Privilege Log

Oklahoma Poultry Litigation

	Date	Author	Is Author a Lawyer?	Recipient(s)	Type of Document	General Subject Matter of the Document	Privilege Asserted *FRCP*
1	10/23/06	Dean Couch	Yes	Dean Couch	Attorney Notes	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
2	10/20/06	Trevor Hammons	Yes	Dean Couch	E-Mail	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
3	10/23/06	Dean Couch	Yes	Dean Couch	Attorney Notes	Investigation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
4	10/16/06	Dean Couch	Yes	Dean Couch	Attorney Notes	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
5	09/18/06	Trevor Hammons	Yes	Dean Couch	E-Mail	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
6	Unknwn	Dean Couch	Yes	Dean Couch	Attorney Notes re: Phone Call from Trevor Hammons	USGS Agreement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
7	10/05/05	Dean Couch	Yes	Dean Couch	Attorney Notes re: Phone Call from Trevor Hammons	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
8	11/28/06	Dean Couch	Yes	Dean Couch	Attorney Notes	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
9	4/13/1981	R. Thomas Lay	Yes	James R. Barnett	Memorandum	Pollution Remedies and Jurisdictional Considerations Under AR-OK Compact Commission	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
10	Unknown	OWRB	No	Oklahoma Attorney General's Office	Spread Sheets	Document Indexes	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

Exhibit 12

Privilege Log

Oklahoma Poultry Litigation

11	5/11/06	Dean Couch	Yes	Dean Couch	Attorney Notes	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
12	Unknown	Trevor Hammons	Yes	Dean Couch	Memorandum	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
13	4/25/06	Derek Smithee	No	Dean Couch, Monte Boyce, Carla Jennings	E-Mail	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
14	4/24/2006	Trevor Hammons	Yes	Duane Smith, Executive Director OWRB	Memorandum	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
15	04/21/2006	Dean Couch	Yes	Dean Couch	Attorney Notes	Cobb Vantress Interrogatory Response	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
16	05/02/2006	Trevor Hammons	Yes	Dean Couch	E-Mail	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
17	Unknown	OWRB	No	Trevor Hammons	Spread Sheets	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
18	02/23/06	Ron French	No	David Page, Roger Olsen, Brian Bennett, Christopher Teaf, Andrew Santini	E-Mail	Lake Tenkiller	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
19	02/08/06	Kelly Burch	Yes	State Agencies	Agenda	Litigation Update	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
20	11/10/05	Dean Couch	Yes	Dean Couch	Attorney Notes	Litigation Notes	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

21	10/14/2006	Dean Couch	Yes	Kelly B	Memorandum	Ark-Ok. Compact Commission	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
22	Unknown	Dean Couch	Yes	Kelly Burch	Fax	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
23	11/02/04	Dean Couch	Yes	Dean Couch	Attorney Notes	Litigation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
24	07/25/05	Lou Klaver	Yes	Dean Couch	Memorandum	Open Records Request	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
25	10/14/2005	Kelly Burch	Yes	Dean Couch	Memorandum	Document Request	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
26	10/19/2004	Cathy Hoye	No	Dean Couch	Memorandum	Document Request	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
27	09/16/05	Dean Couch	Yes	Dean Couch	Attorney Notes	Litigation	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
28	10/20/2004	Dean Couch	Yes	Derek Smithee	Memorandum	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
29	10/26/2004	Nikki Cole	No	Trevor Hammons	Memorandum	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
30	Unknown	Oklahoma Attorney Generals Office	Yes	OWRB, DEQ	Settlement Proposal	Settlement Proposal for Consent Decree between Arkansas and Oklahoma	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

31	8/5/02	Derek Smithee	No	Dean Couch	E-Mail	Framework for Agreement with Arkansas	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
32	10/14/02	Oklahoma Attorney General's Office	Yes	Dean Couch	Draft Proposal	Draft Proposal for Consent Decree between Arkansas and Oklahoma	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
33	10/8/02	Oklahoma Attorney General's Office	Yes	Dean Couch	Memorandum re: Settlement	Conditions for Agreement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
34	6/7/02	Oklahoma Attorney General's Office & OWRB	Yes	OAG	Draft Proposal	OWRB Draft Statement of Joint Principles and Goals	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
35	5/22/06	Kelly Burch	Yes	Dean Couch	Phone Memo	Document Production	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
36	5/1/02	Oklahoma Attorney General's Office	Yes	OWRB	Statement	Statement of Joint Principles and Goals	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
37	11/21/96	Jeannine Hale	Yes	OWRB, DEQ, OSRC	Faxed Memorandum	Memorandum Re: Use of the Arkansas River Basis	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
38	11/7/96	Dean Couch	No	Jeannine Hale	Faxed Memorandum	Memorandum Re: Updates and ORWA audit	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
39	5/10/89	Mel McFarland	Yes	Dean Couch	Memorandum	Memorandum Re: Settlement Agreement Terms	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
40	3/30/89	Oklahoma Attorney General's Office	Yes	James R. Barnett	Letter	Letter Re: Proposed Settlement Agreement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

