

**BEFORE THE CORPORATION COMMISSION
OF THE STATE OF OKLAHOMA**

FILED
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CORPORATION COMMISSION
OF OKLAHOMA

APPLICANT:	RED RIVER SOIL FARM, LLC)	
)	
RELIEF SOUGHT:	ADMINISTRATIVE AUTHORIZATION TO)	
	OPERATE A COMMERCIAL SOIL)	CAUSE PD NO.
	FARMING FACILITY PURSUANT)	200900284
	TO OAC 165:10-9-2)	
)	
LEGAL	PORTIONS OF THE S/2 SW/4 AND S/2)	
DESCRIPTION:	NE/4 SW/4 OF SECTION 30, T7S, R3W,)	
	IM LOVE COUNTY, OKLAHOMA)	

**REPORT OF THE OIL AND GAS APPELLATE REFEREE ON
REMAND**

This Cause came on for hearing before **Michael Norris**, Administrative Law Judge for the Corporation Commission of the State of Oklahoma, on the 11th and 12th day of March, 2010, at 8:30 a.m. in the Commission's Courtroom, Jim Thorpe Building, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Commission for the purpose of taking testimony and reporting to the Commission.

APPEARANCES: **Cheri M. Wheeler**, attorney, appeared on behalf of applicant, Red River Soil Farm, LLC ("Red River"); **Wes Johnston**, attorney, (appeared on behalf of respondents, the Spivey Family and the Grant Family (collectively "the Spiveys"); **Larry Chapman**, Route 1, P.O. Box 75, Ringling, OK 73456, appeared Pro Se; **L.J. Chapman**, Route 1, P.O. Box 75, Ringling, OK 73456, appeared Pro Se; and **Jim Hamilton**, Assistant General Counsel for the Conservation Division, filed notice of appearance.

The Administrative Law Judge ("ALJ") filed his Report of the Administrative Law Judge on the 27th day of May, 2010, to which exceptions were timely filed and proper notice given of the setting of the Exceptions.

The Appellate argument concerning the Exceptions was referred to **Patricia D. MacGuigan**, Oil and Gas Appellate Referee ("Referee"), on the 16th day of August, 2010. After considering the arguments of counsel and the record contained within this Cause, the Referee issued her Report on October

19, 2010 finding that Spiveys' Motion to Dismiss Appeal should be granted. However, the Commissioners issued their decision on November 2, 2010, reversing the Report of the Oil and Gas Appellate Referee which recommended the granting of the Spiveys' Motion to Dismiss Red River's appeal. The cause was remanded to the Referee for the purpose of issuing a report and recommendations regarding Red River's exceptions to the Report of the ALJ.

STATEMENT OF THE CASE

RED RIVER APPEALS the ALJ's recommendation in his Report of the Administrative Law Judge that the subject application requesting administrative approval to construct and operate a commercial soil farming facility on approximately 44 acres of land contained in portions of the S/2 SW/4 and S/2 NE/4 SW/4 of Section 30, T7S, R3W, Love County, Oklahoma, should be denied. Various land owners protested the granting of this application based on concerns about the content of the soil, the correct depth of the water table, the proximity of domestic wells in the area, proximity to the Red River, and the concerns regarding the possibility of the release of pollutants from this land.

RED RIVER TAKES THE POSITION:

(1) The conclusion by the ALJ that Red River submitted data that minimally supported OAC 165 :10-9-2 et seq. is incorrect and is not supported by the record. The rules do not require test holes and water wells to be drilled. The rules do require that monitoring wells be drilled before actual soil farming takes place. OAC 165:10-9-2(h)(3). Red River drilled three test holes on the site of the proposed facility to 60 feet and a water well to 235 feet before the application was filed. This was done to determine the depth to groundwater and evidence of certain soil textures in the soil profile. See OAC 165:10-9-2(b)(3).

(2) The ALJ concluded that Pollution Abatement had satisfactorily and diligently approved the application based upon the information available during the administrative process, but additional issues and information were raised during the hearing that caused concerns about the limitations of the site and other conditions of risk. This conclusion is without merit and is not supported by the record. Red River had previously filed a soil farming facility directly north of the current proposed site earlier in 2009 and the same people that filed written protests in the current application, filed protests in the first application. All the data and information testified to during the hearing were already known by Red River and Pollution Abatement before the present application was filed through onsite inspections and the filing of detailed

written protests. At the onsite inspection for the first application, Mr. Spivey, a protestant in both cases, and others, advised Red River that the water table was shallow. Red River dismissed the first application after they conducted additional borings to investigate the depth to groundwater. The purpose for the drilling of the test holes and water well was to investigate the subsurface of the area of the present application prior to filing the application. The additional data and information was contained in the Soils Report, Exhibit 1 and filed with the application. No new conditions or information were presented by either party at the hearing on the merits. The manager of Pollution Abatement stated Pollution Abatement did not object to the application of Red River and on the last day of the hearing he was the next to the last rebuttal witness and he again stated that Pollution Abatement had no objection to the application and his opinion had not changed from the evidence presented at the two day hearing.

