JULIE CUNNINGHAM
EXECUTIVE DIRECTOR

MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
WATER RESOURCES BOARD
www.owrb.ok.gov

June 22, 2017

Sent via Certified U.S. Mail & Email
curtistestco@gmail.com
Mr. Curtis Johnson
168839 ST. HWY 2
Clayton, OK 74536

Re: **City of Oklahoma City Stream Water Permit Application No. 07-017**
Pre-Hearing Conference scheduled for June 28, 2017

Dear Mr. Johnson:

The public notice related to the City of Oklahoma City's Stream Water Permit Application No. 07-017 required any comments or protests to be filed with both the Oklahoma Water Resources Board ("OWRB") *and* the Applicant on or before April 5, 2017. On April 28, 2017, the Hearing Examiner assigned to the case issued an Order setting a Pre-Hearing Conference for June 28, 2017. A copy of the enclosed Order setting the Pre-Hearing Conference was mailed to everyone that filed a comment or protest with the OWRB during the public comment period.

OWRB staff has learned that you filed a comment or protest directly with the Applicant; however, OWRB did not receive a copy of that comment or protest during the comment period. Since OWRB did not initially receive your comment or protest, you were not included in the previous mail out. The purpose of this letter is to provide a copy of the Order.

If you have any questions concerning the agreement, feel free to contact me at 405-530-8801 or email me at joyce.coleman@owrb.ok.gov.

Sincerely,

Joyce Coleman

Joyce Coleman
Legal Secretary
Oklahoma Water Resources Board

Encl.

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Mr. Curtis Johnson
168839 ST. HWY 2
Clayton, OK 74536
2007-0017 ltr

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Mr. Curtis Johnson
168839 ST. HWY 2
Clayton, OK 74536
2007-0017 ltr

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x Jaime Johnson
☑ Agent
☐ Addressee

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Jaime Johnson

C. Date of Delivery
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA

In the Matter of the Application of the City of Oklahoma City for a Regular Permit To Divert Stream Water in Pushmataha County, Oklahoma	))))	Permit Application No. 2007-0017

ORDER SETTING PRE-HEARING CONFERENCE

Written comments and/or protests to the above-captioned application of the City of Oklahoma City ("Applicant") have been filed with the Oklahoma Water Resources Board and the City of Oklahoma City. A complete list of the entities and individuals filing such comments and/or protests is attached as Exhibit 1.

IT IS THEREFORE ORDERED that a Pre-Hearing Conference for this matter shall be held at the Oklahoma Water Resources Board, Board Room, 2nd Floor, 3800 North Classen Blvd., Oklahoma City, OK 73118, and **shall begin at 9:30 am on June 28, 2017**. All interested parties are directed to appear at the Pre-Hearing Conference.

There will be no final decision related to the approval of the application made at the Pre-Hearing Conference. The purpose of a pre-hearing conference is "to facilitate and expedite notice and simplification of issues presented; admissions and stipulations; the identification of documents and witnesses proposed to be offered; discovery and production of relevant documents and other information; and any other matters as may aid in the conducting of the hearing." OAC 785:4-5-2(b). At the Pre-Hearing Conference, the Applicants and Protestants shall be prepared to discuss, among other issues, the following: the validity of the protests received; what motions the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what discovery requests the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what issues of fact and law are disputed between the Applicant and Protestants; and what types of evidence and testimony will be presented by the Applicant and Protestants at the formal evidentiary hearing.

Arguments on the merits of the case will not be heard at this Pre-Hearing Conference; instead, such arguments shall be presented at the formal evidentiary hearing. The formal evidentiary hearing on this application is tentatively scheduled to be held during the week of August 21, 2017. The exact date(s) and time(s) shall be set by the hearing examiner during or subsequent to the Pre-Hearing Conference. The formal evidentiary hearing shall be conducted pursuant to Article II of the Oklahoma Administrative Procedures Act, 75 O.S. § 308 *et seq.*, and Chapter 4 of Title 785 of the Oklahoma Administrative Code.

The Hearing Clerk of the Oklahoma Water Resources Board is hereby directed to give notice of this Order by certified mail, return receipt requested, to the applicant and to the entities and individuals that have filed comments and/or protestant in this matter.

