

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

CITY OF ELK CITY and ELK CITY )  
PUBLIC WORKS AUTHORITY, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
BECKHAM COUNTY RURAL WATER )  
DISTRICT NO. 3, )  
 )  
Defendant. )

Case No. \_\_\_\_\_

(Removed From Oklahoma District Court  
Beckham County, Case No. cv-05-73)

**NOTICE OF REMOVAL TO U.S. DISTRICT COURT,  
WESTERN DISTRICT OF OKLAHOMA**

COMES NOW Beckham County Rural Water District No. 3, (Beckham-3) and hereby provides notice that pursuant to and in accordance with Title 28 U.S.C. §1441 et.seq., Beckham-3 hereby removes this action (referenced in the attached Petition) to the U.S. District Court, Western District of Oklahoma.

Removal jurisdiction is based upon federal question jurisdiction because the Plaintiffs seek in part a declaration that the 7 U.S.C. § 1926(b) funding contains a condition precedent requiring compliance with state law, and furthermore, under the “Artful Pleading Rule”, the Plaintiffs’ claims are in reality an effort to defeat the protection of 7 U.S.C. § 1926(b) claimed by Defendant, and thus Petitioners seek to remove the protection provided to Beckham-3 by 7 U.S.C. §1926(b), which precludes another water provider from selling water in competition with Beckham-3 and from selling water within Beckham-3’s service area.

In addition, Plaintiffs seek a determination that loans provided by the federal government (United States Department of Agriculture) to Beckham-3 are void. The United States

Department of Agriculture is a necessary and indispensable party to such an action. As such, removal is appropriate under 28 U.S.C. § 1442.

**JURY TRIAL DEMANDED**

Beckham-3 hereby demands a Jury Trial on all issues properly triable by Jury.

**RESERVATION OF RIGHT TO ANSWER**

Beckham-3 further reserves its right to answer or present other defenses or objections available under the Federal Rules of Civil Procedure until twenty (20) days after the service of summons pursuant to Rule 81(c), Federal Rules of Civil Procedure.

Respectfully Submitted,

/s/ Steven M. Harris

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Attorneys for Beckham County Rural Water  
District No. 3

**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

John N. Goodman, [jgoodman@sbcglobal.net](mailto:jgoodman@sbcglobal.net), [karenrehrig@hotmail.com](mailto:karenrehrig@hotmail.com)

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I hereby certify that on January 13, 2006, I served the attached documents by U.S. Mail on the following, who are not registered participants of the ECF System:

James C. Milton  
Doerner, Saunders, et al.  
320 South Boston, Suite 500  
Tulsa, OK 74103

/s/ Steven M. Harris \_\_\_\_\_

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