodriguez, Oklahoma Aggregates Association
  - B. Peter Burck, who did not send an objection letter to ODM and who is not shown as being mailed a copy of the Notice of Order Referring and Setting Informal Conference dated March 14, 2013.
- V. Attending on behalf of the Oklahoma Department of Mines:
- A. Richard Shore, Mine Inspector
  - B. Mark Secrest, General Counsel
- V. SUMMARY OF PREVIOUS PROCEEDINGS
- A. The Summary of Proceedings found in the Findings of the Conference Officer in PAN 10-05-IC and PAN 10-05-IC2 dated November 2, 2011, is adopted and incorporated herein for an overview of proceedings leading up to and including the second Informal Conference held on October 4, 2011.
- B. On November 2, 2011, after the second Informal Conference, the Conference Officer issued the findings of the Conference Officer. Pursuant to the Findings, the Conference Officer recommended that the mining permit be issued, but with certain Conditions to be placed on the permit, as follows:
- 1. A requirement to provide all residents within one mile of the permit boundaries a list of contact numbers for the Mill Creek Quarry, attempt to contact those on the contact list prior to blasting, and to add the list to the "Blast Warning" section of the Blasting Plan prior to shooting.

2. The Applicant is to conduct pre-blast surveys on any off-site residential or commercial structure within one-half mile to determine if mining blasting does have an effect, with the surveys to become part of the permit.

3. The Applicant shall follow the Water Monitoring Plan submitted by the Applicant (State's Exhibit 50), with monitoring data to be submitted as detailed in the Conference Officer's recommendations.

4. No pre-mining disturbance, mining and reclamation activities, other than water monitoring, is to be conducted on the permit area until the applications for permits to use stream water filed with the Oklahoma Water Resources Board (#2010-0012 and #2010-0013) are issued by the OWRB, and that ODM will reserve the right to amend or rescind any requirements of mining Permit #L.E.-2361 to comply with any terms and conditions imposed by the OWRB in the approval of the mining plan.

C. On November 14, 2011, a Notice of Departmental Decision was issued by the ODM Deputy Director. The Notice indicated that the permit requested by application #L.E.-2361 was conditionally approved based on PAN 10-05-IC and PAN 10-050IC2 and that the conditions for approval were as set forth in the Notice of Departmental Decision, which conditions were virtually identical to the conditions as recommended by the Conference Officer, except that the ODM did not reserve the right to amend or rescind any requirements of the mining permit but required Arbuckle Aggregates to amend its mining permit in order to comply with any terms and conditions imposed by the OWRB in the approval of the mining plan.

D. After issuance of the Notice of Departmental Decision, a formal hearing on the decision (Formal Hearing) was requested pursuant to OAC 460:10-17-15. Unlike the Informal Conferences relating to applications for mining permits, such Formal Hearings are on the record and adjudicatory in nature. The Formal Hearing was dismissed on December 13, 2012.

E. On January 13, 2013, the applicant submitted amendments to its previously revised application, primarily by changing the phased bonding area, withdrawing the water monitoring plan and to indicate that two stream water use permit applications submitted to the Oklahoma Water Resources Board were cancelled.

## VI. PREVIOUS PROCEEDINGS RECORDS AND APPLICATION STATUS

A. At the third Informal Conference, CPASA submitted a "Motion to Include the Records Established in PAN 10-05-IC, PAN 10-05-IC2 and PAN 11-03-FH". The CPASA motion was entered as Exhibit 2.

B. The ODM rules, at 460:10-17-7(B)(2), provides that at the Informal Conference, the Informal Conference Officer, "may accept oral or written statements **and any other**

**relevant information** from any party to the conference.” Emphasis added. Records developed from the two previous informal conferences, PAN 10-05-IC and PAN 10-05-IC2, contain relevant information and should be considered. Because the Formal Hearing was adjudicatory in nature, the record made at that proceeding serves a different purpose and therefore is outside the scope of this third Informal Conference.

C. Some parties to the Informal Conference asserted that the amended application should be treated as a new application. However, such assertions were primarily made as an alternative to including the record from the two previous Informal Conferences.

## VII. PROTESTANTS’ CONCERNS

A. The general list of protestants’ concerns as presented in the two previous Informal Conferences set forth in Section VI of the Findings of the Conference Officer dated November 2, 2011, are incorporated herein. Those listed concerns include several issues relating to water, fish and wildlife, wetlands, highway and traffic, dust and fumes, noise and night activities, tourism and recreation, mine records and personnel accessibility, property values, aesthetic values, environmental impact statement and administrative procedures.

B. Concerns of protestants that made statements at the third Informal Conference are summarized below and include the following:

**Matt Mauck, representing the Oklahoma Department of Wildlife Conservation (ODWC)** - Mr. Mauck indicated that the ODWC was concerned about a request for an additional quarry. He explained that stream water and groundwater are sustained by flows from subsurface origins, that numerous streams function in the same manner as Mill Creek, Pennington Creek and the Blue River. He indicated that many fishes are affected by a reduction in flows, and that the ODWC manages six miles of the Blue River that has over 90,000 annual visitors. Mr. Mauck requests that the ODM and indirectly the Oklahoma Water Resources Board view this application as a new application rather than one with pre-existing exemptions. He urged the ODM and OWRB to require sufficient measures of the aquifer and stream and spring flows.

**Bob Donaho** - Mr. Donaho is a rancher and indicated that some of this stuff is over his head, but he is familiar with the term grandfathering and piggy backing. He questioned how the two prior hearings [informal conferences] could be part of this proceeding when no ruling was made from the other two hearings. He said that they are trying to make this a valid hearing when the other two were not. He urged that this proceeding on this application must be dismissed until a ruling is made on the two applications because you can’t amend a void application to make it valid.

**Alan Woodcock, from the Tulsa Solicitor’s office representing the United States Fish & Wildlife Service** - Mr. Woodcock submitted an exhibit containing his statement. He indicated that the USF&W has two facilities affected by the application. The first is the Tishomingo National Wildlife Refuge located at the end of Pennington Creek where Pennington Creek empties into the Cumberland Pool of Lake Texoma. The TNWR is a habitat for migratory

birds including endangered Whooping Cranes and the Least Tern. He explained that the Cumberland Pool must have adequate water for habitat; that the Refuge cannot economically pump groundwater but depends on Pennington Creek. Based on a USGS survey, the average annual flow of Pennington Creek is 30,000 acre-feet. Groundwater is not appropriate to use, so the Refuge needs Pennington Creek water. Other surface water is from Big Sandy. The Refuge has a pending permit that relies on the water available since 1946. Permitting the new mine will have adverse effects on the Refuge. The USF&W also has the Tishomingo National Fish Hatchery (TNFH) that also depends on Pennington Creek water. Raising fish there is to restore populations, and so a federal and state purpose is served. The TNFH has a permit to use water since 1931 allowing diversion of Pennington Creek. The permit should be a prior right. Mr. Woodcock expressed the same concerns that approving the quarry would adversely affect the TNFH. The ODM should treat the application as a new application with the changes made. Another mine in the area will lower water going into Pennington Creek. Mr. Woodcock also asked that exhibits from the formal hearing be included in the record of this third Informal Conference to avoid duplication.

