

Brian West

McAlester, OK
brian@mcalester.net

8 September 2026

Kristina Burgett, Town Clerk, Town of Kiowa, and Leea Shows, Clerk, Kiowa Public Works Authority
PO Box 69 / 831 S. Van Buren Street, Kiowa, OK 74553 · leea@kiowaoklahoma.com ·
jeri@kiowaoklahoma.com (Jeriann Hasty, office manager) · 918-432-5621

Re: Open Records Act request — water for the proposed IREN data center south of Kiowa

Under the Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., I request to inspect and obtain copies of the following records of the Town of Kiowa and the Kiowa Public Works Authority, including records held by its trustees and council members individually, the Mayor, the Town Clerk, the PWA Clerk, the town administrator, operators, engineers, attorneys and other representatives, regardless of medium and regardless of the account or device on which they were created, sent or received.

1. **Communications.** All emails, text and app messages, letters, memoranda, meeting notes, calendar entries and voicemail transcriptions sent or received by the Town, the Authority, the Mayor, any trustee or council member, the clerks or any employee that contain or refer to any of the following, which I offer as the search terms for this item: Emerald ProjectCo Inc.; “Project Emerald”, “Emerald” or “EmeraldCo”; the Emerald ProjectCo Data Center Project; IREN, IREN Limited, Iris Energy, IE US Holdings Inc. or any affiliate; Jason Date, Evan Horn, Marat Ahmad, Lindsay Ward, Michel Skura, Jonathan Gray, Gerald Byrd, David Shaw or Giles Walsh; Black Mountain Energy Storage or Caroline O’Brien; Tipton Capital, Mitch Stevenson, Ernst & Young or ISB Group (John Dorff), in connection with the project; Floyd & Driver PLLC or David Floyd, in connection with the project; Public Service Company of Oklahoma or Jonathan Wynn, in connection with the project; the PCDC Tax Incentive District Review Committee under any name; or, in connection with a data center, “TID”, “TIF”, “incentive district”, “tax increment”, “abatement”, “data center” or “data centre”.
2. **What the town told the developer.** Every will-serve, capacity, availability or comfort letter, email or statement given to IREN, Emerald ProjectCo, their advisers, Pittsburg County or Floyd & Driver about supplying water to the project. On 21 April 2026 the developer told the county’s committee it had “spoken to the City of Kiowa” and that the town “can supply the water for the ongoing operations if required”; I am asking for the paper behind that statement.
3. **Rural Water District No. 11.** The town’s water sale contract with Rural Water District No. 11, the volume cap referred to at the committee’s meeting of 3 February 2026, and any analysis of the town’s ability to serve the district and the project at once.
4. **Capacity.** Any engineering, yield, source, treatment-capacity, storage or water-loss study or estimate prepared or received in connection with the project, and the town’s current permitted source and treatment capacity figures.

5. **Meeting records.** Every agenda, packet, minute entry and recording of the Town Board or the Authority that mentions the project.
6. **Confidentiality.** Any non-disclosure, confidentiality or exclusivity agreement, or request for one, involving the Town, the Authority or any official and any party named in item 1.

Period. 1 January 2025 to the date you process this request. For items that name a specific company or person, please apply no start date: those names did not appear in your records before then, so a floor adds nothing but the risk of a miss.

Specificity. This request is framed to meet 51 O.S. § 24A.5(7): the period above is the time frame, each numbered item seeks identifiable records rather than general information, and the names and phrases listed are the search terms to run. If you consider any item still not reasonably specific, tell me which one and what you need, and I will narrow it by return rather than have the request denied on that ground.

Format. Electronic, in native format with attachments and metadata intact (for example .eml or .msg, .docx, .xlsx), or searchable PDF where no native file exists. Please produce on a rolling basis as records are located rather than holding everything for one release.

Fees. This request is not for a commercial purpose. It is made by a county resident and taxpayer to determine whether those entrusted with public affairs are performing their duties, the purpose for which 51 O.S. § 24A.5 forbids a search fee. I will pay copying at the statutory rate. If you expect the cost to exceed \$50, please send an estimate before incurring it and I will narrow the request or inspect the records in person, which the Act allows at no charge. Should you require advance payment under § 24A.5(4), send the estimate and I will remit it promptly; please do not treat the request as paused before the estimate reaches me.

Withholding. If any record or part of one is withheld, please identify it (date, author, recipient, subject) and cite the specific statutory exemption, and release every reasonably segregable portion as § 24A.5 requires. Messages about public business on personal accounts or devices are records under 2009 OK AG 12. A record does not become confidential because it was placed in a litigation or investigation file (§ 24A.20).

Response. Please acknowledge receipt and tell me when I can expect the first production; the Act requires prompt, reasonable access (§ 24A.5). I am glad to talk through scope by phone if it will speed things up.

Responding online. You may also reply through the page set up for this request, whose address and code appear on the mailed copy. It lets you confirm receipt, upload records, send a written response, or tell me when you expect to produce, and everything posted there becomes part of the public record of this request. A reply by post or email is equally welcome.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian West", with a stylized flourish extending from the end.

Brian West
brian@mcalester.net

Enclosed, following this letter: the Town of Kiowa Open Records Request Form for Oklahoma cities and towns, completed. Boxes 9 to 11 of that form summarise this request; this letter states it in full, and the two are one request. The form's second page is headed for internal use and is left with your office.

