

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

WATER PROTECTION ASSN. OF
CENTRAL KANSAS,

Plaintiff,

V.

DAVID BARFIELD, P.E., IN HIS
OFFICIAL CAPACITY AS CHIEF
ENGINEER, DIVISION OF WATER
RESOURCES, KANSAS DEPARTMENT
OF AGRICULTURE,

Defendant.

Case No. 2019-CV-000005

Pursuant to K.S.A. Chapter 77

**CHIEF ENGINEER'S UNOPPOSED MOTION
TO EXTEND AGENCY-RECORD TRANSMITTAL DEADLINE**

Defendant David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (the "Chief Engineer"), requests an extension of the deadline to transmit the agency record in this case to on or before July 12, 2019.

1. **Background:** The Chief Engineer deems June 28, 2019 to be his current deadline to transmit to the Court the agency record regarding this matter. Plaintiff's Petition for Judicial Review was served on the Chief Engineer on May 29, 2019, and the default deadline of K.S.A. § 77-620(a) requires that the agency transmit the agency record to the court within 30 days after service of the petition for judicial review.

2. **Authority:** K.S.A. § 77-620(a) allows for the agency record to be transmitted “within further time allowed by the court or by other provision of law”

3. **Reasons:** Previously in the agency proceedings related to this case, the audio from a public informational meeting was recorded but a transcript was not made. After this lawsuit was filed, the Chief Engineer retained a transcription service to transcribe the audio from the public informational meeting. The service requires additional time to complete the transcript. The Chief Engineer’s counsel has conferred with Plaintiff’s counsel, who does not oppose this deadline-extension request.

4. **Therefore,** the Chief Engineer asks that the Court extend the agency-record transmittal deadline in this case, to on or before July 12, 2019.

Respectfully submitted,

KENNETH B. TITUS
CHIEF COUNSEL

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CERTIFICATE OF SERVICE

I certify that on the 27th day of June, 2019, the above *Chief Engineer's Unopposed Motion to Extend Agency-Record Transmittal Deadline* was electronically filed with the District Court Clerk using the Court's electronic filing system, which will send a notice of electronic filing to registered participants:

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