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

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address*: Jay & Colleen Meyer
3652 Meyer Lane
Stevensville, MT 59870

2. *Type of action*: Application To Change A Water Right No. 76H 30022307

3. *Water source name*: North Fork of the Burnt Fork Creek

4. *Location affected by project*: SW Sec. 24 T09N, R20W, Ravalli County
SE Sec. 30 T09N, R19W, Ravalli County

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

The Meyer's submitted an Application to Change a Water Right to DNRC to add a point of diversion and change a portion of the place of use of a North Fork Burnt Fork Creek irrigation water right they purchased from Scanlia Inc. The water right being changed is number 76H 19944 with a priority date of June 1, 1863 for the diversion of 1.9 cfs (75 Miner's Inches) of water to irrigate 148 acres in the SW of Section 24, T09N, R20W. The Scanlia's own 73 % of the water right, which equates to 1.39 cfs (55.46 Miner's Inches) for irrigation of 107.5 acres. This amount of water will be moved to Meyer's property for supplemental irrigation on 107.5 acres in the SE of Section 30, T09N, R19W. The water will be diverted via the Meyer's existing point of diversion on Spring Creek (a side channel of the North Fork Burnt Fork Creek) in the SWNESE of Section 30, T09N, R19W. The water right being changed currently has two diversions that will still be used, and irrigation will still occur on 40.5 acres of the historic place of use.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Historical Society
Montana Natural Heritage Program
Department of Fish, Wildlife and Parks Website
DEQ 303(d) Impaired Stream list

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 Montana Department of Fish, Wildlife and Parks lists the North Fork Burnt Fork Creek as chronically dewatered. Diversion of water for irrigation is the cause of the chronic dewatering, and the use of this historic water right contributes to dewatering. The proposed change in water use will not worsen the already dewatered condition since the proposed change will not result in a new use of North Burnt Fork Creek water. The water right being changed has been diverted from the North Fork Burnt Fork Creek since June 1, 1863. If the change is authorized the water right owners will not be allowed to divert more water than what was historically diverted

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 North Fork Burnt Fork is listed on the Department of Environmental Quality 303(d) list as being water quality impaired. The steam fully supports agricultural, industrial and primary recreation uses and drinking water supply. The stream partially supports aquatic life and cold-water fisheries. The probable causes of water quality impairment include bottom deposits and increased phosphorus and nitrogen levels from stock grazing in riparian or shoreline zones and irrigated crop production. The use of this historic water right for crop irrigation most likely contributes to water quality impairments. The continued use of this water right and proposed change in point of diversion and place of use will not worsen the water quality impairment, as the amount of acreage irrigated and amount of water diverted from the stream will remain the same.

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 proposed project only involves the diversion of surface water for irrigation. Studies in the Burnt Fork Creek drainage show that flood irrigation using surface water greatly contributes to down gradient stream flows due to stream recharge from shallow groundwater. The water right being changed was used for both flood and sprinkler irrigation. Groundwater recharge from sprinkler irrigation will be less than flood irrigation. The new place of use will also be sprinkler irrigated. The new place of use is located further upstream from the historic place of use, thus making any return flows from irrigation available further up the drainage than in the past. This

may provide some increased benefit to local shallow groundwater aquifers higher up in the drainage.

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 proposed new point of diversion on Spring Creek consists of a headgate and short ditch system. The headgate that will be used has been in use for many decades, and no changes to the structure are planned. Since there will be no work or ground disturbance required at the point where water is diverted from the stream there will be no impacts to the channel, or adjacent riparian areas. Relocating a portion of this water right upstream may cause minor flow modifications in Spring Creek and the North Fork Burnt Fork from it's confluence with Spring Creek downstream to the historic headgates used originally to diverted this water right. Since the applicant will be diverting 1.39 cfs at the new upstream location, this amount of water will no longer be in the aforementioned reach of stream. The project does not involve any dams, and should not create any barriers to fish migration. Since there will be no impact to groundwater, the project will not impact well construction.

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 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 following sensitive plant and animal species occur within Township 09 North, Range 19 West: Bobolink, spotted skunk and a State Champion Tree.

The project should not bobolink populations occurring in the Burnt Fork valley. The bobolink is a bird that nests in grasslands or agricultural lands including hayfields. Frequent haying of pastures is shown to reduce nesting success. Bobolink will return to the same nesting site if past broods were successful. If the proposed change in water use is authorized by DNRC both the historic place of use and the new place of use will remain agricultural pasture. Spotted skunk populations similarly should not be impacted since the areas of water use will remain rural agricultural land. The State Champion Tree will not be impacted since it is not located on the applicant's land.

The project will not require any construction or ground disturbance, further reducing the likelihood of impacts to the above mentioned sensitive species.

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 project does not involve any wetlands. Riparian habitat along North Burnt Fork and Spring Creeks will not be impacted.

Determination: No impact.

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

The project does not involve 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.*

The project does not require any construction or ground disturbance that may impact soil quality or stability. The irrigated pasture consists of Corvallis Silt Loam. These soils are not high in salts that contribute to saline seep. Irrigation water will be applied by sprinkler, and will be controlled to prevent erosion caused by over watering.

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.*

There will be no impact to existing vegetative cover. The existing vegetative cover consists of irrigated pasture grass. The applicant will be responsible for controlling noxious weeds on their property.

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.*

No source of increased air pollutants was identified.

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.*

The Montana Historical Society has determined that there are no known historical and/or cultural sites that will be impacted as a result of this project.

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.*

Determination: None identified.

HUMAN ENVIRONMENT

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

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.*

Determination: No impact.

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

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?* No impact.

(b) *Local and state tax base and tax revenues?* No impact.

(c) *Existing land uses?* No impact.

(*d)* *Quantity and distribution of employment?* No impact.

(e) *Distribution and density of population and housing?* No impact.

(f) *Demands for government services?* No impact.

(g) *Industrial and commercial activity?* No impact.

(h) *Utilities?* No impact.

(i) *Transportation?* No impact.

(j) *Safety?* No impact.

(k) *Other appropriate social and economic circumstances?* No impact.

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:*** None identified.

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:*** None identified.

PART III. Conclusion

1. ***Preferred Alternative*** None identified.

2 ***Comments and Responses***

3. ***Finding:***
*Yes___ No_**XX**__ 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 THE PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.

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

Name: Jim Nave
Title: Water Resource Specialist
Date: September 20, 2006