Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Roy P. Handley P.O. Box 270 Clinton, MT 59825	Adam Perine c/o Newfields 1120 Cedar St.. Missoula, MT 59802

2. Type of action: Application to Change a Water Right No. 76G-30069169

3. Water source name: Groundwater

4. Location affected by project: Sections 22, 23, and 34, T12N, R17W, Missoula County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

   Applicant proposes to add an additional point of diversion and change a portion of the place of use for irrigation Statement of Claim Nos. 76G-100112-00 and 76G-100113-00 and change the point of diversion and place of use for stock water Statement of Claim No. 76G-100110-00. The applicant proposes to move 200 gallons per minute (GPM) of the 500 GPM flow rate for these water rights to a new point of diversion consisting of a groundwater well in the SENWSE of Section 34, T12N, R17W. The applicant will remove 15.35 acres and 61 AUM from the current 55.15 acre place of use and water will be diverted from the new well to irrigate 15.35 acres and provide water for 61 AUM in the SE of Section 34, T12N, R17W. The applicant will continue to divert 300 GPM from the groundwater well located in the SWSWSW of Section 23, T12N, R17W for irrigation of 39.8 acres in the E2E2SEof Section 22 and SW of Section 23, T12N, R17W under Statement of Claim Nos. 76G-100112-00 and 76G-100113-00. Period of diversion and period of use will remain the same for all three water rights proposed for change: April 1 – October 19 for the irrigation water rights and January 1 – December 31 for the stock water right. The DNRC shall issue a change authorization if the applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The new point of diversion is a groundwater well located two miles south of the current well, adjacent to the Clark Fork River and upstream from the current well. The Upper Clark Fork River is listed as dewatered on the 2005 Montana Department of Fish, Wildlife & Parks Dewatering Concern Areas list from Racetrack Creek to Rock Creek; the place of use and point of diversion are approximately 3 miles downriver from the lowest point at Rock Creek. This is not a new appropriation and impacts to the timing of water available in the Upper Clark Fork are addressed through conditions on the change.

Determination: No impact.

Water quality **-** *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The Upper Clark Fork River, from Flint Creek to the Blackfoot River, is listed on DEQ's 2014 303(d) list as water quality impaired. The beneficial use of agriculture is fully supported while aquatic life, drinking water, and recreation are not fully supported. Impairment causes include alteration in stream-side or littoral vegetative covers, arsenic, cadmium, chlorophyll-a, copper, iron, lead, mercury, nitrogen, phosphorus and zinc. The source of impairments include channelization, grazing in riparian or shoreline zones, mill tailings, mine tailings and municipal point source discharges.

The irrigation water rights have been in use at the Applicant's place of use since 1887 and the stock water right has been in use since 1922. The proposed partial change in place of use for irrigation and place of use change for stock with the addition of a groundwater well point of diversion will not result in an increase in the amount of water diverted or consumed. The 15.35 acre proposed place of use is located approximately two miles upstream of the current 15.35 acre place of use. This change will not result in a change to water quality as there is no change in the proposed practice of irrigation or stock watering from the well.

Determination: No impact.

Groundwater **-** *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

The new well will not affect groundwater quality or supply; however, use of the water from the well at the proposed 15.35 acre place of use will result in a change of timing that return flows show up in the river which affects adjacent surface water flows. In order to mitigate the modeled change in flows in the Clark Fork River, the applicant will adhere to conditions attached as a requirement to granting of this change.

Determination: No impact.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The applicant plans to install one well with withdrawals powered by a submersible pump capable of pulling 200 GPM. The applicant will supply water to a wheel line irrigation system. The net effect on the Clark Fork River is that there will be no change in volume of water withdrawn and the Applicant has shown that impacts to the timing of flows during the month of August can be mitigated through the condition on the water right. The proposed use of groundwater will not impact any channels, cause adverse effect due to flow modifications, create any barriers or impact riparian areas, dams or other existing or future wells.

Determination: No impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **-** *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program (MNHP) was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project. The MNHP identified the following animal species: Great Blue Heron, Flammulated Owl, Pileated Woodpecker, Cassin's Finch, Westslope Cutthroat Trout, Bull Trout, Fisher, Wolverine, Canada Lynx, Northern Alligator Lizard, Magnum Mantleslug, Bat Roost, and the vascular plant Alpine Collomia.

The location of the 15.35 acres that will receive irrigation from April 1st through October 19th, annually, has been irrigated since 1979. Any impacts to the above listed sensitive species have likely already occurred as a result of the prior land conversion. It is unlikely that any additional impacts will occur as a result of the proposed change.

Determination: No significant impact.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

The proposed project does not create or impact any wetlands.

Determination: No impact.

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

The proposed project does not create or impact any ponds.

Determination: No impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Soils at the new 15.35-acre place of use have been irrigated from the existing well since 1979 and will not be degraded or altered through continued irrigation with the new well and water application rates. Soils at the place of use are nonsaline to very slightly saline and thus, are unlikely to be susceptible to saline seep.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

The 15.35 acres that will no longer be considered a part of the place of use was part of an unperfected change and was never converted to agriculture. Providing a more adequate source of irrigation at the proposed 15.35-acre place of use will reduce the opportunity for noxious weed invasion as crops are maintained.

Determination: No impact

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Deterioration of air quality and/or adverse effects on vegetation due to increased air pollutants is not expected. The water will be diverted using an electric motor installed in the well and therefore, there will be no emissions and/or increased noise levels associated with the proposed appropriation of groundwater.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands.*

N/A – project not located on State or Federal Lands.

Determination: No impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

All impacts to land, water, and energy have been identified and no additional impacts are anticipated.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The Department finds no locally adopted environmental plans or goals relevant to the requested change in point of diversion and place of use.

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter or impair access to the present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities.

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

No impacts to human health were identified.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**XX**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(b) *Local and state tax base and tax revenues?* Continuation of activities at the place of use may continue to provide for the tax base of this area.

(c) *Existing land uses?* None identified.

(d) *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. *Describe any mitigation/stipulation measures:*

No reasonable alternatives were identified in the EA.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

No alternative identified.

PART III. Conclusion

1. Preferred Alternative: N/A

2 Comments and Responses: N/A

3. *Finding:*
Yes___ No_X_ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of analysis for this proposed action because no significant impacts have been identified as a result of the proposed action.

Name of person(s) responsible for preparation of EA:

Name: Amy Groen
Title: Hydrologist/Specialist
Date: June 2, 2016