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NOV 25 2013

DEPARTMENT OF
WATER RESOURCES

November 25, 2013

Via Hand Delivery

Idaho Department of Water Resources
322 E Front Street
Boise, ID 83702

Re: Application for Permit No. 47-17614
Our file #12153-2

Dear Department:

Please find enclosed for filing with the Department the original and one copy (for confirmation) of an Amended Notice of Protest in the above-referenced matter, being filed on behalf of Sharon Busmann, in her individual capacity and as Trustee on behalf of The Busmann Revocable Living Trust, u/t/a/ October 16, 2012 ("Busmann"). This Amended Notice includes Busmann's address as required by I.C. § 42-203A(4) and clarifies the bases of protest and relief sought.

Busmann's original Notice of Protest was filed with the Department on November 21, 2013, along with the required filing fee, so no additional filing fee is enclosed herewith.

Should you have any questions, please feel free to contact me.

Sincerely,



Michael P. Lawrence

Encls.

cc: Paul Arrington
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NOV 29 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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DEPARTMENT OF
WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

**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

AMENDED 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"), whose address is 4775 N 1115 E, Buhl, ID 83316, by and through her attorneys of record, Givens Pursley LLP, hereby submits this Amended Notice of Protest against the approval of 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 (no. 47-7841), 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.

The Application should be denied or, if approved, appropriately conditioned so that its proposed use does not injure, harm, or otherwise interfere with Busmann's water right or use of her well.

DATED this 25th day of November, 2013.

GIVENS PURSLEY LLP



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 25th 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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TWIN FALLS, ID 83301-3029
Attorneys for Applicants Douglas & Clarelyn Elgan

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Michael P. Lawrence

#25- fee paid w/ original protest 11/21/2013