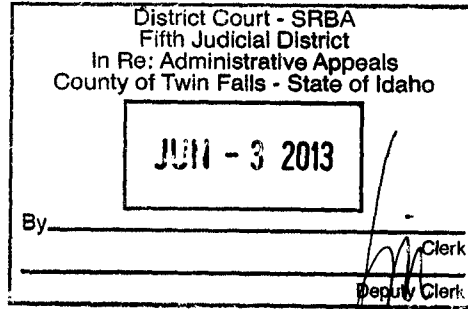


Josephine P. Beeman (#1806)  
 BEEMAN & ASSOCIATES, P.C.  
 409 West Jefferson Street  
 Boise, ID 83702  
 Telephone: (208) 331-0950  
 Facsimile: (208) 331-0954  
 Email: jo.beeman@beemanlaw.com



*Attorneys for Petitioner Frank Astorquia*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

FRANK ASTORQUIA, )  
 )  
 ) Petitioner, )

vs. )

STATE OF IDAHO, DEPARTMENT OF )  
 WATER RESOURCES, an agency of the )  
 State of Idaho, )

Respondent. )

Case No. CV WA 12 14102

**PETITIONER ASTORQUIA'S  
 MOTION TO DISALLOW  
 RESPONDENT'S  
 MEMORANDUM OF COSTS  
 AND ATTORNEY FEES**

IN THE MATTER OF WATER RIGHT )  
 LICENSE NO. 37-7460 IN THE NAME )  
 OF FRANK ASTORQUIA AND/OR )  
 JOSEPHINE ASTORQUIA )

Petitioner Frank Astorquia, though his counsel Beeman and Associates, P.C., files this motion pursuant to Idaho Rule of Civil Procedure (IRCP) 54(d)(6) to disallow Respondent's May 15, 2013 Motion and Memorandum of Costs and Attorney Fees. The documents were received May 17, 2013.

The following grounds are the basis for the disallowal:

1. Attorneys' fees under Idaho Code 12-121 should not be awarded to Respondent as the case was not brought, pursued or defended frivolously, unreasonably or without foundation.

Pursuant to IRCP 7 (B)(3)(c) Petitioner Astorquia will file a brief in support of this motion with the court within fourteen (14) days.

RESPECTFULLY SUBMITTED this 31<sup>st</sup> day of May 2013.

Beeman & Associates  
Attorneys for Frank Astorquia

By Josephine P. Beeman  
Josephine P. Beeman

**CERTIFICATE OF MAILING**

I hereby certify that on this 31<sup>st</sup> day of May 2013, the foregoing document was served upon the following by U.S. Mail, postage prepaid:

Garrick Baxter  
Deputy Attorney General  
Idaho Department of Water Resources  
P. O. Box 83720  
Boise, ID 83720-0098

Josephine P. Beeman  
Josephine P. Beeman