(3) The ALJ denied the application based upon the language of 165:10-9-2(j). The ALJ asserts the concerns and questions raised by Protestants fall within the additional requirements language of the rule. Red River on its own performed additional subsurface investigation and additional surface investigation to determine any limitations or conditions of risk the proposed site might have. The description of the soils from the Soil Survey Map provided a general description of the soils in this area. The silt and silt loam found at the excavated ponds supported the soil scientist conclusions that soils were different than what was described on the Soil Survey Map. The soil surveys were general in nature and the site specific investigation of the soils for this site indicated they were outside of the actual range of characteristics of Eufaula Series as indicted by the Soil Survey Map. The soil scientist also noted the slopes for this site were not the same as indicated on the Soil Survey Map which stated the slope to be 3 to 8% in keeping with the Eufaula series. His investigation indicated the slope was zero to 3%, verifying the soils were different than the general Soil Survey Map. Applicant therefore performed beyond the rules as set forth in 165:10-9-2 to investigate the suitability of the proposed soil farming site.

(4) The ALJ determined that there is an implied requirement that individuals making application or coming under the jurisdiction of the Commission must possess good character, experience and are responsible and honest. However, the Commission's expectations for commercial soil farm operators are that they know the rules and follow them. An operator must conduct soil farming operations so as to not cause pollution and prevent waste. The ALJ determined that Red River should not be an operator due to the fact one of the "individuals to be involved in the operation of the soil farm was involved in a bankruptcy proceedings." However, Red River is not now, nor has it been in bankruptcy. Protestant Gadd testified that Mr. Poage's trucking company was involved in bankruptcy and there had been a warrant for his arrest. He also

testified that he was not sure if Mr. Poage was still in the trucking business, if the warrant was still there, or the circumstances surrounding the case. The Applicant for this commercial soil farming facility is Red River, a valid, duly organized company under Oklahoma law and Red River is not an unnamed trucking company that may or may not still be in business. There is no Commission rule that predisposes that if an individual was or is in bankruptcy, or has had a warrant for his arrest, that any future company, partnership or limited liability company that the individual may be a part of would be determined to be dishonest, be of bad character and act irresponsibly. Red River is a stand alone company and has taken no action that would require the Commission not to authorize it to operate a commercial soil farm facility.

(5) The ALJ states Red River does not have experience operating a soil farm and therefore conscientious and detailed records and operations are questionable. While it is true that Red River has not previously operated a soil farm, Commission rules do not require experience. The Commission does require that their rules be followed and Patrick Stewart has leased and owned the land where the proposed soil farm will be located for approximately 20 years. He also farms and owns approximately 7,000 to 8,000 additional acres in the area and manages 6,200 acres of wildlife acres. He has a college degree and has lived in the area all his life, 40 years. He testified that he would mark the designated soil farming sites prior to application of fluids, will put up the required surety, install the required sign, and abide by the OCC rules. Mr. Stewart appears to be conscientious and has the ability to comprehend the Commission rules and put them into operation as many "inexperienced" individuals have done in the past.

(6) The ALJ contends that Red River did not provide substantial evidence that the site was suitable for soil farming as to soil content and texture. However, the only expert technical witness to testify at the hearing was Red River's soil scientist who had 31 years of experience and had mapped over a million acres of soils. He had previously conducted the soil investigations and soil reports for 23 soil farming applications, as well as 15 one time land applications. There had been two conferences with Pollution Abatement before the application was filed and at both times the soil scientist Soils Site Report, Exhibit 1, had been reviewed, discussed and accepted in its conclusions of site suitability. The purpose of his soil evaluations were to make sure that the parameters that are set out by rules are in order with what they found in the field. The expert testified that in the first application he had only used the generalized Soil Survey Map to determine if plots one and four were suitable. He had not done further investigation. The test wells and water well drilled by a certified water well driller showed that silt and silt loam existed in the soil profile, that were not mapped on the Soil Survey Map. He did further investigation for the existence of silt and silt loam. The rules require at least 12" of one of the textures in the soil profile. See OAC 165 :10-9-2(2)(b)(3). The

