From: Sandra Thiel
Subject: Water Right 97-4205 Irrigation and Domestic Use from a Spring
Date: November 13, 2024

---

On May 31, 1983, Richard and Lois Hamacher filed statutory claim 97-4205 for domestic, stockwater and irrigation from a spring. They claimed July 31, 1912, as their priority date. Richard Hamacher also holds water right license 97-2042 from Pend Oreille River for irrigation. Right 97-2042 was not claimed in the Clark Fork Pend Oreille Basin Adjudication. Bonner County 2010 parcel data shows Lois and Richard Hamacher as both the owner of the spring and Robin Cayton's property. She is the current owner of Hamacher's property.

An online obituary* for Richard Hamacher lists his parents as Carl and Ruth Hamacher, and his wife as Lois Hamacher. Bonner County parcel records show Lois Hamacher as a former owner of the land where the spring rises. Chris Oldham, the current spring owner, appears to be Richard Hamacher's son-in-law. According to the obituary, Dick (Richard Hamacher) is survived by his wife Lois and two children, Chris (Diane) Oldham.

On November 8, 2024, Robin Cayton's representative attorney Allen Shoff, provided documents including a protest for water right permit 19883, dated September 3, 1946. (see attached documents) Carl and Ruth Hamacher protested an application submitted by T.B. Caswell. According to the protest the Hamachers used water from a spring located in T56N, R6W, Section 13, NWSE for domestic and irrigation purposes since (1)910. The document also stated that the Hamachers owned the real estate at the spring and that the Hamachers had used the spring for irrigation and domestic purposes for more than ten years.

Robin Cayton claimed 97-4205 for irrigation and domestic purposes from a spring. She did not claim irrigation from the Pend Oreille River. According to Ms. Cayton, her only source of irrigation is the spring located on property owned by Kimberly Ann Bradshaw Life Estate and the Christopher & Diane Oldham Life Estate.

Mr. Shoff also provided a document dated July 31, 1912, which describes a right-of-way across (Gov) Lots 2 and 3, Sec. 13, T56N R6W for a two-inch water supply pipe. The system described a pipe that flows, under the head provided by a dam, to a tract of 13 acres ("more or less") in Lot 3 of section 13. The document also granted the right to enter the land to maintain and repair the pipe. Robin Cayton's claimed irrigation place of use straddles the NESW (Gov Lot 3) and the SESW (Gov Lot 4).

There are two existing water rights for domestic use from the spring claimed under 97-4205. Oscar Williams holds right 97-7390 and Chris Oldham has 97-7391. The field exams for both 97-7390 and 97-7391 include a map showing two 3,000-gallon storage tanks as part of the spring diversion system. Both applications describe a dam as part of the diversion devices.

According to both 97-7390 and 97-7391 Applications for Permit, Richard Hamacher has rights for the same purposes of use as Williams and Oldham. Both applications also state Hamacher is one of the owners of the point of diversion. Application for Permit 97-7391 filed in 1999, further explains that Oldham is using an existing system they shared and maintained "for their part" since 1987. Application 97-7390 states that Willams used and maintained the existing system since 1984.

Evidence provided by Robin Cayton and her representative Allen Shoff, supports recommending water right 97-4205 as claimed. The recommended priority date is July 13, 1912.

*Obituary | Richard "Dick" Hamacher of Oldtown, Idaho | Sherman-Campbell Funeral and Cremation Services
https://www.shermancampbell.com/obituary/3114205