

**INFORMATION SHEET**

**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS  
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF  
NORTHERN COOK COUNTY vs. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: U.S. Army Corps of Engineers, Sacramento District  
FILE NUMBER: 200400210

REGULATORY PROJECT MANAGER: Nancy Haley DATE: August 5, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the Office (y/n)  At the project site (y/n)  Date: 8/5/04

PROJECT LOCATION INFORMATION:  
State: California  
County: Tulare  
Center coordinates of site by latitude & longitude coordinates: Latitude 36° 35' 44.4", Longitude 119° 37' 21.8"  
Approximate size of site/property (including uplands & in acres): 95.62  
Name of waterway or watershed: Walnut Ditch and Associated ponds HC 18030012

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		✓							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other Water (identify type)									

Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown (Use Best Professional Judgement)		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?		✓			
Is used to irrigate crops sold in interstate commerce?			✓ - irrigation water and assuming goods sent over state lines		

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

A portion of the eastern project boundary is bordered by the Walnut ditch, which is part of an irrigation canal system extending from the Kings River, approximately 24 miles upstream. The project site is also bordered by residential area to the west, south, and southeast and agricultural fields to the north and northeast. The existing land uses on site include agriculture and groundwater recharge basins. The project site contains three groundwater recharge basins which are named for their ownership, and are managed by the Consolidated Irrigation District (CID). Specifically, parcel A contains a basin known as the Young Pond (Approx 16. acres), parcel B contains a basin known as Walnut Pond (approx 5.8 acres), and parcel C contains part of the basin known as Martin Pond (approx 6.3 acres). USFWS classified wetland resources of the site under the NWI system. Both the Walnut and Young ponds were mapped as semipermanently flooded palustrine unconsolidated bottoms, and having seasonal emergent wetlands between them and along portions of their perimeters. The Martin Pond was mapped entirely as having seasonal emergent wetland habitat. In Total, the site supports 2.29 acres of wetlands in the groundwater basins.

Water that flows within the Walnut Ditch onto the site originates in the consolidated Canal which joins the Kings River. The Consolidated Canal splits into various other canals and ditches, including the Kingsburg Canal, which ultimately leads to the Mill Ditch and finally to the Walnut Ditch. Therefore, the end of the above-ground portion of the Walnut Ditch on site lies approximately 24 miles downstream of the Kings River. Water from the Walnut Ditch feeds the Walnut Pond through a short culvert. The Walnut Ditch is then piped underground approx 1500 feet into a field south of Dinuba Avenue where it joins a standpipe associated with a well mapped on the USGS quadrangle for that location. While the quad depicts this ditch as terminated at the well, the ditch continues underground again until it joins the 1881 ditch, otherwise known as the "84 canal". The 1881 ditch then continues for approximately 5 miles to the south-southwest before it spills into the Benight groundwater recharge pond, which is the terminus for this sequence of water diversions from the Kings River.