**Jim Rodriguez, Oklahoma Aggregates Association** - Mr. Rodriguez indicated that he had no desire to speak.

**Kystina Phillips, attorney for Citizens for the Protection of the Arbuckle Simpson Aquifer (CPASA)** - Ms. Phillips requested to file a motion. She explained that this is the third informal conference and there has been one Formal Hearing, that the permit application has changed dramatically, now being the fourth revised version. She indicated that CPASA joins with the USF&W in urging that this be treated as a new application, and the only way to treat this as the same application is to include all the records from the previous proceedings. Ms. Phillips also objected to the administrative proceedings followed by the ODM because the protestants are put at an undue disadvantage because there is discovery allowed only after a decision is made. This creates an uphill battle to prove the ODM wrong. The burden should not be on the protestants but on the applicant, so CPASA objects to the unconstitutional procedures. Ms. Phillips indicated that CPASA's concerns with this and previous applications involve water, that CPASA tried to reach agreement with the applicant to avoid having to protest, even as late as January, but AA has not responded, so Ms. Phillips appreciated Ms. Nichols' offer made earlier. Ms. Phillips also objects to the fourth revision to the application as it is misleading, particularly relating to the land to mine. A previous version indicated 60 acres would be mined during the first year and now the application indicates only 15 acres will be bonded with the remaining phases "TBD". This is totally unacceptable to hide intent. Ms. Phillips appreciates the need for flexibility, but there are no goals past one year. She urges rejection of the application and to require AA to give all the facts. She also indicated that ODM requests the application to be feasible, but the fourth revised application is not feasible. For instance, the application before relied on two surface water applications, and the Water Plan earlier referenced the two applications for surface water. This revised application indicates no water source except pit water. The Water Plan is not up to date because now there is no application for surface water, so the application is not feasible. ODM also has obligations as a state environmental agency, for instance to implement laws and rules within its jurisdictional areas, and groundwater protections are included. Also, the state is obligated to protect Pennington Creek that has its headwaters within one-half mile from the quarry that happens to be in the surface watershed of Mill Creek.

Surface flows are different from groundwater flows and have different effects. These are not necessarily identical as far as surface watershed boundaries go. There could be detrimental effects on Pennington Creek where Pennington Creek is dangerously low, but additional horrendous effects to Tishomingo.

**Lewis Parkhill, citizen and Mayor of Tishomingo, Oklahoma** - Mr. Parkhill noted that as a resident with land visible to Pennington Creek, Pennington Creek has a direct value on the land. For Tishomingo, Pennington Creek is the sole source aquifer that has been relied on since 1856 with the Chickasaw Nation capitol located there and now Murray State College and the TNFH below. Both provide economic value and recreation benefit. The county receives sales tax from recreational benefits. The Pennington Creek watershed boundary proximity to AA's boundary is complex. Mayor Parkhill presented exhibits including a resolution from the city and maps showing the long view, close view and Pennington Creek watershed, west and east areas, stream flow produced, Tishomingo limits and the Pennington Creek area. Mayor Parkhill also mentioned the City's investment in water and wastewater infrastructure, with the latest being a \$7 million wastewater project to be paid over 40 years, a project that will be lost if the flow of Pennington Creek is gone. The ODM should not reconsider but deny the application.

**Amy Ford, President of CPASA** - Ms. Ford indicated that this is the fourth opportunity to make a presentation and she refers to previous comments. She noted that some that participated before were unable to attend today, so she urged that the current record include all previous records. She also mentioned that before, the protection of springs and streams was paramount for CPASA, and they struggle as some mines have reached great depths, that it may not be a goal to use the water everyday, and she welcomes AA's offer to meet.

**Laurie Anne Williams, representing OklahomaRanch.com LLC** - Ms. Williams requested that the application be dismissed. She showed pictures on her iPad from previous submittals and indicated that the Holder well water table is at the surface, that the quality of life is absolutely affected if water is interfered with. She noted that the mines only take from the economy of the area, that the area is the life bread by providing cattle and beef. Ms. Williams said that no financial responsibility is shown. She asked whether the area would rather have tourism or large holes that can be seen from the air. It is not only unfeasible, but dangerous and ridiculous, that the quality of life has been interfered with enough by other mines. No mine provides more economic development than tourism. She noted that Pennington Creek is very near the area.

**Bruce Noble, Superintendent, Chickasaw National Recreation Area (CNRA)** - Mr. Noble indicated that the CNRA is part of the National Park Service, that this is an informal conference so these are informal comments. He indicated that the CNRA is concerned about the application and effects on springs and streams, and that the application needs to be considered a new application since it is substantially different, that the application is not complete or accurate because information was removed or is missing, that there are internal inconsistencies with information submitted to other state agencies so the application does not show affirmatively how mining and reclamation can be feasibly accomplished, and that several issues raised previously have not been addressed such as creation of a depression of the potentiometric surface of groundwater, that post impoundments of water from the aquifer will cause additional water loss

through evaporation, all of which will affect the amount of groundwater available, that discharges to streams will be reduced, and that adding discharges will not help. The park was created in 1906. The ability to attract visitors is impacted by the availability of water. Mr. Noble requested denial of the application, and if not, a public hearing for all parties to present substantial information. Mr. Noble submitted written comments for the record.

**Peter Burck** - Mr. Burck did not know he signed into speak. He yielded his time.

**C.I Maxwell, Jr.** - Mr. Maxwell indicated that he has lived on Pennington Creek since 1935, that he is not a lettered lawyer, hydrologist or geologist, but he has been next to Pennington Creek when it was almost dry. He said he looked at USGS information showing the mean, maximum, and minimum flows of the creek since 1924, and that to March 2013 for gage #07331300, the minimum flow is base flow of the springs from the Arbuckle aquifer. Water trapped in the aquifer cannot escape, it must be pumped. With less pressure, that affects the flows, that springs provide the base flow to Pennington Creek, and the base flow has dropped 66% from 2004 to 2009. When he bought his land, the flow was 20-22 cubic feet per minute. He recommends not granting the permit.

**Floy Parkhill** - Ms. Parkhill indicated she was a resident of Tishomingo, that she protests the approval of the application, and that mines are a business only, but a daily glass of water for her and her neighbors.

