

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: **Zachary E & Patricia J Wirth
2020 Sieben Canyon Rd
Wolf Creek MT 59648-0197**

2. Type of action: **Application to Change a Water Right No. 30017269-41QJ
Statement of Claim No. 97581-41QJ**

Only the portion of the right owned by Zachary E. & Patricia J Wirth is being changed.

3. Water source name: **Little Prickly Pear Creek**

4. Location affected by action: **NWSWNE, Sec 19, Twp 13N, Rge 4W, Lewis and Clark Co.**

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

The applicant proposes to add an additional point of diversion to an historic water right. Water would be diverted through a rock diversion dam and headgate located in the NWSWNE of Sec 19, Twp 13N, Rge 4W, Lewis and Clark County. Diversion would continue to occur from April 15 to October 15. From the dam and headgate, water would be conveyed thru a 900-foot 20-inch steel pipe. At the end of the pipe the water would be conveyed into a 400-foot ditch to a secondary point of diversion located in the NWSENE of Sec 19, Twp 13N, Rge 4W, Lewis and Clark County. The pump unit would consist of a John Deere 4045D-80 power unit powering a Berkeley B2.5JQBM, full trim pump supplying water to the sprinkler system. The place of use is not involved in this change.

The maximum flow rate and volume for this change would be 347 gallons per minute up to 125 acre-feet per year.

The DNRC shall issue an Authorization to Change if the criteria in 85-2-402, MCA are met.

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

**Montana Dept of Fish, Wildlife and Parks helped with preparing this application as Part of a Future Fisheries Improvement Project.
Montana Natural Heritage Program (MTNHP)
Montana Fisheries Information System (MFIS)
Montana Department of Environmental Quality (TMDL listing 2002 303(d) 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.

Determination: **No significant impact.**

The Montana Fisheries Information System shows a periodic dewatering problem from mile 0.0 to river mile 13.3. This means dewatering is a significant problem only in drought or water-short years. The proposed change would not create an additional burden on the source of supply since less water would be diverted through an improved delivery system.

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.

Determination: **No significant impact. Little Prickly Pear Creek is on the TMDL water quality impaired list. This project would not have an adverse affect on water quality.**

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: **No significant impact to groundwater quality or supply.**

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.

Determination: **No significant impact.**

The new point of diversion is actually an existing point of diversion used by another water right. The applicant proposes to use this existing diversion. Water would be diverted through a rock diversion dam and headgate located in the NWSWNE of Sec 19, Twp 13N, Rge 4W, Lewis and Clark County. From the dam and headgate water would be conveyed thru a 900-foot 20-inch steel pipe. At the end of the pipe the water would be conveyed into a 400-foot ditch to a secondary point of diversion located in the NWSENE of Sec 19, Twp 13N, Rge 4W, Lewis and Clark County. The pump unit would consist of a John Deere 4045D-80 power unit powering a Berkeley B2.5JQBM, full trim pump supplying water to the sprinkler system.

The proposed project will not impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams or well construction.

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."

Determination: **No significant impact.**

The MTNHP has identified five species of special concern in the vicinity of the project area. All of the species are vertebrate animals. They are as follows: Melanerpes lewis or Lewis's Woodpecker; Dolichonyx oryzivorus or Bobolink; Oreoscoptes montanus or Sage Thrasher; Spizella breweri or Brewer's Sparrow; Numenius americanus or Long-billed Curlew. None of the occurrences were in the immediate area of the project. There should not be an impact to any of the special concern species.

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

Determination: **This project does not involve a wetland.**

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

Determination: **This project does not involve a pond development.**

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.

Determination: **No significant impact.**

The soil in the area is generally classified as Meadowlark-Fairway Complex. The soil texture tends to become gravelly sand at depths of 35 to 40 inches. In some area the shift is found at shallower depths. According to information in the file, whether it is surface wastewater or subsurface return flow, substantially all of the water returns to the creek within days of diversion.

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.

Determination: **The proposed project should not have an impact to vegetative cover. The new point of diversion is an existing point of diversion. The installation of the pump and pipeline may have a minimal effect to the vegetative cover. The proposed project may result in the establishment or spread of noxious weeds. The landowner is responsible for controlling any noxious weeds on the property.**

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

Determination: **No significant impact. There should not be a deterioration of air quality or adverse effects of vegetation due to increased air pollutants.**

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **No significant impact. The proposed project involves land that has been previously disturbed.**

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: **No other impacts on environmental resources of land, water and energy were 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 significant 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 significant impact. This proposed project will not impact access to or the quality of recreation and wilderness activities.**

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

Determination: **No significant impact. This proposed project will not impact human health.**

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.
Yes ___ No X.

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 significant impact.**
- (b) Local and state tax base and tax revenues? **No significant impact.**
- (c) Existing land uses? **No significant impact. The land use is not changing.**
- (d) Quantity and distribution of employment? **No significant impact.**
- (e) Distribution and density of population and housing? **No significant impact.**
- (f) Demands for government services? **No significant impact.**
- (g) Industrial and commercial activity? **No significant impact.**
- (h) Utilities? **No significant impact.**

- (i) Transportation? **No significant impact.**
- (j) Safety? **No significant impact.**
- (k) Other appropriate social and economic circumstances? **No significant impact.**

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

Secondary Impacts: **There have been no secondary impacts on the physical environment and human population identified at this time.**

Cumulative Impacts: **There have been no cumulative impacts on the physical environment and human population identified at this time.**

Describe any mitigation/stipulation measures: **No mitigation or stipulation measures have been identified or discussed at this time**

3. 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: **There do not appear to be any reasonable alternatives to the proposed action. The no action alternative would have the applicant use the water as it has been used historically.**

PART III. Conclusion

- 1. Preferred Alternative: **Issue the authorization for the proposed project or in some form deemed reasonable.**
- 2. Comments and Responses: **No comments have been received at this time.**
- 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 environmental assessment is the appropriate level of analysis for this proposed action because no significant environmental impacts were identified.**

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

Name: Kathy Arndt
Title: Water Resources Specialist
Date: February 2, 2006