

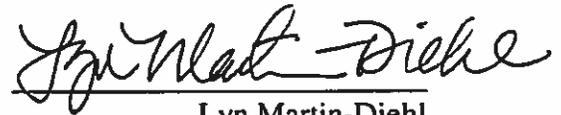
The Applicant published its Notice of Application to Use Stream Water in Pittsburg, McCurtain, Pushmataha, Latimer and Choctaw Counties. See Exhibit A;

Said publication complies with both OAC:785-20-5-1 and 82 O.S. § 105.11;

For the reasons listed herein your Motion to Dismiss for Inadequate Notice or Require Revised Published Notice is DENIED.

Counsel are admonished that the August 1, 2017, deadline for Amendments to Protests, means exactly that—Amendments to existing protests.

IT IS SO ORDERD this 26th day of July, 2017.



Lyn Martin-Diehl
Hearing Examiner

NOTE TO PUBLISHER: To be published once during the week of January 22, 2017 but no later than January 28, 2017, and once during the week of January 29, 2017 but no later than February 4, 2017, AT APPLICANT'S EXPENSE. (PUBLISHER NEEDS TO FURNISH THE OKLAHOMA WATER RESOURCES BOARD A CERTIFIED PROOF OF PUBLICATION ON OR BEFORE MARCH 6, 2017)

NOTICE OF APPLICATION TO USE STREAM WATER

Notice is hereby given that the City of Oklahoma City (ATTN: Brian M. Nazarenus, Special Counsel for the City of Oklahoma City, Ryley Carlock and Applewhite, 1700 Lincoln Street, Suite 3500, Denver, CO 80203), has filed a second amendment of Oklahoma City's pending permit application, Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board ("Board"). Stream Water Application No. 2007-017 was originally filed on March 13, 2007, and was previously amended on March 8, 2010. This second amendment of Stream Water Application No. 2007-017 ("Application"), which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre-feet of stream water per year from the Kiamichi River and/or Sardis Lake, subject to following schedule of use:

<u>YEAR</u>	<u>AMOUNT</u>
2020	0 acre-feet
2030	0 acre-feet
2035	8,000 acre-feet
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2045	44,000 acre-feet
2050	57,000 acre-feet
2055	76,000 acre-feet
2060	95,000 acre-feet
2065	115,000 acre-feet

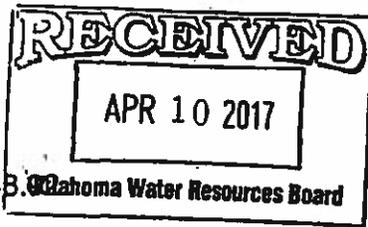
The water will be taken from five potential points of diversion along the Kiamichi River in the general vicinity of Moyers Crossing located as follows: one in the E/2 of Section 32 and one each in the N/2 and the SW/4 of Section 33, T2S, R16E1M; and one each in Section 4 and the E/2 of Section 5, T3S, R16E1M; all in Pushmataha County, Oklahoma, at a diversion rate not to exceed 250 cfs (112,200 gallons per minute). The water is to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future wholesale and retail water customers and other public water supply entities in Oklahoma in accordance with Section 6.1.7 of the Settlement Agreement, as more specifically described in Attachments E and F of the Application. Use of stream water is governed by Sections 105.1 *et seq.* of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code ("OAC"), Title 785, Chapter 20. Any use of water requested pursuant to this Application shall be in accordance with the Section 6.1 of Settlement Agreement referenced in Section 2 of the Application; including, among others, the Sardis Lake Release Restrictions (which shall constitute a lake level management plan for purposes of OAC § 785:20-5-(b)(3)(iv)), and the Bypass

Requirement, both of which support recreation, fish and wildlife needs as required by the Settlement Agreement while allowing Oklahoma City to utilize the requested 115,000 acre-feet for municipal purposes. The total amount of storage in Sardis Lake associated with the 115,000 acre-feet requested by Oklahoma City in the Application and these recreation, fish and wildlife needs required by the Settlement Agreement is 259,292 acre-feet.

Protests to this Application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than thirty (30) days of the date of last publication of this Notice (March 6, 2017), and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Any such hearing shall be conducted and concluded no later than one hundred eighty (180) days from the date of last publication of this Notice. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of the Board, OAC Title 785, Chapters 4 and 20. If you have any questions, please contact Anthony Mackey at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Planning & Management Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

NOTE: All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriative rights.



AFFP

PAID Stream Wat. Not. \$248.00 Oklahoma Water Resources Board

McAlester News-Capital

Affidavit of Publication

STATE OF OKLAHOMA)
COUNTY OF PITTSBURG) SS

(Published in the McAlester News-Capital on February 28th & March 7th, 2017.)

Cindi Irvin, being duly sworn, says:

That she is Sales Representative of the Legal Affidavit, a daily newspaper of general circulation, printed and published in , Pittsburg County, Oklahoma; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

February 28, 2017, March 07, 2017

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Sales Representative

Subscribed to and sworn to me this 7th day of March 2017.

