IN THE TWENTY-FOURTH JUDICIAL DISTRICT DISTRICT COURT OF EDWARDS COUNTY, KANSAS

WATER PROTECTION ASSN. OF CENTRAL KANSAS,

Plaintiff,

V.

CHRIS BEIGHTEL, P.E., IN HIS OFFICIAL CAPACITY AS ACTING CHIEF ENGINEER, DIVISION OF WATER RESOURCES, KANSAS DEPARTMENT OF AGRICULTURE,

Defendant,

V.

THE CITY OF HAYS, KANSAS AND THE CITY OF RUSSELL, KANSAS,

Intervenors.

Pursuant to K.S.A. Chapter 77

ACTING CHIEF ENGINEER'S MOTION TO CORRECT AGENCY RECORD UNDER K.S.A. 77-620(f)

Defendant Acting Chief Engineer Chris Beightel, by and through counsel of record, moves under K.S.A. 77-620(f) to correct the Agency Record in this matter by adding a filed spreadsheetdocument's back page that only recently was discovered to have been inadvertently not copied and not included in the Agency Record that was filed on or about July 18, 2019.

Pursuant to K.S.A. 77-620(f) of the KJRA, the Court "may require or permit subsequent corrections . . . to the record." On or about July 18, 2019, Defendant caused the Agency Record

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in this case to be filed with the Court, which record included a DWR spreadsheet-document at A.R. 3648 (found at item number 166 of the filed Agency Record Table of Contents). Defendant only recently has realized that, in the course of copying and including that spreadsheet in the Agency Record, the back page of the spreadsheet inadvertently was not copied and not included. That back page is attached hereto as **Exhibit A**.

In the interest of including a complete and accurate Agency Record in this case and complying with the correction-procedure provided by the KJRA, Defendant requests that the Court allow this minor, inadvertent copying error to be corrected pursuant to K.S.A. 77-620(f), by adding **Exhibit A** to the filed Agency Record herein.

Respectfully submitted,

<u>/s/Aaron B. Oleen</u> Kenneth B. Titus, S. Ct. #26401 Aaron B. Oleen, S. Ct. #23588 Kansas Department of Agriculture 1320 Research Park Drive Manhattan, Kansas 66502 TEL: (785) 564-6715 FAX: (785) 564-6777 kenneth.titus@ks.gov aaron.oleen@ks.gov Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the above Acting Chief Engineer's Motion to Correct Agency Record Under K.S.A. 77-620(f) was electronically filed with the District Court Clerk using the Court's electronic filing system, which will cause service to be made on the following other counsel of record by the transmission of a notice of electronic filing on the date reflected on the electronic file stamp hereto:

Micah Schwalb, #26501 ROENBAUGH SCHWALB 4450 Arapahoe Avenue Boulder, CO 80303

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Attorneys for Defendant

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Exhibit A