**Reginald Robbins** - Mr. Robbins indicated that he owns property on Pennington Creek and Mill Creek, and he has seen Mill Creek being destroyed. He said he would like to see the permit be denied.

**Joe Duncan** - Mr. Duncan said he runs cattle and the water is from a household well, and that there is no rural water district in the area. He hopes the application will be denied.

**Shannon Shirley** - Ms. Shirley lives on Mill Creek, that it is the best water to drink and that livestock depend on it. She indicated that this mine, Mill Creek has a history. She noted the application has no information on water sources and that they need a water management plan. She said it was time to start over on the permit.

**Mr. Kellogg** - [no response when called on]

**Phyllis Buckner** - Ms. Buckner indicated she had nothing more to say.

## **VII. Testimony of Applicant:**

**Ms. Elizabeth Nichols, attorney for applicant** - Ms. Nichols made a short opening statement before protestants' statements were made. She offered to meet with the protestants about concerns. After the protestants' statements were made, Ms. Nichols indicated that the applicant would address specific questions.

**Mr. Geoff Canty, consultant for applicant** - Regarding a question for the Informal Conference Officer about information in the application concerning a septic and lateral line system and elsewhere about portable toilets, Mr. Geoff Canty, consultant for the applicant, indicated that the a permanent system will be a septic and lateral approved by the county sanitarian. In response to another question about depths of ponds being a maximum of 25 feet, Mr. Canty indicated that these are proposed holding ponds, not the quarry pit, and that there will be as built information given because these will have a 25 year life cycle.

Mr. C.I Maxwell asked whether the mine will go outward when water is hit because that was indicated at a Sulphur meeting. Clarification was provided by a member of the audience that the Sulphur meeting was about the Martin Marietta mine, not the AA application.

Mr. Donaho asked about the 25 feet depth. Clarification was provided that the application information on this matter was the copies of documents provided to the Oklahoma Department of Environmental Quality about storm water runoff and management and was information about working impoundments, not the quarry pit itself.

Ms. Nichols then indicated that the applicant had nothing else to present, and that all concerns previously presented at Informal Conferences were addressed.

Mr. Dawson, President of AA, made no statement.

Mr. Geoff Canty, consultant for the application, made no further statement.

### **VIII. Summary of Issues Presented:**

A. **Previous Informal Conference records** - Several protestants indicated that unless the records for the previous proceedings are incorporated and considered in making a decision, the revised application must be considered to be a new application. Records from the two previous Informal Conferences are being included and considered in this third Informal Conference proceeding. Because the records from the previous Informal Conferences are incorporated by reference into this Informal Conference proceeding, the summary of issues and discussion contained in the Findings of the Conference Officer dated November 2, 2011, beginning on page 12, are also incorporated herein. The issues presented and discussed in that summary include:

1. Water
  - a. water quality
  - b. water quantity
  - c. water regulations, including new legislation and monitoring
  - d. beneficial use designations
2. Fish and Wildlife
3. Wetlands
4. Highway/Traffic
5. Dust and fumes
6. Noise and Night Activities
7. Tourism and Recreation



8. Mine Records and Personnel Accessibility
9. Property values
10. Aesthetic Values
11. Environmental Impact Statement (EIS)
12. Administrative Process

In addition to the discussion below that may address some of these issues, the discussion set forth by the Informal Conference Officer previously for the above-noted issues remains accurate and is incorporated by reference herein.

B. Application amendments and status - There were three major amendments or revisions to the most recently filed application document that is the subject of this third Informal Conference. Some protestants urged that these changes are so substantial that the initial application should be considered withdrawn and that the current revised application should be considered as a new initial application. The status of the application as revised might have implications relating to Senate Bill 597 as discussed below.

1. Change of the bonded area. See application section 1 "TOTAL ESTIMATED ACRES TO BE COVERED BY PERMIT AND BOND". Previous versions of the application had included information about AA's plan for "phased in" acres over time and amount of bond information for five phases. The revised application changes this information to indicate fifteen (15) acres for the year 2013 to the Life of Mine/Life of Reserve, with a TBA (To Be Announced) indicator for Phase 2. The total bond for the 15 acres indicates \$22,500 (at \$1,500 for each of the 15 acres). The total permit area described in the application and map is 575 acres.

The revision to the bonded area information does not render the application as revised deficient or incomplete. There was no information presented to show that the per acre bond amount was improperly determined. Additionally, ODM rules allow for incremental bonding and an operator cannot mine in an area outside the bonded area described in an approved permit without submitting a revised bonded area map and an additional bond amount to cover the requested additional bond area.

2. Withdrawal of surface water permit applications filed with the Oklahoma Water Resources Board. See application section 3 "Protection of Natural Resources", Item 6 "OTHER LICENSES AND PERMITS". Previous versions of the application indicated that the applicant had filed two surface water permit applications with the Oklahoma Water Resources Board (OWRB) which were pending. The most current version of the application removes the language about OWRB permitting from the listing of licenses and permits needed for this mining operation. Instead a note is added at the end of the required permits list which states as follows:

"Applicant's stone products will be processed with water from any legal source permissible pursuant to Oklahoma State Law and/or Federal law. Applicable permits will be obtained when necessary and/or required."

Some protestants urge that with this amendment, the application as revised does not show that the that the mining and reclamation activities can be "feasibly accomplished" under the

mining and reclamation operations plan contained in the application because AA will need more water than can be trucked in, particularly after initial site work is completed.

ODM rules on criteria for permit approval or denial, in OAC 460:10-17-10(2), provide that no permit or revision application shall be approved unless the application affirmatively demonstrates and the ODM finds, on the basis of information set forth in the application or from information otherwise available that the “applicant has demonstrated that non-coal surface mining and reclamation operations . . . can be feasibly accomplish under the mining and reclamation plan contained in the application.”

The matter of withdrawing the two applications to use surface water from the OWRB’s consideration raises a peripheral issue of whether permits or other authorizations to use water must be issued, or at least applied for, before ODM can determine if the mining operations proposed can be feasibly accomplished and issue a non-coal mining permit. The Mining Lands Reclamation Act, at 45 O.S. §724(I) provides that “[e]ach application for a new operation shall contain, *where applicable*, a list of all other licenses and permits *needed* by the applicant to conduct the proposed mining operation.” Emphasis added. The law goes on to describe the information the application should contain about each necessary license and permit, and further provides a generic listing of types of government entities that may have jurisdiction or interest in the area of the proposed mining operations, such as state agencies within authority to issue permits and licenses applicable to the proposed mining operation, including “all state environmental agencies”.

