



**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): 5/14/2021  
 ORM Number: NWW-2021-00180  
 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 43.707 Longitude -116.454

**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 or describe 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)<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
Little Gulch Creek	2200	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 Gulch Creek is a natural feature originating in the foothills to the North of the review area and historically traveling southwest. Historical development associated with agriculture and irrigation features has resulted in the historical channel being intercepted by the Farmers Union canal approximately 2 miles north of the property. The channel below this point appears to have been abandoned or relocated into constructed ditches. The reach within the review area is a man-made ditch which delivers water from upstream canals, before discharging into the Drainage District 2 Lateral #10. There is no evidence that the segment within the review area is the original channel or is a relocated reach of that channel that still carries flow from the upper reaches. This reach of “Little Gulch Creek” is a constructed ditch as defined by the Navigable Waters Protection Rule.
Foothills Ditch	2150	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 Foothills Ditch is a man-made earthen ditch constructed in 1903. The ditch originates from the Boise River and traverses the base of the “Foothills” east to west across the valley. There is no evidence that the reach of the ditch with the review area is a relocated tributary or was constructed in a tributary or other jurisdictional feature.
Drainage District 2 Lateral #10	2000	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).	Drainage District 2 Lateral #10 is a man-made earthen drain constructed to carry run-off and return water from adjacent properties. The Drain originates to the east and travels west bordering the southern border of the property. The Drain is typical of constructed drains, to include a straight geometric form and location across the landscape and includes a vegetated fringe. There is no evidence that the reach of the drain within the review area is a relocated tributary, or was it constructed in a tributary or other jurisdictional feature.

<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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**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: [Approved JD request and Supplemental Information Dated 3/31/2021](#)

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

Rationale: [The information provided identification of aquatic resources within the property to include the character of the resources, general flow regimes and use.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth Imagery Dated 5/1992; 6/2007; 5/4/2020.](#)
- 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; Soils within the project area are well draining, non-hydric, with a depth to water table generall more than 80 inches.](#)
- USFWS NWI maps: [USFWS Online Wetland Mapper Reviewed 5/4/2021. Identified resources are limited to those resources considered in this determination.](#)
- USGS topographic maps: [USGS Quad 1:125K, Boise Idaho \(1892\), 1:24K Star Idaho \(1953\)](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">IDEQ Treasure Valley Irrigation KMZ</a>
<a href="#">Other information (specify)</a>	<a href="#">Idaho SHPO Communications regarding historical context</a>

**B. Typical year assessment(s):** [A typical year assessment was not required to asss the jurisdicaiton status of aquatic features within the review area.](#)

**C. Additional comments to support AJD:** [Aquatic resources identified within the review area are limited to man-made constructed ditches and drains, which are not relocated tributaries and were not constructed in tributaries or other jurisdictional features. Therefore the waters within the review area are excluded from Clean Water Act jurisdiction.](#)