soil scientist testified that around the embankment of the pond he found silt and silt loam from the excavation of the pond. It was his expert opinion that this was physical evidence that verified the test hole and water well reports contained in his Soils Site Report. The regulatory division, Pollution Abatement, did not require additional soil sampling. Exploration of the soils beyond the initial sampling was accomplished by the drilling of the three test holes and water well. The soil scientist determined there was silt and silt loam in the embankment of the pond which verified the test holes and water well reports. There is no indication in the record that allowing Protestants to independently sample would have resolved their protests. Drilling test holes and a water well by a certified water well driller who had drilled most of the protestant's wells, to determine the depth to ground water and subsoil did not resolve their protests. The soil scientist testified under oath as to his expert opinion as to texture in the soil profile. The rules do not require testing to determine texture. See OAC 165:10-9-2(b)(3). Pollution Abatement did not believe it was necessary to have independent soil testing and was confident in relying upon the water well driller's logs.

(7) The ALJ was incorrect in asserting that Red River testified that runoff of the proposed site is permissible. The soil scientist testified that his Soils Site Report gave a detailed discussion of the method and provisions for preventing runoff from the application area. He further testified that the fluids will be applied at rates to prevent runoff from the surface or runoff from occurring from the area of application. The witness also testified that conservation management practices found in Exhibit 3 of the Soils Site Report covered the needs of storm water disposal and erosion. The expert witness testified extensively that there would not be run off drilling fluids from the site and that to insure this, there are filter strips in place, a 100 foot set back from property lines and good application practices. Runoff of drilling fluids is not acceptable as testified by Red River's soil scientist expert and the containment testimony was provided to reassure the Protestants.

(8) The ALJ asserts incorrectly that the depth to groundwater is still an issue. Red River had the three test holes and a water well drilled to determine the depth to groundwater before this application was filed. The three test holes were drilled to 60 feet and did not encounter groundwater. The water well was drilled and completed to a depth of 235 feet. The rules require that groundwater be at least 25 feet in depth. The closest water well is on the property as mentioned above, and the next would be Grant's well about 1200 feet from the pond on the site to the south. Without considering elevation differences groundwater in the well is 35 feet. If the order were granted and monitoring wells drilled that encountered groundwater at less than 25 feet, soil farming could not proceed. The shallow groundwater stated by the ALJ was not adjacent to this site, but to the previous site and that application was withdrawn when the depth of groundwater was independently determined.

(9) Therefore Red River respectfully requests that the recommendation of the ALJ be reversed and their application be approved.

THE ALJ FOUND:

(1) The application of Red River should be denied unless further data and evidence are submitted. Red River submitted data in its application that minimally satisfied the requirements of the rule OAC 165:10-9-2. While Pollution and Abatement satisfactorily and diligently approved the application based upon the information available during the administrative process, additional issues and information were raised during the course of this hearing that caused concerns about limitations of the site and other conditions of risk.

(2) The crux of the decision in this Report is a result of language in Rule OAC 165:10-9-2(j), Additional Requirements, and the issues raised by the Protestants. The concerns and questions raised by the parties protesting the application are valid and fall within the Additional Requirements language of 165:10-9-2(j) which states:

"The requirements set forth in this section are minimum requirements. Additional requirements may be made upon a showing of good cause that an operator has a history of complaints for failure to comply with Commission rules, or the site has certain limitations, or other conditions of risk exist."

(3) Red River and the individuals associated with Red River are new operators with no history with the Commission, and there is an implied requirement that individuals making application or coming under the jurisdiction of the Commission must possess good character, experience and are responsible and honest. The protestants in this matter gave un rebutted testimony that one of the individuals to be involved in the operation of this soil farm was involved in a bankruptcy proceeding. The records from the bankruptcy proceeding indicated that a warrant was issued for the arrest of this individual. Further, none of the individuals involved in this application have prior experience operating a soil farm or any experience in the oil and gas industry. These facts give pause that accurate, conscientious and detailed records and operations will occur.

(4) The issues raised concerning the soil content and texture were persuasive. The mere fact that the site was considered unsuitable on the first investigation of the soil scientist raises a question that should be addressed with substantial evidence. When such a critical issue occurs the fact that no one took the action to examine the test well samples casts further doubt on the diligence expended to determine the limitations of this site. The Protestants

raised a very valid issue by demonstrating that no one took the extra step to examine the samples obtained by the well driller. These facts cause concerns and raised many questions about the actual soil content and texture. It was noted that Red River did not entertain the request for additional soil testing. This settlement overture was apparently ignored when it may well have resolved this matter.