The statutory requirement to provide a list of other agency permits and licenses needed for the mining operation appears to be a mechanism to ensure that applicants are aware and on notice that ODM does not have exclusive jurisdiction over all aspects of non-coal mining operations and that authorizations for other agencies may be required. As a post-permit matter, the ODM rule on compliance with permits, OAC 460:10-9-4, provides that all persons shall conduct non-coal mining and reclamation operations in compliance with the terms and conditions of the mining permit “and with all other applicable State, Federal, and local permitting and licensing requirements.”

This statutory provision and the corresponding ODM rules do not mandate that other agency permits and licenses, including OWRB water use permits, must be issued or applied for before ODM can make a feasibly accomplished determination and issue a mining permit, except for permits to mine in Outstanding Resource Water, High Quality Waters and Scenic Rivers as designated in Oklahoma’s Water Quality Standards. See OAC 460:10-13-4(1). The mining proposed is within the Mill Creek watershed, and Mill Creek is not an ORW, HQW or Scenic River.

In light of the 2011 amendments to the Oklahoma Groundwater Law and recent new rules by the OWRB to implement that law, the OWRB will have to analyze AA’s proposal to determine whether a permit or license from the OWRB to use water will be “needed” by AA.

AA’s application indicates that it will use water from any legal source permissible pursuant to state and/or federal law and that applicable permits will be obtained when necessary

and/or if required. AA, in previous filings and statements made to ODM, indicated that it owns the groundwater under the 575 acres described for the permit area, and further that it has leased approximately 1,950 acres of water rights (surface and ground). Additionally, AA indicates that for initial site work dust control and other construction activities, it can truck in the amount of water needed, and further that groundwater will not be encountered in the quarry pit during the initial mining activities.

Regardless of depth to groundwater at the proposed mining site, there would be some preparatory mining activities that could be conducted with minimal use of water in amounts that could be trucked in. It does appear from the record (including information about other quarry mining operations in the area) and statements made in Informal Conferences that eventually, AA would have to use an amount of water for normal mining operations that would be greater than could feasibly be trucked in, and that possible sources of supply would be any water that eventually may accumulate in the quarry pit (groundwater and surface water) as well as surface water in nearby streams and groundwater that could be withdrawn from water wells.

Whether AA will need a permit or permits and if so, the kind of permits necessary to use water will be matters for the OWRB to determine. The notation (quoted above) in AA's application section about other permits and licenses needed for mining operations can be read as a recognition that additional authorization to use water other than by trucking may be needed. If such a permit or permits are required, and AA determines it needs more water than can be trucked in, AA would have to obtain the same to continue mining activities and avoid being shut down by ODM's enforcement of the mining permit condition to comply with all government permits and licenses.

### 3. Application status.

Several protestants assert that the revisions made to AA's application are so substantial that the application should be considered to be an initial application. Whether the revised application is considered an initial application for a mining permit implicates Senate Bill 597. As noted in the Findings of the Informal Conference Officer dated November 2, 2011, Senate Bill 597, effective May 26, 2011, revised 82 O.S. §1020.2 of the Oklahoma Groundwater Law which is administered by the Oklahoma Water Resources Board (OWRB).

Before the statutory amendment, that section provided a blanket exemption from the provisions of the Oklahoma Groundwater Law for "taking, use and disposal of water from producing mines". The amendments adopted by SB 597 continues the exemption generally for producing mines, but then the amendments address producing mines that are located within the area of a "sensitive sole source groundwater basin". The Arbuckle-Simpson Groundwater Basin, over which AA's proposed permit area is located, is considered a sensitive sole source groundwater basin (herein 'sensitive basin'). Mines that are or may be within a sensitive basin area are further broken down as 'exempt' and 'non-exempt'.

To claim an exemption for mines located within a sensitive basin, the mine must have been permitted by ODM before August 1, 2011, or an initial application for the mine must have been filed before August 1, 2011. The AA application for a permit was initially filed in May 2010. The latest amended application subject of this Informal Conference was filed with ODM in January 2013.

SB 597, codified as Section 1020.2.C.2, provides in part: "Except as provided for in subsection E of this section, the provisions of this act shall not apply to the taking, using or disposal of water trapped in producing mines . . . [t]hat overlie a sensitive sole source groundwater basin or subbasin for which an initial application for a permit shall have been filed with the Oklahoma Department of Mines as of August 1, 2011 . . ."

Whether AA will be able to claim that the exemptions as described in SB 597 apply to it and if so, the scope of such exemptions, are matters that will need to be determined by the OWRB because the OWRB administers the provisions of SB 597.

In any event, ODM rules do not provide that the filing of certain types of application amendments, whether substantial, material or otherwise, will cause the application to be treated as an 'initial application'.

C. ODM's administrative process - Ms. Phillips on behalf of CPASA objects to the ODM's administrative process whereby an ODM decision is made after the Informal Conference proceeding, that discovery is not authorized during the Informal Conference process but only in the Formal Hearing proceeding, and thereby the burden of proof is inappropriately shifted from an applicant to protestants. Ms. Phillips also argues that the ODM procedure is backward by putting the burden on protestants to prove that the ODM is wrong in its decision and therefore unconstitutional because it violates due process.

The Mining Lands Reclamation Act, at 45 O.S. §724(Q) indicates that any person who is or has an interest that may be affected by a decision on a permit has a right to request in writing that the ODM hold an informal conference. See also §724(H)(1)(b)(6) that requires the notice of application to include the name and address of ODM where informal conferences can be requested. ODM rules in OAC 460:10-17-15 provide additional opportunity for public input by establishing a separate Formal Hearing process after a Department decision on an application is made, whether or not an Informal Conference was requested and conducted. According to the ODM rule, the Formal Hearing is "on the record and adjudicatory in nature." There is no mention that the decision of the Department after an Informal Conference is presumed correct, or that the burden of proof on whether or not the permit should be issued should be shifted from the applicant to protestants or vice-versa in the Formal Hearing proceedings. 460:10-17-15(b)(3) indicates that the hearing shall be conducted in accordance with OAC 460:3-1-5 which fully details the formal hearing process, including opportunity for discovery. The Conference Officer finds no impediment to the administrative process followed by the ODM.

D. Protection of flow of streams and springs - Most of the protestants raised the issue of the need to protect the flow of streams and springs emanating from the Arbuckle-Simpson aquifer, and that AA's mining activities would eventually, if not immediately, reduce the flow of area streams and springs and decrease the amount of groundwater available for use by others overlying the Arbuckle-Simpson aquifer.

Due to the unique and evolving law and regulations pertaining to the OWRB, and affecting ODM, a short synopsis follows of those recent changes.

