

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:

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P.O. Box 29	C/o WGM Group
Stevensville, MT 59870	1111 E. Broadway.
	Missoula, MT 59802

2. Type of action: Application to Change a Water Right No. 76F-30068632

3. Water source name: Burnt Fork Creek, North Burnt Fork Creek, Claremont Creek, and Sawmill Creek

4. Location affected by project: Sections 10, 11, and 13, T8N, R19W, Ravalli County

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

The Applicant proposes to add an additional point of diversion and change a portion of the place of use for Statement of Claim Nos. 76H-19742-00, 76H-19745-00, and 76H-215672-00, changing 224.4 gallons per minute (GPM) up to 16.2 acre-feet (AF) for the purpose of late season irrigation on 15 acres southeast of the current place of use. The Applicant will discontinue irrigation of 5.2 acres in the SWNW and NWSW and 9.8 acres in the SWNE, SENW, and NESW, all in Section 11, T8N, R19W in order to provide irrigation to 15 acres in the SW, and NW of Section 13, T8N, R19W. The Applicant proposes to divert water from Sawmill Creek, a tributary to Burnt Fork Creek, and apply water to the 15-acre field from an existing point of diversion in the SENESE of Section 13, T8N, R19W from July 15<sup>th</sup> until September 15<sup>th</sup>, annually. Statement of Claim No. 76H-19744-00 will continue to be used at the proposed 15-acre place of use until it is out of priority, after which the water rights proposed for change will be used to irrigate the Sawmill Creek field one to three additional time. 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:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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 on Sawmill Creek, tributary to Burnt Fork Creek which flows into the Bitterroot River. Five miles of Burnt Fork Creek are listed as dewatered on the 2005 Montana Department of Fish, Wildlife & Parks Dewatering Concern Areas list, downstream from the point of diversion and place of use of the proposed change. This is not a new appropriation and no additional impacts to water quantity will be seen in the Burnt Fork Creek drainage as a result of this change; any depletion to surface water sources has already been established.

*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 Bitterroot River, from Skalkaho Creek to Eightmile Creek, is listed on DEQ's 2014 303(d) list as water quality impaired. Beneficial uses of drinking water and agriculture are fully supported while primary contact recreation and aquatic life are not supported. The probable cause of impairment for primary contact recreation is low flow alterations. Aquatic life impairments are associated with low flow alterations, sedimentation/siltation, and water temperature.

These water rights have been in use at the Applicant's place of use since the 1870's. The proposed change in place of use and point of diversion will not result in an increase in the amount of water diverted or consumed; the total amount of diverted and consumed water will decrease as a result of this change. The purpose of the proposed change in point of diversion and place of use is to provide late season irrigation on 15 acres that are currently irrigated with a water right from Sawmill Creek. A portion of the previous place of use will no longer be irrigated as Claremont Creek has been restored. This change will not result in a change to water quality.

*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.*

*Determination:* N/A – the proposed change is for existing surface water rights.

**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 proposed point of diversion on Sawmill Creek is already being utilized as water is diverted to irrigate the 15-acre place of use early in the season. There are no additional diversion structures required to continue diversion later into the season. The existing infrastructure has recently been upgraded and will be maintained by the Applicant and utilized by the water commissioner for water delivery.

*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, Bald Eagle, Peregrine Falcon, Lewis’s Woodpecker, Pileated Woodpecker, Clark’s Nutcracker, Bobolink, Westslope Cutthroat Trout, Bull Trout, Little Brown Myotis, Townsend’s Big-eared Bat, Western Skink, Bat Roost, and the vascular plant Shining Flatsedge.

The location of the 15 acres that will receive irrigation from July 15<sup>th</sup> through September 15<sup>th</sup>, annually, has been historically irrigated since 1922. 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 additional late season irrigation being applied to the 15-acre place of use.

*Determination:* No 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-acre place of use have been irrigated since 1922 and will not be degraded or altered by providing late season irrigation water from the same source that has been used to irrigate the field in the past. Soils at the place of use are nonsaline and thus, not 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.

Discontinuing irrigation at the 15 acres that will no longer be harvested may provide an opportunity for noxious weed invasion. It is the Applicant's responsibility to control weeds at this site. Providing late season irrigation at the proposed 15-acre place of use will reduce the opportunity for noxious weed invasion as crops are maintained.

*Determination:* No significant impact

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

Impacts to air quality from increased air pollutants are not expected as a result of this project. Water will be diverted at a reduced rate from an existing point of diversion to irrigate the 15-acre place of use.

*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.

<b>HUMAN ENVIRONMENT</b>
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**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? Existing land use will remain unchanged; 15 acres of historic irrigation is being replaced with 15 acres of late season irrigation
- (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? Maintenance of current activity levels.
- (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:* May 12<sup>th</sup>, 2015