

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in  
Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 12, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWW-2014-00182-B01, "IDFG Marty Tract Wetland Project"**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Idaho County/parish/borough: Jefferson City: Terreton  
Center coordinates of site (lat/long in degree decimal format): Lat. 43.905682°N, Long. -112.336811°E  
Universal Transverse Mercator: Zone 12T, Northing 4862243.83 m **N**, Easting 392650.54 m **E**  
Name of nearest waterbody: Mud Lake  
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Mud Lake  
Name of watershed or Hydrologic Unit Code (HUC): 17040214 Beaver-Camas-Idaho  
 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: \_\_\_\_\_  
 Field Determination. Date(s): \_\_\_\_\_

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.  
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: \_\_\_\_\_

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply): <sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters  
 Isolated (interstate or intrastate) waters, including isolated wetlands

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: [ ] linear feet; [ ] width (ft.) and/or [ ] acres.  
Wetlands: [ ] acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Project site is located approximately 2 miles to the northeast of Mud Lake on a tract of land that is currently owned by the Idaho Department of Fish and Game (IDFG). The site was previously used for agriculture purposes prior to IDFG purchasing the land and using it as part of the Mud Lake Wildlife Refuge. There are two irrigation ditches that supplies water to the tract and is utilized to create the wetland complexes and ponds. In the Ninth Circuit Court of Appeals decision *Talent v. Headwater Inc.*, the court ruled that man-made canals, ditches and laterals that carry water diverted from a Waters of the United States (U.S.) and discharges back into a Waters of the U.S. should be considered a tributary, and thus subject to Clean Water Act (CWA) regulation. However, these irrigation ditches do not receive water from a surface water source, but rather receive water from a series of groundwater wells operated by the Mud Lake Water Users Association. In accordance with the CWA, groundwater is not regulated under Section 404 of the CWA, and therefore these ditches and the wetlands adjacent to them are not subject to regulation.

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: [ ]

Summarize rationale supporting determination:

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent":

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not

<sup>3</sup> Supporting documentation is presented in Section III.F.

perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size:   
Drainage area:   
Average annual rainfall:  inches  
Average annual snowfall:  inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.  
 Tributary flows through  tributaries before entering TNW.  
Project waters are  river miles from TNW.  
Project waters are  river miles from RPW.  
Project waters are  aerial (straight) miles from TNW.  
Project waters are  aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain:  
Identify flow route to TNW<sup>5</sup>:  
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is:  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width:  feet  
Average depth:  feet  
Average side slopes:

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry:

Tributary gradient (approximate average slope):  %

(c) Flow:

Tributary provides for:

Estimate average number of flow events in review area/year:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks

OHWM<sup>6</sup> (check all indicators that apply):

clear, natural line impressed on the bank

changes in the character of soil

shelving

vegetation matted down, bent, or absent

leaf litter disturbed or washed away

sediment deposition

water staining

other (list):

Discontinuous OHWM.<sup>7</sup> Explain:

the presence of litter and debris

destruction of terrestrial vegetation

the presence of wrack line

sediment sorting

scour

multiple observed or predicted flow events

abrupt change in plant community:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:

oil or scum line along shore objects

fine shell or debris deposits (foreshore)

physical markings/characteristics

tidal gauges

other (list):

Mean High Water Mark indicated by:

survey to available datum;

physical markings;

vegetation lines/changes in vegetation types.

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain:

Identify specific pollutants, if known:

**(iv) Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width):

Wetland fringe. Characteristics:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

Wetland size: \_\_\_\_\_ acres  
 Wetland type. Explain:  
 Wetland quality. Explain:  
 Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:  
 Surface flow is: **Pick List**  
 Characteristics:  
 Subsurface flow: **Pick List**. Explain findings:  
 Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting  
 Not directly abutting  
 Discrete wetland hydrologic connection. Explain:  
 Ecological connection. Explain:  
 Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.  
 Project waters are **Pick List** aerial (straight) miles from TNW.  
 Flow is from: **Pick List**.  
 Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:  
 Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**  
 Approximately \_\_\_\_\_ acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS  
THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:            linear feet;            width (ft); or,            acres.  
 Wetlands adjacent to TNWs:            acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:  
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters:            linear feet;            width (ft).
  - Other non-wetland waters:            acres.
- Identify type(s) of waters:

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C. Provide estimates for jurisdictional waters within the review area (check all that apply):
  - Tributary waters:            linear feet;            width (ft).
  - Other non-wetland waters:            acres.
 Identify type(s) of waters:

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
  - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
  
  - Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area:            acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C. Provide acreage estimates for jurisdictional wetlands in the review area:            acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C. Provide estimates for jurisdictional wetlands in the review area:            acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED WATERS [INTERSTATE OR INTRA-STATE], INCLUDING ISOLATED WETLANDS THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>**Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.**

**Identify water body and summarize rationale supporting determination:**

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters:            linear feet;            width (ft).