41	Unknown	OWRB, OAG	Yes	Joe Kennedy, Don S. Smith, Jerry Canfield	Letter	Letter Re: Lower Lee Creek Project	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
42	5/4/??	Dean Couch	No	Mel McFarland	Attorney Notes	Attorney Notes	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
43	3/14/89	Oklahoma Attorney General's Offic	Yes	City of Fort Smith, Arkansas	Settlement Agreement	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
44	3/14/89	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
45	Unknown	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
46	12/7/88	Dean Couch	No	James R. Barnett	Memorandum	Memorandum Re: Settlement Conference Update	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
47	12/7/88	Dean Couch	No	James R. Barnett	Memorandum	Memorandum Re: Settlement Conference Update	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
48	Unknown	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement Draft	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
49	Unknown	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement Draft	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
50	Unknown	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement Draft	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

51	Unknown	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement Draft	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
52	Unknown	Oklahoma Attorney General's Office	Yes	City of Fort Smith, Arkansas	Settlement Agreement Draft	Draft Settlement Agreement Re: Development on Lower Lee Creek	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
53	9/19/88	Dean Couch	No	J R B	Memo	Memo to JRB Re: Fort Smith's settlement agreement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
54	0/16/88	Dean Couch	No	Unknown	Memo	Memo Re: Phase II	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
55	5/24	Kelly Burch	Yes	OWRB	Telephone Memo	Memo re: Arkansas AG	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
56	9/9/04	Kelly Burch	Yes	unknown	Telephone memo	Poultry Litigation	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
57	9/22/93	Dean Couch	Yes	Brita Cantrell	Memo	Siloam Springs - Reopener Clause	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
58	Unknown	Brita Cantrell	Yes	Dean Couch	Attorney Notes	Siloam Springs permit	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
59	10/3/02	Kelly Burch	Yes	Randy Young	Draft Letter	OK/AR Water Quality Negotiations	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege

60	7/9/02	Kelly Burch	Yes	unknown	Phone Memo	TP Criterion	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
61	6/27/02	J. D. Strong	No	Kelly Burch	Draft Strategy	Draft Phosphorus Control Strategy	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
62	12/9/03	Cannon Miles Tolbert & Kelly Burch	Yes	Duane Smith	Letter	Letter Re: Arkansas agreement	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
63	8/5/02	J. D. Strong	No	Kelly Burch, etc.	E-mail	E-mail Re: Framework for Agreement with Arkansas	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
64	8/5/02	J. D. Strong	No	Kelly Burch, etc.	E-mail	E-mail Re: Framework for Agreement with Arkansas	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
65	9/22/93	Dean Couch	No	OAG	Memo	Memo RE: Siloam Springs -Reopener Clause	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
66	1/21/03	Jerry Barnett	Yes	Dean Couch	Email Chain	Phosphorus Drafts	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
67	3/26/86	Lou Klaver	unknown	James R. Barnett	Memo	Stream Water Division's Flint Creek Report	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
68	1/9/90	Daniel J. Gamino	Yes	Cliff LeGate	Letter	Legislative Interpretation on Waste Disposal Statutes	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege

69	1/12/90	Lindil C. Gowler, Jr.	Yes	Robert Henry/Brita Haugland	Letter	Discharge Permit Authority	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
70	1/12/90	Michael Wofford	Yes	Brita Haugland-Cantrell	Letter	draft brief	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
71	Unknown	OWRB	No	Oklahoma Attorney General's Office	Indexes	Document Indexes sent to OAG	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
72	2/27/06	Paul Koenig	No	Paul Koenig	Notes	Attorney Communication notes	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
73	3/7/06	David Page	Yes	OWRB	E-mail	E-mail re: Period of Record Data	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
74	3/8/06	Monty Porter	No	Bill Cauthron	E-mail	E-mail re: Period of Record Data	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
75	3/3/06	Derek Smithee	No	Monty Porter; Bill Cauthron	E-mail	E-mail re: Scenic River Data	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
76	1/3/06	Julie Chambers	No	Bill Cauthron	E-mail	E-mail re: OWRB Web site inquiry: Water Quality/Bump	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
77	12/20/05	Trevor Hammons	Yes	Bill Cauthron	E-mail	E-mail re: OWRB Web site inquiry: Water Quality/Bump	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege
78	12/14/05	Trevor Hammons	Yes	Bill Cauthron	E-mail	E-mail re: OWRB Web site inquiry: Water Quality/Bump	attorney work product Fed. R. Civ. P. 26(b) (3)&(4) and attorney client privilege

