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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| MAR - 7 2011                                                                            |
| By _____ Clerk<br>_____ Deputy Clerk                                                    |

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

|                |   |                         |
|----------------|---|-------------------------|
| In Re SRBA     | ) | ORDER TO SHOW CAUSE AND |
|                | ) | SUMMONS TO APPEAR       |
| Case No. 39576 | ) |                         |
|                | ) | SUBCASE NO.: 37-12818C  |
| _____          | ) |                         |

A Status Conference for this subcase was held on October 13, 2010. Notice of the hearing was sent to the claimants, however the claimants failed to appear at the hearing. The Claimants also failed to attend a Settlement Conference held on November 23, 2010. At the Settlement Conference, the Objectors resolved the issues of their *Objections* and reached settlement of this water right. Therefore, the court issued this Order to Show Cause why the court should not recommend this right pursuant to the proposed *Standard Form 5* Settlement Agreement attached as Exhibit A.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that the claimants, Jim Kukurin and Michelle Kukurin shall appear at a Show Cause Hearing to determine whether this water right should be recommended pursuant to the proposed *Standard Form 5* which sets forth the agreement of the parties.

DATE: March 23, 2011 Wednesday  
TIME: 10:30 am  
LOCATION: Snake River Basin Adjudication  
253 3<sup>rd</sup> Ave. North  
Twin Falls, Idaho 83301

**Parties may participate by telephone for this Show Cause Hearing by dialing 1-215-446-0193 and when prompted enter participant code 926509. If you have any questions regarding participating by telephone, please contact the Clerks Office at (208) 736-3011.**

IT IS FURTHER ORDERED THAT, any affidavits filed pursuant to I.R.C.P. 6(c)(2) shall be due on or before March 18, 2011.

Jim Kukurin and Michelle Kukurin are hereby informed that pursuant to Rule 6(c)(4) of the Idaho Rules of Civil Procedure, any party has the right to elect to produce testimony and evidence at the hearing upon the Order to Show Cause, or to cross-examine the adverse party or the adverse party's affiants, by first giving at least twenty four (24) hours notice to the Court and opposing counsel before the show cause hearing.

A copy of this *Order to Show Cause and Summons to Appear* shall be served upon Jim Kukurin and Michelle Kukurin not less than five (5) days prior to the date set for hearing, upon which those parties are required to appear before this Court and show cause. Service of this *Order* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THE RECOMMENDATION OF THIS WATER RIGHT AS SET FORTH IN THE PROPOSED STANDARD FORM 5.

Dated: March 7, 2011.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

# Exhibit A

11/23/2010

## IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-12818C

NAME AND ADDRESS: JIM KUKURIN  
2255 ARAGON CANYON ST  
LAS VEGAS NV 89135  
  
MICHELLE KUKURIN  
PO BOX 3904  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.057 CFS  
~~7-28 7.00~~ AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                              |
|----------------|---------------|---------------------------------------|
| IRRIGATION     | 04/15 10/31   | 0.057 CFS<br><del>7-28 7.00</del> AFY |

PLACE OF USE: IRRIGATION in BLAINE County

|                          |      |               |      |      |
|--------------------------|------|---------------|------|------|
| T02N R18E S04 Lot 3 NENW | 0.10 | T03N R18E S33 | SESW | 1.90 |
|--------------------------|------|---------------|------|------|

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 37-577.

A measuring device and lockable controlling works of a type approved by this department shall be maintained on the diverting works in a manner that will provide the water master suitable control of the diversion.

Place of use is located within Lot 2, Block 1, Buckhorn Subdivision First Addition.

Approval of this transfer No 4205 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Proposed Partial Decree

37-12818C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on March 07, 2011, with sufficient first-class postage to the following:

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

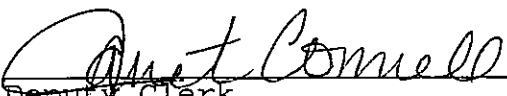
BIG WOOD CANAL COMPANY

Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

MICHELLE KUKURIN  
PO BOX 3904  
HAILEY, ID 83333

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

JIM KUKURIN  
2255 ARAGON CANYON ST  
LAS VEGAS, NV 89135  
Phone: 702-896-3010

  
Deputy Clerk