



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

ORM Number: [SPK-2020-00133](#).

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

Review Area Location¹: State/Territory: [Nevada](#). City: [Schurz](#). County/Parish/Borough: [Walker River Indian Reservation](#).

Center Coordinates of Review Area: Latitude [38.966°](#). Longitude [-118.825°](#).

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.	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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Canal Number One.	600. 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).	Canal Number One is a constructed channel used to convey water for agriculture. It is not a relocated tributary, was not constructed in a tributary, and no part was constructed in a wetland or any other waters type.

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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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:
This information **Select.** sufficient for purposes of this AJD.
Rationale: **N/A.**
- Data sheets prepared by the Corps:
- Photographs: **Aerial and Other.** [GoogleEarth 7.3.3.7692.](http://www.earth.google.com) (2014 February 2). Schurz, Nevada. 38.966° latitude, -118.825° longitude, eye alt 5358 ft. Retrieved August 11, 2020, from <http://www.earth.google.com>
Walker River Piate Tribe Water Resources Department, site pictures, 2020.
- Corps site visit(s) conducted on: **Date(s).**
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey:
- USFWS NWI maps: **USFWS.** (n.d.). National Wetland Inventory. Project ID: R01Y05P08. Project title and area: **State of Nevada.** Source imagery date: from 1980 to 1986. Washington, D.C.: U.S. Fish and Wildlife Service, Dept. of the Interior. Retrieved August 5, 2020, from Wetlands Mapper: <https://www.fws.gov/wetlands/data/mapper.html> <<https://www.fws.gov/wetlands/data/mapper.html>>.
- USGS topographic maps: **USGS.** (1953). Topographic Map Weber Reservoir, Nevada. 1:62,500 scale. 1951. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122> <<https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122>>
USGS. (2018). Topographic Map Schurz, Nevada. 1:24,000 scale. 2018. Reston, VA, USA: U.S. Dept. of the Interior. Retrieved from <https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122> <<https://ngmdb.usgs.gov/topoview/viewer/#12/42.2093/-111.0122>>.

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	Horton, Gary A. Walker River Chronology: A Chronological History of the Walker River and Related Water Issues. Nevada Division of Water Planning, Department of Conservation and Natural Resources, 1996.
Other Issues	N/A.

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



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C. Additional comments to support AJD: Canal Number One is represented on the earliest available USGS topo map, Weber Reservoir, NV (1953) documenting its construction before 1951. As noted by Horton the time between 1860 and 1935 represented a period of extensive agricultural irrigation construction in the Walker basin and is likely when Canal Number One was constructed. There is no evidence to suggest that Canal Number one is a relocated (a)(1) or (a)(2) water or was constructed in wetlands or any other water of the U.S.