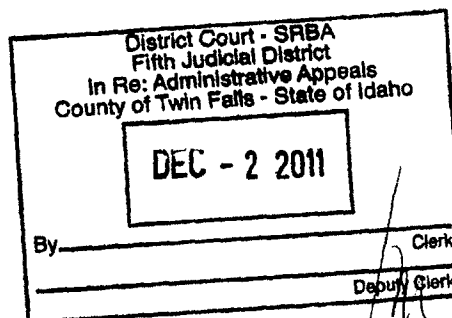


John B. Kugler
2913 Galleon Ct. NE
Tacoma, WA 98422
Tel. (253) 568-6529



**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JOHN B. KUGLER)	Case No. CV-2011-15672
)	
Petitioner,)	
vs.)	MOTION FOR AN
)	
THE IDAHO DEPARTMENT OF WATER)	ENLARGEMENT OF TIME
RESOURCES and GARY SPACKMAN in his)	
official capacity as Interim Director of the)	
Idaho Department of Water Resources,)	
)	
Respondents.)	
_____)	
)	
IN THE MATTER OF PERMIT TO)	
APPROPRIATE WATER NO. 35-8359 IN)	
THE NAME OF JOHN B. KUGLER & DIANE)	
K. KUGLER)	
_____)	

COMES NOW the petitioner, *pro se*, pursuant to Rule 83(t) IRCP, and moves the Court for an enlargement of time in which to prepare and file petitioner's opening brief. Petitioner requests an additional thirty days beyond the date set in the Court's Procedural Order. This motion is based on the affidavit of petitioner attached hereto and by this reference made a part hereof.

John B. Kugler
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 FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JOHN B. KUGLER,)
)
 Plaintiff/Appellant,)
 vs.)
)
 THE IDAHO DEPARTMENT OF WATER)
 RESOURCES and GARY SPACKMAN in his)
 Official capacity as Interim Director of the)
 Idaho Department of Water Resources.)
)
 Respondents,)

Case No. CV-2011-1567

**AFFIDAVIT AND
MEMORANDUM ON MOTION
TO ENLARGE TIME**

IN THE MATTER OF PERMIT TO)
 APPROPRIATE WATER NO. 35-8359 IN)
 THE NAME OF JOHN B. KUGLER & DIANE)
 KUGLER)

STATE OF WASHINGTON)
) ss
 County of King)

JOHN B. KUGLER, being first duly sworn, deposes and says that he is the petitioner, *pro se*, in the above matter and has personal knowledge of the facts set forth herein and that the same are true to the best of affiant's knowledge and belief.

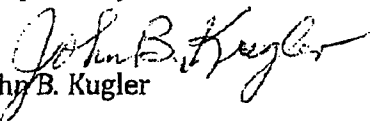
Appellant sought and paid a large sum of money for a transcript of the record in the proceedings before the water department. Sometime prior to leaving on a

road trip affiant had received a disc of some type from water resources but did not receive a transcript. Thereafter, while away from home, affiant called the water resource department to ascertain when a transcript would be received. At that time affiant learned that the disc constituted the transcript. Affiant is not very computer knowledgeable and has no equipment with which to utilize it. Affiant asked for and received, on arriving home last month, a copy of the printed index setting forth the transcript contents. Affiant has not as yet been able to fully complete the same as some of the older records may still be in a box somewhere as everything has not been searched since we moved to Washington eight years ago.

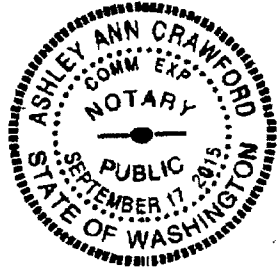
Affiant has a more serious problem than formulating a transcript in that on return your affiant contracted an illness which affiant's wife had contracted during affiant's absence. Affiant only recovered from that illness a week ago. Since that date affiant has given some attention to meeting this Courts schedule but has found it not possible. Most of affiant's time since regaining health has been devoted to researching some issues and starting the preparation of a brief due in the Supreme Court on December 15th, that bring Docket No. 39060-2011. The law library available here no longer contains the Pacific Reports and does not contain a copy of the Idaho Code. Affiant is unable to access the state library in Boise.

Appellant would respectfully request a thirty day extension beyond the fifth of this month, the date on which your honor has scheduled the filing date. Your petitioner does not believe that this should affect the scheduled hearing date as affiant believes that counsel for the water resource department is well prepared at this point in time. Appellant is aware of Rule 1, IRCP which seeks to keep matters moving but would also urge the Court to consider the overall fairness of a just hearing which is required by the same rule.

Respectively Submitted,


John B. Kugler

SUBSCRIBED AND SWORN to before me, a Notary Public for the State of Washington this 02 day of December 2011.



[Handwritten Signature]

Notary Public For Washington

Residing at Federal Way, WA

My Commission Expires 09/17/2015

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing petitioner's Motion For An Enlargement Of Time and petitioner's Affidavit And Memorandum On Motion To Enlarge Time was served on the respondent, Idaho Department of Water Resources by mailing the same to Garrick L. Baxter, Deputy Attorney General, State of Idaho, P.O. Box 83720-0098 and on the Director Of IDWR, P.O. Box 83720-0098 this 2nd day of December, 2011.

[Handwritten Signature]
JOHN B. KUGLER