In 2003, the Oklahoma Legislature enacted Senate Bill 288 to amend the Oklahoma Groundwater Law, which is administered by the OWRB, to ensure that use of groundwater from a sensitive sole source groundwater basin would not reduce the natural flow or degrade or interfere with the flow of springs or streams emanating from a sensitive sole source groundwater basin. Until SB 597 was enacted in 2011, the taking, use and disposal of water trapped in producing mines was generally exempt from the provisions of the Oklahoma Groundwater Law.

The Mining Lands Reclamation Act, in 45 O.S. §722, provides that it is the policy of this state to preserve natural resources, to aid in the protection of wildlife and aquatic resources, to protect the natural beauty and aesthetic values in the affected areas of this state, and to protect and promote the health, safety and general welfare of the people of this state. ODM rules, in OAC 460:10-17-14, also provide that each permit issued by ODM shall ensure that the permittee shall take all possible steps to minimize any hazardous impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit. Protecting the flow of springs and streams in the Arbuckle-Simpson Groundwater Basin area is consistent with the policy of the state to preserve natural resources, to aid in the protection of wildlife and aquatic resources, to promote the natural beauty and aesthetic values in the area, and to promote the health, safety and general welfare of the people of this state.

The new rules promulgated and administered by the OWRB to implement SB 597, codified as OAC 785:30-15, includes provisions which address the issues raised by the protestants. Arbuckle Aggregates must comply with these rules and any requirements made by the OWRB pursuant to SB 597.

### **RECOMMENDATIONS**

Based on a review of the record from the two previous Informal Conferences, a review of the Recommendations of the Informal Conference Officer in Findings dated November 2, 2011, and a review of the record and statements from the third Informal Conference held April 2, 2013, the Informal Conference Officer recommends the following Conditions be placed on the mining permit if the Department decision is to grant the application and issue the permit:

A. Contact Information and Call List - In order to keep owners of land in proximity of the Mill Creek Quarry apprised of mining activities, Arbuckle Aggregates shall provide all residents within one (1) mile of the mine site boundaries with a list of contact numbers for the Mill Creek Quarry. Arbuckle Aggregates shall request a telephone number from those residents so Arbuckle

Aggregates can attempt to contact the residents with a pre-blast warning. The residents who provide their telephone numbers for a pre-blast warning shall be added to the "Blasting Warning" section of the Blasting Plan.

B. Pre-Blast Survey - Arbuckle Aggregates shall conduct a pre-blast survey on any off-site residential or commercial structure located within one-half (1/2) mile of the permit boundaries prior to any blasting shots being made. The pre-blast surveys shall be submitted to the ODM and shall become part of the permit and subject to the Open Records Act.

C. Water Monitoring and Potential Use of Groundwater from Pit, and Other Use of Water - Before Arbuckle Aggregates initiates any use of groundwater from wells or use of surface water from area springs or streams for any mining activities, Arbuckle Aggregates must obtain the applicable permit or permits, for groundwater or for surface water as the case may be, from the Oklahoma Water Resources Board, and provide copies of such permits to ODM. If no OWRB permit is needed, documentation stating such must be provided to ODM. Arbuckle Aggregates may truck in water for initial construction activities and initial mining activities and other mining activities as long as the trucked in water is from an authorized source.

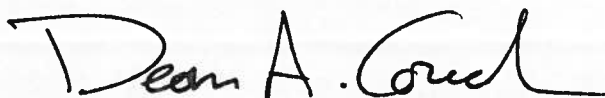
If the Oklahoma Water Resources Board notifies ODM that Arbuckle Aggregates is out of compliance with any requirements of the OWRB, ODM will temporarily suspend the authority of AA to conduct mining operations until such time as AA demonstrates that it is in compliance with OWRB requirements, and ODM will amend the mining permit to comply with any terms and conditions imposed by the OWRB.

D. Bonding area - Since the applicant has elected to bond the location in phases and has outlined phase I but has yet to determine the incremental movement through the permit area, a revision to the permit to increase the bonded area will be required. Before initiating any mining activities in the permit area outside the 15-acre bonded area described in the application and detailed on the application bonding area map submitted with the revised application on January 11, 2013, Arbuckle Aggregates shall (1) submit a written request to ODM to increase its bonded area along with a description and map of the proposed additional bonded area, and (2) shall revise the Bond Coverage information on the Total Estimated Acres To Be Covered By Permit And Bond page of the revised application submitted on January 11, 2013.

I find the revised application filed on January 11, 2013, in compliance with all applicable parts of Title 45 of the Oklahoma Statutes and the rules and regulations of the Department of Mines if conditions as stated are imposed. Therefore, I recommend that the revised application be granted with the conditions as outlined in the Recommendations listed above.

Dated this 4<sup>th</sup> day of September, 2013.

Respectfully submitted,



Dean A. Couch, Informal Conference Officer

# **NOTICE OF DEPARTMENTAL DECISION**

## **Application # L.E.-2361**

- (X) Permit
- ( ) Revision
- ( ) Renewal

PLEASE TAKE NOTICE that the application of **ARBUCKLE AGGREGATES LLC**, to engage in mining and reclamation operations in Section 23 and Section 24, Township 1 South, Range 4 East, the County of Johnston, State of Oklahoma, the Oklahoma Department of Mines:

- ( ) has been approved
- ( X ) has been conditionally approved as modified
- ( ) has been denied

The conditions of approval are as follows:

- A. Contact Information and Call List - In order to keep owners of land in proximity of the Mill Creek Quarry apprised of mining activities, Arbuckle Aggregates shall provide all residents within one (1) mile of the mine site boundaries with a list of contact numbers for the Mill Creek Quarry. Arbuckle Aggregates shall request a telephone number from those residents so Arbuckle Aggregates can attempt to contact the residents with a pre-blast warning. The residents who provide their telephone numbers for a pre-blast warning shall be added to the "Blasting Warning" section of the Blasting Plan.
- B. Pre-Blast Survey - Arbuckle Aggregates shall conduct a pre-blast survey on any off-site residential or commercial structure located within one-half (1/2) mile of the permit boundaries prior to any blasting shots being made. The pre-blast surveys shall be submitted to the Oklahoma Department of Mines (ODM), and shall become part of the permit and subject to the Open Records Act.
- C. Water Monitoring and Potential Use of Groundwater from Pit, and Other Use of Water - Before Arbuckle Aggregates initiates any use of groundwater from wells or use of surface water from area springs or streams for any mining activities, Arbuckle Aggregates must obtain the applicable permit or permits, for groundwater or for surface water, as the case may be, from the Oklahoma Water Resources Board (OWRB), and provide copies of such permits to ODM. If no OWRB permit is needed, documentation stating such must be provided to ODM. Arbuckle Aggregates may truck in water for initial construction activities, initial mining activities, and other mining activities as long as the trucked in water is from an authorized source.

