



**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): [November 20, 2020](#).

ORM Number: [SPK-2010-00711](#).

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [Utah](#). City: [Kamas](#). County/Parish/Borough: [Summit](#).

Center Coordinates of Review Area: Latitude [40.6389](#). Longitude [-111.2902](#).

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).

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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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. acres	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. acres	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. acres	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. acres	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. acres	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	1.52 acres	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetland A is located in a slight depression and receives hydrology primarily from irrigation practices. A small diversion just outside the northeast corner of the study area diverts water from a roadside irrigation ditch onto this portion of

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.

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
				the property. This wetland is otherwise separated from other wetlands and channel features on or offsite. A previous groundwater study and previous jurisdictional determinations on this site have documented changes in wetland boundaries based on altered irrigation practices over time and that hydrology supporting Wetland A is driven by flood irrigation practices. This wetland would revert to upland should flood irrigation cease. Therefore, exclusion (b)(7) applies.
Wetland B	5.36	acres	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetland B is located in a slight depression and receives hydrology primarily from irrigation practices. Ditches G and H divert water onto this portion of the property. This wetland drains through Ditch K toward the west under a farm access road. A previous groundwater study and previous jurisdictional determinations on this site have documented changes in wetland boundaries based on altered irrigation practices over time and that hydrology supporting Wetland B is driven by flood irrigation practices. This wetland would revert to upland should flood irrigation cease. Therefore, exclusion (b)(7) applies.
Wetland C	0.73	acres	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetland C is located slightly down gradient from Ditch K and receives flood irrigation from the eastern portion of the study area. This wetland drains through Ditch L toward the west. A previous groundwater study and previous jurisdictional determinations on this site have documented changes in wetland boundaries based on altered irrigation practices over time and that hydrology supporting Wetland C is driven by flood



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				irrigation practices. This wetland would revert to upland should flood irrigation cease. Therefore, exclusion (b)(7) applies.
Wetland D	0.18	acres	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetland D is located slightly down gradient from Wetland B and receives flood irrigation from the eastern portion of the study area through a culvert under a farm access road. This wetland drains through Ditch M toward the west. A previous groundwater study and previous jurisdictional determinations on this site have documented changes in wetland boundaries based on altered irrigation practices over time and that hydrology supporting Wetland D is driven by flood irrigation practices. This wetland would revert to upland should flood irrigation cease. Therefore, exclusion (b)(7) applies.
Wetland E	0.04	acres	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetland E is located slightly down gradient from Ditches L and M and receives flood irrigation from the eastern portion of the study area. This wetland drains through Ditch L toward the west. A previous groundwater study and previous jurisdictional determinations on this site have documented changes in wetland boundaries based on altered irrigation practices over time and that hydrology supporting Wetland E is driven by flood irrigation practices. This wetland would revert to upland should flood irrigation cease. Therefore, exclusion (b)(7) applies.
Wetland F	0.25	acres	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease.	Wetland F is located slightly down gradient from Ditch L and receives flood irrigation from the eastern portion of the study area. This wetland drains through Ditch N toward the west. A previous groundwater study and previous



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				jurisdictional determinations on this site have documented changes in wetland boundaries based on altered irrigation practices over time and that hydrology supporting Wetland F is driven by flood irrigation practices. This wetland would revert to upland should flood irrigation cease. Therefore, exclusion (b)(7) applies.
Ditch G	592	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).	Ditch G is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 revealed that Ditch G did not previously exist and there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. Ditch G sits slightly higher topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch G did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or any other waters type. Therefore, since Ditch G is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch H	140	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).	Ditch H is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 revealed that Ditch H did not previously exist and there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. Ditch H sits slightly higher



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch H did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or any other waters type. Therefore, since Ditch H is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch I	719	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).	Ditch I is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 shows that this ditch existed back then, though there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. Ditch I sits slightly higher topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch I did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or other waters type. Therefore, since Ditch I is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch J	2017	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).	Ditch J is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 shows that at least a portion of this ditch existed back then, though there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				irrigated pastureland. Ditch J sits slightly higher topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch J did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or other waters type. Therefore, since Ditch J is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch K	37	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).	Ditch K is a constructed irrigation channel used to convey drainage between Wetland areas B and C through a disturbed farm access area. A review of available historic aerial imagery dating back to 1962 revealed that Ditch K did not previously exist and there is no indication of any nearby tributaries that this ditch could have relocated. Ditch K sits slightly higher topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch K did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or any other waters type. Therefore, since Ditch K is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch L	461	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).	Ditch L is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 revealed that Ditch L did not previously exist and there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. Ditch L sits slightly higher



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch L did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or any other waters type. Therefore, since Ditch L is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch M	599	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).	Ditch M is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 revealed that Ditch M did not previously exist and there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland. Ditch M sits slightly higher topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch M did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or any other waters type. Therefore, since Ditch M is not a tributary under (a)(2), exclusion (b)(5) applies.
Ditch N	292	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).	Ditch N is a constructed irrigation channel used to convey water for agriculture. A review of available historic aerial imagery dating back to 1962 revealed that Ditch N did not previously exist and there is no indication of any nearby tributaries that this ditch could have relocated. This ditch is typical of straight, shallow, man-made irrigation laterals used to convey water from canals to irrigated pastureland.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				Ditch N sits slightly higher topographically on the landscape than the surrounding area, supporting the argument that the ditch was constructed in uplands. Ditch N did not relocate a tributary, was not constructed in a tributary and no part was constructed in adjacent wetlands or any other waters type. Therefore, since Ditch N is not a tributary under (a)(2), exclusion (b)(5) applies.

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: [Wise Earth, "Wetlands & Waters Delineation, Wagstaff Parcels KT-595, KT-595-A, B, C, D, & E; October 26, 2017.](#)
[MBP Development, LLC, "Groundwater Level Baseline Report, Kamas Meadows", April 2009.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

- Data sheets prepared by the Corps: .
- Photographs: [Aerial and Other. Google Earth 7.3.3.7692.\(1993, August 23; 2011, September 14; 2013, June 4; 2017, June 22\). Francis, Utah. Latitude 40.608828 Longitude -111.265092, eye alt 15,307 ft. Retrieved November, 2020 from http://www.earth.google.com.](#)
[Historicaerials.com 1962;](#)
[Wise Earth, "Wetlands & Waters Delineation, Wagstaff Parcels KT-595, KT-595-A, B, C, D, & E ground photos.](#)
- Corps site visit(s) conducted on: .
- Previous Jurisdictional Determinations (AJDs or PJDs): [SPK-2010-00711; June 16, 2015, November 29, 2017.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: .
- USFWS NWI maps: .
- USGS topographic maps: .

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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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 Issues	N/A.

B. Typical year assessment(s): N/A.

C. Additional comments to support AJD: The 8 ditch segments identified on site are manmade irrigation conveyances constructed in uplands. Ditches G, H, K, L, M, and N did not exist in the 1962 aerial image from historicearials.com. Imagery that predates Ditches I and J could not be found, though these ditches occur in topographically higher portions of the study area and are characteristic of the other on-site ditches and other upland irrigation laterals throughout this region. All wetlands on site are directly associated with these ditches and exist solely due to the artificial irrigation provided by the ditch network.