Sharon Martin, Notary, Pittsburg County, Oklahoma



My commission expires: March 23, 2020

00004906 00014739

Ryley Carlock & Applewhite
1700 Lincoln Street,
Suite 3500
Denver, CO 80203

NOTICE OF APPLICATION TO USE STREAM WATER

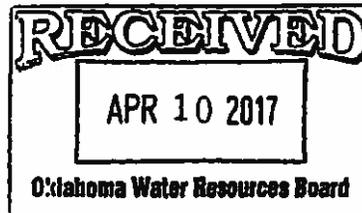
Notice is hereby given that the City of Oklahoma City (ATTN: Brian M. Nazareus, Special Counsel for the City of Oklahoma City, Ryley Carlock and Applewhite, 1700 Lincoln Street, Suite 3500, Denver, CO 80203), has filed a second amendment of Oklahoma City's pending permit application, Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board ("Board"). Stream Water Application No. 2007-017 was originally filed on March 13, 2007, and was previously amended on March 8, 2010. This second amendment of Stream Water Application No. 2007-017 ("Application"), which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre-feet of stream water per year from the Kiamichi River and/or Sardis Lake, subject to following schedule of use:

YEAR	AMOUNT
2020	0 acre-feet
2030	0 acre-feet
2035	8,000 acre-feet
2040	23,000 acre-feet
2045	44,000 acre-feet
2050	57,000 acre-feet
2055	76,000 acre-feet
2060	95,000 acre-feet
2065	115,000 acre-feet

The water will be taken from five potential points of diversion along the Kiamichi River in the general vicinity of Moyers Crossing located as follows: one in the E/2 of Section 32 and one each in the N/2 and the SW/4 of Section 33, T2S, R16EIM; and one each in Section 4 and the E/2 of Section 5, T3S, R16EIM; all in Pushmataha County, Oklahoma, at a diversion rate not to exceed 250 cfs (112,200 gallons per minute). The water is to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future wholesale and retail water customers and other public water supply entities in Oklahoma in accordance with Section 6.1.7 of the Settlement Agreement, as more specifically described in Attachments E and F of the Application. Use of stream water is governed by Sections 105.1 et seq. of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code ("OAC"), Title 785, Chapter 20. Any use of water requested pursuant to this Application shall be in accordance with the Section 6.1 of Settlement Agreement referenced in Section 2 of the Application; including, among others, the Sardis Lake Release Restrictions (which shall constitute a lake level management plan for purposes of OAC § 785-20-5-(b)(3)(iv)), and the Bypass Requirement, both of which support recreation, fish and wildlife needs as required by the Settlement Agreement while allowing Oklahoma City to utilize the requested 115,000 acre-feet for municipal purposes. The total amount of storage in Sardis Lake associated with the 115,000 acre-feet requested by Oklahoma City in the Application and these recreation, fish and wildlife needs required by the Settlement Agreement is 259,292 acre-feet. Protests to this Application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than thirty (30) days of the date of last publication of this Notice (April 10, 2017), and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Any such hearing shall be conducted and concluded no later than one hundred eighty (180) days from the date of last publication of this Notice. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of the Board, OAC Title 785, Chapters 4 and 20. If you have any questions, please contact Anthony Mackey at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Planning & Management Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

NOTE: All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriative rights.



(Published in the McCurtain Gazette February 28 out March 7, 2017)

NOTICE OF APPLICATION TO USE STREAM WATER

Notice is hereby given that the City of Oklahoma City (ATTN: Brian M. Nazarenius, Special Counsel for the City of Oklahoma City, Ryley Carlock and Applewhite, 1700 Lincoln Street, Suite 3500, Denver, CO 80203), has filed a second amendment of Oklahoma City's pending permit application, Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board ("Board"). Stream Water Application No. 2007-017 was originally filed on March 13, 2007, and was previously amended on March 8, 2010. This second amendment of Stream Water Application No. 2007-017 ("Application"), which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre-feet of stream water per year from the Kiamichi River and/or Sardis Lake, subject to following schedule of use:

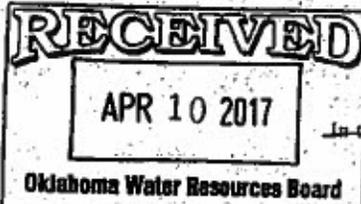
YEAR	AMOUNT
2020	0 acre-feet
2030	0 acre-feet
2035	8,000 acre-feet
2040	23,000 acre-feet
2045	44,000 acre-feet
2050	57,000 acre-feet
2055	78,000 acre-feet
2060	95,000 acre-feet
2065	115,000 acre-feet

