



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

March 3, 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 February 27, 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. As the Watermaster of Water District 95C (WD95C), you were copied on the same email.

As previously explained, 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 February 27, 2026, I asked you in our phone conversation if any circumstances in the creek had changed since January 29, 2026, when the most recent delivery call was placed. I specifically asked if there were any new circumstances that would cause the water to not sink through the Rathdrum Creek stream bed bottom prior to reaching the point of diversion for Water Right 95-734. I asked the same questions in a reply to Ms. Susan Goodrich's email, and Ms Goodrich replied by email on February 28, 2026, "No evidence of any vegetation management or leaks or seepage control at this point. Those problems continue to be

problematic.” Furthermore, you confirmed in our phone conversation that between January 29, 2026, and February 27, 2026, that the Flood Control District 17 had not conducted any maintenance in the creek, nor had any other parties, to your knowledge.

I therefore believe the water is still sinking through the creek bottom, and that is why water is not reaching Mr. Sylte’s point of diversion for Water Right 95-734.

Based on my current understanding, I am making a reasonable determination of a futile call for the delivery of Water Right 95-734. As stated in my January 22, 2026, letter to you, the fact that the release of 50 cfs of water from storage for two days (November 26, 2025 through November 28, 2025) 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 most recent water call made on February 27, 2026.

As a matter of procedure, please include this futile call determination, as well as the ones made on October 27, 2025, and January 29, 2026, 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