If the OWRB notifies ODM that Arbuckle Aggregates is out of compliance with any requirements of the OWRB, ODM will temporarily suspend the authority of Arbuckle Aggregates to conduct mining operations until such time as Arbuckle Aggregates demonstrates that it is in compliance with OWRB requirements, and ODM will amend the mining permit to comply with any terms and conditions imposed by the OWRB.

D. Bonding Area – Since the applicant has elected to bond the location in phases, and has outlined phase I, but has yet to determine the incremental movement through the permit area, a revision to the permit to increase the bonded area will be required. Before initiating any mining activities in the permit area outside the 15-acre bonded area described in the application, and detailed on the application bonding area map submitted with the revised application on January 11, 2013, Arbuckle Aggregates shall (1) submit a written request to ODM to increase its bonded area along with a description and map of the proposed additional bonded area, and (2) shall revise the Bond Coverage information on the Total Estimated Acres To Be Covered By Permit And Bond page of the revised application submitted on January 11, 2013.

The decision has been made for the following reasons:

**PAN 13-04-IC**

This notice is provided in accordance with Title 45 Oklahoma Statutes, 2001 §724 (H)(6).

OAC 460:10-17-15 provides that within thirty (30) days of receipt of this notice, any person with an interest which is or may be adversely affected may request a formal hearing on this decision. Requests for hearing must be filed with the Department in writing no later than thirty (30) days from the date of this notice. If no request is received, the decision of the Department will become final.

Done this 16<sup>th</sup> day of September, 2013.



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Bret R. Sholar, Administrator of the Minerals Division





MARY ANN PRITCHARD  
DIRECTOR

MARY FALLIN  
GOVERNOR

STATE OF OKLAHOMA  
DEPARTMENT OF MINES

September 25, 2013

Re: Arbuckle Aggregates, LLC  
Case NO. PAN 13-04-IC

Ladies and Gentlemen:

Enclosed is the mailing matrix that was inadvertently omitted from the Findings of the Conference Officer and the Notice of Departmental Decision mailed last week in case # PAN 13-04-IC.

Sincerely,

Mark Secrest  
Chief Counsel

MS/lw

Enclosure

## NOTICE OF MAILING

A true and correct copy of the foregoing matrix on this 25th day of September, 2013,  
with postage prepaid to the following:

Gary Allen 142 Decker Rd. Wichita Falls, TX 76310	Phil Converse P.O. Box 245 Tishomingo, OK 73460	James V. Barwick Assistant Attorney General 313 N.E. 21 <sup>st</sup> Street Oklahoma City, OK 73105
Leroy Allen 1404 E. Pontotoc Rd. Stonewall, OK 74871	Matthew and John Cravatt 1122 N. Kemp Tishomingo, OK 73460	Boy Scouts of America c/o Travis Flood 4500 Bullett Prairie Road Tishomingo, OK 73460
Julie Altman P.O. Box 1209 Ardmore, OK 73402	Susan Cravatt P.O. Box 144 Tishomingo, OK 73460	Thomas J. Enis, Attorney Bialek & Tippens P.C. 100 N. Broadway, Suite 1700 Oklahoma City, OK 73102
Kathy J. Angel 8305 S. Project Lane Milburn, OK 73450	David Curtis 903 N. Kemp Tishomingo, OK 73460	Peter Fahmy, Water Rights Attorney Office of the Solicitor Rocky Mountain Regional Office 755 Parfet Street, Suite 151 Lakewood, CO 80215
David Ashford RR 1, Box 208 Mill Creek, OK 74856	Jim Davenport 101 W. Morrow Rd. Tishomingo, OK 73460	Rep. Paul Roan 3300 Deer Pond Ln. Tishomingo, OK 73460
Peggy R. Attebery 12510 W. Murray Rd. Mill Creek, OK 74856	A.E. Dewberry P.O. Box 152 Bromide, OK 74530	Bruce Nobel, Superintendent Chickasaw National Recreation Area 1008 W. Second Street Sulphur, OK 73086
Barney Austin 1105 Oak Meadow Dr. Dripping Springs, TX 78620- 4078	Earl Dodson 1395 N. Dixie Hill Rd. Mill Creek, OK 74856	Mike Oetka, Asst. Regional Director U.S. Fish and Wildlife Service P.O. Box 1306 Albuquerque, NM 87103
Terry L. & Retha E. Beals 4001 Golf Course Rd. Tishomingo, OK 73460	Emily Dolina 2938 City View Ct. Norman, OK 73071-6899	
Sharon Beratto Steve Beratto 1395 N. Dixie Hill Rd. Mill Creek, OK 74856	Bob Donaho P.O. Box 962 Davis, OK 73030	
Wanda Blackburn 3396 S. 2 <sup>nd</sup> Mill Creek, OK 74856	Joe S. Duncan P.O. Box 45 Connerville, OK 74836	

