



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

February 2, 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 January 29, 2026, the Idaho Department of Water Resources ("IDWR") received an emailed request for delivery of water pursuant to Water Right 95-734 from Gordon Sylte (via Susan Goodrich's email account) on behalf of Sylte Ranch LLC. The email additionally requested information about why "the water was turned on again in early January and then turned off." As the Watermaster of Water District 95C (WD95C), you received the same email, dated January 29, 2026.

On January 22, 2026, in accordance with watermaster instructions explaining how to administer water rights with a source of Twin Lakes and Rathdrum Creek, including Water Right 95-734, IDWR issued a letter to respond to Mr Sylte's water delivery call made on October 27, 2025. 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 January 28, 2026, you indicated that the Rubicon gate at the Twin Lakes Outlet Dam had not been closed at any time between July 31, 2025, and January 28, 2026. You shared data verifying the minimum flow passing through the dam during those six months was 3.0 cfs, consisting of 2.5 cfs through the Rubicon gate plus an estimated 0.5 cfs leaking through a side gate (for a total flow of 3.0 cfs).

IDWR's January 22, 2026 letter describes the 48-hour increase in flow you conducted from November 26, 2025 through November 28, 2025, bringing the flow from 3 cfs to 50 cfs. The increased flow did not reach the point of diversion for water right 95-734. The increased flow instead sank into the stream channel prior to reaching the point of diversion during the 48 hours.

The 3 cfs currently passing through the dam is not reaching Mr. Sylte's point of diversion. I am not aware of any circumstances that would have changed the stream channel conditions that have previously caused water to sink through the channel bottom. In other words, I have reason to believe the water is still sinking through the creek bottom, and that is why water is not reaching Mr. Sylte's point of diversion.

On January 28, 2026, you and I discussed the current conditions in the creek and the inability for water to reach Mr. Sylte's point of diversion pursuant to Water Right 95-734. Based on our discussion, I am making a 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 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 January 29, 2026.

As a matter of procedure, please include this futile call determination, as well as the one made on October 27, 2025, 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 LLC
8626 W SYLTE RANCH RD
RATHDRUM, ID 83858-6820