



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
REGIONAL OFFICE, SOUTHWEST REGION
P.O. BOX 3156
TULSA, OKLAHOMA 74101

REFERENCE NO.

September 7, 1993

Ms. Tina Jordan, Esq.
Executive Director
Arkansas Riverbed Authority
109 North College
Tahlequah, Oklahoma 74464

Dear Ms. Jordan:

This responds to your September 2, 1993 letter which requested estimates on numbers of cases and numbers of potential defendants for the anticipated third party suits which will quiet titles, eject trespassers and seek trespass damages for all land parcels along 96 miles of the Arkansas River which are determined to be owned by the Cherokee, Choctaw and Chickasaw Nations of Oklahoma.

We estimate that the anticipated litigation will involve about 7,200 defendants in 600 to 800 separate lawsuits. The basis for our estimates is set out below.

We must assume that a separate lawsuit will be required for each separate surface ownership so that numbers of defendants in each action will be manageable given the numbers of subsurface ownerships that exist. Based upon the title abstracting already accomplished for the first eight linear miles of the river, it is our estimate that there will be at least four separate surface ownerships in each linear mile on each side of the river. This computes to approximately 768 separate suits to be filed. Obviously, the segments which are inundated by reservoirs will not have surface ownerships, but many other segments will likely have more than four per mile per side. It is therefore our best estimate that approximately 600 to 800 separate suits will be required to be filed to complete the initiative.

Our work on the first eight linear miles of the river identified a total of over 1,200 individuals, corporations, trusts, partnerships and other entities to be named as defendants. The vast majority were claimants to oil and gas interests. This same general pattern, with some necessary adjustments, can be envisioned for the entire 96 miles of the river, notwithstanding the fact that large stretches are inundated by reservoirs built by the Corps of Engineers.

The Corps of Engineers only subordinated minerals interests instead