

In the Supreme Court of the State of Idaho

IN THE MATTER OF PERMIT TO)
APPROPRIATE WATER NO. 35-8359 IN)
THE NAME OF JOHN B. KUGLER &)
DIANE K. KUGLER.)
-----)
JOHN B. KUGLER,) ORDER CONDITIONALLY
) DISMISSING APPEAL
Petitioner-Appellant,)
)
v.) Supreme Court Docket No. 40126-2012
) Snake River Basin Adjudication Docket
) No. 2011-15672
IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN, in)
his capacity as Interim Director of THE)
IDAHO DEPARTMENT OF WATER)
RESOURCES,)
)
Respondents.)

The NOTICE OF APPEAL filed July 6, 2012, is from the MEMORANDUM DECISION AND ORDER ON PETITION FOR JUDICIAL REVIEW entered by the Honorable Eric J. Wildman, District Judge, on May 23, 2012. Appellate Rule 14 requires that an appeal be filed within forty-two (42) days from the date of entry of the final judgment. It appears that the NOTICE OF APPEAL was not filed within forty-two (42) days from the date of entry of the final Order entered May 23, 2012; therefore, good cause appearing,

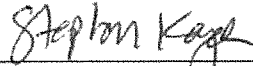
IT HEREBY IS ORDERED that this appeal be, and hereby is, CONDITIONALLY DISMISSED for the reason the appeal may not be timely filed; however, the Appellant may file a RESPONSE to this Order, with regard to the issue of timeliness, within twenty-one (21) days from the date of this Order which shall show good cause, if any exists, why this appeal should not be dismissed.

IT FURTHER IS ORDERED that proceedings in this appeal shall be SUSPENDED pending an appropriate Order from the Court.

ORDER CONDITIONALLY DISMISSING APPEAL – Docket No. 40126-2012

DATED this 12th day of July, 2012.

For the Supreme Court



Stephen W. Kenyon, Clerk

cc: John B. Kugler, *pro se*
Counsel of Record
District Court Clerk
District Court Reporter