

RECEIVED**OCT 15 2013**DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Ident. No. 97-176191. Name of applicant(s) DOUGLAS & CLARELYN ELGANPhone 208-543-6322Name connector (check one): ☐ and ☐ or ☒ and/orMailing address: 4785 N. 1115 E.City BUHLState ID Zip 83316

Email: _____

2. Source of water supply GROUND WATER

which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
8S	14E	33	2		NW	NW	TWIN FALLS	GROUND WATER	

4. Water will be used for the following purposes:

Amount 0.03 CFS for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 0.03 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. APPLICANT WILL INSTALL A NEW WELL NEAR APPLICANT'S RESIDENCE TO DIVERT THIS WATER

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☒ Yes ☐ Noe. If well is already drilled, when? N/A; drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households ONE HOUSEHOLD AND ONE SHOP

e. Other; describe fully. _____

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	14E	33						D											
								LTZ											

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE

10. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or place of use? APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. BY AGREEMENT, APPLICANT HAS DIVERTED GEOTHERMAL WATER FROM NEIGHBOR'S WELL FOR DOMESTIC PURPOSES SINCE 1989. APPLICANT SEEKS TO CONTINUE THE SAME USE UNDER A WATER RIGHT AND POINT OF DIVERSION OWNED BY APPLICANT. THE EXISTING WATER RIGHTS AT THE NEIGHBOR'S POINT OF DIVERSION DO NOT COVER APPLICANT'S USE. SINCE APPLICANT HAS BEEN DIVERTING THIS GEOTHERMAL WATER FOR DOMESTIC PURPOSES SINCE 1989, THE 2008 MORATORIUM ON DOMESTIC USES SHOULD NOT APPLY.

12. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Douglas L. Elgan
Signature of Applicant
DOUGLAS L. ELGAN
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by P. SKINNER Date 10/15/13 Time 4:55 Preliminary check by P. SKINNER
Fee \$ 100.00 Received by P. SKINNER Receipt No. 5033579 Date 10/16/13

P.S. FEES RECEIVED 10/15/13
RECEIPTED NEXT DAY 2

- Water**
- Wells
- Water Rights / Adjudication**
- POD - Adjudication Claims
 - POD - Adjudication Recommendations
 - POD - Permits
 - POD - Water Rights
 - POU - Adjudication Claims
 - POU - Adjudication Recommendations
 - POU - Permits
 - POU - Water Rights
- Ground Water**
- Areas of Drilling Concern
 - Contamination Area
 - Nitrate Priority Areas
 - Critical Ground Water Areas
 - Ground Water Management Areas
- Eastern Snake Plain Aquifer**
- ESPA Boundary
 - ESPA Model Outline
 - ESPA Model Grid

State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 640 feet

Created: 10/11/2013 - Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 31, 2013

DOUGLAS L ELGAN
CLARELYN ELGAN
4785 N 1115 E
BUHL, ID 83316

RE: Application For Permit No. 47-17614

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 11/7/2013 and 11/14/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 25, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

BARKER ROSHOLT & SIMPSON LLP
ATTN PAUL L ARRINGTON
195 RIVER VISTA PL, STE 204
TWIN FALLS, ID 83301-3029

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 31, 2013 1:02 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on November 7th & 14th, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
1341 Fillmore St, Suite 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

October 31, 2013

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 47-17614

RE: Transfer No. 78876
Water Right No(s): 47-135, 47-155

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 25, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

47-17614

DOUGLAS L ELGAN

CLARELYN ELGAN

4785 N 1115 E

BUHL, ID 83316

Point of Diversion L2(NWNW) S33 T08S R14E TWIN FALLS County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 10/15/2013

Place Of Use: DOMESTIC

T08S R14E S33 L2(NWNW)

Application seeks to appropriate 0.03 cfs of low temperature geothermal water from a new well to be drilled for domestic purposes on property located near the Snake River approximately 3.3 miles west and 6.6 miles north of the center of Buhl. The domestic use is an existing use that has utilized water from a neighbor's well in years past. The applicants propose drilling their own well and utilizing water from this new well for the existing domestic use via this application.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78876**

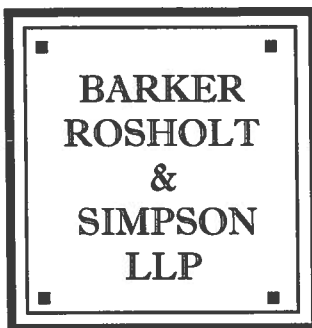
MASON BROTHERS LLC, 3981 N 3600 E, KIMBERLY, ID 83341; has filed Application No. 78876 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-135, 47-155. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for two Rock Creek water rights to a new downstream location. The two rights currently allow for the diversion of up to 2.8 cfs from Rock Creek via two points of diversion located approximately 6.8 miles south & 0.35 miles east and 7.9 miles south & 0.4 miles east of the Highway 30 and Rock Creek Road intersection in Hansen. The rights allow for the irrigation of 140 acres on a farm located along the east side of Rock Creek Road approximately 5.75 – 6.25 miles south of the Highway 30 and Rock Creek Road intersection in Hansen. The application proposes moving the diversion location from the two currently authorized locations to a new downstream diversion located on Rock Creek along the east side of Rock Creek Road approximately 6.25 miles south of the Highway 30 and Rock Creek Road intersection in Hansen.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before November 25, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 7th & 14th, 2013

Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson
Sarah W. Higer



195 River Vista Place, Suite 204
Twin Falls, Idaho 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 West Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
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brs@idahowaters.com

Paul L. Arrington
pla@idahowaters.com

RECEIVED

OCT 15 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

October 15, 2013

VIA HAND DELIVERY

Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

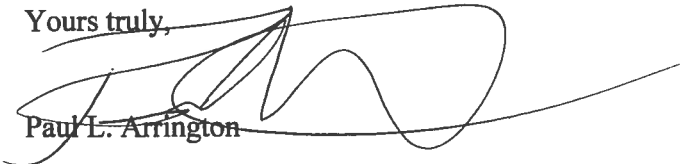
RE: Application for Permit (Doug Elgan)

Dear Corey:

You have had several conversations with John Rosholt and myself about a domestic geothermal water use by Doug Elgan. In an email from you, dated September 19, 2013, you discussed various options for Mr. Elgan. One option involved filing a new Application for Permit based on Mr. Elgan's use of this water since 1989. Since Mr. Elgan's use predates the 2008 moratorium on domestic uses, your email indicates that the Department would consider the application.

We have attached an application for permit with the appropriate application fee. Please let me know if you have any further questions or need any further information.

Yours truly,


Paul L. Arrington

PLA/jn

cc: Doug Elgan

Encs.

Skinner, Corey

From: Skinner, Corey
Sent: Thursday, September 19, 2013 4:47 PM
To: John Rosholt
Cc: Peppersack, Jeff; Merritt, Allen; Erickson, Nathan
Subject: RE: Elgan--

John,

Sorry it has taken a while to get back to you. I have had several conversations on my end the last week with various folks within the Department . Interestingly enough, after talking with IDWR administration in Boise there was reluctance in splitting the 47-7841 Busman right and then transferring a portion of the right to a new well on the Elgan property due to enlargement concerns. As you recall, I had previously indicated that this would probably be the best option. However, we did discuss other options that might be worth exploring for Mr. Elgan.

IDWR could process a new water right filing for a new hot water well if the water was non consumptively used and reinjected back into the same aquifer (same water level and pressure). This would require the construction of two low temperature geothermal wells, which would have to meet IDWR well construction standards and would be relatively expensive. However, Mr. Elgan could apply for whatever amount of water was required for his system.

Since 2008, IDWR has no longer allowed use of low temperature geothermal water under a domestic exemption. IDWR has encouraged people who have utilized water from low temperature geothermal wells under a domestic exemption prior to 2008 to file applications for permit to record this use. You indicated that Mr. Elgan has used water from the Busman well for several years (prior to 2008). Since IDWR would process a new water right filing for this use (that could have been operating under a domestic exemption), and if this use was ultimately permitted and licensed, Mr. Elgan could then file a transfer to change from the Busman well to a new well on his property. Due to the time involved, and still having to file a transfer application, administration indicated they would be willing to process an application for permit for domestic use (up to 13,000 gpd) from a new low temperature geothermal well on the Elgan property. This would be based on recording the pre 2008 Elgan use from the Busman well, but allowing the use to be diverted from a new well to be drilled on the Elgan property.

Administration seemed willing to consider a transfer application involving Mr. Elgan's decreed domestic right, 47-10213, from the hot well across the road. As we discussed, there is not actually a home where the 47-10213 right is decreed. The application would be subject to public notice and protest, so possible forfeiture of a domestic right decreed in 1999 from property without a home, may be an issue. In addition, in order to transfer this particular right to a new well, the existing well (west of the road) would have to be properly abandoned (an additional expense above and beyond drilling a new well).

Since drilling a low temperature geothermal well to meet IDWR well construction standards is quite expensive, Mr. Elgan may want to consider using his already drilled well across the road (the 47-10213 well). This would require piping the water across the road, but may be cheaper than drilling a new well (or wells). This could be accomplished via the transfer process by changing the place of use of water right 47-10213 from Section 32 to Section 33.

As you are aware, options involving applications for new water rights &/or transfers are subject to public notice and possible protest. However, hopefully the items above might give you some additional options to consider. If you have any questions, or want to discuss further, feel free to give me a call.

Corey

From: John Rosholt [<mailto:jar@idahowaters.com>]

Sent: Thursday, September 12, 2013 3:48 PM

To: Skinner, Corey

Subject: Elgan--

Corey, Thought I would follow up our conversation of Tuesday as to whether or not anyone at the staff meeting had any thoughts on how Mr. Elgan ends up with a separate hot water well without any co-owners or complications.

Thank You, John Rosholt