



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5833

May 1, 2006

Regulatory Division

SUBJECT: NWW No. 062100044

RECEIVED
MAY 12 2006
WATER RESOURCES
WESTERN REGION

Mr. Terry M. Scanlan
SPF Water Engineering, LLC
600 East Park Lane, Suite 105
Boise, Idaho 83706

Dear Mr. Scanlan:

This is in response to your January 28, 2006 letter informing us of your client's proposal to divert water from the Boise River during the non-irrigation season to enhance water fowl and wildlife habitat. Water would be diverted from the Boise River through the existing Baxter Ditch and into a series of other irrigation ditches to flood fields and maintain open water in an existing slough on your client's property. The project does not require the dredging or placement of fill material into the Boise River, or any jurisdictional tributaries.

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States. This includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, and wetlands, as well as irrigation and drainage canals and ditches that are tributaries to other waters. The Boise River, unnamed slough and Baxter Ditch are waters regulated under Section 404. Activities regulated under Section 404 include excavation and mechanized landclearing activities which result in the discharge of dredged material and destroy or degrade waters of the United States.

Based on the information provided, it appears the proposed project will not involve work in areas subject to our jurisdiction and a Department of the Army permit will not be required.

A copy of this letter is being copied to: Mr. Steven Stout, 4017 North La Mesita Way, Boise, Idaho 83702; and Mr. Dan Nelson, Idaho Department of Water Resources, Western

Region, 2735 Airport Way, Boise, Idaho 83705. If you have any questions concerning these regulatory matters, please contact me at 208-345-2154, fax 208-345-2968.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Martinez". The signature is written in a cursive, flowing style with some capitalization.

Gregory J. Martinez
Regulatory Project Manager