

NOTE TO PUBLISHER: To be published once during the week of February 27, 2017 but no later than March 3, 2017, and once during the week of March 6, 2017 but no later than March 10, 2017, AT APPLICANT’S EXPENSE. (PUBLISHER NEEDS TO FURNISH THE OKLAHOMA WATER RESOURCES BOARD A CERTIFIED PROOF OF PUBLICATION ON OR BEFORE April 10, 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
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.