TOWN OF KIOWA OPEN RECORDS REQUEST FORM FOR OKLAHOMA CITIES AND TOWNS

The governing body of the municipality has adopted this records request form. The Oklahoma Open Records Act permits a public body to require a requestor to complete a records request form to receive or view records pursuant to [51 O.S. § 24A.5\(7\)](#), as effective November 1 2025 unless a different method is mutually agreed to. Any person requesting records is only required to provide enough contact information so the municipality can notify you if the request is ready, send the request to you, or contact you if clarification is needed.

1. Name: Brian West		2. Date: 09/08/2026	
3. Email Address: brian@mcalester.net		4. Phone: [redacted]	
5. Mailing Address: [street address redacted]			
6. Company/ Organization/ Firm (if applicable): None — made as a private individual			
7. Purpose of Request: (check one) ☒ Personal ☐ Commercial ☐ News Media (List org.): ☐ Scholar ☐ Other (specify):		8. I prefer records to be provided: ☐ Physical Copies (\$1.00 per page) ☒ EMAILS (\$1.00) ☐ ACCIDENT REPORTS (\$10.00) UNOFFICIAL	
9. Description of request: Be as <i>specific as possible</i> , include the title or description of the specific records below, specific search terms on box 10, and a date range on box 11. Narrowing your request will help to make sure your records are produced in a timely fashion and ensures that you are provided with the specific records you seek. Records of the Town of Kiowa and the Kiowa Public Works Authority concerning the proposed IREN / Emerald ProjectCo data center south of Kiowa. (1) Communications of the Town, the Authority, the Mayor, any trustee or council member, the clerks or any employee referring to the project or to any party in box 10. (2) Every will-serve, capacity, availability or comfort letter or statement given to IREN, Emerald ProjectCo, their advisers, Pittsburg County or Floyd & Driver about supplying water to the project — on 21 April 2026 the developer told the county's committee the town "can supply the water for the ongoing operations if required"; I ask for the paper behind that statement. (3) The town's water sale contract with Rural Water District No. 11, the volume cap referred to on 3 February 2026, and any analysis of serving the district and the project at once. (4) Any engineering, yield, source, treatment-capacity, storage or water-loss study prepared or received for the project, and the town's current permitted source and treatment capacity. (5) Every agenda, packet, minute entry and recording of the Town Board or the Authority mentioning the project. (6) Any non-disclosure, confidentiality or exclusivity agreement, or request for one, involving the Town, the Authority or any official and any party in box 10. Not a commercial purpose: made by a county resident and taxpayer to determine whether those entrusted with public affairs are performing their duties, for which 51 O.S. § 24A.5 forbids a search fee. My attached letter of this date sets out the same request and forms part of it.			
10. Suggested Specific Search Terms: Please separate search terms by a semi-colon; Emerald ProjectCo; Project Emerald; IREN; Iris Energy; Black Mountain Energy Storage; Caroline O'Brien; Tipton Capital; Ernst & Young; ISB Group; Floyd & Driver; PSO; KEDDO; data center; data centre; TID; TIF; incentive district; abatement; will-serve (full list in the attached letter)			
11. Date Range: Starting Date (mm/dd/yyyy): 01/01/2025		Ending Date (mm/dd/yyyy): 09/08/2026	
12. Understanding the Records Request Process and the Open Records Act. - Some records can be produced promptly. Other records may require time to search in which case you will be notified when the records are ready for pickup or inspection. - By making this request for records, you agree to pay all copying and search fees, if applicable, in the amounts and under such conditions as posted in our office and on file with the county clerk. These charges are set at a level to compensate the municipality for the actual costs incurred in honoring your request. - You may be required to pay in advance if estimated costs exceed \$75 or if you have outstanding fees from prior requests. Any amount paid in excess of actual costs will be refunded. 51 O.S. § 24A.5(4) - You may be asked to clarify your request if the request does not describe the records with reasonable specificity. To have reasonable specificity, a request shall: "a) specify a general time frame within which the requested records would have been created or transmitted, b) seek identifiable records, rather than general information without any qualifiers or other specifications, and c) include search terms that are sufficiently specific to assist the public body in identifying the requested records." 51 O.S. § 24A.5(7) - The municipality may ask you to clarify your request. If the municipality has engaged with you to seek the information needed to fulfill the request and to identify the records sought by you, including providing you with general topics or a specific list of records related to the request, the request may be denied if it is still not reasonably specific. 51 O.S. § 24A.5(7), - The municipality has the ability to determine whether a request is for a commercial purpose. 51 O.S. § 24A.5 (4), 51 O.S. § 24A.40 - The public body is permitted to email records but is not required to do so. A public body should not provide or deliver records in a form that materially alters or removes the content of the original record. See <i>Wagner v. Office of Sheriff of Custer Cnty.</i>, 2021 OK CIV APP 20, ¶ 6, 492 P.3d 1240, 1242. <i>Brooke vs. Reed</i>, 2024 OK CIV APP Case No. 121604 ¶ 17 (not for official publication) and the AG opinions 1999 OK AG 55 and 2006 OK AG 35. - A person whose request to inspect or copy a public record is denied by a public body may file a request for review with the Public Access Counselor in the Attorney General's office not later than 30 calendar days after the date of the denial. The Attorney General <i>may</i> issue advisory opinions if requested by the head of the public body or its attorney. 51 O.S. § 24A.40			

INTERNAL USE ONLY (separate paper from request form)