The water will be taken from five potential points of diversion along the Kiamichi River in the general vicinity of Moyers Crossing located as follows: one in the E/2 of Section 32 and one each in the N/2 and the SW/4 of Section 33, T2S, R16E1M; and one each in Section 4 and the E/2 of Section 5, T3S, R16E1M; all in Pushmataha County, Oklahoma, at a diversion rate not to exceed 250 cfs (112,200 gallons per minute). The water is to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future wholesale and retail water customers and other public water supply entities in Oklahoma in accordance with Section 6.1.7 of the Settlement Agreement, as more specifically described in Attachments E and F of the Application. Use of stream water is governed by Sections 105.1 et seq. of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code ("OAC"), Title 785, Chapter 20. Any use of water requested pursuant to this Application shall be in accordance with the Section 6.1 of Settlement Agreement referenced in Section 2 of the Application, including, among others, the Sardis Lake Release Restrictions, which shall constitute a lake level management plan for purposes of OAC § 785-20-5-(b)(3)(iv), and the Bypass Requirement, both of which support recreation, fish and wildlife needs as required by the Settlement Agreement, while allowing Oklahoma City to utilize the requested 115,000 acre-feet for municipal purposes. The total amount of storage in Sardis Lake associated with the 115,000 acre-feet requested by Oklahoma City

in the Application and these recreation, fish and wildlife needs required by the Settlement Agreement is 259,292 acre-feet. Protests to this Application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than thirty (30) days of the date of last publication of this Notice (April 10, 2017), and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Any such hearing shall be conducted and concluded no later than one hundred eighty (180) days from the date of last publication of this Notice. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of the Board, OAC Title 785, Chapters 4 and 20. If you have any questions, please contact Anthony Mackey at (405) 530-8900. Board mailing address: Oklahoma Water Resources Board, Planning & Management Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

NOTE: All stream water use permits issued by the Board possess the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriations for it.



Proof of Publication

CASE NO. _____

In the _____ Court of McCurtain County, State of Oklahoma.

NOTICE OF APPLICATION TO USE STREAM WATER

#14mm11-

24

APPLICATION #2007-017

~~Defendant~~

AFFIDAVIT OF PUBLICATION

State of Oklahoma
County of McCurtain

SS.

Bruce Willingham, of lawful age, being duly sworn and authorized, says that he is publisher of the McCurtain Gazette, a daily newspaper printed in the City of Idabel, McCurtain County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1961, as amended and complies with all other requirements of the laws of Oklahoma with references to legal publications:

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in supplement, on the following dates:

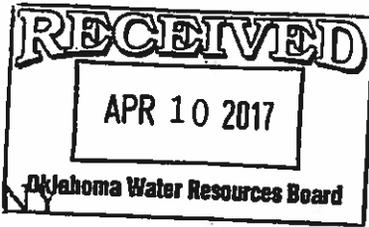
1 st Insertion	February 28	20 17
2 nd Insertion	March 7	20 17
3 rd Insertion		20
4 th Insertion		20
5 th Insertion		20
6 th Insertion		20
7 th Insertion		20
8 th Insertion		20

Bruce Willingham
PUBLISHER

Subscribed and sworn to before me this 7th day of March, 2017.



NOTARY PUBLIC
Commission #00006431



HUGO PUBLISHING COMPANY

Hugo News

128 East Jackson St • Hugo, OK 74743

Legal #17-030(LPXL)
PUB. (2/28 & 3/7-2017)

NOTICE OF APPLICATION TO USE STREAM WATER

Notice is hereby given that the City of Oklahoma City (ATTN: Brian M. Nazarems, Special Counsel for the City of Oklahoma City, Ryley Carlock and Applewhite, 1700 Lincoln Street, Suite 3500, Denver, CO 80203), has filed a second amendment of Oklahoma City's pending permit application, Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board ("Board") Stream Water Application No. 2007-017 was originally filed on March 13, 2007, and was previously amended on March 8, 2010. This second amendment of Stream Water Application No. 2007-017 ("Application"), which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre-feet of stream water per year from the Kiamichi River and/or Sardis Lake, subject to following schedule of use:

YEAR	AMOUNT
2020	0 acre-feet
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2035	8,000 acre-feet
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2060	95,000 acre-feet
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The water will be taken from five potential points of diversion along the Kiamichi River in the general vicinity of Moyers Crossing located as follows: one in the E/2 of Section 32 and one each in the N/2 and the SW/4 of Section 33, T25, R16E1M; and one each in Section 4 and the E/2 of Section 5, T35, R16E1M, all in Pushmataha County, Oklahoma, at a diversion rate not to exceed 250 cfs (112,200 gallons per minute). The water is to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future wholesale and retail water customers and other public water supply entities in Oklahoma in accordance with Section 6.1.7 of the Settlement Agreement, as more specifically described in Attachments E and F of the Application. Use of stream water is governed by Sections 103.1 et seq of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code ("OAC"), Title 785, Chapter 20. Any use of water requested pursuant to this Application shall be in accordance with the Section 6.1 of Settlement Agreement referenced in Section 2 of the Application, including, among others, the Sardis Lake Release Restrictions (which shall constitute a lake level management plan for purposes of OAC § 785.20-5-(b)(3)(iv)), and the Hypoxia Requirements, both of which support recreation, fish and wildlife needs as required by the Settlement Agreement while allowing Oklahoma City to utilize the requested 115,000 acre-feet for municipal purposes. The total amount of storage in Sardis Lake associated with the 115,000 acre-feet requested by Oklahoma City in the Application and these recreation, fish and wildlife needs required by the Settlement Agreement is 259,292 acre-feet.

