

RYLEY CARLOCK & APPLEWHITE

1700 Lincoln Street, Suite 3500

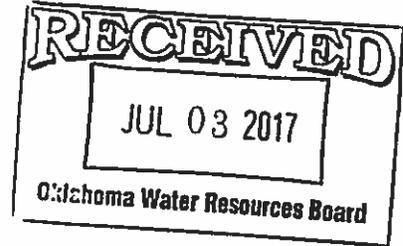
Denver, CO 80203

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Brian M. Nazarenius, OBA #30814

*Special Counsel for Applicant the City of
Oklahoma City*



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

APPLICANT'S FIRST REQUEST FOR DISCOVERY

Pursuant to O.A.C. § 785:4-5-1 and the instructions of the Hearing Examiner at the pre-hearing conference, the City of Oklahoma City ("City") respectfully requests that you respond to discovery below regarding Permit Application No. 2007-0017. You are receiving this request because you submitted a written protest regarding the City's stream water permit application. The purpose of this request is to help determine which interested persons may have party status in the upcoming hearing on August 21, 2017. See O.A.C. § 785:4-5-4 (describing requirements for party status). **You are hereby notified that if you choose not to respond to this discovery request you may be deemed not to be a party.** If you are deemed not to be a party to this proceeding, you may nevertheless be allowed to make a brief statement at the hearing as an interested person. See O.A.C. § 785:4-5-4(e)(2).

The deadline for your response is **Tuesday, July 11, 2017**. There are two ways to respond:

(1) Mail your response to the following address:

The City of Oklahoma City
c/o Stacy L. Brownhill
Ryley Carlock & Applewhite
1700 Lincoln Street, Suite 3500
Denver, CO 80203

-- or --

(2) E-mail your response to sbrownhill@rcalaw.com.

INSTRUCTIONS FOR USE

A. All interrogatories shall be answered as required by Chapter 4 of the Oklahoma Water Resources Board Rules.

B. In responding to these interrogatories, you are required to divulge all information that is in the possession, custody, or control of you, your attorneys, investigators, agents, employees, subcontractors, or other representatives, or their agents or persons or entities acting or purporting to act on your or their behalf. In responding, you must furnish all information available.

C. Space has been provided immediately following each of the following interrogatories for your answer. If the space provided is not sufficient for your answer to any portion of any interrogatory, attach a separate sheet or sheets of paper with the additional information.

D. If you cannot answer any interrogatory in full, after exercising due diligence to secure the information, so state and answer to the fullest extent possible, specifying the reasons for your inability to answer fully and stating whatever information or knowledge you have concerning the unanswered portion. Nonresponsive answers may result in denial of party status.

E. If an answer or portion thereof to any interrogatory set forth herein is based upon information and belief, rather than actual knowledge, the answer should so state, and the source or sources upon which the information and belief are based should be specifically described and identified.

F. If you object to any interrogatory, state the reasons for the objection. Improper objections may be deemed to be unresponsive and result in denial of party status.

G. These interrogatories are continuing requests and require that you supplement your answers setting forth any and all information within the scope of each interrogatory as may be acquired by you, your agents, subcontractors, attorneys, or representatives following the service of your original answers.

DEFINITIONS

A. "Person" means any individual, firm, partnership, association, corporation, business or public trusts, federal agency, state agency, the State or any political subdivision thereof, municipalities, and any other duly constituted legal entity. O.A.C. § 785:4-1-2.

INTERROGATORIES

GENERAL BACKGROUND INFORMATION

State your entity's name, address, telephone number, and, if applicable, e-mail address.

RESPONSE:

INTERROGATORY NO. 1:

State specific information showing how the permit would directly and adversely affect legally protected interests of your entity. Do not answer on behalf of the entity's individual members; they will have a separate opportunity to respond.

RESPONSE:

INTERROGATORY NO. 2:

Does your entity own property in the Kiamichi River basin? Please answer "Yes" or "No." Do not answer on behalf of the entity's individual members; they will have a separate opportunity to respond.

RESPONSE:

INTERROGATORY NO. 3:

If your answer to Interrogatory No. 2 is "Yes," is the entity's property located adjacent to the Kiamichi River or its tributaries? Please answer "Yes," "No" or "Not Applicable."

RESPONSE:

INTERROGATORY NO. 4:

If your answer to Interrogatory No. 3 is “Yes,” please provide the legal description of the entity’s property. If you do not currently have the legal description, please provide us with the address of the property.

RESPONSE:

INTERROGATORY NO. 5:

How many of your members own property adjacent to the Kiamichi River or its tributaries? Please answer “None,” “Some,” or “All.”

RESPONSE:

INTERROGATORY NO. 6:

Identify any individuals who are members of your entity who are also listed as interested persons on the certificate of service below.

RESPONSE:

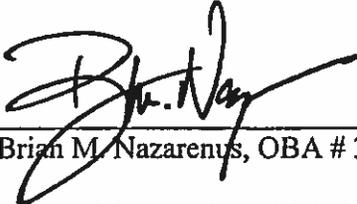
INTERROGATORY NO. 7:

State your entity’s purpose.

RESPONSE:

Respectfully submitted this 3rd day of July, 2017.

RYLEY CARLOCK & APPLEWHITE

By:  _____
Brian M. Nazareus, OBA # 30814

SPECIAL COUNSEL FOR APPLICANT THE
CITY OF OKLAHOMA CITY

Certificate of Service

The undersigned certifies that on this 3rd day of July, 2017, a true and correct copy of the foregoing **APPLICANT'S FIRST REQUEST FOR DISCOVERY** was filed and served via regular U.S. Mail, and via e-mail to those who provided e-mail addresses, to the parties listed below.



Signature

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Brittingham, Michael
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on behalf of Tom Garrett and Justin Jackson
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