

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 96-09677

Priority: September 25, 2017

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DEANNA TANGEN  
372 SNUG HARBOR  
SANDPOINT ID 83864

And/Or

GREG TANGEN  
372 SNUG HARBOR  
SANDPOINT ID 83864

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L1, (SE1/4, SE1/4), Sec. 26, Twp 57N, Rge 03W, B.M., BONNER County

**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |     |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|-----|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |     |
| 57N | 03W | 26  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X      | L 1 |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2018**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 1 home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed, this 15<sup>th</sup> day of November, 20 17.

  
DOUGLAS JONES, P.E., Northern Regional Manager

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

96-9677

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



-  Point of Diversion
-  Place Of Use Boundary
-  PLS Sections
-  Taxlots

0 0.01 0.02 0.04 Miles

Tax parcel information provided by Bonner County.





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 16, 2017

GREG & DEANNA TANGEN  
372 SNUG HARBOR  
SANDPOINT ID 83864

RE: Permit No. 96-9677

### Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact Northern Regional Office at 208-762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Jones". The signature is stylized with a large, looped "D" and a cursive "Jones".

Douglas Jones, P. E.

Northern Regional Manager

Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.                      96-9677**

**GREG & DEANNA TANGEN  
372 SNUG HARBOR  
SANDPOINT ID 83864**



**Tammy Alleman  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** November 07, 2017  
**To:** Water Right File 96-9677  
**From:** smaxey  
**Re:** PRIORITY

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LEGAL NOTICES WERE PUBLISHED WITH THE PRIORITY DATE SHOWN ON THE ORIGINAL APPLICATION. THE ORIGINAL APPLICATION WAS INCOMPLETE DUE TO EXISTING BEING WRITTEN IN INSTEAD OF A SPECIFIC TIME PERIOD OF 1, 2, 3, 4, OR 5 YEARS FOR ITEM 13. APPLICANT COMPLETED APPLICATION BY CHANGING THE APPLICATION TO READ 1 YEAR ON SEPTEMBER 25, 2017.

IDWR NORTHERN REGION STAFF BELIEVE REPUBLICATION OF LEGAL NOTCES IS NOT REQUIRED BECAUSE CORRECT LEGAL DESCRIPTIONS WERE PUBLISHED AND NO HARM TO EXISTING WATER RIGHTS OR THE APPLICANT IS FORSEEN FROM THE PRIORITY DATE CHANGE. THE APPLICANTS WELL POINT OF DIVERSION IS ALREADY IN USE.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )

) ss.

County of Bonner )

states: Geri Hagler, being first duly sworn on oath, deposes and

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Legal notice.  
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 19 day of October, 2017, and ending on the 26 day of October, 2017.

Geri Hagler

State of Idaho, county of Bonner ss.

On this 26 day of October, in the year of 2017, before me, Katrina George, Notary Public, personally appeared

Geri Hagler, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Katrina George  
Notary Public

Residing at: Kootenai County

Comm. Exp.: MY COMMISSION EXPIRES 8/29/23



RECEIVED

OCT 30 2017

IDWR / NORTH

**IDWR PERMIT  
APPLICATION NOTICE**

The following application(s)  
have been filed to appropriate  
the public waters of the State  
of Idaho:

**96-9677**

GREG & DEANNA TANGEN  
372 SNUG HARBOR  
SANDPOINT, ID 83864  
Point of Diversion L1(SESE)  
S26 T57N R03W  
BONNER County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 9/22/2017  
Place Of Use: DOMESTIC  
T57N R03W S26 L1(SESE)

**96-9678**

GREG & DEANNA TANGEN  
372 SNUG HARBOR  
SANDPOINT, ID 83864  
Point of Diversion L1(SESE)  
S26 T57N R03W  
BONNER County  
Source PEND OREILLE  
RIVER  
Use: IRRIGATION  
04/01 to 10/31 0.03 CFS  
Total Diversion: 0.03 CFS  
Date Filed: 9/22/2017  
Place Of Use: IRRIGATION  
T57N R03W S26 L1(SESE)  
Total Acres: 0.3

Permits will be subject to all  
prior water rights. For addition-  
al information concerning the  
property location, contact  
Northern Region office at (208)  
762-2800. Protests may be  
submitted based on the criteria  
of Idaho Code § 42-203A. Any  
protest against the approval of  
this application must be filed  
with the Director, Dept. of Wa-

ter Resources, Northern Re-  
gion, 7600 Mineral Drive, Suite  
100, Coeur D' Alene ID 83815  
together with a protest fee of  
\$25.00 for each application on  
or before 11/6/2017. The prot-  
estant must also send a copy  
of the protest to the applicant.  
GARY SPACKMAN, Director  
LEGAL 4980  
OCTOBER 19, 26, 2017

RECEIVED

OCT 30 2017

IDWR / NORTH