



**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): 5/26/2021
 ORM Number: NWW-2021-00239
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Idaho City: Thornton County/Parish/Borough: Madison
 Center Coordinates of Review Area: Latitude 43.753734° Longitude -111.857104°

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

§ a 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 MP 101.9	0.011	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).	The unnamed ditch feature does not relocate a tributary, was not constructed in a tributary or within an adjacent wetland. The man-made linear feature was constructed in uplands and does not follow the topographic drainages present in USGS maps. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the unnamed irrigation ditch, see section III below.
Unnamed Ditch MP 102.3	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).	The unnamed ditch feature does not relocate a tributary, was not constructed in a tributary or within an adjacent wetland. The man-made linear feature was constructed in uplands and does not follow the topographic drainages present in USGS maps. Aerial imagery, USGS topo maps, USFWS NWI map, and USDA soil maps support the upland construction of the unnamed irrigation ditch, 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: [NWW-2021-00239 Aquatic resources delineation map](#)
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: Google Earth Imagery dated: Sept. 4, 2012, Oct. 24, 2013, Sept. 15, 2015; Digital Globe Imagery dated: November 11, 2019](#)
- 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: [NWW-2021-00239, dated May 4, 2021, Group A hydric soils are present for each review area.](#)
- USFWS NWI maps: [NWW-2021-00239, dated May 4, 2021](#)

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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- USGS topographic maps: Rexburg Quadrangle topo map, dated 1949, Scale 1:24K; Rexburg Quadrangle topo map, dated 2020, Scale 1:24K

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	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A, because the hydrology and normal conditions at the unnamed ditches (MP101.9 and 102.3) are regulated by man-made irrigation related systems (i.e. headgates, diversions).
- C. Additional comments to support AJD:** At the request of LHTAC, the review area for this AJD is limited to two unnamed ditches. The aquatic resource delineation provided to the Corps also identified two additional aquatic resources (Liberty Park Canal and Spring Slough) that are within the bounds of the W 5200 S Roadway Improvement Project. These aquatic resources were not evaluated as part of this AJD request. A map clarifying the review area has been provided to the applicant.

Liberty Park Canal receives flows from the Snake River and diverts flows to the Henrys Fork. The unnamed irrigation laterals receives flow from Liberty Park Canal and directs flows to agricultural fields located to the north and west of the review areas.