



**BEFORE THE OKLAHOMA WATER RESOURCES BOARD
STATE OF OKLAHOMA**

In the Matter of the Application of)	
the City of Oklahoma City for a)	Permit Application No. 2007-0017
Regular Permit to Divert Stream Water)	
In Pushmataha County, Oklahoma)	Hearing Examiner
)	Lyn Martin-Diehl
On Behalf of Kiamichi River Legacy)	
Alliance, an association of Protestants)	

**ENTRY OF APPEARANCE AND NOTICE OF INTERESTED PARTY AND
APPLICATION PROTEST**

COMES NOW Kevin R. Kemper, Ph.D., LL.M., Attorney-at-Law, and enters his appearance in the above-referenced matter on behalf of Kiamichi River Legacy Alliance ("KRLA"), a recently formed private association comprised of certain named Protestants in the above-referenced matter. Also, KRLA and its members as Protestants hereby provides Notice of Interested Party and Application Protest, as per requirements of OAC 785:4-5-4, and asks to be recognized as an Interested Party

The following Protestants, in alphabetical order, are both noted in the Order Setting Pre-Hearing Conference (April 27, 2017) and members of the board of KRLA:

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The Association, which has been in the process of registering with the State of Oklahoma and filing for 501(c)3 status with the Internal Revenue Service as a non-profit organization, anticipates that numerous other Protestants will join the association and support its efforts. The Rules of Practice and Hearing for the Oklahoma Water Resources Board ("OWRB") includes "association" under the definition of a person. OAC 785:4-1-2. A "party" includes "a person ... properly seeking and entitled by law to participate, in hearings...." *Id.* Therefore, KRLA is a party to this matter because it represents an association of named Protestants who have organized and collaborated in their efforts to participate in hearings about the matter. This should provide efficiency and focus in arguments and evidence for OWRB.

The Rules require, "Any interested person may file a written protest, objection or comment to any permit application, petition or other matter subject of a hearing." OAC 785:4-5-4. These protests must include the following in writing:

- (1) Name, telephone number, e-mail (if available) and postal address of the interested person;
- (2) The application to which the protest relates;

- (3) Specific information to show how approval of the application, petition or action 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.

As an interested person, KRLA has provided the contact information for Attorney representing it as contact information for itself. Each board member listed, *supra*, has been listed as a Protestant in the Order of April 21, 2017. Approval of the Application by the City of Oklahoma City would cause serious and even irreparable damage to the Kiamichi River basin, if approved. KRLA incorporates the Protests already provided to the OWRB as a combined statement of specific harm that would occur to KRLA, its constituent members, and all of southeastern Oklahoma. This harm would occur to cultural and tribal sites and resources, threatened and endangered species, recreation, hunting and fishing, tourism, and economic development, as well as to individual water and property rights and values. For relief, KRLA urges the OWRB to reject the present Application by the City of Oklahoma City and require collaboration under the Water Settlement of August 2016 among Protestants like KRLA and the State of Oklahoma, Choctaw Nation of Oklahoma, Chickasaw Nation, the City of Oklahoma City, and the Oklahoma City Water Utilities Trust. None of those other parties would represent the interests of southeastern Oklahoma in full. KRLA believes that the mandates of the Water Agreement of August 2016 could be fulfilled without granting the Permit as presented.

Finally, it must be noted that each individual retains his or her rights as an individual party before the OWRB, though they also now speak through KRLA.

WHEREFORE, this Party provides Notice of Appearance and Interested Party and Application Protest for the above-referenced matter and asks that service be provided to the Attorney listed below.

DATED THIS 17th day of June, 2017.

Respectfully submitted:

Kevin R. Kemper

Kevin R. Kemper, Ph.D., LL.M., Esq.
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CERTIFICATE OF MAILING

I hereby certify that on this 17th day of June, 2017, a true and correct copy of the foregoing document either was e-mailed to the following persons electronically (if an email address was provided by the individual or entity) or by depositing it in the First Class U.S. Mail to all the other addresses listed below.

DATED this 17th day of June, 2017

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