



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763

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Governor Brad Little

Director Mathew Weaver

January 22, 2026

Steve Neff, Watermaster
Water District 95C
17358 N Reservoir Rd.
Rathdrum, ID 83858

Re: Futile Water Call, Water Right 95-734, Sylte Ranch Limited Liability Company

Dear Mr. Neff,

On October 27, 2025, the Idaho Department of Water Resources ("IDWR") received a verbal request for delivery of water pursuant to Water Right 95-734 from Gordon Sylte on behalf of Sylte Ranch LLC. Mr. Sylte indicated that Water Right 95-734 had not been satisfied since approximately May 23, 2025. I informed you, as the Watermaster of Water District 95C (WD95C), of the delivery call on October 27, 2025.

IDWR previously issued watermaster instructions explaining how to administer water rights with a source of Twin Lakes and Rathdrum Creek, including Water Right 95-734. The instructions were in the form of a letter dated September 20, 2016, from Morgan Case, Northern Regional Manager at that time, to Laurin Scarcello, then-WD95C watermaster. The instructions were challenged by Mr. Sylte but were ultimately affirmed by the Idaho Supreme Court. *Sylte v. Idaho Dep't of Water Res.*, 165 Idaho 238 (2019). Pursuant to the instructions, Water Right 95-734 is entitled to receive an amount of water equal to the natural tributary inflows into Twin Lakes. *See Sylte*, 165 Idaho at 244. Regarding futile call, the instructions state:

If release of all of the natural tributary inflow does not satisfy delivery of water right no. 95-734 within a 48-hour period, the watermaster shall consult with the Department's Northern Regional Manager or designated Department representative regarding determination of a futile call with respect to delivery of water right no. 95-734. The Department's Northern Regional Manager will issue written notice to the watermaster regarding the futile call determination. A futile call determination will result in non-delivery of water right no. 95-734.

In other words, when futile call conditions occur, the obligation to deliver water to Water Right 95-734 is waived to prevent the wasting of the water resource. *Sylte*, 165 Idaho at 245.

On November 26, 2025, Flood Control District 17 ("FCD17") released water from storage through the Twin Lakes dam, increasing the flow from 3 cubic feet per second ("cfs") to 50 cfs to flush some project debris down the channel to maximize the flood conveyance capacity of Rathdrum Creek. The natural tributary inflow to Twin Lakes prior to the release was estimated to be between 3 and 10 cfs.

On November 28, 2025, FCD17 ceased the storage releases. Following 48 hours of a 50 cfs release from the dam, the additional flow did not reach Mr. Sylte's point of diversion. The

additional flow instead sank into the stream channel prior to reaching the point of diversion.

On December 10, 2025, Mr. Sylte delivered a letter in person to the Northern Region office documenting the water call previously made on October 27, 2025.

On December 19, 2025, you and I met, at which time I confirmed that I agreed with your reasonable determination of a futile call for the delivery of Water Right 95-734. The fact that the release of 50 cfs of water from storage for two days did not make it to Mr. Sylte's point of diversion suggests that the release of the current natural tributary inflow (estimated to be between 3 and 10 cfs) would be futile. As set forth in the instructions, you are not required to deliver Water Right 95-734. Please consider this written notice to the watermaster regarding the futile call determination for the water call made on October 27, 2025.

As a matter of procedure, please include this futile call determination in your annual watermaster report.

If you have further questions, you may contact me via phone at 208-762-2803 or email at michelle.richman@idwr.idaho.gov.

Sincerely,



Michelle Richman,
Northern Region Manager

Cc:
SYLTE RANCH LIMITED LIABILITY COMPANY
8626 W SYLTE RANCH RD
RATHDRUM, ID 83858-6820