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AUG 16 2011  
DEPARTMENT OF  
WATER RESOURCES

**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 and GARY SPACKMAN, it's acting director, 322 East Front Street, 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 Ada County, the county in which a hearing was held in respect to applicant's water permit, for review of the final decision of Mr. Spackman and the Department of Water Resources dated July 15, 2011 denying the applicant the right to proceed with the development of a well and an irrigation system on dry farm ground. An appeal is also taken from the basic order in applicant's request as it was at the time applicant filed an appeal to the director then in office as well as any other preceding order of which petitioner had no notice.

The general issues that are involved are whether or not the department can decline to issue a well drilling permit to myself or to a well driller on my behalf as well as 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 of the application. Other issues include whether some findings of fact were supported by the evidence as well as the question regarding the inclusion of supplemental testimony permitted after the hearing officer's decision on which the earlier appeal to the director had been taken.

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

Dated this 13<sup>th</sup> day of August, 2011.

John B. Kugler  
JOHN B. KUGLER

**AFFIDAVIT OF SERVICE**

STATE OF WASHINGTON            )  
  ) ss  
County of King                    )

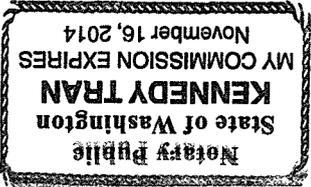
JOHN B. KUGLER, being first duly sworn, deposes and says that he is the applicant as named in the caption of this Notice Of Appeal and that he is now appearing *pro se* in appealing the decision issued by the Department of Water Resources to the District Court by requesting a review of the department's handling of applicant's water rights permit.

Applicant requested and received a cost estimate regarding the preparation of the record for the Court and was informed that the estimate was the sum of fifty dollars which sum is being transmitted to the department herewith.

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 and it's director, Gary Spackman, by mailing the same, postage prepaid to the department at P.O. Box 83720, Boise, ID this 13<sup>th</sup> day of August, 2011.

John B. Kugler  
JOHN B. KUGLER

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of August, 2011.



Kugler  
NOTARY PUBLIC  
Residing at Reston, WA  
My commission expires 11/16/2014