



**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): 8/12/2021
 ORM Number: NWW-2019-00331
 Associated JDs: NWW-2019-00331 PJD, dated February 18, 2021
 Review Area Location¹: State/Territory: Idaho City: Caldwell County/Parish/Borough: Canyon
 Center Coordinates of Review Area: Latitude 43.628534° Longitude -116.623108°

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
Boise River	4.2 acre(s)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The combined evidence found on aerial imagery, USGS topographical maps, USGS National Hydrography Dataset, USGS Stream Stats and Aquatic Resources Delineation Reports (dated February 10, 2021 January 26, 2021) indicates that the section of the Boise River found within the review area has perennial flows that are more than in direct response to precipitation, supporting the jurisdictional classification as an (a)(2) perennial tributary. The Boise River flows into the Snake River near river mile 395.4.

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Indian Creek	1.23	acre(s)	N/A.	The combined evidence found on aerial imagery, USGS topographical maps, USGS National Hydrography Dataset, USGS stream stats, IDEQ Indian Creek Subbasin Assessment (dated December, 2001) and Aquatic Resources Delineation Reports (dated February 10, 2021 January 26, 2021) indicates that the section of Indian Creek found within the review area has perennial flows that are more than in direct response to precipitation and supports the jurisdictional classification as an (a)(2) perennial tributary. Indian Creek flows in the Boise River near river mile 20 which flows to the flows into the Snake River near river mile 395.4.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 2 – Indian Creek	0.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 2 physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the to the (a)(2) water. Wetland 2 is a palustrine emergent wetland.
Wetland 3 – Indian Creek	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3 physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the to the (a)(2) water. Wetland 3 is a palustrine emergent wetland.
Wetland 4 - Indian Creek	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4 physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the to the (a)(2) water. Wetland 4 is a palustrine emergent wetland.
Wetland 5 – Indian Creek	0.6	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 5 physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the to the (a)(2) water. Wetland 5 is a palustrine emergent wetland.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 7 – Boise River	0.15	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 7 physically touches or abuts the Boise River which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the (a)(2) water. Wetland 7 is a palustrine emergent wetland.
Wetland 9 – Indian Creek	0.41	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 9 physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the (a)(2) water. Wetland 9 is a palustrine emergent wetland.
Wetland 10a – Indian Creek	0.13	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 10a physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the (a)(2) water. Wetland 10a is a palustrine forested wetland.
Wetland 10b – Indian Creek	0.15	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 10b physically touches or abuts Indian Creek which is an (a)(2) water. See the Aquatic Resources Delineation Report, dated February 10, 2021 and ARDR Addendum, dated January 26, 2021 for the location of the wetland in relation to the (a)(2) water. Wetland 10b is a palustrine emergent wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1 – Unnamed Drain to Indian Creek	0.47	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 has no physical connectivity, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from an (a)(1)-(a)(3) water. Wetland 1 abuts a drainage ditch (Unnamed Drain to Indian Creek) that was constructed to redirected irrigation water and/or agricultural drainage to Indian Creek. However, the ditch does not meet the definition of a tributary, see exclusion (b)(5) below.

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	
Wetland 6a – Notus Canal Overflow	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6a has no physical connectivity, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from an (a)(1)-(a)(3) water. Wetland 6a abuts a drainage ditch (Notus Canal Overflow) that was constructed to redirect irrigation water and/or agricultural drainage to Indian Creek. However, the ditch does not meet the definition of a tributary, see exclusion (b)(5) below.
Wetland 6b – Notus Canal Overflow	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6b has no physical connectivity, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from an (a)(1)-(a)(3) water. Wetland 6b abuts a drainage ditch (Notus Canal Overflow) that was constructed to redirect irrigation water and/or agricultural drainage to Indian Creek. However, the ditch does not meet the definition of a tributary, see exclusion (b)(5) below.
Wetland 8 – Caldwell Drain	0.21	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 8 has no physical connectivity, is not inundated by flooding from, and is not separated only by a natural feature or artificial barrier from an (a)(1)-(a)(3) water. Wetland 8 abuts a ditch (Caldwell Drain) that receives irrigation water and/or agricultural drainage. However, the ditch does not meet the definition of a tributary, see exclusion (b)(5) below.
Wetland 11 – Storm Water Pond	4.94	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Wetland 11 is a part of a stormwater storage pond which was excavated in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction. Google Earth aerial imagery dated May 31, 2005 displays an uplands (i.e. agricultural field, roadway) where the current stormwater storage pond is located.
Notus Canal	2.36	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).	There is no evidence that the section of Notus Canal within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the Notus Canal, see section III below.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Notus Canal Overflow	0.08	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).	There is no evidence that the section of Notus Canal Overflow within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the Notus Canal Overflow, see section III below.
Canyon Hill Lateral	0.44	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).	There is no evidence that the section of Canyon Hill Lateral within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the Canyon Hill Lateral, see section III below.
A Drain	0.23	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).	There is no evidence that the section of A Drain within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made feature was constructed in uplands. No evidence was found to determine a channel was present at the time of its construction nor was evidence found that the flows at the time of the ditch's construction were intermittent or perennial per the Idaho Historical Site Inventory (10CN121), aerial imagery, USGS topo maps, USGS Stream Stats, USFWS NWI map, and USDA soil maps. Current snowpack data was not sufficient to determine flows within A Drain to be more than in direct response to precipitation. See section III (c) for snowpack review.
West Lateral	0.07	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).	There is no evidence that the section of West Lateral within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the West Lateral, see section III below.
Caldwell Drain	0.3	acre(s)	(b)(5) Ditch that is not an (a)(1) or	There is no evidence that the section of Caldwell Drain within the review area was constructed in



