

IN THE THIRD JUDICIAL DISTRICT
DISTRICT COURT, SHAWNEE COUNTY, KANSAS
CIVIL DEPARTMENT

RECEIVED WATER RESOURCES

JUL 20 2023

KS DEPT AGRICULTURE

AUDUBON OF KANSAS, INC.)
)
) Petitioner,)
)
v.) Case No. SN-2023-CV-000420
)
) EARL LEWIS, in his official capacity)
) as Chief Engineer, Kansas Department)
) of Agriculture, Division of Water Resources,)
)
) Respondent.)
)

Pursuant to K.S.A. Chapter 60

MOTION FOR PEREMPTORY ORDER OF MANDAMUS

COMES NOW Plaintiff, Audubon of Kansas, Inc., by and through their counsel of record, and pursuant to K.S.A. 60-802(b), moves the Court for a peremptory order of mandamus ordering Respondent Earl Lewis to fulfill his clear statutory duty as chief engineer of the Kansas Department of Agriculture, Division of Water (“KDA-DWR”) to immediately initiate administration over and curtail further diversions by all junior water rights KDA-DWR has determined responsible for the long-unresolved impairment of the senior water right supporting the Quivira National Wildlife Refuge. In support of its motion, Plaintiff relies upon and incorporates fully herein its Memorandum in Support of its Motion for Peremptory Order of Mandamus filed contemporaneously herewith.

Respectfully submitted.

/s/ Dylan P. Wheeler

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Attorneys for Plaintiff Audubon of Kansas, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of July, 2023, a copy of the above and foregoing was sent by U.S. First Class Mail, postage prepaid to:

Earl Lewis, Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Drive, 3rd Floor
Manhattan, KS 66502

/s/ Dylan P. Wheeler _____
Dylan P. Wheeler

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