<p>Kevin Blackwood P.O. Box 2352 Ada, OK 74821</p> <p>Bert Bledsoe 23350 CR 1590 Stonewall, OK 74871</p> <p>Roy Blevins P.O. Box 46 Connerville, OK 74836-0046</p> <p>Novice Boyd 3000 Golf Course Rd. Tishomingo, OK 73460</p> <p>Josh Brecheen Route 5, Box 318 Coalgate, OK 74538</p> <p>Jerry Brown 3358 Brenda Brown Rd. Mill Creek, OK 74856</p> <p>Monta Brown 9379 W. Griffin Rd. Mill Creek, OK 74856</p> <p>Todd Brown 3358 Brenda Brown Rd. Mill Creek, OK 74856</p> <p>Bill Brunk Kathryn Brunk P.O. Box 280 Fittstown, OK 74842</p> <p>Michaeli Brunk 200 West Kings Rd. Ada, OK 74842</p> <p>Phyllis Buckner 105 N. Byrd St. Tishomingo, OK 73460</p>	<p>Dawatha Easterling 3995 N. US Hwy 377 Ada, OK 74820</p> <p>Eddie Easterling HCR 64, Box 241 Pontotoc, OK 74820</p> <p>Rebecca Easterling P.O. Box 33 Tishomingo, OK 73460</p> <p>Rosanna Easterling 3999 N. US Hwy 377 Ada, OK 74820</p> <p>Joe Elrod 6101 OK Highway 22 West Tishomingo, OK 73460</p> <p>Melvin Farmer 8430 W. Rocky Rd. Mill Creek, OK 74856</p> <p>Amy Ford 889 Knight Drive Durant, OK 74701</p> <p>Delbert Gregory 3100 E. Highway 78 Tishomingo, OK 73460</p> <p>Paul Hall 11815 W. Stinson Rd. Mill Creek, OK 74856</p> <p>Jan Frederich 1301 Redbud Lane Durant, OK 74701</p> <p>Randy Fullagar 7140 N. Bellwood Rd. Mill Creek, OK 74856</p>	<p>Matthew L. Wright Erika Wright 409 Woodbine Circle Norman, OK 73072</p> <p>Jack Yates 202 South Capital Avenue Tishomingo, OK 73460</p> <p>Elizabeth C. Nichols, Attorney 1050 E. 2<sup>nd</sup> Street #251 Edmond, OK 73034</p> <p>Alan R. Woodcock, Field Solicitor Tulsa Field Solicitors Office 7906 E. 33<sup>rd</sup> Street, Suite 100 Tulsa, OK 74145</p> <p>Kris Patton Tishomingo National Wildlife Refuge 12000 S. Refuge Road Tishomingo, OK 73460</p> <p>Janis Stewart 203 S. Byrd St. Tishomingo, OK 73460</p> <p>Kurt Stumpff 1390 Bryan Rd. Durant, OK 74701</p> <p>Helen H. Thompson 15 F St. SW Ardmore, OK 73401</p> <p>Rogelio Trevino 932 W. 10<sup>th</sup> St. Sulphur, OK 73086</p> <p>Jona Tucker 16435 CR 3537 Ada, OK 74820</p>
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<p>Carol Burklin 703 N. Johnston Tishomingo, OK 73460</p>	<p>Matt Gamble 2027 Caddo Highway Caddo, OK 74729</p>	<p>Jimmy D. Upton Sherry Upton 309 Lester Avenue Tishomingo, OK 73460</p>
<p>Tommy Burns 1200 W. Seven Springs Rd. Tishomingo, OK 73460-4406</p>	<p>Bruce Gibson 101 Amber Rd. Davis, OK 73030</p>	<p>Travis E. Vaughn 302 Vaughn Lane Mill Creek, OK 74856</p>
<p>Dwight Campbell, II 2901 S. Camp Bond Rd. Tishomingo, OK 73460</p>	<p>Gary Green Cindy Green Gabe Green Round Rock Ranch 5601 Bullett Prairie Rd</p>	<p>Aaron Vestal P.O. Box 130 201 S. Seminole St. Mill Creek, OK 74856</p>
<p>Geoff Canty 3201 S. Berry Norman, OK 73072-7436</p>	<p>James P. Rhodes, II P.O. Box 368 Davis, OK 73030</p>	<p>Boyd Vestal P.O. Box 130 Mill Creek, OK 74856</p>
<p>Fred Chapman P.O. Box 1754 Ardmore, OK 73402</p>	<p>C.D. Robertson Linda Robertson 8900 OK Hwy &amp;E Wapanucka, OK 73461</p>	<p>James Wendell Shackelford 1145 S. Dixie Hill Rd. Mill Creek, OK 74856</p>
<p>Paisley Cleveland 7781 W. Spring Creek Rd. Mill Creek, OK 74856</p>	<p>Reginald Robbins Shannon Shirley 2370 N. Daube Ranch Rd. Mill Creek, OK 74856</p>	<p>Dan Shaffer 5360 E. Mansion Rd. Milburn, OK 73450</p>
<p>Don Nichols 603 E. 21 P.O. Box 481 Tishomingo, OK 73460</p>	<p>Chuck Roberts 21745 CR 3510 Fitzhugh, OK 74843-2428</p>	<p>Shirl Sherrell P.O. Box 1864 Ada, OK 74821</p>
<p>Maurice Osborn 1341 W. Mockingbird Ln. Dallas, TX 75247</p>	<p>Norma Robins P.O. Box 55 Mill Creek, OK 74856</p>	<p>Charles Shipley 6336 S. Harvard Ave. Tulsa, OK 74136</p>
<p>Johnny Parker P.O. Box 115 Mill Creek, OK 74856</p>	<p>Sue Robins 1302 W. Easy St. Tishomingo, OK 73460</p>	<p>Shannon K. Shirley 2370 N. Daube Ranch Rd. Mill Creek, OK 74856</p>
<p>Lewis Parkhill Floy Parkhill 409 S. Mickle St. Tishomingo, OK 73460</p>	<p>Tom Robins P.O. Box 55 Mill Creek, OK 74856</p>	<p>Jeffrey K. Vick 2006 Daube Ranch Rd. Mill Creek, OK 74856</p>
<p>Justin Parks 7370 S. Pine Creek Rd. Mill Creek, OK 74856</p>		<p>Wayne Walker P.O. Box 115 Tishomingo, OK 73460</p>

<p>Mary Don Parks P.O. Box 772 Tishomingo, OK 73460</p>	<p>Jim Rodriquez 3945 Bellwood Dr. Norman, OK 73072</p>	<p>Gloria L. Webb 1250 Webb Tishomingo, OK 73460</p>
<p>Stanley Parks 7970 S. Pine Creek Rd. Mill Creek, OK 74856</p>	<p>Bill Rogers Keith Belingmez 9915 W. Amos Conley Rd. Mill Creek, OK 74856</p>	<p>Angela Williams 105 N. Indian Meridian Pauls Valley, OK 73075</p>
<p>Melanie Peden 9800 S. Canada Tishomingo, OK 73460</p>	<p>Floyd E. Ross 4200 Devils Den Rd. Tishomingo, OK 73460</p>	<p>Estate of Ida Sutton Williams Laurie Anne Williams P.O. Box 1209 Ardmore, OK 73402</p>
<p>David Perkins 1341 W. Mockingbird Ln. Dallas, TX 75247</p>	<p>Raymond E. Rowe Brenda Rowe P.O. Box 171 Tishomingo, OK 73460</p>	<p>John Wingard 10371 CR 1620 Fitzhugh, OK 74843-2549</p>
<p>Chris Phillips 120 S. Cottonwood Lane Stratford, OK 74872</p>	<p>Clayton Runyan 896 Buckhorn Rd. Sulphur, OK 73086</p>	<p>Stan Sewell 310 S. Muldrow Tishomingo, OK 73460</p>
<p>James Richardson Pitmon 42534 E. CR 1620 Wynnewood, OK 73098</p>	<p>Clyde Runyan P.O. Box 144 Mill Creek, OK 74856</p>	<p>Gilbert E. Renteria 1395 Dixie Hill Rd. Mill Creek, OK 74856</p>
<p>Kevin Pitmon 10940 W. Stinson Rd. Mill Creek, OK 74856</p>	<p>M. R. "Dick" Scalf P.O. Box 851 Ada, OK 74821</p>	<p>Don Rhodes 330 'G' Street, SW Ardmore, OK 73401</p>
<p>Yvonne Pruitt 500 S. Highland Ada, OK 74820</p>	<p>Dorine Scribner 402 N. Kemp Ave. Tishomingo, OK 73460</p>	<p>Barry C. Shrader 700 E. Wynnewood Sulphur, OK 73086</p>
<p>J.W. Reed P.O. Box 173 Wapanucka, OK 73461</p>	<p>Kate Scott 5936 Lost Valley The Colony, TX 75056</p>	<p>John &amp; Tamara Sikes 12055 W. Jewel Sikes Rd. Mill Creek, OK 74856</p>
<p>Trib Remy 1395 N. Dixie Hill Rd. Mill Creek, OK 74856</p>	<p>Craig Hughes P.O. Box 234 Mill Creek, OK 74856</p>	<p>Ralph Simmons 5234 W. Old Highway 7 Tishomingo, OK 73460</p>
<p>Duane Smith 1343 Lowrie Lane Oklahoma City, OK 73159</p>	<p>Howard H. Hughes P.O. Box 157 Mill Creek, OK 74856</p>	<p>Siegel Paul Heffington P.O. Box 692 Tishomingo, OK 73460</p>
<p>Joyce Soirez P.O. Box 202 Mill Creek, OK 74856</p>		

