



**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): 12/17/2020
 ORM Number: NWW-2020-00645
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Caldwell County/Parish/Borough: Canyon
 Center Coordinates of Review Area: Latitude 43.7356 Longitude -116.6856

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)²

§ 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): ³			
(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.

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

² 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.

³ 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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Unnamed Ditch	1450	linear feet	(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).	The segment of the unnamed ditch with the property follows a small natural topographic drainage that starts approximately 3500 linear feet upgradient of this segment, at which point the ditch follows roadway infrastructure to the point of diversion. This property has an accumulation basin of approximately 700 acres. Hydrology is supplied from the Pipe Aqueduct, which receives water from C-Line Canal East. No other sources of hydrology were identified. There is no evidence that this segment of the unnamed ditch was constructed in, or relocated a natural tributary or other jurisdictional feature.
Wetlands abutting unnamed ditch	Undefined	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.	The property has been heavily manipulated both historically from agricultural uses, and more recently for future residential development. Wet signatures within the property are limited to the lowest portions of the property, and abruptly end at the earthen local user ditches that historically ran parallel and uphill to the unnamed ditch. Downstream culverts appear to back up water, expanding the duration and extent of saturation. Unirrigated areas within the property appear to be exclusively dry land. There is no known natural source of hydrology to support what wetlands could exist, as they are exclusively a result from irrigation water and practices.

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: [Telephone Communication with Agent, on historical uses of the property.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Context for property use was given on historical uses, however specific information was not provided.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth; Aerial Imagery Dated, 5/1992, 10/2002, 7/2010, 5/2020](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

⁴ 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.

⁵ 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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- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: [USDA Web Soil Survey](#)
- USFWS NWI maps: [USFWS Online Wetland Mapper](#)
- USGS topographic maps: [USGS 1:24K Caldwell](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Stream stats	USGS Stream Stats Report
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	IDeq Treasure Valley Irrigation Resources KMZ
Other Sources	N/A.

B. Typical year assessment(s): A typical year assessment was not necessary to assess the jurisdictional status of features within the property.

C. Additional comments to support AJD: The property under review, has historically been utilized for agricultural purposes, and contains a natural drainage which carries irrigation water. Passive use within the channel appeared to have occurred, which supported the establishment of a more natural appearance, as wetland vegetation historically abuts this feature from north to south through the property. The USFWS online wetland mapper identified only a linear resource (R5UBH) that generally follows the same alignment as the ditch. The soil map unit for the feature is classified as Lankbush sandy loam 7 to 12% slope, which is characterized as well draining, non-hydric, and water tables of more than 80 inches. It appears that historically, water was diverted from the Pipe Aquaduct across the landscape and into this unnamed drainage to more conveniently transport water to downstream users, as was a common practice at the time. The accumulation basin upgradient of this property is relatively small to support a natural intermittent or perennial channel, specifically in the Arid West Region. There is no evidence that this unnamed ditch was constructed in, or relocated a natural tributary. Aquatic features within the property are wholly resulting from the irrigation supply ditch/ return water, and the unnamed ditch and any wetlands adjacent to the ditch are excluded features from the Clean Water Act.