

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

AUDUBON OF KANSAS, INC.)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES DEPARTMENT)
 OF THE INTERIOR; DAVID)
 BERNHARDT, Secretary of United States)
 Department of the Interior; UNITED)
 STATES FISH AND WILDLIFE)
 SERVICE; AURELIA SKIPWITH,)
 Director of United States Fish and)
 Wildlife Service; MICHAEL BEAM,)
 Secretary of the Kansas Department of)
 Agriculture, and EARL B. LEWIS,)
 Chief Engineer of the Kansas)
 Department of Agriculture, Division of)
 Water Resources.)
)
 Defendants.)
)
 _____)

Case No.: 21-2025-HLT-JPO

NOTICE OF APPEAL

NOTICE is hereby given that plaintiff Audubon of Kansas, Inc. hereby appeals to the United States Court of Appeals for the Tenth Circuit from the Memorandum and Order (Doc 58) entered on October 20, 2021.

Respectfully submitted,

DEPEW GILLEN RATHBUN & MCINTEER LC

/s/Randall K. Rathbun

Randall K. Rathbun #09765

Dylan P. Wheeler #28661

8301 E. 21st Street N., Suite 450

Wichita, KS 67206-2936

Telephone: (316)-262-4000

Facsimile: (316)-265-3819

randy@depewgillen.com

dylan@depewgillen.com

Richard Seaton #05994

SEATON, SEATON & DIERKS, L.L.P

410 Humboldt Street, Suite 6031

Manhattan, KS 66502

Telephone: (785)-776-4788

rhseaton@yahoo.com

Burke W. Griggs #22805

GRIGGS LAND & WATER, LLC

1717 W. 7th Street

Lawrence, KS 66044

burke.griggs@gmail.com

Jeffrey R. King

Sage Law, LLP

12980 Metcalf Avenue, Suite 500

Overland Park, KS 66213

(913) 341-7800

jking@sage.law

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this November 17, 2021, the above and foregoing **Notice of Appeal** was filed via the U.S. District Court's CM/ECF system and notice sent to:

Tyler E. Heffron
Derek S. Casey
Kacey S. Mayes
Triplett Woolf Garretson LLC
2959 N. Rock Road, Suite 300
Wichita, KS 67226

Kenneth B. Titus
Chief Counsel and Special Assistant Attorney General
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66503
Attorneys for Beam and Lewis

Lynn D. Preheim
Aimee D. Davenport
Christina J. Hansen
Stinson LLP
1625 N. Waterfront Parkway, Suite 300
Wichita, KS 67206
Attorneys for Groundwater Management District No. 5

Bridget McNeil
DOJ-Enrd
999 18th St., Suite 370
Denver, CO 80202

David Negri
DOJ-Enrd
601 D Street NW, Room 2434
Washington, DC 20047-7754
Attorneys for Federal Defendants

/s/Randall K. Rathbun
Randall K. Rathbun #09765