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NOV 15 2010

Amended DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 66703

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 66703**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Settlers Irrigation District Phone 208-345-2000Mailing address c/o Scott L. Campbell, Moffatt Thomas Barrett Rock & Fields, Chtd. Email _____
PO Box 829, Boise, ID 83702-0829

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Lori Graves, SPF Water Engineering Phone 208-383-4140Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point(s)
 ☐ Change place of use
 ☒ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Change the water right to more accurately reflect surface water use at the Blue Cross Corporate site located on the northwest corner of Eagle Road and Pine Street.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-230L	0.06 cfs	Diversion to Storage	3/1 to 11/15	Boise River/Snake River
☐ ☐		0.06 cfs	Aesthetic	1/1 to 12/31	Boise River/Snake River
☐ ☐		22.7 af	Aesthetic Storage	1/1 to 12/31	Boise River/Snake River
☐ ☐		97.31 cfs	Irrigation	3/1 to 11/15	Boise River/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 97.37 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or 22.7 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	8				J													
						J*													

Total Acres (for irrigation use) _____

J* Aesthetic Storage

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Settlers Canal and diversion dam, headgate at southeast corner of Blue Cross property, pipe to ponds and water amenity stream, pump from larger pond to pressurized irrigation system
- b. Who owns the property at the point(s) of diversion? State of Idaho
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Diversion easement
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:** _____
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Approximately 19 acres have been developed and retired from irrigation.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: Surface water is typically available 180 days during the irrigation season (April through September)
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- Yes No
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
- ☐ ☒ currently leased to the Water Supply Bank,
- ☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-230L

Current Owner: SETTLERS IRRIGATION DISTRICT

Priority Date: 10/17/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

97.37 CFS

97.37 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

L7(SW1/4NE1/4)

Sec. 9, Twp 03N, Rge 02E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T03N R01E S3		NESW	T03N R01E S3		SESW
T03N R01E S3		NWSE	T03N R01E S3		SWSE
T03N R01E S4	Lot 1	NENE	T03N R01E S4		SWNE
T03N R01E S4		SENE	T03N R01E S4		SWNW
T03N R01E S5		NWSE	T03N R01E S5		SWSE
T03N R01E S6	Lot 5	SWNW	T03N R01E S6		SENW
T03N R01E S6		NESW	T03N R01E S6	Lot 6	NWSW
T03N R01E S6	Lot 7	SWSW	T03N R01E S6		SESW
T03N R01E S6		SWSE	T03N R01E S6		SESE
T03N R01E S7		NENE	T03N R01E S8		NENE
T03N R01E S8		NWNE	T03N R01E S8		SWNE
T03N R01E S8		SENE	T03N R01E S8		NENW
T03N R01E S8		NWNW	T03N R01E S8		SWNW
T03N R01E S8		SENW	T03N R01E S8		NESE
T03N R01E S8		NWSE	T03N R01E S8		SWSE
T03N R01E S8		SESE	T03N R01E S9		NESW
T03N R01E S9		NWSW	T03N R01W S1	Lot 2	NWNE
T03N R01W S1		SWNE	T03N R01W S1		SENE
T03N R01W S1		SENW	T03N R01W S1		NESW
T03N R01W S1		NESE	T03N R01W S1		NWSE
T03N R01W S1		SWSE	T03N R01W S1		SESE
T03N R01W S2		SWNE	T03N R01W S2		SENE
T03N R01W S2	Lot 3	NENW	T03N R01W S2	Lot 4	NWNW

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T03N R01W S2		SENW
T03N R01W S2		NESE
T03N R01W S2		SESE
T03N R01W S3		SENE
T03N R01W S3		NWSW
T03N R01W S3		SESW
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T03N R01W S4		SENW
T03N R01W S4		NESE
T03N R01W S4		SWSE
T03N R01W S5	Lot 2	NWNE
T03N R01W S5	Lot 3	NENW
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T04N R01E S27		SENE
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T03N R01W S9		NENE
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T04N R01E S19		SWNE
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T04N R01E S19	Lot 5	NWSW
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T04N R01E S28		SWSW
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T04N R01E S34		NESE
T04N R01W S13	Lot 8	SESE

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T04N R01W S22		SWSW
T04N R01W S22		NESE
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T04N R01W S23		SWNE
T04N R01W S23		SWNW
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T04N R01W S23		SWSW
T04N R01W S23		NESE
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T04N R01W S24	Lot 1	NENE
T04N R01W S24	Lot 8	SENE
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T04N R01W S25		NWNE
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T04N R01W S26		NWNW
T04N R01W S26		SENW
T04N R01W S26		NWSW
T04N R01W S26		SESW
T04N R01W S26		NWSE
T04N R01W S26		SESE
T04N R01W S27		NWNE
T04N R01W S27		SENE
T04N R01W S27		NWNW
T04N R01W S27		SENW
T04N R01W S27		NWSW
T04N R01W S27		SESW
T04N R01W S27		NWSE

