

US Army Corps of Engineers Farm Pond/Irrigation Exemption Request

I, _____, am the current owner of the following property located at:

I wish to pursue confirmation from the United States Army Corps of Engineers (Corps) that the activity I propose is exempt from Department of the Army (DA) permitting subject to Section 404 of the Clean Water Act, 33CFR, Part 323.4 (3). This regulation states that construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches may be exempt from DA permitting requirements. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures, and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption.

Furthermore, I understand that in order to qualify for the exemption, a low flow orifice may be required to be installed on the principal spillway pipe in order to maintain downstream flow during the filling of the pond and during dry weather conditions. Normal downstream flow must be maintained at all times. Compliance with this provision shall be determined by the Corps on a case-by-case basis.

In addition, if the land use surrounding the pond changes from agricultural use to a non-agricultural use, including, but not limited to a commercial or residential development, the pond will no longer be exempt and a DA individual permit will be required, if the jurisdictional impacts to waters of the United States exceeds either 0.5 acre of wetlands and/or 300 linear feet of stream channel subject to regulatory authority pursuant to Section 404 of the Clean Water Act. Should the impacts be less than those mentioned above, then the project might qualify for DA nationwide permitting.

Signature _____

Printed Name _____

Address (if different from above) _____

Home Telephone Number _____

Mobile Telephone Number _____