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the Caldwell drain, see section III below.
Unnamed Drain to Indian Creek	0.04	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).	There is no evidence that the section of Unnamed Drain to Indian Creek within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands to drain agricultural field, per the Idaho Historic Sites Inventory Form (CLD-1). See Section III below for aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps that support the upland construction of the unnamed drainage ditch.
Retention Pond	1.12	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Stormwater storage pond was excavated in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction. Google Earth aerial imagery dated May 31, 2005 displays uplands (i.e. agricultural field, roadway) where the current stormwater storage pond is located.
Riverside Canal	0.55	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).	There is no evidence that the section of Riverside Canal within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the Riverside Canal, see section III below.
Golden Gate Canal	1480	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	There is no evidence that the section of Golden Gate Canal within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland



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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).	construction of the Golden Gate Canal, see section III below.
Caldwell Highline Canal	0.03	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).	There is no evidence that the section of Caldwell Highline Canal within the review area was constructed in a jurisdictional feature or is a relocated tributary. The man-made linear feature was constructed in uplands. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the Caldwell Highline Canal, see section III below.

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: [Aquatic Resources Delineation, I-84, Caldwell to Karcher, dated February 10, 2021; Aquatic Resources Delineation Addendum, I-84, Caldwell to Karcher, dated January 26, 2021](#)

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: Aerial Imagery: Google Earth \(July 2018, August and June 2017, April 2016, May 2005\); Historicaerials.com \(1954, 1971\). Site photographs: Appendix C, Aquatic Resources Delineation I-84, Caldwell to Karcher, dated February 10, 2021; Appendix B, Aquatic Resources Delineation Addendum, I-84, Caldwell to Karcher, dated January 26, 2021; ITD Archaeological and Historic Survey Reports \(i.e. Caldwell Drain, Caldwell High Canal, Notus Canal, Airport Drain/Unnamed Drain to Indian Creek\)](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [PJD issued February 18, 2021](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Appendix B, Aquatic Resources Delineation I-84, Caldwell to Karcher, dated February 10, 2021](#)
- USFWS NWI maps: [Appendix B, Aquatic Resources Delineation I-84, Caldwell to Karcher, dated February 10, 2021](#)
- USGS topographic maps: [Nampa Quadrangle topographic map, dated 1898, Scale 1:125K; Middleton Quadrangle topographic map, dated 2020, Scale 1:24K; Caldwell Quadrangle topographic map, dated 2020, Scale 1:24K; Nampa Quadrangle topographic map, dated 2020, Scale 1:24K; Boise Quadrangle topographic map, dated 1955, Scale 1:250K; Boise Quadrangle topographic map, dated 1958, Scale 1:250K; Boise Quadrangle topographic map, dated 1981, Scale 1:250K;](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stream Stats (PROSPER tool), review dated June 10, 2021



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Data Source (select)	Name and/or date and other relevant information
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A
Other Sources	ITD Archaeological and Historic Survey Reports (i.e. Caldwell Drain, A drain, Caldwell High Canal, Notus Canal, Airport Drain/Unnamed Drain to Indian Creek)

B. Typical year assessment(s): A typical year assessment is not applicable for the drains, laterals, irrigation ditches and their associated wetlands because the hydrology and normal conditions at the aquatic resources are regulated by man-made irrigation related systems (i.e. headgates, diversions). See the Aquatic Resources Delineation Report and Addendum, dated February 10, 2021 and January 26, 2021 for additional information on the separate aquatic resources hydrology sources.

The Antecedent Precipitation Tool (APT) used for the typical years assessment found normal conditions during the field evaluation conducted on December 18, 2018 associated with the Boise River and adjacent wetland 7. However, the typical year assessment is not applicable to the Boise River due to the hydrology and normal conditions being regulated by various man-made structures (i.e. Boise River Diversion, Luck Peak Dam, Arrow Rock Dam, etc.).

The typical year assessment is not applicable to the portion of Indian Creek within the review area and its adjacent wetlands because the hydrology and normal conditions are currently regulated by man-made irrigation related systems (i.e. Boise River Diversion Dam, New York Canal Callopy headgates). See the IDEQ Indian Creek Subbasin Assessment dated December, 2001 for additional information pertaining to Indian Creeks surface hydrology sources.

C. Additional comments to support AJD: All determination are limited to the section of the aquatic resource(s) within the review area.

A Drain Snowpack Evaluation: An average of 16.5 inches of snowfall could contribute to the spring melt in Caldwell, per Western Regional Climate Center review of weather data during a period of record from 10/8/1904 to 12/31/2005. The Western Regional Climate Center review of the average snow depth from 10/8/1904 to 12/31/2005 found January to be the only month which on had an average of 1 inch of snow depth demonstrating the unlikeliness of spring snowpack melt contributing to sustained flows that are more than in direct response to precipitation during a typical year.