

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF PERMIT TO)
APPROPRIATE WATER NO. 35-08359) NOTICE OF APPEAL
IN THE NAME OF JOHN B. KUGLER)
_____)**

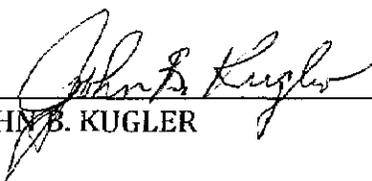
TO: THE DEPARTMENT OF WATER RESOURCES, 322 E. Front St. Boise, ID.

YOU ARE HEREBY NOTIFIED that the undersigned John B. Kugler, appearing *pro se*, gives notice that he is appealing to the District Court of Power County, the county in which the real property is situate upon which appellant's water permit exists, for review of the final decision of the Department of Water Resources posted December 23, 2011 denying the applicant's request for a well drilling permit and also denying an extension of time in which to complete the development of the ground water right set forth in the above numbered water permit.

The general issue that is involved is whether or not the department can refuse to grant the undersigned a hearing in respect to the application as at no time previous has the applicant filed for a well drilling permit as provided by the permit. Another general issue might be a question as to whether or not the waters that would be secured are subject to trust water provisions or would they be general waters available under the priority law as was in effect at the time of the filing and issuing of the water permit.

A copy of the Petition For Review to be filed with the District Court is included with this Notice Of Appeal.

Dated this 3rd day of February, 2015.

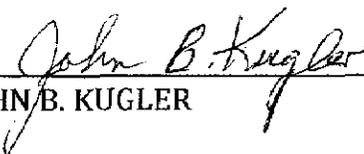


JOHN B. KUGLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am the applicant as named in the caption of this Notice Of Appeal and that I am now appearing *pro se* in appealing the decision issued by the Department of Water Resources to the District Court by requesting a review of the department's failure to grant appellant a hearing in regards to refusal handling of applicant's water rights permit.

Petitioner/appellant hereby certifies that this original Notice Of Appeal together with a true and correct copy of applicant's Petition For Review have been served on the Department Of Water Resources this 3rd day of February, 2015 by electronic fax transmission to the department at (208) 287-6700.



JOHN B. KUGLER

JOHN B. KUGLER
2913 GALLEON CT. NE
TACOMA, WA. 98422
TEL. (253) 568-6529
Pro Se

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER**

JOHN B. KUGLER)	
)	
Petitioner/Appellant,)	Case No. _____
vs.)	
)	PETITION FOR REVIEW
THE STATE OF IDAHO DEPARTMENT OF WATER RESOURCES,)	
)	
Respondent.)	
_____)	

COMES NOW the appellant/petitioner, *pro se*, and complains of the Department Of Water Resources as follows:

The petitioner is the owner of a water permit No. 35-08359 issued in 1984.

The farm land, for years, was involved with the federal CRP programs and was precluded from completing the development of an irrigation system on the farm land.

On receipt of petitioners monies last fall, together with petitioner's very first application for a well drilling permit and an application for an enlargement of time to complete the development, the respondent failed to grant a hearing on the applications and summarily denied both requests.

Petitioner then sought reconsideration of the denial of the requests and specifically petitioned for the granting of a hearing and reconsideration of the denials of the two applications.

Under date of December 22, 2014, posted to appellant on Dec. 23rd, the respondent entered it's final order confirming it's denial of he requests and the opportunity fr a hearing on the applications.

The basic issue is whether or not your petitioner is entitled to a hearing on his first application for a drilling permit so that development can be completed as provided by state statutes and the Idaho Constitution as it existed at the time of the issuance of the permit.

Petitioner at this time has not determined if a transcript is required and will notify and, if so, will notify the clerk and the respondent of the same within fourteen days of the filing of this petition.

Attached hereto is a copy of Appellant's Notice of Appeal and is set herein .

Wherefore petitioner requests that this Court review the matter, set aside the denial of petitioner's application and direct the respondent to hold hearings on the matter together with an opportunity for petitioner to present evidence at a full and proper proceeding before the Idaho Department of Water Resources together with such further and proper relief as to the Court deems proper including the granting of a claim for costs included herein.

Dated this 3rd day of February, 2015.



JOHN B. KUGLER

CERTIFICATE OF SERVICE

Has been served on the respondent by electronic faxing to the respondent, the Department of Water Resources at (208) 287-6700 this 3rd day of February, 2015.



JOHN B. KUGLER