(5) Red River testified extensively about run off from the site and by his own admission, Mr. Stewart stated that any run off goes to the east on to other property that he owns. The Protestants gave testimony that the road to the south has washed out during many rains but Red River would have you believe the damage to the road is caused by other circumstances. Red River apparently wants to establish the premise that run off onto the property owned by Red River is permissible and acceptable. However, run off of pollutants has the potential to cause damage and penetrate ground water wherever it escapes. The pollutants cannot take into account the ownership of the property.

(6) Evidence was submitted by both Red River and the Protestants concerning the depth of the water table and the evidence submitted allowed a reasonable person to ascertain the depth of the water table may be at depths from 15 feet to 60 feet. At the very least, this application should be reviewed to verify the actual depth or to determine if such variations are existent in the area. This issue obviously is very closely attuned to the proximity of domestic wells and the Red River.

(7) It is therefore the ALJ's recommendation that the application of Red River be denied. Red River has not demonstrated by substantial evidence that compliance with these issues has been obtained. Additional requirements should be instituted to satisfy the question of site limitations, other conditions of risk and the experience and qualifications of the individuals to be involved in the operation of this commercial soil farm. Further consideration of these issues will only ensure public safety, welfare and the protection of the fresh waters of the State of Oklahoma.

POSITIONS OF THE PARTIES

RED RIVER

1) **Cheri Wheeler**, attorney, appearing on behalf of Red River, stated that Red River disagrees with the ALJ's conclusion that the appellant submitted data that minimally supported the rule requirements. Red River points out

that the appellant drilled test borings three times, performed a subsurface investigation prior to filing the application, and included that information in the soils report. Red River stated that was all additional information and appellants went above and beyond the minimum requirements.

2) Further, Red River addressed the ALJ's conclusion that additional information raised during the hearing caused concerns about the limitation of the site and other conditions of risk. Red River states that everything that was testified to during the hearing was known prior to the filing of the application. Red River points out there were no new conditions or information presented by either party at the hearing on the merits.

3) Red River addresses the ALJ's recommendation that additional soil tests be considered by an independent party and chain of custody. She stated Red River is willing to have the Corporation Commission select a site for two test borings as well as monitor them. In turn, Red River will furnish the protestants with information collected. The protestants contend the soil survey map shows that the area is considered "Eufaula Series." Tim Baker and Gordon Moebius testified that soil survey maps are general in nature and in order for an accurate view, samples need to be taken. Mr. Moebius, a soil scientist and former employee of Love County Conservation Commission, did a soil investigation near an excavated pond on the parcel in question. He felt the soil with his hands and thought there was a lot of texture and clay type soils which according to Mr. Baker tend to prove the area is not "Eufaula Series."

4) The ALJ also concluded that there is an implied requirement that individuals making application or coming under the jurisdiction of the Commission must be experienced, responsible, and honest. There was testimony about Mr. Poage, a registered agent of Red River, having a warrant out for his arrest and filing for bankruptcy, however, Red River points out Mr. Poage is not the applicant in this case. Red River points out that there is nothing in the Commission Rules that state filing for bankruptcy means a person is dishonest or is of bad character. The ALJ expressed concern of lack of expertise. Red River insists that Mr. Stewart has enough experience from farming and managing a wildlife preservation. Mr. Stewart has lived in the area all his life, and farms 7,000 to 8,000 acres in the area. Red River points out that one must be able to read, understand, and apply the rules without polluting in order to be a successful applicant.

5) The ALJ express concern about the run off at the proposed site. The rules require there must be a conservation plan in place to address run off concerns. Red River points out the soil farm is 100 feet from the property line and 350 feet from any domestic water well. Grass strips are present along with drainage towards the pond on Red River's land. There is also a small ridge to

contain run off water from heavy rains. Red River contends these measures help prevent run off.

SPIVEY FAMILY

1) **Wes Johnston**, attorney, appearing on behalf of the Spiveys, stated that the Spiveys make a distinction between the minimal requirements in the Commercial Soil Farming Rules (165:10-9-2) and the additional provision of the rules 165:10-9-2(j). Counsel states that this additional requirements provision gives the ALJ flexibility to take into consideration the evidence about the characteristics of the site. Based on this provision, the ALJ determined there were additional considerations which merited additional information to prevent pollution.

