



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 8/6/2020  
 ORM Number: NWW-2020-00352  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Idaho City: Eagle County/Parish/Borough: Ada  
 Center Coordinates of Review Area: Latitude 43.721 Longitude -116.476

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
W-1	0.23 acre(s)	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetlands within the delineated extent of W-1 are limited to areas influenced by irrigation flows down the channel. Directly upstream of where irrigation water is diverted into the drainage, no bed, bank or OHWM is established and is uplands. All areas within the drainage directly adjacent to areas not influenced by irrigation water are upland. No other sources of hydrology were identified.
W-2	0.44 acre(s)	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetlands within the delineated extent of W-2 are limited to areas influenced by irrigation flows down the channel. Directly upstream of where within the irrigation water is diverted into the drainage, no bed, bank or OHWM is established and is uplands. All areas within the drainage directly adjacent to areas not influenced by irrigation water are upland. No other sources of hydrology were identified
W-3 (wetland)	0.47 acre(s)	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	All wetlands within the delineated extent of W-3 are supported solely by a man-made constructed impoundment of irrigation flows within the drainage. Directly upstream of where irrigation water is diverted into the drainage, no bed, bank or OHWM is established and is uplands. The artificial pond and associated wetlands within W-3 are not an impoundment of a jurisdictional water.
W-3 (Open water)	0.05 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an	The open water extent delineated within W-3 are supported solely by a man-made constructed impoundment of irrigation flows within the drainage. Directly upstream of where irrigation water is diverted into the drainage, no bed, bank or OHWM is established and is uplands. The artificial pond and associated wetlands within W-3 are not an impoundment of a jurisdictional water.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			impoundment of a jurisdictional water that meets (c)(6).	
W-4	0.02	acre(s)	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetlands within the delineated extent of W-4 are limited to areas influenced by irrigation flows down the channel. Directly upstream of where irrigation water is diverted into the drainage, no bed, bank or OHWM is established and is uplands. All areas within the drainage directly adjacent to areas not influenced by irrigation water are upland. No other sources of hydrology were identified
W-5	0.15	acre(s)	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetlands within the delineated extent of W-5 are limited to areas influenced by irrigation flows down the channel. Directly upstream of where irrigation water is diverted into the drainage, no bed, bank or OHWM is established and is uplands. All areas within the drainage directly adjacent to areas not influenced by irrigation water are upland.
W-1 Ditch	0.17	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Channel and vegetation goes perpendicular to topography along the southern boundary of the road. Water is discharged from a Pump Station and flows through the channel to the drainage where W-1 begins. There is no natural drainage within this reach, or evidence that it was constructed in or is a relocated tributary.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report Dated June 22, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google Earth Imagery Date 5/1992; 6/2003, 7/2018](#)



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- Corps site visit(s) conducted on: [6/26/2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [USDA Web Soil Survey. Review Date 8/6/2020. Soils within the Property are limited to Map units, Power Silt loams, and Purdam Silt loams, which are well draining and classified as non-hydric.](#)
- USFWS NWI maps: [USFWS Online Wetland Mapper. Review Date 8/6/2020. Wetlands were identified originating from the constructed impoundment \(PUBHh\) which indicates a diked/impounded feature. No aquatic resources are displayed above this point.](#)
- USGS topographic maps: [USGS 1:24K Quad, Star Idaho. 1954. The USGS Topo displays the upstream extent of aquatic features as the impoundment.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">USGS StreamStats Application.</a>
USDA Sources	<a href="#">N/A.</a>
NOAA Sources	<a href="#">N/A.</a>
USACE Sources	<a href="#">N/A.</a>
State/Local/Tribal Sources	<a href="#">IDEQ- Lower Boise River Watershed Advisory Group KMZ Layer of Treasure Valley irrigation features.</a>
Other Sources	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [No typical year determination is needed since the flows are regulated by a pump station at the property, which receives water from an unnamed supply ditch which receives water via the Farmers Union Canal.](#)

**C. Additional comments to support AJD:** [The unnamed drainage which contains the evaluated resources, receives irrigation water across the property through a constructed ditch which flows down into an impoundment constructed sometime pre-1992. Discussion with the local farmer identified the pond was constructed prior to the installation of the pumpstation at the northern property line to capture irrigation water which could be diverted to adjacent fields by a headgate. The headgate although no longer in use is still present at the pond. Irrigation water continues to flow down gradient approximately 0.5 miles until it discharges into the Foothills Ditch. Directly upstream of the point where irrigation water is diverted into the drainage, north of the property, is wholly uplands, and does not contain any defined channel. Review of StreamStats identified that the drainage area upstream of the assessment areas within the property is approximately 83 acres, and is bound by agricultural development, and uplands. There is no evidence of natural hydrology that would support the resources reviewed within the property, and it is determined that the wetlands are artificially irrigated areas which would revert to uplands should irrigation water cease to flow, the impoundment is a artificial feature that does not impound a jurisdictional feature, and the ditch which delivers water to features W-1 though W-5 was not constructed in or relocating a jurisdictional feature.](#)