

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 86310**

This is to certify that: **GORDON SYLTE**  
8626 W SYLTE RANCH RD  
RATHDRUM, ID 83858

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>  |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------|
| 95-7630            | WR/DECREED          | 5/24/1976            | 0.100 cfs             | 24.5 af                 | N/A               | 7.0                | RATHDRUM CREEK |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 95-7630               | NO           | YES        | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 95-7630                | 95-7630                          | 0.100 cfs            | 24.5 af                | N/A               | 7.0                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.100 cfs</b>     | <b>24.5 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 12<sup>th</sup> day of July, 2022.



Adam Frederick, Water Rights Supervisor

**WATER RIGHT NO. 95-7630**

**As Modified by Transfer No. 86310**

In accordance with the approval of Transfer No. 86310, Water Right No. 95-7630 is now described as follows:

**Right Holder:** GORDON SYLTE  
8626 W SYLTE RANCH RD  
RATHDRUM, ID 83858

**Priority Date:** 5/24/1976

**Source:** RATHDRUM CREEK

**Tributary:** SINKS

**BENEFICIAL USE**

IRRIGATION

**From**

03/15

**To**

to 11/15

**Diversion Rate**

0.100 cfs

0.100 cfs

**Diversion Volume**

24.5 af

24.5 af

**LOCATION OF POINT(S) OF DIVERSION**

RATHDRUM CREEK  
RATHDRUM CREEK

SENW  
L3 (NWSW)

Sec 30 Twp 52N Rge 04W KOOTENAI County  
Sec 30 Twp 52N Rge 04W KOOTENAI County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |     | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 52N | 04W | 30  |    |    |    |    |    |    |    | 7.0 |    |    |    |    |    |    |    |    | 7.0    |

POU Total Acres: 7.0

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. The following rights are diverted through point(s) of diversion described above: 95-733, 95-7604, 95-7630 and 95-8858.
5. This right is for the appropriation of natural flow in Rathdrum Creek.