<p>Dick Sowder 6745 S. Bullet Prairie Rd. Tishomingo, OK 73460</p>	<p>Jim Hunter Hunter Cattle Co. 3108 Rolling Stone Road Oklahoma City, OK 73120</p>	<p>Larry Johnson P.O. Box 183 Mill Creek, OK 74856</p>
<p>Dave Spalding 3801 Wiley Milburn, OK 73450</p>	<p>Steve Huston 4276 W. Devils Den Rd. Tishomingo, OK 73.460</p>	<p>Steven Jolly P.O. Box 753 Davis, OK 73030</p>
<p>Roger &amp; Brenda Stacy 9501 S. Lake Estates Road Tishomingo, OK 73460</p>	<p>Carlyle Hill 20295 St. Hwy 1 W Ada, OK 74820</p>	<p>Wayne Kellogg 1509 S. Broadway Ada, OK 74820</p>
<p>Priscilla Stevens 409 Riverside Drive Moore, OK 73160</p>	<p>Patricia Hocker 1800 N. Post Road Arcadia, OK 73007</p>	<p>E. Christianne King P.O. Box 697 Tishomingo, OK 73460</p>
<p>Larry Hutchins 8701 S. Red Oak Rd. Tishomingo, OK 73460</p>	<p>Linda Hogan 903 N. Kemp Tishomingo, OK 73460</p>	<p>Richard Larney 11625 W. Stinson Rd. Mill Creek, OK 74856</p>
<p>Terry Hutchins 6253 Bold Springs Rd. Milburn, OK 73450</p>	<p>Billy D. Howell dba WildCat Springs Ranch 29480 County Road 3620 Stonewall, OK 74871</p>	<p>Michael E. Lawrence 11945 W. Stinson Rd. Mill Creek, OK 74856</p>
<p>Jamie Inman 8301 S. Rock Creek LP Tishomingo, OK 73460</p>	<p>Carol Madden 4721 Primrose Lane Sulphur, OK 73086</p>	<p>Nick Ledbetter P.O. Box 135 Mill Creek, OK 74856</p>
<p>Eric B. Jackson 10407 Vinemont Street Dallas, TX 75218</p>	<p>Trent Maness 8010 Spring Creek Rd. Mill Creek, OK 74856</p>	<p>Teddy Lenard 3615 S. Third Mill Creek, OK 74856</p>
<p>Al Logan 800 North Kemp Ave. Tishomingo, OK 73460</p>	<p>Mary Jo Massey 307 W. Kentucky Ave. Tishomingo, OK 73460-2523</p>	<p>Melvin E. Lindell 8430 N. Austin Mill Cree, OK 74856</p>
<p>Ray Lokey P.O. Box 520 Tishomingo, OK 73460</p>	<p>Cindy Matheny P.O. Box 250 Tishomingo, OK 73460</p>	<p>Charles Locke 204 N. Maytubby Tishomingo, OK 73460</p>
<p>Michael A. Long Patricia F. Long 8905 Hwy 7East Wapanucka, OK 73461</p>	<p>Mary McDonald 12135 W. Stinson Rd. Mill Creek, OK 74856-5641</p>	<p>Marcella Locke 707 West Main Tishomingo, OK 73460</p>
		<p>Jim McCrauken P.O. Box 103 Mill Creek, OK 74856</p>

<p>Alton Lothridge 5506 W. Acorn Rd. Tishomingo, OK 73460</p> <p>Mark Mauck Oklahoma Department of Wildlife Conservation 2021 Caddo Hwy Caddo, OK 74729</p> <p>C.I. Maxwell, Jr. 4500 Hwy 7 West Tishomingo, OK 73460</p> <p>Scotty R. McCarthick Scotty's Blue River One Stop 4501 S. Bullard Chapel Road Tishomingo, OK 73460</p> <p>Dave Mullens 41255 E. Co. Rd. 1510 Pauls Valley, OK 73075</p> <p>Billy W. Murray Carla B. Murray 18850 CR 1655 Fittstown, OK 74842</p> <p>Richard Murray 606 N. Kemp Tishomingo, OK 73460</p> <p>Richard Murray P.O. Box 871 Tishomingo, OK 73460</p>	<p>Lawanna S. McKinney 8520 OK Hwy 1 N Mill Creek, OK 74856</p> <p>Marry McLemore 900 W. Tahlequah Sulphur, OK 73086</p> <p>Zeno McMillan 7995 S. Lone Cedar Road Mannsville, OK 73447</p> <p>Frances Morrell 106 S. Byrd Tishomingo, OK 73460</p> <p>Dr. Mary Jane Nelson P.O. Box 236 Tishomingo, OK 73460</p> <p>Charmel Winkler P.O. Box 338 Tishomingo, OK 73460</p> <p>Jock Yates 506 E. Kentucky Tishomingo, OK 73460</p>	<p>Terry McCurry P.O. Box 386 Wapanucka, OK 73461</p> <p>Kenneth McCutchen P.O. Box 178 Ravia, OK 73455</p> <p>Gary McDonald 7505 N. Bellwood Mill Creek, OK 74856</p> <p>Michael Mercurio 1609 White Way Drive Arlington, TX 76013</p> <p>Kenneth R. Meyers 1333 Red Cedar Rd. Ardmore, OK 73401</p> <p>Don Rhodes 330 'G' Street, SW Ardmore, OK 73401</p> <p>Jason B. Aamodt Krystina Hollarn Attorneys for CPASA The Aamodt Law Firm 1723 S. Boston Ave. Tulsa, OK 74119</p>
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Mark Secret