

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,)
)
Petitioner-Appellant,)

v.)

IDAHO DEPARTMENT OF WATER)
RESOURCES and GARY SPACKMAN, in his)
capacity as Interim Director of THE IDAHO)
DEPARTMENT OF WATER RESOURCES,)

Respondents.)

ORDER DISMISSING APPEAL

Supreme Court Docket No. 40126-2012
Snake River Basin Adjudication Docket
No. 2011-15672

Ref. No. 12-361

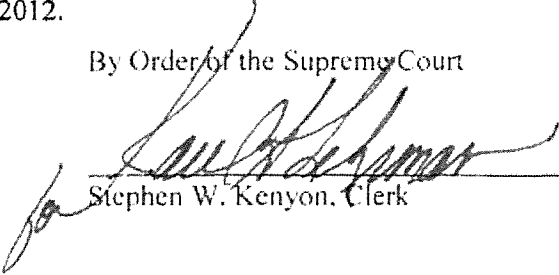
1. An ORDER CONDITIONALLY DISMISSING APPEAL was issued by this Court on July 12, 2012, as it appeared the Notice of Appeal filed in the district court on July 6, 2012, from the MEMORANDUM DECISION AND ORDER ON PETITION FOR JUDICIAL REVIEW entered by District Judge Eric J. Wildman on May 23, 2012, was not filed within forty-two (42) days from the date of entry of the final judgment; however, Appellant John B. Kugler was allowed time to file a Response with this Court showing good cause why this appeal should not be dismissed and proceedings in this appeal were SUSPENDED pending an appropriate Order from this Court.
2. A document entitled, "MOTION FOR RETENTION and AFFIDAVIT OF JOHN B. KUGLER" (treated as a MOTION FOR RECONSIDERATION) was filed by Appellant John B. Kugler on August 2, 2012.

Therefore, good cause appearing,

IT HEREBY IS ORDERED that the above entitled appeal be, and hereby is, DISMISSED as untimely.

DATED this 5th day of August, 2012.

By Order of the Supreme Court


Stephen W. Kenyon, Clerk

cc: John B. Kugler, *pro se*
Counsel of Record
District Court Clerk
District Judge Eric J. Wildman

ORDER DISMISSING APPEAL – Docket No. 40126-2012