



**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): July 17, 2020
 ORM Number: NWW-2019-00076-B03
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Middleton County/Parish/Borough: Canyon
 Center Coordinates of Review Area: Latitude 43.717486 N. Longitude -116.595611

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:
- 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
Little Drain (Crossings 1 and 2)	214	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).	Little Drain is a man-made drain (ditch) originally constructed in uplands in the early 20 th Century. It does not follow topographic drainages. There is no evidence that it was constructed in or is a relocated tributary. Little Drain receives water from the Middleton Mill Canal, which receives water from the Boise River. Little Drain is the receiving water for all other aquatic features onsite, which carries flow to Mill Slough, which flows into the Boise River, which flows into the Snake River, below River Mile 445.5.
Unnamed Drain -1 North and South	1647	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 unnamed drain 1 (ditch) is a man-made irrigation feature limited in length and flows through the south segment into the Little Drain. It receives water from surface runoff from flood irrigation practices and a localized artificial ground water table induced from irrigation practices. It does not follow topographic drainages and is not present on USGS maps. There is no evidence that it was constructed in or is a relocated tributary.
Unnamed Drain 2	372	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 unnamed drain (ditch) is a man-made irrigation feature limited in length and discharges into Little Drain. It receives water from surface runoff from flood irrigation and a localized artificial ground water table induced from irrigation practices. It does not follow topographic drainages and is not present on USGS maps. There is no evidence that it was constructed in or is a relocated tributary.
Unnamed Ditch 1	283	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	The unnamed user ditch is a man-made irrigation ditch limited in length and extent on the property itself. It does not follow topographic drainages and is not present on USGS maps. There is no evidence that it was constructed in or is a relocated tributary. It receives water from the Middleton Mill Canal and carries flow to Mill Slough, which flows into the Boise River, which

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			conditions of (c)(1).	flows into the Snake River, below River Mile 445.5.
Unnamed Ditch 2	235	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 unnamed user ditch is a man-made irrigation ditch limited in length and extent on the property itself. It does not follow topographic drainages and is not present on USGS maps. There is no evidence that it was constructed in or is a relocated tributary It receives water from the Middleton Mill Canal and carries flow to Mill Slough, which flows into the Boise River, which flows into the Snake River, below River Mile 445.5.
Unnamed Ditch 3	1,292	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 unnamed user ditch is a man-made irrigation ditch limited in length and extent on the property itself. It does not follow topographic drainages and is not present on USGS maps. There is no evidence that it was constructed in or is a relocated tributary. It receives water from the Middleton Mill Canal and carries flow to Mill Slough, which flows into the Boise River, which flows into the Snake River, below River Mile 445.50.
Unnamed Ditch 4	905	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 unnamed user ditch is a man-made irrigation ditch limited in length and extent on the property itself. It does not follow topographic drainages and is not present on USGS maps. There is no evidence that it was constructed in or is a relocated tributary. It receives water from the Middleton Mill Canal and carries flow to Mill Slough, which flows into the Boise River, which flows into the Snake River, below River Mile 445.5.

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: David Kordiyak, Wetland Biologist, Falcon Valley Subdivision, Wetland Delineation, January 30, 2020.

This information is sufficient for purposes of this AJD.

Data sheets prepared by the Corps:



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- X Photographs: Google Earth Aerial Imagery, May 1992, July 2018
- Corps site visit(s) conducted on: Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- X USDA NRCS Soil Survey: USDA Web Soil Survey
- X USFWS NWI maps: USFWS NWI, Online Wetland Mapper
- X USGS topographic maps: USGS 1:24K 7.5 Minute Quad, (Middleton)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	IDEQ – Lower Boise River Watershed Advisory Group KMZ layer of Treasure Valley irrigation features
Other Sources	N/A.

B. Typical year assessment(s):

No typical year determination is needed since the flows are regulated by Drainage District No. 2 via the Boise River to the Middleton Mill Canal, or via the Boise River to the Middleton Mill Canal to Little Drain.

C. Additional comments to support AJD:

Little Drain, Unnamed Drain 1 (North and South), Unnamed Drain 2, and Unnamed Ditches 1 through 4 within the project area are man-made irrigation facilities, which were not relocated or constructed in a natural tributary. Review of the USFWS NWI, Online wetland mapper, did not identify known or historical aquatic resources outside of these features. Review of the USDA Web Soil Survey confirmed that soil units within the review area are classified as non-hydric units, with the exception of potential Chance classification inclusions in Moutlon fine sandy loams along the southern boundary. The irrigation features are linear and are oriented perpendicular or parallel to the agricultural field (project area). The surrounding area consists of upland agricultural lands and residential developments. Hydrology in the immediate geographic area is limited to irrigation water received from the Middleton Mill Canal, Newman Lateral and Little Drain. Little Drain, Unnamed Drain 1 North, Unnamed Drain 1 South, and Unnamed Ditches 1 through 4 are not considered tributaries under (a)(2) since the drains and ditches are not relocated tributaries, were not constructed in a tributary, and were not constructed in an adjacent wetland when the drains (ditches) and ditches were originally constructed.