



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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**Governor Brad Little**

**Director Mathew Weaver**

July 20, 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 July 7, 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. According to Mr. Sylte, the water stopped reaching the point of diversion for Water Right 95-734 on May 26, 2026.

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 July 15, 2026, you provided an email to me that supported Mr. Sylte's statement that his water stopped reaching the point of diversion for Water Right 95-734 on May 26, 2026. Furthermore, you indicated that on June 5, 2026, you measured the inflow to Twin Lakes via Fish Creek at 11.2 cfs. You subsequently decreased the outflow through the dam to match the inflow of 11.2 cfs, and you confirmed that entire outflow amount was going subsurface at a point in Rathdrum Creek approximately 1.1 miles upstream of the point of diversion for Water Right

95-734. Between June 5, 2026 and July 15, 2026, you indicated you reduced the outflow to 2.5 cfs. You confirmed this outflow now reaches a point approximately 2 miles upstream of the point of diversion for Water Right 95-734 before it goes into the ground. You indicated no repairs have been made to the Rathdrum Creek since June 5, 2026.

It is apparent to me that the water is 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. This is based on the fact that a release matching the inflow of 11 cfs of water in early June of 2026 went into the ground upstream of Mr. Sylte's point of diversion. Prior to June 5, 2026, the outflow had been at 13.7 cfs for weeks, and Mr. Sylte indicated flow stopped reaching the point of diversion for Water Rights 95-734 on May 26, 2026; therefore, a release likely exceeding the natural inflow for more than 48 hours did not satisfy Water Right 95-734. 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 July 7, 2026.

In Mr. Sylte's water delivery call, he questioned why holders of water rights junior to Water Right 95-734 may fulfill their water rights when Water Right 95-734 is not being filled. While the amount of natural tributary inflow to Twin Lakes is not sufficient to reach the point of diversion for Water Right 95-734, resulting in a futile call determination as described above, you reported that there is nevertheless some natural tributary inflow available for appropriation. You indicated you measured the inflow at 4.95 cfs on July 15, 2026, and the current outflow is set to 2.5 cfs. In accordance with item 4) on page 2 of the watermaster instructions dated September 20, 2016, you may continue to deliver water rights with a source tributary to Rathdrum Creek and Twin Lakes to water right holders, up to the amount of natural inflow, on the basis of water right priority (excluding Water Right 95-734 with futile call status). This is acceptable per the watermaster instructions, dated September 20, 2016.

As a matter of procedure, please include this futile call determination in your May 2027 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](mailto:michelle.richman@idwr.idaho.gov).

Sincerely,



Michelle Richman,  
Northern Region Manager

Cc:  
SYLTE RANCH LLC  
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RATHDRUM, ID 83858-6820