IT IS SO ORDERED this 27 day of April, 2017.

Lyn Martin-Diehl
Hearing Examiner

EXHIBIT 1

Judy Armstrong
Atoka County Board of Commissioners
Loyd Boren
Patricia Boren
Amber Brasfield
Jason Brasfield
Rickie Briggs
Michael Brittinham
Brad Burgett
Dale Carter
Choctaw County Board of County Commissioners
Austin Conley
Kenneth Conley
Kimberly Conley
Norma Conley
Robert D. Conley
Shannon Conley
George R. Crims, III
Hunter Davis
Jerry Davis
Melissa Davis
Nicole Davis
Donald Dawson
Charles R. DeWeese
Russell Doughty
Loy and Jane Dunlap
Tom Garrett
Don Hairrell
TheresaHarper
Imogene Hairrell Harris
Susan Herbert
Kevin N. Hilley
Denise Hilton
Frank Hilton
Rebecca Hoel
Representative Justin J.J. Humphrey
Syed Raziullah Hussaini
Georgia Irwin
Erin Iski
Dale Jackson
Justin Jackson
Linda Jackson
Jaime Johnson
Dennis Kerr
Latimer County Board of Commissioners
LeFlore County Board of Commissioners

Debbie L. Leo
Paul Marcum
Marshal County Board of Commissioners
Brody McClellan
Larinda McClellan
McCurtain County Board of Commissioners
Oklahoma for Responsible Water Policy
Kevin Joseph Payne
Roger Dale Payne
Pittsburg County Board of County Commissioners
Poteau Valley Improvement Authority
Judy Pryor
Pushmataha County Commissioners
Walter Myrl Redman
Kenneth P. Robert, Ph.D.
Phillip Russo
Johnny C. Self
Marcia Self
Diane Smith
Patricia Smith
Wendy Sprague
Talihina, Town of
Dale Teeters, Ph.D.
Sharon Tipps
Wayne Tipps
Jerry Tolbert
Mike Tolbert
Mitchell Tompkins
United States Department of the Interior
Fish and Wildlife Service, Division
of Ecological Services
Lawanda Vaughan
Sue Ann Vaughan
Terron Vaughan
Terry Vaughn
Doug and Linda West

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 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:

Ms. Judy Armstrong
P.O. Box 21
Clayton, OK 74536

Atoka County
Board of Commissioners
Atoka County Courthouse
200 East Court Street, Ste. 201W
Atoka, OK 74525
atokacommissioners@sbcglobal.net

Mr. Loyd Boren
413426 East 1870 Rd.
Antlers, OK 74523-1335

Ms. Patricia Boren
413426 East 1870 Rd.
Antlers, OK 74523-1335

Ms. Amber Brasfield
P.O. Box 2
Clayton, OK 74536

Mr. Jason Brasfield
P.O. Box 2
Clayton, OK 74536

Mr. Rickie Briggs
172489 North 4480 Road
Nashoba, OK 74558

Mr. Michael Brittingham
P.O. Box 96
Moyers, OK 74551

Mr. Brad Burgett
436942 E 1855 Loop
Rattan, OK 74562

Mr. Dale Carter
424448 E 1835 Rd.
Finley, OK 74543

Choctaw County
Board of County Commissioners
300 East Duke
Hugo, OK 74743

Mr. Austin Conley
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Clayton, OK 74536

Mr. Kenneth Conley
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Mr. Tom Garrett
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Mr. Jerry Davis
413430 E. 1870 Rd.
Antlers, OK 74523

Ms. Nicole Davis
413430 E. 1870 Rd.
Antlers, OK 74523

Mr. Charles R. DeWeese
P.O. Box 862
Antlers, OK 74523

Mr. Loy and Ms. Jane Dunlap
435779 East 1931 Road
Rattan, OK 74562

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

Ms. Imogene Hairrell Harris
174812 State Highway 2
Clayton, OK 74536

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

Mr. Frank Hilton
HC 66, Box 315
Moyers, OK 74557

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

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jaimetestco@yahoo.com

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

Ms. Debbie L. Leo and
F. Jerrold Gutierrez
dba Miller Lake Retreat, LLC
P.O. Box 25
Moyers, OK 74557