Protests to this Application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than thirty (30) days of the date of last publication of this Notice (April 10, 2017), and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application

Proof of Publication

In the _____ Court
of Choctaw County, State of Oklahoma

Plaintiff

Case No. _____

Notice of Application
In Use Stream Water
Defendants

Affidavit of Publication

State of Oklahoma
County of Choctaw, ss:

Stan Stumper of lawful age being duly sworn and authorized, says that he is Publisher of the Hugo News, semi-weekly (Tuesday and Friday) newspaper printed in the English language, in the City of Hugo, Choctaw County, Oklahoma, having a paid general subscription in said county, with entrance into the United States mail as second class mail matter in Hugo, Choctaw County, Oklahoma, and published in said County where delivered to the United States mail, that said newspaper has been continuously and uninterruptedly published in said County during a period of one hundred four (104) consecutive weeks immediately prior to the first publication of the attached notice, advertisement or publication, and that said newspaper complies within the requirement of Chapter 4 Title 25, Oklahoma Statutes 1951, as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached herein, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates:

February 28th 2017
March 7th 2017

(Month or Month, Day or Days)

Stan Stumper Signature

*Publication Fee: \$ 230.00
Subscribed and sworn to before me this 7th day of

March A.D. 2017
David J. Rowles Notary Public

(Seal) My Commission Expires November 6th, 2018

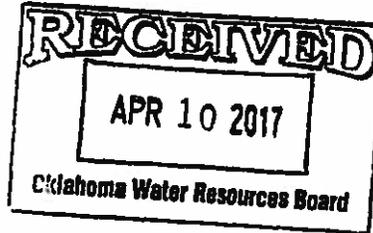


number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Any such hearing shall be conducted and concluded no later than one hundred eighty (180) days from the date of last publication of this Notice. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of the Board, OAC Title 785, Chapters 4 and 20. If you have any questions, please contact Anthony Mazkey at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Planning & Management Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

NOTE: All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriative rights.

RYLEY CARLOCK
N A P P L E W H I T E



**PROOF OF PUBLICATION
Latimer County News-Tribune**

**Notice of
Affidavit of Publication**

Publication Sheet -

NOTICE OF APPLICATION TO USE STREAM WATER

Mitchel J. Mullin, of lawful age, being duly sworn and authorized, says that he is the editor and publisher of the Latimer County News-Tribune, a weekly newspaper printed in the English language, in the City of Wilburton, Latimer County, Oklahoma, with entrance into the United States mails as second class mail matter in Latimer County and published in said county where delivered to the United States mail, that said newspaper has been continuously and uninterruptedly published in said County during a period of one hundred four (104) consecutive weeks immediately prior to the first publication; and that said newspaper comes within the requirements of Sec. 106 Title 25, Oklahoma Statutes, annotated and complies with all other requirements of the laws of Oklahoma, with legal reference to legal publication

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates:

March 2, 2017
March 9, 2017

Mitchel J. Mullin, Jr.
Publisher

Subscribed and sworn to before me this 9 day of March, 2017.

[Signature]
Notary Public

My Commission Expires
January 16, 2021

Publication Fee - - \$219.62
Other Fee or Discount \$ _____
Total Fee - - \$219.62
RN-37837



NOTICE OF APPLICATION TO USE STREAM WATER

Notice is hereby given that the City of Oklahoma City (ATTY. BRAD M. HARRISON, Special Counsel for the City of Oklahoma City, Ryan Carver and Associate, 1710 Lincoln Street, Suite 3500, Denver, CO 80203), has filed a second amendment of Oklahoma City's pending general application Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board (Board), Stream Water Application No. 2007-017 was originally filed on March 13, 2007, and was previously amended on March 8, 2010. This second amendment of Stream Water Application No. 2007-017 (Application) which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre feet of stream water per year from the Kiamichi River and/or Searles Lake, subject to following schedule of use:

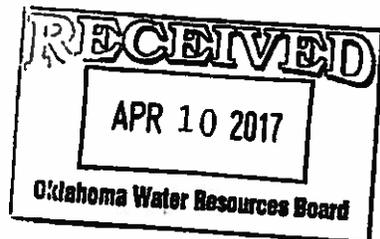
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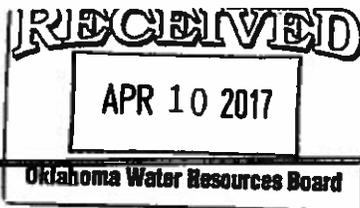
The water will be taken from five potential points of diversion along the Kiamichi River in the general vicinity of Mayport, covering located as follows: one in the E/2 of Section 22, one in each in the N/2 and the S/4 of Section 23, 17th, HISEM, and one each in Section 4 and the E/2 of Section 5, 17th, HISEM, all in Pottawatomie County, Oklahoma, at a diversion rate not to exceed 257 cfs (11,200 gallons per minute). The water is to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future water utility and other water customers and other public water supply utilities in Oklahoma in accordance with Section 617 of the Settlement Agreement, as more specifically defined in Attachments E and F of the Application. Use of stream water is governed by Sections 106-110 of Title 82 of the Oklahoma Statutes, and rules of the Board, Oklahoma Administrative Code (OAC) Title 785, Chapter 20. Any use of water requested pursuant to the Application shall be in accordance with the Section 4.1 of Settlement Agreement referenced in Section 2 of the Application, including, among others, the Searles Lake Release Restrictions which shall constitute a lake level management plan for purposes of OAC § 785.20 5.1 (b)(ii), and the Bypass Requirement, both of which support recreational, fish and wildlife needs as required by the Settlement Agreement which allowing Oklahoma City to use the requested 115,000 acre-feet for municipal purposes. The total amount of storage in Searles Lake associated with the 115,000 acre-feet requested by Oklahoma City in the Application and these recreational, fish and wildlife needs required by the Settlement Agreement is 259,292 acre-feet.

