

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 126,520

AUDUBON OF KANSAS, INC.,
Petitioner,

v.

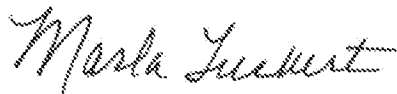
EARL B. LEWIS, in his Official Capacity as Chief Engineer,
Kansas Department of Agriculture, Division of Water Resources,
Respondent.

ORDER

The court declines to exercise its original jurisdiction and dismisses the petition for writ of mandamus. See *Schwab v. Klapper*, 315 Kan. 150, 151-52, 505 P.3d 345 (2022) (discussing discretionary and concurrent nature of this court's original jurisdiction in proceedings in mandamus as provided by Article 3, section 3 of the Kansas Constitution); see also Supreme Court Rule 9.01(b)(2023 Kan. S. Ct. R. at 64) ("An appellate court ordinarily will not exercise original jurisdiction if adequate relief appears to be available in a district court. . . . If the appellate court finds that adequate relief is available in the district court, it may dismiss the action . . . A dismissal under this subsection is not an adjudication on the merits.").

Dated this 30th day of June 2023.

FOR THE COURT



MARLA LUCKERT
Chief Justice

Stegall, J. recused.