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Board of Commissioners
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Madill, OK 73446

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Ms. Linda Jackson
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Department of Geosciences
The University of Tulsa
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LeFlore County
Board of County Commissioners
ATTN: LeFlore County Clerk
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Poteau, OK 74953

Mr. Paul Marcum
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pmarcum@questmhsa.com

Mr. Brody McClellan
P.O. Box 89
Finley, OK 74543

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

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

Mr. Roger Dale Payne
HC 66
Box 316
Moyers, OK 74557

Poteau Valley Improvement Authority
c/o Mick LaFevers, Chairman
25768 US Highway 270
Wister, OK 74966-9124

Pushmataha County Commissioners
304 S W "B" Street
Antlers, OK 74523

Dr. Kenneth P. Roberts, Ph.D.
21222 S. Keetonville Rd.
Claremore, OK 74019

Mr. Johnny C. Self
P.O. Box 55
Rattan, OK 74562

Ms. Diane Smith
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Antlers, OK 74523

Ms. Wendy Sprague
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Moyers, OK 74557

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Dale-teeters@utulsa.edu

Mr. Kevin Joseph Payne
HC 66
Box 316
Moyers, OK 74557

Pittsburg County
Board of County Commissioners
600 East Choctaw, Ste. C
McAlester, OK 74501

Ms. Judy Pryor
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Mryl.redman@ameristatebank.com

Mr. Phillip Russo
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Xfire6@msn.com

Ms. Marcia Self
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Ms. Pamela Smith
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pamnugent@yahoo.com

Town of Talihina
c/o Don Faulkner
P.O. Box 354
Talihina, OK 74571
don.faulkner@sbcglobal.net

Ms. Sharon Tipps
190751 N 4110 Rd.
Antlers, OK 74523-7406

Mr. Wayne Tipps
190751 N 4110 Rd.
Antlers, OK 74523-7406

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

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

Mr. Mitchell Tompkins
Address Not Provided

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. Lawanda Vaughan
421628 E. 1920 Rd.
Antlers, OK 74523
Terryvaughan6352@gmail.com
Lawandavaughan2174@gmail.com

Ms. Sue Ann Vaughan
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Antlers, OK 74523
sueannvaughan@gmail.com

Mr. Terron Vaughan
421692 E. 1920 Rd.
Antlers, OK 74523
Tdv31186@yahoo.com

Terry Vaughan
421628 E. 1920 Rd.
Antlers, OK 74523
Terryvaughan6352 @gmail.com
Lawandavaughan2174@gmail.com

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

Hearing Clerk of the
Oklahoma Water Resources Board

JULIE CUNNINGHAM
EXECUTIVE DIRECTOR

MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
WATER RESOURCES BOARD
www.owrb.ok.gov

June 22, 2017

Sent via Certified U.S. Mail & Email
mmarcum@questmhsa.com
Ms. Marla Marcum
P.O. Box 654
Antlers, OK 74523

Re: **City of Oklahoma City Stream Water Permit Application No. 07-017**
Pre-Hearing Conference scheduled for June 28, 2017

Dear Ms. Marcum:

The public notice related to the City of Oklahoma City's Stream Water Permit Application No. 07-017 required any comments or protests to be filed with both the Oklahoma Water Resources Board ("OWRB") *and* the Applicant on or before April 5, 2017. On April 28, 2017, the Hearing Examiner assigned to the case issued an Order setting a Pre-Hearing Conference for June 28, 2017. A copy of the enclosed Order setting the Pre-Hearing Conference was mailed to everyone that filed a comment or protest with the OWRB during the public comment period.

OWRB staff has learned that you filed a comment or protest directly with the Applicant; however, OWRB did not receive a copy of that comment or protest during the comment period. Since OWRB did not initially receive your comment or protest, you were not included in the previous mail out. The purpose of this letter is to provide a copy of the Order.

If you have any questions concerning the agreement, feel free to contact me at 405-530-8801 or email me at joyce.coleman@owrb.ok.gov.