Protests to this Application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than thirty (30) days of the date of first publication of this Notice (April 10, 2017), and must include: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the protesting person; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general criticism or comment will not be deemed to be a party that the offer will be made part of the permanent record.

If a protest that meets the requirements stated in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Any such hearing shall be conducted and concluded no later than one hundred eighty (180) days from the date of last publication of this Notice. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 79 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of the Board, OAC Title 785, Chapters 4 and 20. If you have any questions, please contact Anthony Mackley at (405) 530-6830. Board mailing address: Oklahoma Water Resources Board, Planning & Management Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2861. Board fax number: (405) 530-2900.

NOTE: All stream water use permits require by the Board contain the conditions and limitations that the use of stream water will not interfere with domestic use or existing riparian rights.





Brueggen, Mary Nell

From: Mackey, Anthony
Sent: Monday, April 10, 2017 3:35 PM
To: Brueggen, Mary Nell
Cc: Singletary, Robert
Subject: FW: Emailing: McAlester News Capital_Proof of Publication.pdf, McCurtain Gazette_Proof of Publication.pdf, Antlers American_Proof of Publication.pdf, Hugo News_Proof of Publication.pdf, Latimer County News Tribune_Proof of Publication.pdf
Attachments: McAlester News Capital_Proof of Publication.pdf; McCurtain Gazette_Proof of Publication.pdf; Antlers American_Proof of Publication.pdf; Hugo News_Proof of Publication.pdf; Latimer County News Tribune_Proof of Publication.pdf

Mary Nell,

Attached are all the POP's for OKC's application.

Thanks,

Anthony Mackey
Permitting Manager
Planning & Management
OKLAHOMA WATER RESOURCES BOARD
3800 N Classen Blvd, Oklahoma City, OK 73118
405.530.8800 • www.owrb.ok.gov • @OKWaterBoard

-----Original Message-----

From: nathan.madenwald@okc.gov [<mailto:nathan.madenwald@okc.gov>]
Sent: Thursday, April 06, 2017 1:04 PM
To: Mackey, Anthony
Subject: Emailing: McAlester News Capital_Proof of Publication.pdf, McCurtain Gazette_Proof of Publication.pdf, Antlers American_Proof of Publication.pdf, Hugo News_Proof of Publication.pdf, Latimer County News Tribune_Proof of Publication.pdf

For your reference.

Thanks!!

--Nathan

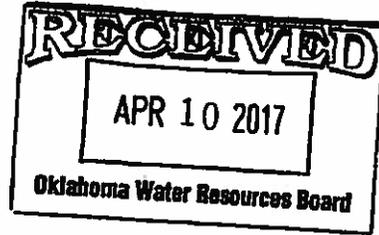
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Proof of Publication



Notice is hereby given that the City of Oklahoma City (ATN, Issue M, Newspaper, Special Counsel for the City of Oklahoma City, Peter Conk and Applicant, 1700 Lincoln Street, Suite 2500, Denver, CO 80202), has filed a second amendment of Oklahoma City's pending permit application, Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board, 1100 N. Lincoln Street, Oklahoma City, Oklahoma 73102, on March 13, 2017, and was previously amended on March 8, 2016. This second amendment of Stream Water Application No. 2007-017 Application, which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre-feet of stream water per year from the Arapaho River and the Garden Lake, subject to following schedule of use:

YEAR	AMOUNT
2020	0 acre-feet
2030	0 acre-feet
2035	8,000 acre-feet
2040	23,000 acre-feet
2045	44,000 acre-feet
2050	57,000 acre-feet
2055	78,000 acre-feet
2060	89,000 acre-feet
2065	115,000 acre-feet