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T04N R01W S27	SWSE
T04N R01W S28	NENE
T04N R01W S28	SWNE
T04N R01W S28	NENW
T04N R01W S28	SWNW
T04N R01W S28	NESW
T04N R01W S28	SWSW
T04N R01W S28	NESE
T04N R01W S28	SWSE
T04N R01W S29	NENE
T04N R01W S29	SESW
T04N R01W S29	SESE
T04N R01W S32	NENE
T04N R01W S32	SWNE
T04N R01W S32	NENW
T04N R01W S32	SWNW
T04N R01W S32	NESW
T04N R01W S32	SWSW
T04N R01W S33	NENE
T04N R01W S33	SWNE
T04N R01W S33	NENW
T04N R01W S33	SWNW
T04N R01W S33	SESW
T04N R01W S33	NWSE
T04N R01W S34	NENE
T04N R01W S34	SWNE
T04N R01W S34	NENW
T04N R01W S34	SWNW
T04N R01W S34	SWSE
T04N R01W S35	NENE
T04N R01W S35	SWNE
T04N R01W S35	NENW
T04N R01W S35	SWNW
T04N R01W S35	SWSW
T04N R01W S35	NESE
T04N R01W S35	SWSE
T04N R01W S36	NENE
T04N R01W S36	SWNE
T04N R01W S36	NENW
T04N R01W S36	SWNW
T04N R01W S36	NESW
T04N R01W S36	SWSW
T04N R01W S36	NWSE

T04N R01W S27	SESE
T04N R01W S28	NWNE
T04N R01W S28	SENE
T04N R01W S28	NWNW
T04N R01W S28	SENW
T04N R01W S28	NWSW
T04N R01W S28	SESW
T04N R01W S28	NWSE
T04N R01W S28	SESE
T04N R01W S29	SENE
T04N R01W S29	SWSE
T04N R01W S31	NENE
T04N R01W S32	NWNE
T04N R01W S32	SENE
T04N R01W S32	NWNW
T04N R01W S32	SENW
T04N R01W S32	NWSW
T04N R01W S32	SESW
T04N R01W S33	NWNE
T04N R01W S33	SENE
T04N R01W S33	NWNW
T04N R01W S33	SENW
T04N R01W S33	NESE
T04N R01W S33	SWSE
T04N R01W S34	NWNE
T04N R01W S34	SENE
T04N R01W S34	NWNW
T04N R01W S34	SENW
T04N R01W S34	SESE
T04N R01W S35	NWNE
T04N R01W S35	SENE
T04N R01W S35	NWNW
T04N R01W S35	SENW
T04N R01W S35	SESW
T04N R01W S35	NWSE
T04N R01W S35	SESE
T04N R01W S36	NWNE
T04N R01W S36	SENE
T04N R01W S36	NWNW
T04N R01W S36	SENW
T04N R01W S36	NWSW
T04N R01W S36	SESW

Total Acres: 13135

Conditions of Approval:

1. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13135 ACRES WITHIN THE BOUNDARY OF THE SETTLERS IRRIGATION DISTRICT.
3. F01 WATER IS DELIVERED THROUGH THE SETTLERS CANAL
4. DESIGNATED AS NO 92 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-121, 63-122, 63-230M, 63-231D, 63-120H, 63-161AJ, 63-169A, 63-169C, 63-16532.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law with the agreement of all entities having rights in the reservoir system; provided that any such diversion of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Decreed Date: 1/30/2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 63-230L

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use)	8
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Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

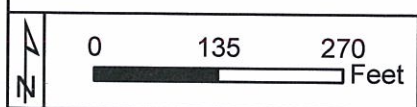
2009 Photo

T3N R1E

Legend

-  Blue Cross Property Boundary
-  Pond Areas
-  Amenity Stream
-  Development
-  Settlers Canal Gate
-  Sections
-  Quarter-Quarters

Attachment 7a & 7b



mm/day														growing season	annual
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
Monthly ^a	-0.7	0.05	0.78	2.04	2.99	4.11	4.76	4.05	2.71	1.55	-0.43	-0.84	639	639	
days/mo	31	28	31	30	31	30	31	31	30	31	30	31			
monthly ET (mm)		1.4	24.18	61.2	92.69	123.3	147.56	126.79	81.3	51.15					
monthly ET(†)		0.005	0.079	0.201	0.304	0.405	0.484	0.416	0.267	0.168					
										</					

cfs required for evap: 4.7 af/180 d/ys delivery/1.9835 = 0.013 cfs
 cfs required for annual pond fill: 18af/180 d/ys delivery/1.9835 = 0.05 cfs
 Retired flow rate needed to satisfy pond needs: 0.06 cfs

63-2301.: 97.37 cfs/13,135 acres = 0.0075 cfs/acre
0.06 cfs/0.0075 cfs/acre = 8 acres
Retired irrigation needed to satisfy pond needs: 8 acres

0.35 cfs has been historically delivered to the site for 35 acres assessed for irrigation (0.01 cfs/acre)
Amount of irrigation retired due to site development: 19 acres
Amount of irrigation remaining: 16 acres

Conclusion: more than enough irrigation has been retired to satisfy the pond requirements