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*: Tin Cup Water & Sewer District
PO Box 292
Darby, MT 59829

2. *Type of action*: Application to Change a Water Right Number 76H 30016855

3. *Water source name*: Tin Cup Creek and Reservoir

4. *Location affected by project*: SENE Sec. 8 T03N, R21W, Ravalli Co.
N2 Sec. 9 T03N, R21W, Ravalli Co.

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

The Tin Cup Irrigation District submitted an Application to Change a Water Right (DNRC Form 606) to receive authorization from the State of Montana to change the place of use for the irrigation district's water rights. These rights are from Tin Cup Creek and the Tin Cup Creek Reservoir, and historically were used in combination to irrigate up to 2,939 acres. The change in place of use will consist of a 10-acre swap within the irrigation district boundaries. 10 acres in the N2 of Section 9, T03N, R21W will no longer be serviced by the irrigation district, while 10 new acres in the SENE of Section 8, T03N, R21W, will be serviced by the irrigation district. This change in place of use will not require any change to the diversion and conveyance means used to historically exercise these rights. Irrigation and stock watering are recognized as beneficial uses of water by the State of Montana. If the applicant meets the requirements of MCA 85-2-402, DNRC will authorize the change in water use.

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

## 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.*

Montana Department of Fish, Wildlife and Parks lists Tin Cup Creek as chronically dewatered. The chronically dewatered condition of Tin Cup Creek should not be worsened if the requested change in water use is authorized by DNRC. The irrigation district's water rights have been in constant use since the late 1800's and are regulated by a water commissioner. The acres irrigated by the district will remain the same, and the diversions and ditches used to convey this water will remain unchanged. The irrigation district will not be allowed to divert more water out of the stream if the change is authorized, and the stream flow condition should remain unchanged.

*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 Montana Department of Environmental Quality lists Tin Cup Creek as water quality impaired. The source of impairment is agricultural diversions resulting in low flows. The Tin Cup Irrigation District and all other Tin Cup Creek water users are responsible for the impaired water quality. However, the irrigation district's Tin Cup Creek diversion is legal and the water rights are recorded with DNRC. The proposed change in water use will not worsen the water quality impairment because the irrigation district will not be allowed to divert more water from the stream if this change application is authorized.

*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 project does not involve groundwater and should not impact groundwater quality or supply.

*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 change will not affect the diversion works used for these water rights. The irrigation district will continue to use the same headgates and ditch systems, and there are no

planned modifications to the means of diversion and conveyance. The existing headgates have been operational for decades, and are not impacting stream channel or riparian areas, these diversions are not fish migration barriers, although during low flow periods in Tin Cup Creek fish migration may be impacted. The proposed project will not change the amount of water historically diverted from Tin Cup Creek, thus low flows will not be exacerbated. The project does not involve any dams and/or 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."*

Since this application is not for a new appropriation of water, and the water rights to be changed were historically diverted and put to use, the amount of water flowing in Tin Cup Creek should remain the same, and there should be no adverse affect to sensitive fish species such as Westslope Cutthroat and Bull Trout.

The new 10-acre place of use for irrigation and stock use was historically irrigated and the vegetation present is controlled through agricultural practices. Therefore there is limited possibility of sensitive plant species being impacted.

There will be no ground disturbance or construction activities required if the change in water use is authorized. The new 10-acre place of use will be supplied irrigation water using a portable pump placed on the existing ditch bank, and water will be conveyed via an above ground mainline. With no ground disturbance or construction activities there should be no impact to vegetation or animal 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 proposed project does not involve any wetlands.

*Determination*: No impact.

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

This 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 new 10-acre place of use for irrigation consists of Woodside very stony sandy loam. Woodside series soils are not susceptible to saline seep. There will be no degradation of soil quality. The new place of use for irrigation was historically irrigated. The applicant proposes to use sprinkler irrigation and will be able to control the amount of water applied to the soil. There will be no soil disturbance associated with the change in place of use.

*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 existing vegetative cover at the new 10-acre place of use consists of pasture grass. All native vegetation was removed decades ago, and the land has been in agricultural production since. The proposed change in water use should not result in establishment of noxious weeds since there will be no soil disturbance and the application of irrigation water will enhance existing pasture conditions.

*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 sources of increase air pollutants were 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.*

Because the new 10-acre place of use has been farmed and irrigated for decades and will remain so if the change in water use is authorized, there is a low likelihood of the existence of unique archeological or historical sites that could be impacted. There will be no soil disturbance or construction activities associated with this project, thus further reducing the likelihood of impact to cultural resources.

*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.*

None identified.

*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.*

There are no locally adopted environmental plans and/or goals governing the project site. The proposed project will allow the applicant to keep the property in agricultural production.

*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 project is located entirely on private property and will not affect recreational and/or wilderness activities. There already are limited recreational opportunities on this private property.

*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?* None identified.

(b) *Local and state tax base and tax revenues?* None identified.

(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:*** 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:***

*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:*

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

*Name:* Jim Nave
*Title:* Water Resource Specialist
*Date*: 02/21/2006