79	6/3/05	Derek Smithee	No	Kelly Burch	E-mail	E-mail re: Scope of Work	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
80	5/25/05	Derek Smithee	No	Jerry Barnett; Bill Cauthron	E-mail	E-mail re: Contract	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
81	10/27/06	Dean Couch	No	Derek Smithee; Lou Klaver; Joe Freeman	Memo	Memo re: State of Oklahoma V. Tyson Foods, Inc.	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
82	5/18/05	Bill Cauthron	No	Derek Smithee; Jerry Barnett; Dean Couch; Jim Schuelein; Kelly Burch	E-mail	E-mail re: USGS Coop. Agreement Modifying Contracts	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
83	5/18/05	Jim Schuelein	No	Bill Cauthron	E-mail	E-mail re: USGS Coop. Agreement Modifying Contracts	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
84	5/18/05	Dean Couch	No	Bill Cauthron	E-mail	E-mail re: USGS Coop. Agreement Modifying Contracts	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
85	5/18/05	Jim Schuelein	No	Bill Cauthron	E-mail	E-mail re: USGS Coop. Agreement Modifying Contracts	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
86	5/17/05	Jim Schuelein	No	Bill Cauthron	E-mail	E-mail re: Caney Creek near Barber	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
87	3/19/05	Roger Olsen	No	Bill Cauthron	E-mail	E-mail re: Analytical Parameters	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
88	3/18/05	Kelly Burch	Yes	Derek Smithee	E-mail	E-mail re: OWRB-OAG: Illinois River Sampling	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

89	5/2/05	Roger Olsen	No	Bill Cauthron	E-mail	E-mail re: Illinois River Sampling	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
90	3/17/05	Derek Smithee	No	Kelly Burch	E-mail	E-mail re: OWRB-OAG: Illinois River Sampling	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
91	3/17/05	Derek Smithee	No	Bill Cauthron; Kelly Burch	E-mail	E-mail re: OWRB-OAG: Illinois River Sampling	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
92	2/24/05	Roger Olsen	No	Kelly Burch; Bill Cauthron	E-mail	E-mail re: Draft Scope of Work	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
93	2/23/05	Roger Olsen	No	Bill Cauthron	E-mail	E-mail re: Parameters	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
94	Unknown	OWRB & OAG	Yes	OWRB & OAG	Scope of Work	Scope of Work Chemical Analysis of Water Samples Tenkiller Reservoir	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
95	9/15/93	Mark Derichsweiler	No	OWRB & OAG	Draft Permit	Draft Permit	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
96	5/1/96	Jeannine Hale	Yes	Jon Craig, Derrick S, Ed Fite, Ron Sutter	Fax	Fax re: Draft of letter	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
97	3/19/02	Dean Couch	No	Kelly Burch	Memo	Memo re: Unofficial adopted rule text	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
98	6/27/02	J.D. Strong	No	Kelly Burch	Draft Strategy	Draft Phosphorus Control Strategy	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege

99	3/19/02	Dean Couch	No	Kelly Burch	Memo	Memo re: Unofficial adopted rule text	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
100	9/20/93	OAG	Yes	OAG	Fax	Faxed draft re:permits	attorney work product Fed. R. Civ. P. 26(b)(3)&(4) and attorney client privilege
101	1/15/92	Jim Scheulein	No	Dean Couch	Request for Legal Services	Request for Legal Services	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
102	1/17/91	Dean Couch	Yes	Patricia Eaton	Draft Memo	Siloam Springs Stream Water Permit	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
103	8/6/90	Dean Couch	Yes	J. Denny Moffett	memo	Lake Frances water rights	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
104	Unknown	unknown	unknown	unknown	Handwritten Notes	Ark/OK Compact	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege
105	3/13/81	R. Thomas Lay	Yes	James R. Barnett	Memo	Pollution Remedies and Jurisdictional Considerations under ARK/OK Compact	Attorney Work Product Fed. R. Civ. P. 26 (b)(3) & (4) and Attorney Client Privilege