Sincerely,

Joyce Coleman

Joyce Coleman
Legal Secretary
Oklahoma Water Resources Board

Encl.

3800 N. CLASSEN BOULEVARD • OKLAHOMA CITY, OKLAHOMA 73118
TELEPHONE (405) 530-8800 • FAX (405) 530-8900

Stephen B. Allen • Tom Buchanan • Charles Darby • Bob Drake
F. Ford Drummond • Jason W. Hitch • Linda P. Lambert • Robert L. Melton • Robert Stallings

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Ms. Marla Marcum
P.O. Box 654
Antlers, OK 74523
2007-0017 ltr

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Ms. Marla Marcum
P.O. Box 654
Antlers, OK 74523
2007-0017 ltr

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2. Article Number *(Transfer from service label)*
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- ☐ Adult Signature Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA

In the Matter of the Application of the City of Oklahoma City for a Regular Permit To Divert Stream Water in Pushmataha County, Oklahoma	))))	Permit Application No. 2007-0017

ORDER SETTING PRE-HEARING CONFERENCE

Written comments and/or protests to the above-captioned application of the City of Oklahoma City ("Applicant") have been filed with the Oklahoma Water Resources Board and the City of Oklahoma City. A complete list of the entities and individuals filing such comments and/or protests is attached as Exhibit 1.

IT IS THEREFORE ORDERED that a Pre-Hearing Conference for this matter shall be held at the Oklahoma Water Resources Board, Board Room, 2nd Floor, 3800 North Classen Blvd., Oklahoma City, OK 73118, and **shall begin at 9:30 am on June 28, 2017**. All interested parties are directed to appear at the Pre-Hearing Conference.

There will be no final decision related to the approval of the application made at the Pre-Hearing Conference. The purpose of a pre-hearing conference is "to facilitate and expedite notice and simplification of issues presented; admissions and stipulations; the identification of documents and witnesses proposed to be offered; discovery and production of relevant documents and other information; and any other matters as may aid in the conducting of the hearing." OAC 785:4-5-2(b). At the Pre-Hearing Conference, the Applicants and Protestants shall be prepared to discuss, among other issues, the following: the validity of the protests received; what motions the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what discovery requests the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what issues of fact and law are disputed between the Applicant and Protestants; and what types of evidence and testimony will be presented by the Applicant and Protestants at the formal evidentiary hearing.

Arguments on the merits of the case will not be heard at this Pre-Hearing Conference; instead, such arguments shall be presented at the formal evidentiary hearing. The formal evidentiary hearing on this application is tentatively scheduled to be held during the week of August 21, 2017. The exact date(s) and time(s) shall be set by the hearing examiner during or subsequent to the Pre-Hearing Conference. The formal evidentiary hearing shall be conducted pursuant to Article II of the Oklahoma Administrative Procedures Act, 75 O.S. § 308 *et seq.*, and Chapter 4 of Title 785 of the Oklahoma Administrative Code.

The Hearing Clerk of the Oklahoma Water Resources Board is hereby directed to give notice of this Order by certified mail, return receipt requested, to the applicant and to the entities and individuals that have filed comments and/or protestant in this matter.

IT IS SO ORDERED this 27 day of April, 2017.

Lyn Martin-Diehl
Hearing Examiner

EXHIBIT 1

Judy Armstrong
Atoka County Board of Commissioners
Loyd Boren
Patricia Boren
Amber Brasfield
Jason Brasfield
Rickie Briggs
Michael Brittinham
Brad Burgett
Dale Carter
Choctaw County Board of County Commissioners
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Shannon Conley
George R. Crims, III
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Jerry Davis
Melissa Davis
Nicole Davis
Donald Dawson
Charles R. DeWeese
Russell Doughty
Loy and Jane Dunlap
Tom Garrett
Don Hairrell
TheresaHarper
Imogene Hairrell Harris
Susan Herbert
Kevin N. Hilley
Denise Hilton
Frank Hilton
Rebecca Hoel
Representative Justin J.J. Humphrey
Syed Raziullah Hussaini
Georgia Irwin
Erin Iski
Dale Jackson
Justin Jackson
Linda Jackson
Jaime Johnson
Dennis Kerr
Latimer County Board of Commissioners
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Debbie L. Leo
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Oklahoma for Responsible Water Policy
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Roger Dale Payne
Pittsburg County Board of County Commissioners
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Judy Pryor
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Walter Myrl Redman
Kenneth P. Robert, Ph.D.
Phillip Russo
Johnny C. Self
Marcia Self
Diane Smith
Patricia Smith
Wendy Sprague
Talihina, Town of
Dale Teeters, Ph.D.
Sharon Tipps
Wayne Tipps
Jerry Tolbert
Mike Tolbert
Mitchell Tompkins
United States Department of the Interior
Fish and Wildlife Service, Division
of Ecological Services
Lawanda Vaughan
Sue Ann Vaughan
Terron Vaughan
Terry Vaughn
Doug and Linda West