The water will be taken from two potential points of diversion along the Kiamichi River in the general vicinity of Myrick Crossing located as follows: (1) on the E/2 of Section 35 and 36 and 37 and 38 and the SW/4 of Section 39, T28R, R10E, and one acre in Section 4 and the E/2 of Section 5, T28R, R10E, all in Pushmataha County, Oklahoma, of a diversion well not to exceed 250 gpm (112,000 gallons per minute). The water to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future schools, and other public and other public water supply entities, in Oklahoma City in accordance with Sections 2 of the Settlement Agreement, as more specifically delineated in Attachments E and F of this Application. Use of this water is regulated by Paragraph 105.1 of the T&E 82 of the Oklahoma Stream Water Allocation of the Board, Oklahoma Administrative Code (OAC), Title 780, Chapter 20. Any use of water regulated pursuant to this Application shall be in accordance with the Section 3 of Settlement Agreement (Attachment D, Section 2 of the Agreement) including, among others, the State's Land Use Planning Commission (which shall include a take level determination plan for purposes of OAC 780.20.5 this [part]), and the Stream Reclamation, Inc. (SRI) project, including, but not limited to, the Settlement Agreement, while allowing Oklahoma City to utilize the requested 115,000 acre-feet for municipal purposes. The SRI project of storage in Section 4, as presented with the 115,000 acre-feet requested by Oklahoma City in this Application, and these provisions for water storage needed by the Settlement Agreement, is 250,000 acre-feet. Pursuant to this Application, the water was received by the Board of the natural water body during the legal use of the water listed above on May 15th (30 days) of the date of last publication of this notice (April 10, 2017) and began the following: (1) date, address, and telephone number of the newspaper; (2) the date and day of publication; (3) the publication; (4) specific reference to the title and approval of the application proposed publicly and otherwise; (5) the date of publication of the proposed application; and (6) a reference of the water right by the interested applicant. A person who reads a notice concerning a natural obstruction or diversion will not be deemed to be a party, but the notice will be made part of the proceedings and if it appears that such a party is interested in the proceedings, it may be added to the proceedings. Pursuant to the application and provisions of the Settlement Agreement, the applicant and proponent, for the amount of the water right, may not, until the date of the settlement of the proposed application, be deemed to be a party, but the notice will be made part of the proceedings and if it appears that such a party is interested in the proceedings, it may be added to the proceedings.

In the _____ Court of Pushmataha County, State of Oklahoma
 Notice of Application for Streamwater Case No. _____

 vs. _____
 Affidavit of Publication
 State of Oklahoma)
 County of Pushmataha,)

The undersigned, of lawful age, being duly sworn and authorized, says that he/she is _____ Legal Clerk of The Antlers American, a weekly newspaper printed in the Town of Antlers, Pushmataha County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 Title 25, Oklahoma Statutes, 1961, as amended, and complies with all other requirements of laws of Oklahoma with reference to legal publications.

The advertisements above referred to, a true copy of which is hereto attached, was published in THE ANTLERS AMERICAN on the following dates, to-wit:

- 1st Insertion _____ March 2, 2017 _____
- 2nd Insertion _____ March 9, 2017 _____
- 3rd Insertion _____
- 4th Insertion _____
- 5th Insertion _____
- 6th Insertion _____

Publisher's Fee
\$ 227.71

Said notice was published in the regular edition of said newspaper and not in a supplement thereto.

Subscribed and sworn to before me this _____ day of March, A.D., 2017

 My Commission Expires _____ 2017

 Notary Public

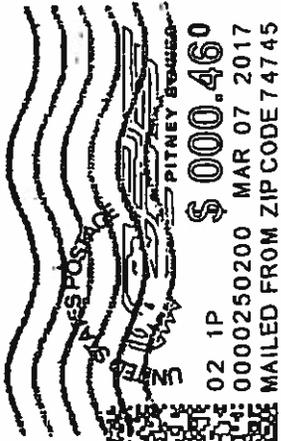
Title 75 and Section 10511 of Title 82 of the Oklahoma Statutes with
the rules of the Board. OAC Title 785, Chapter 4 and 70. If you have
any questions please contact Anthony Mackey at (405) 521-9881
board meeting address: Oklahoma Water Resources Board Planning &
Management Division, 3400 N. Lincoln Blvd., Oklahoma City, OK
73118-7801. Board file number: 405-530-8900. NOTE: All stream
water-use permits issued by the Board comply the conservation and manage-
ment that the use of stream water shall not interfere with domestic uses
or existing appropriate uses.

RECEIVED
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Oklahoma Water Resources Board

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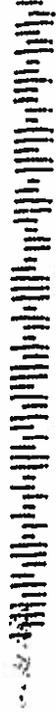
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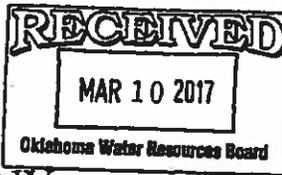
03 MAR 2017 PM



MARY NELL BRUEGGEN
OKLAHOMA WATER RESOURCES BOARD
3800 N CLASSEN BLVD
OKLAHOMA CITY OK 73118

73118#2855





HUGO PUBLISHING COMPANY

Hugo News

128 East Jackson St • Hugo, OK 74743

Proof of Publication

In the _____ Court
of Choctaw County, State of Oklahoma

Legal #17-050(LPXLP)
PUB. (2/28 & 3/7-2017)

NOTICE OF APPLICATION TO USE STREAM WATER

Notice is hereby given that the City of Oklahoma City (ATTN: Brian M. Nazarems, Special Counsel for the City of Oklahoma City, Ryley Carlock and Applewhite, 1700 Lincoln Street, Suite 3500, Denver, CO 80203), has filed a second amendment of Oklahoma City's pending permit application, Stream Water Application No. 2007-017, with the Oklahoma Water Resources Board ("Board"). Stream Water Application No. 2007-017 was originally filed on March 13, 2007, and was previously amended on March 8, 2010. This second amendment of Stream Water Application No. 2007-017 ("Application"), which was filed on January 10, 2017, is for a permit to use a total of 115,000 acre-feet of stream water per year from the Kiamichi River and/or Sardis Lake, subject to following schedule of use.

