



**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): [April 22, 2021](#).

ORM Number: [SPK-2020-00929](#).

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

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

Center Coordinates of Review Area: Latitude [40.1848°](#). Longitude [-111.6425°](#).

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

§ 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.

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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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
Ditch 1	0.092	-acres	(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).	This irrigation ditch/drain was constructed prior to 1958 and flows west into a 200-foot-long pipe that connects with Hobble Creek. Hobble Creek flows to the north and west and eventually empties into Utah Lake, approximately 2 miles from the review area. Utah Lake is the closest (a)(1) water. This ditch was clearly constructed for irrigation purposes. The ditch control structure from Hobble Creek is located approximately 1.4 miles from the review area. This ditch was not constructed through wetlands or is not a realigned stream. Therefore, this ditch is a (b)(5) excluded water.
Ditch 2	619	-linear feet		
	0.0015	-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 1 (0.89 acre) is a palustrine emergent wetland that formed when the irrigation ditch/drain that directly abuts to the north was constructed. The irrigation ditch/drain was constructed prior to 1958. Once the irrigation ditch was constructed, wetland aerial signatures started to appear within the subject wetland
	207	-linear feet		
Wetland 1	0.89	acre	(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 1 (0.89 acre) is a palustrine emergent wetland that formed when the irrigation ditch/drain that directly abuts to the north was constructed. The irrigation ditch/drain was constructed prior to 1958. Once the irrigation ditch was constructed, wetland aerial signatures started to appear within the subject wetland
Wetland 2	0.039	acre		

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
				<p>and become more defined throughout the years. Also, the aeriels analyzed focused on dry years and in spring months, wetland signatures included saturation throughout the year and increase in vegetation density. Aerial photos August 5, 2003, September 30, 2004, and July 11, 2005 were taken during extreme to severe drought, and the subject wetland was clearly saturated from flood irrigation within these photos. Saturation throughout the year is not common for natural wetlands within the Springville area. The ditch was constructed to divert a portion of Hobble Creek to irrigate agricultural fields north of the Creek. The south side of the ditch does not have a berm and water has backed up for many years and formed this wetland. This ditch does connect downstream and eventually empties into Utah Lake, the nearest traditional navigable waterway. These wetlands are located outside the 100-year floodplain of Utah Lake. It also appears that since flood irrigation has been reduced within the site the wetlands have been drying, which is evident in the change of vegetation to include invasive upland weeds. Wetland 2 (0.039 acre) is a palustrine emergent wetland that was fed by an artesian well. This artesian well was installed to flood irrigate the southern portion of the site. The artesian well has been capped and this wetland is starting to transition to an upland. Therefore, Wetland 1 and 2 are (b)(7) excluded waters.</p>



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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: [Aquatic Resources Delineation Report for 1400 North 1750 West, prepared by Tom Hopkins, dated December 2, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

Data sheets prepared by the Corps: [N/A.](#)

Photographs: [Aerial: GoogleEarth 7.3.3.7692. \(1993 August 13, 1997, 2003 August 5, 2004 September 30, September 11, 2005 July 11, 2010 June 17, 2011 October 20, 2013 June 4, 2015 June 16, 2017 June 17, 2019 July 18, 2020 May 31\). Springville, Utah. 40.1848° latitude, -111.6425° longitude, eye alt 7643 ft. Retrieved April 20, 2021, from <http://www.earth.google.com>; Historic Aerials by NETRonline. Aerials. 1958, 1965, 1972, 1983, 1993, 1997, 2011, and 2016. Retrieved April 20, 2021 from <https://www.historicaerials.com/viewer>.](#)

Corps site visit(s) conducted on: [N/A.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [N/A.](#)

USFWS NWI maps: [N/A.](#)

USGS topographic maps: [USGS. \(1909\). Topographic Map. \(Salt Lake, Utah. 1:24,000 scale. 1885; Provo, Utah. 1:24,000 scale. 1950; Salt Lake, Utah. 1:250,000 scale. 1958; Provo, Utah. 1:24,000 scale. 1993; Provo, Utah. 1:24,000 scale. 2011; Provo, Utah. 1,24,000 scale. 2014; Provo, Utah. 1:24,000 scale. 2017\) Reston, VA, USA: U.S. Dept. of the Interior. Retrieved October 26, 2020 from <https://ngmdb.usgs.gov/topoview/viewer/#12/40.1845/-111.63898>; Historic Aerials by NETRonline. Topo Maps. T1950, T1959, T1960, T1971, T2014, T2017. Retrieved April 20, 2021 from <https://www.historicaerials.com/viewer>.](#)

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 Issues	N/A.

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

C. Additional comments to support AJD: [N/A.](#)