

From: Saxton, Craig
To: ["Francine Geike"](#)
Subject: RE: Amended Claim 91-7502 - Point of Diversion
Date: Wednesday, March 02, 2016 9:30:00 AM
Attachments: [91-7502 Rec \(3-2-2016\).pdf](#)
[91-7502_Layout_3-2-16.pdf](#)

Dear Geike Family,

On 3/1/2016, department field examiner Evan Roda met with Steve Geike to conduct an examination. Mr. Roda collected GPS coordinates on both the original well supplying water for domestic use, and the replacement well which is now used to supply water for domestic use.

Mr. Roda's field examination results found that both the original and the replacement well is located in Government Lot 1, NENE, Sect 4, T46N, R03W. In addition, my understanding is that the original well is not currently being used due to its low water yield. The non-use of the old well along with the fact that the new well is located within the same government lot (1) as the old well, allows IDWR to recognize the new well as a "replacement well" rather than the addition of a new well.

The reason this distinction is important is because if the replacement well was drilled after 2006, and was located in a Government lot 8 rather than lot 1, you would need to file a transfer to approve the change in the location of your point of diversion (well). In addition, if you were using both wells, the addition of a 2nd well (added after 2006), would require a transfer to approve the second point of diversion (well) on this water right regardless of where it was located.

Therefore, the recommendation I intent to send to the court will identify 1 active point of diversion (well), located in government lot 1. I am attaching a copy of the draft recommendation and a map that shows the recommended place of use and point of diversion locations.

Please let me know if you have any questions.

Craig L. Saxton
Craig.saxton@idwr.idaho.gov
208.287.4916

From: Francine Geike [<mailto:edelweissblessings@yahoo.com>]
Sent: Saturday, September 26, 2015 12:56 PM
To: Saxton, Craig
Subject: Re: Amended Claim 91-7502 - Point of Diversion

Dear Craig,
We have two wells, one in Lot 1, one in Lot 8, both being used.

The Geike Family - Northwest Branch
P.O. Box 35

St. Maries, ID 83861
(309) 282-8546

From: "Saxton, Craig" <Craig.Saxton@idwr.idaho.gov>
To: "edelweissblessings@yahoo.com" <edelweissblessings@yahoo.com>
Sent: Wednesday, September 16, 2015 10:20 AM
Subject: Amended Claim 91-7502 - Point of Diversion

Dear Mr. and Ms. Geike,

After the hearing yesterday in connection with the Motion to Amend Claim 91-7502, I have been asked to follow up with the review of your amended claim.

As I understand it, the main point of amending the claim is to recognize a replacement well as the actual point of diversion for 91-7502. My understanding is that the old well was in Government Lot 1, NENE and the replacement well that is in use is in Government Lot 8, NENE.

The trick with making this change really relies on when the well was drilled, and if it is truly in a different government lot than the original well:

- If the new well is located in the same Government lot that the old well is located in (Lot 1), regardless of when it was drilled, IDWR can recommend the new well as a valid POD location.
- If the new well was put into use before 1-1-2006, and is located in a different Government lot than the original well, then IDWR can recommend the new point of diversion(well) as a valid POD through the accomplished transfer statute. In short, if a change that normally requires a transfer through IDWR takes place prior to 1-1-2006, then the accomplish transfer statue allows IDWR to recognize that as a valid change.
- If the new well was put into use after 1-1-2006, and is located in a different Government lot than the original well, then IDWR cannot recommend the new point of diversion as a valid POD to the court. Instead, you will need to file a transfer with IDWR to "change" the point of diversion location.

In the maps submitted with the amended claim, it shows that the new well as being located in Government lot 8. However, IDWR well construction data shows a well drilled in 2011, located in government lot 1. In addition, there are records of wells drilled in the NENE of Section 4, that don't narrow down what government lot they are located in: <http://idwr.idaho.gov/Apps/appsWell/WCInfoSearchExternal/> .

There could very well be other wells drilled that IDWR has no record of.

I just want to confirm with you, when the replacement well was drilled, and where it is located. I have attached a map. If you could locate the well on that map and return the map to me to help me understand where the old and new wells are, that would be great. In addition, if you had a way to get a GPS point on the well location and send me those coordinates, that would be very helpful as well.

I hope it is ok to contact you by e-mail. I opted to send you an e-mail because I wanted to send you the map. But after you look things over, if you have questions, please do not hesitate to call me at 208-287-4916.

Respectfully,

Craig L. Saxton
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