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DEPARTMENT OF
WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

*Attorneys for Sharon Busmann and
The Busmann Revocable Living Trust, u/t/a/ October 16, 2012*

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 47-17614 IN THE NAME OF
DOUGLAS & CLARELYN ELGAN

NOTICE OF PROTEST

Sharon Busmann, in her individual capacity and as Trustee on behalf of The Busmann Revocable Living Trust, u/t/a/ October 16, 2012 ("Busmann"), by and through her attorneys of record, Givens Pursley LLP, hereby submits this Notice of Protest to Application for Permit No. 47-17614 ("Application") in the name of Douglas & Clarelyn Elgan ("Applicants"). The initial bases for this protest are as follows:

1. The Application does not satisfy the criteria for approval in I.C. § 42-203A(5) because, among other things, the proposed use will reduce the quantity and quality of water under Busmann's existing water right, the water supply is insufficient for the purposes for which the water is sought to be appropriated under the Application, and the proposed use is contrary to the conservation of water resources.

2. The Application seeks to divert geothermal water within the Banbury Hot Springs Ground Water Management Area, which is subject to a moratorium on new appropriations imposed by the Department. The Application's proposed use does not appear to qualify for any exception to the moratorium.

3. Busmann is the "neighbor" referenced in the Application from whose well the Applicants' allege to have diverted water "for domestic purposes since 1989." The Application does not provide sufficient information to determine how Applicants' proposal will affect any rights or obligations the Applicants or others may assert with respect to such well, whether by virtue of the alleged "agreement" referenced in the Application or otherwise.

4. For such other and further reasons as may be discovered or set forth at the hearing on this matter.

DATED this 21st day of November, 2013.

GIVENS PURSLEY LLP

A handwritten signature in black ink, appearing to read 'Michael P. Lawrence', written over a horizontal line.

Michael P. Lawrence
*Attorneys for Sharon Busmann and
The Busmann Revocable Living Trust, u/t/a/
October 16, 2012*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of November, 2013, the foregoing was filed, served, and copied as follows:

DOCUMENT FILED:

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

☐	U. S. Mail
☒	Hand Delivered
☐	Overnight Mail
☐	Facsimile
☐	E-mail

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Michael P. Lawrence

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