



**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): 4/22/2021  
 ORM Number: NWW-2021-00158  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Idaho City: Star County/Parish/Borough: Canyon  
 Center Coordinates of Review Area: Latitude 43.709 Longitude -116.475

**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 through W-5	1.08	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.	Delineated wetlands adjacent to and within the unnamed drain (W-3 OW) are fully supported by irrigation water, which receives water from runoff of adjacent fields and return-water from ditches that receive water from the Farmers Union Canal. Adjacent lands are uplands, including lands directly above where irrigation water is applied. The features terminate where irrigation water returns to the Foothills Ditch and are topographically constrained to where irrigation water flows. The drainage basin is approximately 83 acres, which is relatively small, and unlikely to naturally sustain wetlands within the Arid West Region.
Unnamed Drain, W-3 OW	1300	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 is a naturally occurring (although modified) topographic feature, which carries return water from local user ditches supplied by the Farmers Union Canal and agricultural runoff from adjacent fields. The drainage basin is approximately 83 acres in size, and the drainage channel begins where irrigation water is diverted, and ends where it discharges into the Foothills Ditch. There is no evidence that this feature is a tributary, a relocated tributary or other jurisdictional feature.
W-6 PEM and W-6 PFO	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.	Delineated wetlands adjacent to and within the Foothills Ditch are fully supported by irrigation water supplied to the ditch, and are bound within the ditch footprint. Adjacent lands are uplands and no other sources of hydrology were identified..
Foothills Ditch	1400	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	The Foothills Ditch is a man-made ditch that crosses the valley parallel to topography. The ditch originates from the Boise River near Eagle Island State Park, and flows northwest along the toe of the “foothills” before terminating near Blissinger Road. There is no evidence that the

<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
			(a)(4) water that do not satisfy the conditions of (c)(1).	segment of the Foothills Ditch within the review area is a tributary, a relocated tributary or other jurisdictional feature.
W-7	0.23	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 impoundment of a jurisdictional water that meets (c)(6).	This feature consists of an excavated pond that has developed wetland features, and was constructed between 1992-2003. Until 2015 water was diverted from the Foothills Ditch into the pond, where an overflow pipe would discharge back into the ditch. This feature is an artificial pond which does not impound a jurisdictional feature, and given the topographic restrictions of other wetlands identified, was presumably constructed in uplands.
Unnamed Drain, W-8	700	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).	This feature is an unnamed agricultural return drain, which receives water from other local user ditches and agricultural runoff from adjacent fields. The feature runs parallel to the field where it originates and terminates within the review area. There is no evidence that this feature is a tributary, a relocated tributary or other jurisdictional feature.

**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, Star Bungalows Subdivision Dated March 9, 2021](#)

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

Rationale: [Aquatic resources were delineated and site specific information regarding sources of hydrologic connectivity were provided. However, additional information was considered to confirm the jurisdictional status of features.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth Aerial Imagery Dates; 5/1992; 6/2003, 7/2010, 7/2018](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [USDA Web Soil Survey generated 2/19/2021 and provided by consultant.](#)
- USFWS NWI maps: [USFWS Online Wetland Mapper](#)
- USGS topographic maps: [USGS 1:24K Star Idaho \(1953\)](#)



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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	StreamStats Basin Report, PROSPER Tool
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	IDEQ, Treasure Valley Irrigation KMZ
Other Sources	Wetland and Wildlife Values Assessment 2/2006

- B. Typical year assessment(s):** A typical year assessment was not required to determine the jurisdictional status of aquatic features within the review area.
- C. Additional comments to support AJD:** The review area consists of established agricultural fields, upland hillslope, and minor development that is regionally located along the lower foothills, which separates the the Payette and Boise watersheds. Aquatic resources are limited to features associated with agricultural practices and include ditches, drains, an open water pond and wetlands that are adjacent to these features. Review of the information provided, and available to our office, determined that soil units are non-hydric, aquatic features identified by the USFWS NWI are limited to these identified features, and historical maps place the property on a topographic rise between two potentially historical drainage basins (Big and Little Gulch Creek). Review of Streamstats determined that the basin size upstream of the unnamed drain is approximately 83 acres, which is relatively small, and unlikely to collect enough water to sustain natural flow. This is supported by review of the USGS PROSPER tool, which assigns a low probability of flow. Evidence of hydrology is limited to where irrigation water has been historically applied, including the extent of wetlands within the property. Therefore, aquatic features identified within the review area are determined to be excluded features, and not considered a waters of the United States (U.S.).