2) Counsel points out that the decision to use the tract of land at issue in this case was tested once before and the results were unfavorable for a soil farm. Counsel states the applicant then came back to the original tract, but did not collect new samples/data. Red River merely hired a water well driller that bored with his drilling rig a few test holes that went down to 60 feet. In addition, no new samples were taken around the pond and sent to the lab. The rule states the soil scientist must confirm there is 12 inches of loam, silt or other soil that is acceptable. Counsel contends this rule wasn't followed because no scientist ever actually went out and did the testing. Counsel also addresses the issue of run off at Red River's property. He believes the ALJ's decision was correct to decide that it doesn't matter who owns the property, the issue is the character of the land and run off isn't allowed under the rule at all.

3) Counsel also addresses the character of Mr. Poage and expresses concern about Mr. Poages' trucking company filing for bankruptcy. He states it's important for Mr. Poage to be careful as an operator and pollution could affect the neighbors of Red River as well as the waters of the state. This is a duty that shouldn't be taken lightly. Counsel is skeptical about relying on someone who has a warrant for his arrest in the county where the soil farm will be located.

4) Further, Counsel indicates there has been a history of mistrust between the applicant and neighboring landowners. The ALJ in his report, indicated that having a third party go out, collect samples, and state if the soil is sand or another type of soil would be a good idea. Counsel indicates that the Noble Foundation does this type of work, however, the work was never allowed and therefore there has been no evidence of any reliable character that indicates exactly what type of soil is at the farm.

RESPONSE OF RED RIVER

1) Red River states the rules don't require the drilling of a test hole or the drilling of a monitor well to be done by a soil scientist. Red River indicates the reason the Noble Foundation wasn't called was because they don't have jurisdiction, the Commission does, and for that reason applicants wanted the Commission present. Red River states just because there is a warrant out for an arrest or a bankruptcy filing doesn't mean that Mr. Poage will not be able to provide reliable records for Red River.

CONCLUSIONS

The Referee finds the Report of the ALJ should be affirmed.

1) The Referee finds the ALJ's recommendation to deny Red River's application requesting administrative approval to construct and operate a commercial soil farming facility on approximately 44 acres of land is supported by the weight of the evidence, by law and free of reversible error.

2) The ALJ is the initial finder of fact. It is the ALJ's duty as the finder of fact to observe the demeanor of the witnesses, assess their credibility and assign the appropriate weight to their opinions. The ALJ then can make proper recommendations to the Commission en banc, the ultimate arbitrator and decision maker. *Grison Oil Corporation v. Corporation Commission*, 99 P.2d 134 (Okl. 1940); *Palmer Oil Corporation v. Phillips Petroleum Company*, 231 P.2d 997 (Okl. 1951).

3) Landowners protested the granting of this application based on concerns about the content of the soil, the correct depth of the water table, the proximity of domestic wells in the area, proximity to the Red River, and the concerns regarding the possibility of the release of pollutants from the commercial soil farming facility. *Appeal of Cummings and McIntyre*, 319 P.2d 602 (Okl. 1957).

4) The evidence established that there was concern as to the soil content and texture. The site was considered unsuitable on the first investigation of Red River's soil scientist. Red River dismissed their first application due to their independent verification that the water table was shallower than 25 feet.

In the present application Red River's soil scientist apparently performed additional investigations of the land and had a certified water well driller drill three test holes and a water well that showed that the water table was below 25 feet and two of its texture soils were in the soil profile. However there was no independent assessment of these samples. There were no independent parties who were present during the drilling of the test holes and water well nor were there any independent parties who examined the samples obtained. Thus, the actual content of the soil and its texture may be questioned. Apparently there was a request by the Spiveys for additional soil testing which was not agreed to by Red River. The Soil Survey Map attached to Exhibit 1 shows that the area in question is considered "Eufaula series" which would not be loam, silt loam, silt or any of the other soil textures that are required to be present and at least 12 inches thick. See OCC-OAC Rule 165:10-9-2(b)(3). Sand is not identified as one of the suitable soils, because sand is not a material for the pollutants to bind to as they migrate down through the soil. Both the Commission's witness and the soil scientist for Red River testified that soil survey maps were general in nature and in order for an accurate view, samples must be taken. The Red River soil scientist did a soil investigation near an excavated pond on the subject property, felt the soil with his hands and thought there was a lot of texture with clay type soils which tended to prove the area is not "Eufaula Series" sand.