Other non-wetland waters:            acres.

Identify type(s) of waters:

Wetlands:            acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS**

(check all that apply):

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).

Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction.

Explain:

Other: (explain, if not covered above): Although the irrigation ditches that supply water to the wetland cells within the project site do have a surface water connection to Mud Lake, the only water that these irrigation ditches convey are from pumping groundwater through a series of deep-water wells operated by the Mud Lake Water Users Association. Since the water is solely from a groundwater source, the ditches and any adjacent wetlands to the ditches would not be subject to CWA jurisdiction.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

Non-wetland waters (i.e., rivers, streams):            linear feet;            width (ft).

Lakes/ponds:            acres.

Other non-wetland waters:            acres. List type of aquatic resource:

Wetlands:            acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

Non-wetland waters (i.e., rivers, streams):            linear feet;            width (ft).

Lakes/ponds:            acres.

Other non-wetland waters:            acres. List type of aquatic resource:

Wetlands:            acres.

**SECTION IV: DATA SOURCES**

**A. SUPPORTING DATA**

**Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: “Idaho Department of Fish and Game – Mud Lake Wetland Reserve Plan of Operations” (June 2020), “Marty Tract Wetland Assessment” (12 Dec 2018), and “2020 Addendum 1 to the Wetland Restoration Project” (February 2020).

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters’ study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.



- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K, "Rays Lake, ID" (2020)
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey, Hydric Rating by Map Unit (Jefferson County, ID).
- National wetlands inventory map(s). Cite name: USFWS Wetlands Mapper
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth Imagery (9/2020 and 7/2016)  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter: NWW-2014-00182-B01, dated 25 Apr 2014.
- Applicable/supporting case law: Ninth Circuit Court of Appeals decision, Talent v. Headwater Inc.
- Applicable/supporting scientific literature:
- Other information (please specify):

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** Although NRCS Web Soil Survey indicates a high possibility of hydric soils within the project site, the hydrology has changed over the past several years leading to a change in the landscape in this area. As Intermountain Aquatics noted in their report, the soils were much more variable than expected based on the published soil surveys. This is likely due to the highly variable history of erosion and deposition of parent materials by water and wind. Further compounding the seepage issue is that the topsoil horizons—the only thing allowing water to persist for an appreciable amount of time—are very thin and were removed from the basins and used to build the berms during construction. Initial soil investigations indicated a soil layer of lower permeability at about 4-5 feet, however, this appears to have been very localized or more permeable than expected.

Currently, few of the basins function as expected and in most areas hydrophytic plant communities have not adequately established. The primary issue that prevented the site from reaching these habitat goals was seepage rates that were much higher than expected. The natural extent of wetlands in the landscape is uncertain, but they expanded in the early twentieth century and then contracted during recent decades. Changes in irrigation management on the Egin bench have altered the groundwater hydrology of the region and have reduced the amount and duration of inundation and saturation of former wetlands on the easement. The near-surface groundwater from the Egin bench no longer supports the historic wetland acreage. Large areas of the Marty Tract (which includes the WRP) that once experienced groundwater discharge or shallow water tables are now dry. Two factors have reduced the passive supply of shallow groundwater: (a) increased groundwater development on the site and in the surrounding area and (b) improvements in irrigation efficiency in recharge areas. Hydrology across the Marty Tract has changed significantly over the last half century and is generally drier than implied by historical aerial photographs, maps, and records.

Existing soils and hydrology are relatively unfavorable for maintaining large areas of standing water on the land surface for long periods. While the site has a topography that is favorable to a large wetland complex, it does not possess the water-holding capacity to support shallow, standing water areas as it was originally hoped to do. The wetlands cells within the Marty Tract simply do not hold water well enough to support hydrophytic plant communities. As a result, IDFG is interested in enhancing the WRP in a manner that is better suited to the conditions as they actually exist. In many cases, hydrological enhancements (coming from the irrigation ditches that run through the site) are required in order to shift the plant community to a greater prevalence of hydrophytes. Since these irrigation ditches do not receive water from a surface water source, but rather receive water from a series of groundwater wells operated by the Mud Lake Water Users Association, these ditches and the wetlands adjacent to them are not subject to CWA regulation.