Transfer No. 86310

**WATER RIGHT NO. 95-7630**  
**As Modified by Transfer No. 86310**

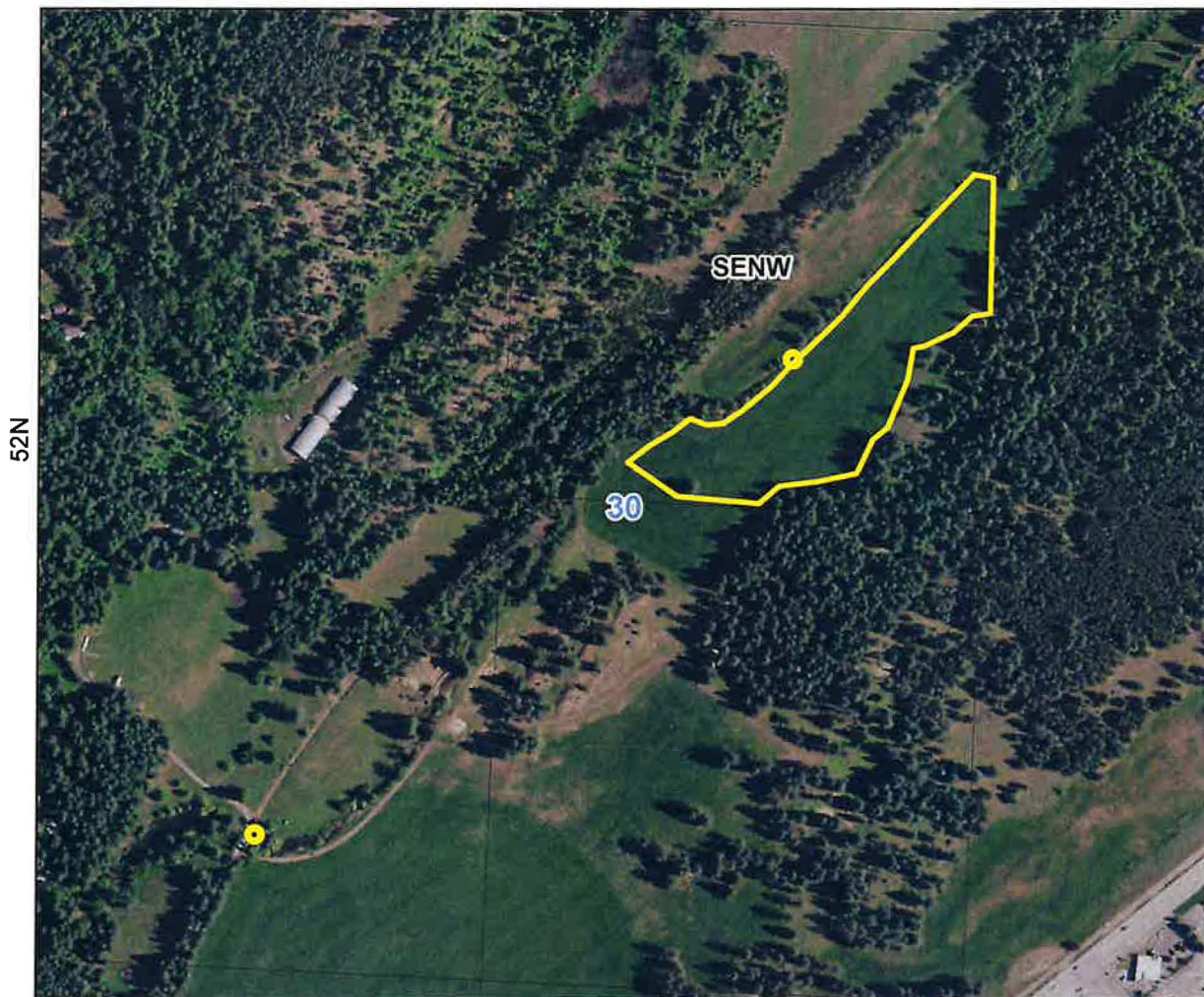
**CONDITIONS OF APPROVAL**

6. This right is all or part of a water right first decreed in In the Matter of the General Determination of the Rights to the Use of the Surface Waters of Twin Lakes, Including Tributaries and Outlets, Case No. 32572 (1st Jud. Dist. Ct. April 20, 1989). When seepage and evaporation losses from Twin Lakes exceed the total natural tributary inflow to Twin Lakes, no water will be released from the lakes to satisfy this water right and other downstream water rights, with the exception of Water Right No. 95-734. When this occurs, Water Right No. 95-734 and water rights that divert from Twin Lakes and from the tributaries to Twin Lakes may divert the natural flow, but not the stored waters, on the basis of water right priority.
7. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 95C.
8. This right does not grant any right-of-way or easement across the land of another.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 86310**  
95-7630

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.05 0.1 0.2 Miles





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763  
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: [northerninfo@idwr.idaho.gov](mailto:northerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

July 12, 2022

GORDON SYLTE  
8626 W SYLTE RANCH RD  
RATHDRUM ID 83858

Re: Transfer No: 86310  
Water Right No.: 95-7630  
Transfer Approval Notice

Dear Water Right Holder and other interested parties:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Region Office at (208) 762-2800.

Sincerely,



Adam Frederick  
Water Rights Supervisor

Enclosure  
CC:

MICHAEL P LAWRENCE  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

## **CERTIFICATE OF SERVICE**

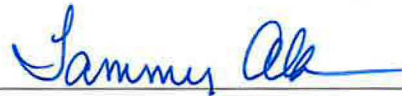
I hereby certify that on July 12, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 86310**

**Water Right No(s): 95-7630**

**GORDON SYLTE  
8626 W SYLTE RANCH RD  
RATHDRUM ID 83858**

**MICHAEL P LAWRENCE  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720**



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**Tammy Alleman  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

### **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )

) ss.

County of Kootenai )

RECEIVED

JUN 30 2022

IDWR / NORTH

Shaila Maciosek, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The legal notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 16 day of June, 2022, and ending on the 23 day of June, 2022, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Shaila Maciosek.

On this 23 day of June in the year of 2022 before me, a Notary Public, personally appeared Shaila Maciosek, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George

Notary Public for the State of Idaho  
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 86310

GORDON SYLTE, 8626 W SYLTE RANCH RD, RATHDRUM, ID 83858 has filed Application No. 86310 for changes to the following water rights within KOOTENAI County(s): Right No(s): 95-7630; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to move the 7 acres of irrigation under Water Right 95-7630 to the SE1/4NW1/4 of Section 30, Twp 52N, Rge 04W. The transfer also proposes to move a point of diversion adjacent to the proposed new acreage to be irrigated in the SE1/4NW1/4 of Section 30, Twp 52N, Rge 04W.

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 7/5/2022. The protestant must also send a copy of the protest to the applicant.

The following application(s)

have been filed to appropriate the public waters of the State of Idaho:

95-18214

BRIELLE PORTER  
30455 N CROWE RD  
ATHOL, ID 83801-5326  
Point of Diversion NENE  
S18 T53N R02W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
1/1 to 12/31

Total Diversion: 0.04 CFS  
Date Filed: 11-30-2021  
Place Of Use: DOMESTIC  
T53N R02W S18 NENE

95-18311

GSG TRUST  
5981 W MEADOWBROOK  
LOOP  
COEUR D'ALENE, ID  
83814-7903  
Point of Diversion SENW  
S20 T50N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31

Total Diversion: 0.04 CFS  
Date Filed: 05-20-2022  
Place Of Use: DOMESTIC  
T50N R04W S20 SENW

**95-18312**

KIRK A HUGHES  
VIRGINIA A HUGHES  
5931 W HARBOR DR  
COEUR D ALENE, ID  
83814-9727  
Point of Diversion SESW  
S20 T51N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Use: IRRIGATION  
03/15 to 11/15 1 CFS  
Use: DOMESTIC  
01/01 to 12/31 0.14 CFS  
Total Diversion: 1 CFS  
Date Filed: 05-25-2022  
Place Of Use:  
DOMESTIC, IRRIGATION,  
STOCKWATER  
T51N R04W S20  
SWNE, NESW, SESW, NWSE,  
SWSE  
Total Acres: 99.1

**95-18316**

CITY OF POST FALLS  
408 N SPOKANE ST  
POST FALLS, ID 83854-7538  
Point of Diversion NWNE  
S25 T51N R05W  
KOOTENAI County  
Source GROUND WATER  
Use: IRRIGATION  
03/15 to 11/15  
Total Diversion: 0.4 CFS  
Date Filed: 05-16-2022  
Place Of Use: IRRIGATION  
T51N R05W S25 NWNE  
Total Acres: 19

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 7/5/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
CDA LEGAL #8941  
AD #541021  
JUNE 16, 23, 2022