5) The Referee notes the concerns expressed by the Spiveys in regard to the granting of this application. The Commission takes its responsibility concerning prevention of pollution very seriously. It is for that reason that the Commission implemented its rules concerning commercial soil farming by calling upon a body of experts within the industry to help it design stringent rules, such that, an entity conducting commercial soil farming must meet the requirements of the Commission rules so that there is no reasonable likelihood of pollution. See OCC-OAC Rule 165:10-9-2.

6) OCC-OAC Rule 165:10-9-2(j) provides:

Additional Requirements. The requirements set forth in this Section are minimum requirements. Additional requirements may be made upon a showing of good cause that an operator has a history of complaints through failure to comply with Commission rules, or the site has certain limitations, or other conditions of risks exist.

Based upon this rule, the ALJ took into consideration the evidence about the characteristics of this site and determined that there were additional considerations which merited additional information to assure that there would be no pollution.

7) As previously stated, the Commission has particular expertise in this area and the rules were enacted after extensive public comment, meetings with industry experts and industry and private parties so that stringent safeguards would be enacted to protect the concerns expressed herein. The rules and regulations enacted by the Commission pursuant to the powers delegated to it have the force and effect of law and are presumed to be reasonable and valid. *Toxic Waste Impact Group v. Leavitt*, 755 P.2d 626 (Okl. 1988); *Brumark Corporation v. Corporation Commission*, 864 P.2d 1287 (Okl.App. 1993); *Ashland Oil Inc. v. Corporation Commission*, 595 P.2d 423 (Okl. 1979).

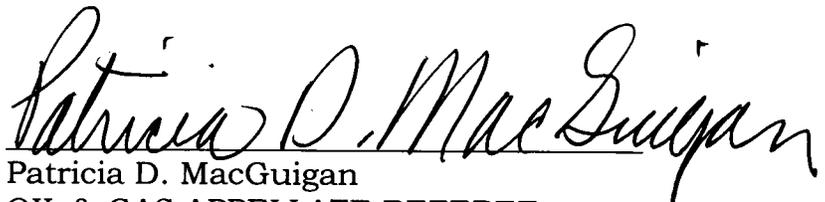
8) The ALJ also expressed concern about two other areas: 1) the risk of runoff at the proposed site and 2) the exact footage of the water table in the area. The drainage from the proposed soil farm facility is to the southeast toward the pond on Red River's property. Also there was testimony that the road to the south has washed out during many rains. However runoff of pollutants has the potential to cause damage and penetrate ground water wherever it escapes regardless of the ownership of the property. The rules require that ground water be at least 25 feet in depth. See OCC-OAC Rule 165:10-9-2(b)(7).

9) The Referee finds that Red River has failed to satisfy its burden of persuasion and its burden of production by the weight of the evidence. In administrative hearings, the applicant seeking relief has two burdens: 1) the burden of persuasion (that if the evidence is evenly balanced, the party that bears the burden of persuasion must lose); and 2) the burden of production (a party's obligation to come forth with evidence to support its claim). *Director, Office of Workers' Compensation Program, Department of Labor v. Maher Terminals, Inc.*, 512 U.S. 267, 272, 275 (U.S. 1994).

10) It is the Referee's recommendation therefore that the application of Red River be denied as Red River has not demonstrated by substantial evidence that compliance with the rules has been obtained. Additional requirements (such as additional monitored soil tests and water table determination by an independent party) should be required to satisfy the questions raised above so that the Commission may base its ruling on evidence that would convince a reasonable man that the granting of the application was proper and would not cause pollution. *El Paso Natural Gas Company v. Corporation Commission of Oklahoma*, 640 P.2d 1336 (Okl. 1981); *Kuykendall v. Corporation Commission*, 634 P.2d 711 (Okl. 1981); and *Landowners Oil, Gas and Royalty Owners v. Corporation Commission*, 415 P.2d 942 (Okl. 1966). Further information

concerning these issues will only insure public safety, welfare and the protection of the fresh waters of the State of Oklahoma.

RESPECTFULLY SUBMITTED THIS 6th day of January, 2011.


Patricia D. MacGuigan
OIL & GAS APPELLATE REFEREE

PM:ac

xc: Commissioner Murphy
Commissioner Cloud
Commissioner Anthony
Jim Hamilton
ALJ Michael Norris
Cheri M. Wheeler
Wes Johnston
Larry Chapman
L.J. Chapman
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Michael L. Decker, OAP Director
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