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 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:

Ms. Judy Armstrong
P.O. Box 21
Clayton, OK 74536

Atoka County
Board of Commissioners
Atoka County Courthouse
200 East Court Street, Ste. 201W
Atoka, OK 74525
atokacommissioners@sbcglobal.net

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Antlers, OK 74523-1335

Ms. Patricia Boren
413426 East 1870 Rd.
Antlers, OK 74523-1335

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Clayton, OK 74536

Mr. Jason Brasfield
P.O. Box 2
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Mr. Rickie Briggs
172489 North 4480 Road
Nashoba, OK 74558

Mr. Michael Brittingham
P.O. Box 96
Moyers, OK 74551

Mr. Brad Burgett
436942 E 1855 Loop
Rattan, OK 74562

Mr. Dale Carter
424448 E 1835 Rd.
Finley, OK 74543

Choctaw County
Board of County Commissioners
300 East Duke
Hugo, OK 74743

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Ms. Kimberly Conley
P.O. Box 971
Clayton, OK 74536

Ms. Norma Conley
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Shannon2conley@yahoo.com

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Antlers, OK 74523

Ms. Melissa Davis
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Antlers, OK 74523

Mr. Donald Dawson
HC 66, Box 235
Moyers, OK 74557

Mr. Russell Doughty
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rustymonroe@gmail.com

Mr. Tom Garrett
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Moyers, OK 74557
tom@kriver.com

Ms. Theresa Harper
HC 66, Box 580
Moyers, OK 74557

Ms. Susan Herbert
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sherbuhuss@yahoo.com

Ms. Denise Hilton
HC 66, Box 315
Moyers, OK 74557

Ms. Rebecca Hoel
210 N.E. "C" Street
Antlers, OK 74523

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Mr. Jerry Davis
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Poteau Valley Improvement Authority
c/o Mick LaFevers, Chairman
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Wister, OK 74966-9124

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

Mr. Mitchell Tompkins
Address Not Provided

United States Department of the Interior
Fish and Wildlife Service, Division of
Ecological Services
ATTN: Jonna Polk, Field Supervisor
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Hearing Clerk of the
Oklahoma Water Resources Board

JULIE CUNNINGHAM
EXECUTIVE DIRECTOR

MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
WATER RESOURCES BOARD
www.owrb.ok.gov

June 22, 2017

Sent via Certified U.S. Mail
Ms. Nadean Osborn
P.O. Box 264
Moyers, OK 74557

Re: **City of Oklahoma City Stream Water Permit Application No. 07-017**
Pre-Hearing Conference scheduled for June 28, 2017

Dear Ms. Osborn:

The public notice related to the City of Oklahoma City's Stream Water Permit Application No. 07-017 required any comments or protests to be filed with both the Oklahoma Water Resources Board ("OWRB") *and* the Applicant on or before April 5, 2017. On April 28, 2017, the Hearing Examiner assigned to the case issued an Order setting a Pre-Hearing Conference for June 28, 2017. A copy of the enclosed Order setting the Pre-Hearing Conference was mailed to everyone that filed a comment or protest with the OWRB during the public comment period.

OWRB staff has learned that you filed a comment or protest directly with the Applicant; however, OWRB did not receive a copy of that comment or protest during the comment period. Since OWRB did not initially receive your comment or protest, you were not included in the previous mail out. The purpose of this letter is to provide a copy of the Order.