YEAR	AMOUNT
2020	0 acre-feet
2030	0 acre-feet
2035	8,000 acre-feet
2040	23,000 acre-feet
2045	44,000 acre-feet
2050	57,000 acre-feet
2055	76,000 acre-feet
2060	95,000 acre-feet
2065	115,000 acre-feet

The water will be taken from five potential points of diversion along the Kiamichi River in the general vicinity of Moyers Crossing located as follows: one in the E/2 of Section 32 and one each in the N/2 and the SW/4 of Section 33, T2S, R16EIM; and one each in Section 4 and the E/2 of Section 5, T3S, R16EIM; all in Pushmataha County, Oklahoma, at a diversion rate not to exceed 250 cfs (112,200 gallons per minute). The water is to be used for municipal purposes by Oklahoma City and Oklahoma City's current and future wholesale and retail water customers and other public water supply entities in Oklahoma to accordance with Section 6.1.7 of the Settlement Agreement, as more specifically described in Attachments E and F of the Application. Use of stream water is governed by Sections 105.1 et seq. of Title 82 of the Oklahoma Statutes and rules of the Board, Oklahoma Administrative Code ("OAC"), Title 785, Chapter 20. Any use of water requested pursuant to this Application shall be in accordance with the Section 6.1 of Settlement Agreement referenced in Section 2 of the Application; including, among others, the Sardis Lake Release Restrictions (which shall constitute a lake level management plan for purposes of OAC § 785-20-5-(b)(3)(iv)), and the Bypass Requirement, both of which support recreation, fish and wildlife needs as required by the Settlement Agreement while allowing Oklahoma City to utilize the requested 115,000 acre-feet for municipal purposes. The total amount of storage in Sardis Lake associated with the 115,000 acre-feet requested by Oklahoma City in the Application and these recreation, fish and wildlife needs required by the Settlement Agreement is 259,292 acre-feet.

Protests to this Application must be in writing and received by the Board at the address listed below and by the applicant at the address listed above no later than thirty (30) days of the date of last publication of this Notice (April 10, 2017), and contain the following: (1) name, address, and telephone number of the interested person; (2) the particular application number to which the protest relates; (3) specific information to show how approval of the application proposed may directly and adversely affect legally protected interests of the person filing the protest; and (4) a statement of the relief sought by the interested person. A person who sends a letter containing only a general objection or comment will not be deemed to be a party, but the letter will be made part of the permanent record.

If a protest that meets the requirements listed in the paragraph above is filed with both the applicant and Board, a hearing on this application will be scheduled and the applicant and protestant(s) will be advised of the hearing date. Any such hearing shall be conducted and concluded no later than one hundred eighty (180) days from the date of last publication of this Notice. Protestants or their representatives must appear at the hearing and present the protest to be considered. Hearings are governed by Section 309 of Title 75 and Section 105.11 of Title 82 of the Oklahoma Statutes, and the rules of the Board, OAC Title 785, Chapters 4 and 20. If you have any questions, please contact Anthony Mackey at (405) 530-8800. Board mailing address: Oklahoma Water Resources Board, Planning & Management Division, 3800 N. Classen Blvd., Oklahoma City, OK 73118-2881. Board fax number: (405) 530-8900.

NOTE: All stream water use permits issued by the Board contain the condition and limitation that the use of stream water shall not interfere with domestic uses or existing appropriate rights.

RYLEY CARLOCK
APPLEWHITE

Plaintiff
Case No. _____
Notice of Application to Use Stream Water
Defendants

Affidavit of Publication

I, _____ of Oklahoma
County of Choctaw, as:

Stan Stamper, of lawful age being duly sworn and authorized, says is Publisher of the Hugo News, semi weekly (*Tuesdays and Fridays*) paper printed in the English language, in the City of Hugo, Choctaw County, Oklahoma, having a paid general subscription in said county, with postage into the United States mail as second class mail matter in Hugo, Choctaw County, Oklahoma, and published in said County where delivered by United States mail, that said newspaper has been continuously and uninterruptedly published in said County during a period of one hundred (104) consecutive weeks immediately prior to the first publication of this notice, advertisement or publication; and that said newspaper complies within the requirement of Chapter 4 Title 25, Oklahoma Statutes as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time specified in the application and not in a supplement, on the following dates:

February 28th, 2017
March 7th, 2017
_____, 20____
_____, 20____

(Month or Months, Date or Dates)

Stan Stamper Signature

*Publication Fee: \$ 230.79
Subscribed and sworn to before me this 7th day of

March, A.D., 2017

Sarah J. Rawls Notary Public

(Seal) My Commission Expires November 6th, 2018



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Hugo, OK 74743

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*Alabama Water Resources Board
Planning & Management Division
3800 W. Chassee Blvd
Alabama City, AL 35118-2581*

731182862 C063



CERTIFICATE OF MAILING

I hereby certify that on the 26 day of July, 2017, a true and correct copy of the forgoing document was mailed to the following persons electronically (if an email address was provided by the individual or entity) and by depositing it in the First Class U.S. Certified Mail, return receipt requested to the following addresses:

Brian M. Nazareus, Esq.
Special Counsel for City of OKC
Ryley Carlock and Applewhite
1700 Lincoln Street, Ste. 3500
Denver, Colorado 80203
bnazareus@rcalaw.com

City of Oklahoma City
ATTN: Sam Samandi, Engineering Manager
Utilities Department
420 West Main Street, Ste. 500
Oklahoma City, OK 73102
sam.samandi@okc.gov

Kevin R. Kemper, Ph.D., LL.M.
Law Office of Kevin R. Kemper
P.O. Box 2879
Norman, OK 73070
Dr2k@protonmail.com
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Amber Brasfield; Austin Conley; Robert D.
Conley; Norma Conley; Frank Hilton; Denise
Hilton; Justin Jackson; Debbie L. Leo; Larinda
McClellan; Kevin Joseph Payne; Roger Dale
Payne; Walter Myrl Redman; Kenneth Roberts,
Ph.D., and Diane Smith

Mr. Russell Doughty
10197 SE HWY 63
Talihina, OK 74571
rustymonroe@gmail.com

Oklahomans for Responsible Water Policy
c/o Chris Chandler, Coordinator
400 North Main
Broken Bow, OK 74728
chris@orwp.org

I hereby certify that on the 26 day of July, 2017, a true and correct copy of the forgoing document was mailed to the following persons electronically (if an email address was provided by the individual or entity) and by depositing it in the First Class U.S. by Regular Mail to the following addresses:

Ms. Judy Armstrong
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Mr. Michael Brittingham
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Mike009674557@yahoo.com

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Mr. Brad Burgett
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Choctaw County
Board of County Commissioners
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Moyers, OK 74557

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Ms. Nicole Davis
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Antlers, OK 74523

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Antlers, OK 74523

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Rattan, OK 74562

Mr. Don Hairrell
17400 State Highway 2
Clayton, OK 74536

Ms. Imogene Hairrell Harris
174812 State Highway 2
Clayton, OK 74536
Imogene2016@outlook.com

Mr. Kevin N. Hilley
3827 Bowser Ave., Apt. #8
Dallas, TX 75219

Representative Justin J.J. Humphrey
The Oklahoma House of Representatives
2300 North Lincoln Blvd.
Oklahoma City, OK 73105-4805
Justin.humphrey@okhouse.gov

Ms. Georgia Irwin
P.O. Box 1084
Talihina, OK 74571

Mr. Syed Raziullah Hussaini
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Syed-hussaini@utulsa.edu

Ms. Erin Iski
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Tulsa, OK 74105
eviski@gmail.com

Jamie Johnson
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jaimetestco@yahoo.com

Latimer County
Board of Commissioners
Attn: Latimer County Clerk
109 North Central, Room 103
Wilburton, OK 74578

F. Jerrold Gutierrez
dba Miller Lake Retreat, LLC
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Moyers, OK 74557

Marshal County
Board of Commissioners
1 County Courthouse Street, Room 106
Madill, OK 73446

McCurtain County
Board of Commissioners
P.O. Box 1078
Idabel, OK 74745

Pittsburg County
Board of County Commissioners
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McAlester, OK 74501

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Poteau, OK 74953

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pmarcum@questmhsa.com

Mr. Brody McClellan
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Finley, OK 74543

Poteau Valley Improvement Authority
c/o Mick LaFevers, Chairman
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Wister, OK 74966-9124
Tote-a-poke@clnk.com

Pushmataha County Commissioners
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Ms. Wendy Sprague
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Mr. Wayne Tipps
190751 N 4110 Rd.
Antlers, OK 74523-7406

Mr. Mike Tolbert
P.O. Box 175
Moyers, OK 74557

United States Department of the Interior
Fish and Wildlife Service, Division of
Ecological Services
ATTN: Jonna Polk, Field Supervisor
9014 East 21st Street
Tulsa, OK 74129

Ms. Sue Ann Vaughan
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Ms. Pamela Smith
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Town of Talihina
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Talihina, OK 74571
don.faulkner@sbcglobal.net

Ms. Sharon Tipps
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Antlers, OK 74523-7406

Mr. Jerry Tolbert
P.O. Box 175
Moyers, OK 74557

Mr. Mitchell Tompkins
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Tdv31186@yahoo.com

Mr. Doug and Ms. Linda West
P.O. Box 89
Moyers, OK 74557
linda@oiopro.net
doug@oiopro.net

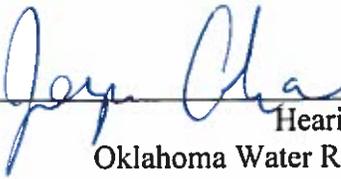
Ms. Nadean Osborn
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Mr. Curtis Johnson
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curtistestco@gmail.com

Courtesy Copies sent by email only to the following:

Craig Keith
Nathan Madenwald
Wayne Kellogg
Tye Baker
Steve McHugh
Mark Showell
Krystina Phillips

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Wayne.kellogg@chickasaw.net
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steve@trlawtm.net
lcnt@att.net
krystina@iaelaw.com


Hearing Clerk of the
Oklahoma Water Resources Board