



SPF Water Engineering, LLC
water resource consultants

December 19, 2007

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DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise, ID 83720-0098

Attention: Jeff Harris

Subject: Porter Permit No. 63-12550 Volume Calculation

Dear Jeff,

Thank you for the opportunity to respond to your December 12, 2007 letter regarding Richard Porter's aesthetic appropriation. As Richard stated in his letter, he typically attempts to divert the full authorized quantity as river flows allow. There are times when flows are insufficient to divert the full 5 cfs on a daily basis. On the other hand, there are also years when flows are sufficient so that the full amount can be diverted and put to beneficial use.

Your proposed volume limit is based on an estimated average flow rate of 3 cfs. An appropriation is not an average flow, but rather the maximum quantity put to beneficial use within the confines authorized by the permit. Although Mr. Porter was diverting 3 cfs at the time of your field examination, it was clear based on inspection of the measuring device that Mr. Porter has the ability to divert at least 5 cfs. The high water marks on the weir were well above 0.53 feet, the level corresponding to 5 cfs discharge. It is inappropriate to assume the 3 cfs observed during your exam is representative of the diversion's capacity when clearly other evidence (e.g. high water marks) indicates greater discharges.

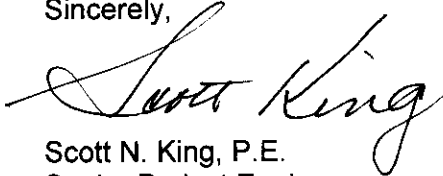
Based on my discussion with Mr. Porter, freezing temperatures are only infrequently a significant impediment to full diversion of this right, and should not be cause for assuming that the diversion is not filled for two months per year. Cold temperatures may be low enough during some years to prevent full diversion, but other winters are also mild and freezing is not a problem.

I fail to see the benefit in limiting Mr. Porter from making full beneficial use of this appropriation during those years when flows are sufficient to fill this right. When flows are insufficient, I expect the watermaster will perform his duties by curtailing this right as appropriate. I estimate that when flows are sufficient for full appropriation of this right, a total 3,620 acre-feet can be diverted annually, per the following calculation.

$V = 5.0 \text{ cfs} \times 365 \text{ days / year} \times 1.9835 \text{ AF/cfs-day} = 3,620 \text{ acre-feet}$

I hope this answers the questions posed in your letter. If you require another field examination so that my client may demonstrate his ability to divert up to the limits authorized by the permit, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Scott King". The signature is fluid and cursive, with the first name "Scott" and last name "King" clearly distinguishable.

Scott N. King, P.E.
Senior Project Engineer

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