If you have any questions concerning the agreement, feel free to contact me at 405-530-8801 or email me at joyce.coleman@owrb.ok.gov.

Sincerely,

Joyce Coleman

Joyce Coleman
Legal Secretary
Oklahoma Water Resources Board

Encl.

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Ms. Nadean Osborn
P.O. Box 264
Moyers, OK 74557
2007-0017 ltr

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Ms. Nadean Osborn
P.O. Box 264
Moyers, OK 74557
2007-0017 ltr

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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA

In the Matter of the Application of the City of Oklahoma City for a Regular Permit To Divert Stream Water in Pushmataha County, Oklahoma	))))	Permit Application No. 2007-0017

ORDER SETTING PRE-HEARING CONFERENCE

Written comments and/or protests to the above-captioned application of the City of Oklahoma City ("Applicant") have been filed with the Oklahoma Water Resources Board and the City of Oklahoma City. A complete list of the entities and individuals filing such comments and/or protests is attached as Exhibit 1.

IT IS THEREFORE ORDERED that a Pre-Hearing Conference for this matter shall be held at the Oklahoma Water Resources Board, Board Room, 2nd Floor, 3800 North Classen Blvd., Oklahoma City, OK 73118, and **shall begin at 9:30 am on June 28, 2017**. All interested parties are directed to appear at the Pre-Hearing Conference.

There will be no final decision related to the approval of the application made at the Pre-Hearing Conference. The purpose of a pre-hearing conference is "to facilitate and expedite notice and simplification of issues presented; admissions and stipulations; the identification of documents and witnesses proposed to be offered; discovery and production of relevant documents and other information; and any other matters as may aid in the conducting of the hearing." OAC 785:4-5-2(b). At the Pre-Hearing Conference, the Applicants and Protestants shall be prepared to discuss, among other issues, the following: the validity of the protests received; what motions the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what discovery requests the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what issues of fact and law are disputed between the Applicant and Protestants; and what types of evidence and testimony will be presented by the Applicant and Protestants at the formal evidentiary hearing.

Arguments on the merits of the case will not be heard at this Pre-Hearing Conference; instead, such arguments shall be presented at the formal evidentiary hearing. The formal evidentiary hearing on this application is tentatively scheduled to be held during the week of August 21, 2017. The exact date(s) and time(s) shall be set by the hearing examiner during or subsequent to the Pre-Hearing Conference. The formal evidentiary hearing shall be conducted pursuant to Article II of the Oklahoma Administrative Procedures Act, 75 O.S. § 308 *et seq.*, and Chapter 4 of Title 785 of the Oklahoma Administrative Code.

The Hearing Clerk of the Oklahoma Water Resources Board is hereby directed to give notice of this Order by certified mail, return receipt requested, to the applicant and to the entities and individuals that have filed comments and/or protestant in this matter.

IT IS SO ORDERED this 27 day of April, 2017.

Lyn Martin-Diehl
Hearing Examiner

EXHIBIT 1

Judy Armstrong
Atoka County Board of Commissioners
Loyd Boren
Patricia Boren
Amber Brasfield
Jason Brasfield
Rickie Briggs
Michael Brittinham
Brad Burgett
Dale Carter
Choctaw County Board of County Commissioners
Austin Conley
Kenneth Conley
Kimberly Conley
Norma Conley
Robert D. Conley
Shannon Conley
George R. Crims, III
Hunter Davis
Jerry Davis
Melissa Davis
Nicole Davis
Donald Dawson
Charles R. DeWeese
Russell Doughty
Loy and Jane Dunlap
Tom Garrett
Don Hairrell
TheresaHarper
Imogene Hairrell Harris
Susan Herbert
Kevin N. Hilley
Denise Hilton
Frank Hilton
Rebecca Hoel
Representative Justin J.J. Humphrey
Syed Raziullah Hussaini
Georgia Irwin
Erin Iski
Dale Jackson
Justin Jackson
Linda Jackson
Jaime Johnson
Dennis Kerr
Latimer County Board of Commissioners
LeFlore County Board of Commissioners

