

**RESOLUTION OF THE CITY OF OKLAHOMA CITY AUTHORIZING
LEGAL COUNSEL TO PARTICIPATE IN FEDERAL ENERGY
REGULATORY COMMISSION PROCEEDINGS AND TO INITIATE
LITIGATION TO ENFORCE THE SETTLEMENT AGREEMENT AND
PROTECT THE RIGHTS AND INTERESTS OF THE CITY OF
OKLAHOMA CITY RELATED TO THE SETTLEMENT ACT, THE
SETTLEMENT AGREEMENT, SARDIS LAKE STORAGE RIGHTS,
KIAMICHI RIVER STREAM WATER RIGHTS, AND OTHER RELATED
RIGHTS AND INTERESTS FROM THE APPLICATION BY THE
SOUTHEAST OKLAHOMA POWER COMPANY, AND ITS AFFILIATES,
FOR A LICENSE UNDER THE FEDERAL POWER ACT, AND FROM THE
ACTIONS OF THE FEDERAL ENERGY REGULATORY COMMISSION;
AND AUTHORIZING LEGAL COUNSEL TO NEGOTIATE AND
EXECUTE JOINT AGREEMENTS TO COOPERATE AND COORDINATE
WITH CO-PLAINTIFFS AND CO-PARTIES TO THE SETTLEMENT
AGREEMENT TO ENFORCE THE SETTLEMENT AGREEMENT AND
PROTECT THE RIGHTS AND INTERESTS OF THE CITY OF
OKLAHOMA CITY.**

WHEREAS, effective August 22, 2016, the Choctaw Nation of Oklahoma, the Chickasaw Nation, the City of Oklahoma City, the Oklahoma City Water Utilities Trust, and the State of Oklahoma entered the Settlement Agreement, which was conformed effective January 15, 2021, and which the United States approved, ratified, and confirmed with Pub. Law. 114-322, §3608, 130 Stat. 1628 (Settlement Act); and

WHEREAS, pursuant to and in furtherance of the Settlement Agreement, the City of Oklahoma City has obtained the final City Permit, OWRB stream water permit no. 2007-017, for stream water rights in the Kiamichi River; and

WHEREAS, pursuant to and in furtherance of the Settlement Agreement, the Amended Storage Contract Transfer Agreement, which grants the City of Oklahoma City vested interests in Sardis Lake, has been executed by the City of Oklahoma City, the Oklahoma City Water Utilities Trust, and the Oklahoma Water Resources Board and approved by the Secretary of the Army; and

WHEREAS, pursuant to the Settlement Act, the Secretary of the Interior published notice in the Federal Register on February 28, 2024, which caused the Settlement Agreement to become enforceable and effective; and

WHEREAS, the Southeast Oklahoma Power Corporation has submitted to the Federal Energy Regulatory Commission an application to license the Pushmataha County Pumped Hydroelectric Project No. 14890 (Project) under the Federal Power Act, which Project would divert water from the Kiamichi River upstream from the stream water rights of the City of Oklahoma City at a proposed diversion rate of 260 cubic feet per second for estimated volumetric amounts of 118,000 acre feet for an initial 2-3 year fill and 20,000 acre feet per year in subsequent years; and

WHEREAS, the development and operation of the Project would interfere and conflict with the rights and interests of the City of Oklahoma City and would interfere and conflict with the Settlement Agreement.

NOW THEREFORE BE IT RESOLVED by the City of Oklahoma City that they do hereby authorize legal counsel to participate in Federal Energy Regulatory Commission proceedings and to initiate litigation to enforce the Settlement Agreement and to protect the rights and interests of the City of Oklahoma City related to the Settlement Act, the Settlement Agreement, Sardis Lake storage rights, Kiamichi River stream water rights, and other related rights and interests from the application by the Southeast Oklahoma Power Company, and its affiliates, for a license under the Federal Power Act, and from the actions of the Federal Energy Regulatory Commission; and authorizing legal counsel to negotiate and execute joint agreements to cooperate and coordinate among co-plaintiffs and co-parties to the Settlement Agreement to enforce the Settlement Agreement and protect the rights and interests of the City of Oklahoma City.

ADOPTED by the City of Oklahoma City this 27TH day of AUGUST, 2024.

ATTEST:

Amy K. Simpson
CITY CLERK



David Holt
MAYOR

Reviewed for form and legality.

Craig Keith
Deputy Municipal Counselor