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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Jeffrey C. Shippy

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF AND FOR IDAHO, IN THE COUNTY OF TWIN FALLS**

In Re CSRBA	)	SUBCASE NO. 91-7094
	)	
Case No. 49576	)	NOTICE OF APPEAL
	)	
	)	(Filing fee: \$94.00)
	)	
	)	

TO: THE PARTIES AND THEIR COUNSEL OF RECORD AND THE CLERK OF
THE COURT IN THE ABOVE CAPTIONED ACTION

NOTICE IS HEREBY GIVEN THAT:

1. Jeffrey Shippy appeals the district Judge's findings in the above referenced subcase number to the Idaho Supreme Court from the SRBA District Court's August 17, 2017, *Memorandum Decision and Order* and the *Order of Partial Decree* entered in the above entitled action on August 17, 2017, the honorable Judge Eric J. Wildman presiding.

2. Jeffrey Shippy ("Shippy") has a right to appeal to the Idaho Supreme Court, and the Orders described in paragraph 1 are appealable orders pursuant to Idaho Rule of Civil Procedure 54(b) and Idaho Appellate Rule 11(a)(B).

3. Jeffrey Shippy presents the following preliminary list of issues on appeal, while reserving the right to raise additional issues as they deem necessary:

a. That water right number 91-7094 was transferred from St. Maries Wild Rice Growers to Douglas and Darcy McInturff (“McInturffs”) and they have no right, title or interest in the water right.

b. That McInturffs’ claim was asserted in bad faith and is therefore void.

c. That water right number 91-7094 was expressly conditioned on appurtenance to the real property.

d. That the water right was transferred to Shippy by way of deeds as an appurtenance.

e. That McInturffs’ filing of a Notice of Change of Ownership has no effect on the water right, and to hold otherwise violates the due process rights of Shippy.

4. The record in the above-captioned matter has not been sealed either in whole or in part.

5. Jeffrey Shippy requests the reporter’s transcripts on appeal.

a. Jeffrey Shippy requests the preparation of the following reporter’s transcripts in electronic format:

i. Hearing on Shippy’s Notice of Challenge, held on July 18, 2017, with the Honorable Judge Eric J. Wildman presiding.

6. Shippy requests the following documents in the above-captioned matter to be included in the clerk’s record in addition to those automatically included under Idaho Appellate Rule 28 and in addition to those included pursuant to AO1 for the CSRBA, Section 20(4)(b):

- a. Amended Director's Report, Water Right No. 91-7094, dated December 28, 2015, and filed with the CSRBA on December 31, 2015;
- b. McInturffs Motion to Alter or Amend, dated April 27, 2016;
- c. Supplemental Director's Report Regarding Subcase No. 91-7094, dated June 17, 2016, and filed with the CSRBA on June 20, 2016;
- d. Motion to Alter or Amend Special Master's Report and Recommendation, dated November 28, 2016;
- e. Supplement to Motion to Alter or Amend Special Master's Report and Recommendation, dated November 29, 2016;
- f. Shippy's Opening Brief on Notice of Challenge, dated June 16, 2017;
- g. McInturffs' Response Brief, dated July 3, 2017;
- h. Shippy's Reply in Support of Notice of Challenge, dated July 13, 2017;
- i. Transcript of the hearing on Shippy's Notice of Challenge, held on July 18, 2017 with the Honorable Judge Eric J. Wildman presiding;
- j. Motion to Supplement, dated August 2, 2017;
- k. Response to Motion to Supplement, dated August 6, 2017; and
- l. Reply in Support of Motion to Supplement, dated August 10, 2017.

7. I certify:

- a. A copy of this Notice of Appeal has been served on the Official

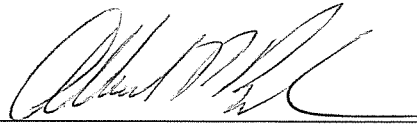
Court Reporter for the SRBA District Court, Sabrina Vasquez, at the address set out below:

Sabrina Vasquez
Court Reporter
SRBA District Court
P.O. Box 2707
Twin Falls, ID 83303-2707

- b. The estimated transcript preparation fee is remitted concurrently with the filing of this Notice of Appeal.
- c. That the estimated fee for the preparation of the clerk's record is remitted concurrently with the filing of this Notice of Appeal.
- d. That the required filing fee is remitted concurrently with the filing of this Notice of Appeal.
- e. That service has been made upon all parties required to be served pursuant to Rule 20 of the Idaho Appellate Rules.

DATED this 27th day of September, 2017.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for Jeffrey C. Shippy

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 27th day of September, 2017, I served true and correct copies of the foregoing **NOTICE OF APPEAL** upon the following by the method indicated:

SRBA District Court
253 3rd Ave. North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Darcy and Douglas McInturff
17786 E. Canary Creek Rd.
Cataldo, ID 83810

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Sabrina Vasquez
SRBA Court Reporter
253 3rd Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

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☐ Overnight Mail
☐ Facsimile
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Albert P. Barker