Debbie L. Leo
Paul Marcum
Marshal County Board of Commissioners
Brody McClellan
Larinda McClellan
McCurtain County Board of Commissioners
Oklahoma for Responsible Water Policy
Kevin Joseph Payne
Roger Dale Payne
Pittsburg County Board of County Commissioners
Poteau Valley Improvement Authority
Judy Pryor
Pushmataha County Commissioners
Walter Myrl Redman
Kenneth P. Robert, Ph.D.
Phillip Russo
Johnny C. Self
Marcia Self
Diane Smith
Patricia Smith
Wendy Sprague
Talihina, Town of
Dale Teeters, Ph.D.
Sharon Tipps
Wayne Tipps
Jerry Tolbert
Mike Tolbert
Mitchell Tompkins
United States Department of the Interior
Fish and Wildlife Service, Division
of Ecological Services
Lawanda Vaughan
Sue Ann Vaughan
Terron Vaughan
Terry Vaughn
Doug and Linda West

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 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:

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Atoka, OK 74525
atokacommissioners@sbcglobal.net

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ATTN: LeFlore County Clerk
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c/o Chris Childers
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Mr. Roger Dale Payne
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Poteau Valley Improvement Authority
c/o Mick LaFevers, Chairman
25768 US Highway 270
Wister, OK 74966-9124

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c/o Don Faulkner
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Antlers, OK 74523-7406

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Antlers, OK 74523-7406

Mr. Jerry Tolbert
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Moyers, OK 74557

Mr. Mike Tolbert
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Moyers, OK 74557

Mr. Mitchell Tompkins
Address Not Provided

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

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Hearing Clerk of the
Oklahoma Water Resources Board

JULIE CUNNINGHAM
EXECUTIVE DIRECTOR

MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
WATER RESOURCES BOARD
www.owrb.ok.gov

June 22, 2017

Sent via Certified U.S. Mail
Dr. William T. Potter, Ph.D.
Professor of Chemistry and Biochemistry
University of Tulsa
800 South Tucker Ave.
Tulsa, OK 74104-3189

Re: **City of Oklahoma City Stream Water Permit Application No. 07-017**
Pre-Hearing Conference scheduled for June 28, 2017

Dear Dr. Potter:

The public notice related to the City of Oklahoma City's Stream Water Permit Application No. 07-017 required any comments or protests to be filed with both the Oklahoma Water Resources Board ("OWRB") *and* the Applicant on or before April 5, 2017. On April 28, 2017, the Hearing Examiner assigned to the case issued an Order setting a Pre-Hearing Conference for June 28, 2017. A copy of the enclosed Order setting the Pre-Hearing Conference was mailed to everyone that filed a comment or protest with the OWRB during the public comment period.

OWRB staff has learned that you filed a comment or protest directly with the Applicant; however, OWRB did not receive a copy of that comment or protest during the comment period. Since OWRB did not initially receive your comment or protest, you were not included in the previous mail out. The purpose of this letter is to provide a copy of the Order.

If you have any questions concerning the agreement, feel free to contact me at 405-530-8801 or email me at joyce.coleman@owrb.ok.gov.

Sincerely,

Joyce Coleman

Joyce Coleman
Legal Secretary
Oklahoma Water Resources Board

Encl.

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Dr. William T. Potter, Ph.D.
Professor of Chemistry and Biochemistry
University of Tulsa
800 South Tucker Ave.
Tulsa, OK 74104-3189

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Dr. William T. Potter, Ph.D.
Professor of Chemistry and Biochemistry
University of Tulsa
800 South Tucker Ave.
Tulsa, OK 74104-3189

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☐ Addressee

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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA

In the Matter of the Application of the City of Oklahoma City for a Regular Permit To Divert Stream Water in Pushmataha County, Oklahoma	))))	Permit Application No. 2007-0017

ORDER SETTING PRE-HEARING CONFERENCE

Written comments and/or protests to the above-captioned application of the City of Oklahoma City ("Applicant") have been filed with the Oklahoma Water Resources Board and the City of Oklahoma City. A complete list of the entities and individuals filing such comments and/or protests is attached as Exhibit 1.

IT IS THEREFORE ORDERED that a Pre-Hearing Conference for this matter shall be held at the Oklahoma Water Resources Board, Board Room, 2nd Floor, 3800 North Classen Blvd., Oklahoma City, OK 73118, and **shall begin at 9:30 am on June 28, 2017**. All interested parties are directed to appear at the Pre-Hearing Conference.

There will be no final decision related to the approval of the application made at the Pre-Hearing Conference. The purpose of a pre-hearing conference is "to facilitate and expedite notice and simplification of issues presented; admissions and stipulations; the identification of documents and witnesses proposed to be offered; discovery and production of relevant documents and other information; and any other matters as may aid in the conducting of the hearing." OAC 785:4-5-2(b). At the Pre-Hearing Conference, the Applicants and Protestants shall be prepared to discuss, among other issues, the following: the validity of the protests received; what motions the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what discovery requests the Applicant and Protestants might wish to file, if any, before the formal evidentiary hearing; what issues of fact and law are disputed between the Applicant and Protestants; and what types of evidence and testimony will be presented by the Applicant and Protestants at the formal evidentiary hearing.

Arguments on the merits of the case will not be heard at this Pre-Hearing Conference; instead, such arguments shall be presented at the formal evidentiary hearing. The formal evidentiary hearing on this application is tentatively scheduled to be held during the week of August 21, 2017. The exact date(s) and time(s) shall be set by the hearing examiner during or subsequent to the Pre-Hearing Conference. The formal evidentiary hearing shall be conducted pursuant to Article II of the Oklahoma Administrative Procedures Act, 75 O.S. § 308 *et seq.*, and Chapter 4 of Title 785 of the Oklahoma Administrative Code.

The Hearing Clerk of the Oklahoma Water Resources Board is hereby directed to give notice of this Order by certified mail, return receipt requested, to the applicant and to the entities and individuals that have filed comments and/or protestant in this matter.

IT IS SO ORDERED this 27 day of April, 2017.

Lyn Martin-Diehl
Hearing Examiner

EXHIBIT 1

Judy Armstrong
Atoka County Board of Commissioners
Loyd Boren
Patricia Boren
Amber Brasfield
Jason Brasfield
Rickie Briggs
Michael Brittinham
Brad Burgett
Dale Carter
Choctaw County Board of County Commissioners
Austin Conley
Kenneth Conley
Kimberly Conley
Norma Conley
Robert D. Conley
Shannon Conley
George R. Crims, III
Hunter Davis
Jerry Davis
Melissa Davis
Nicole Davis
Donald Dawson
Charles R. DeWeese
Russell Doughty
Loy and Jane Dunlap
Tom Garrett
Don Hairrell
TheresaHarper
Imogene Hairrell Harris
Susan Herbert
Kevin N. Hilley
Denise Hilton
Frank Hilton
Rebecca Hoel
Representative Justin J.J. Humphrey
Syed Raziullah Hussaini
Georgia Irwin
Erin Iski
Dale Jackson
Justin Jackson
Linda Jackson
Jaime Johnson
Dennis Kerr
Latimer County Board of Commissioners
LeFlore County Board of Commissioners

Debbie L. Leo
Paul Marcum
Marshal County Board of Commissioners
Brody McClellan
Larinda McClellan
McCurtain County Board of Commissioners
Oklahoma for Responsible Water Policy
Kevin Joseph Payne
Roger Dale Payne
Pittsburg County Board of County Commissioners
Poteau Valley Improvement Authority
Judy Pryor
Pushmataha County Commissioners
Walter Myrl Redman
Kenneth P. Robert, Ph.D.
Phillip Russo
Johnny C. Self
Marcia Self
Diane Smith
Patricia Smith
Wendy Sprague
Talihina, Town of
Dale Teeters, Ph.D.
Sharon Tipps
Wayne Tipps
Jerry Tolbert
Mike Tolbert
Mitchell Tompkins
United States Department of the Interior
Fish and Wildlife Service, Division
of Ecological Services
Lawanda Vaughan
Sue Ann Vaughan
Terron Vaughan
Terry Vaughn
Doug and Linda West

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 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:

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Hearing Clerk of the
Oklahoma Water Resources Board