

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: Earl & Karen Shultz Family Partnership
P.O. Box 2394
Rancho Sante Fe, CA 92067

Contact: Ron Schwend
Box 498
Twin Bridges, MT 59754
2. Type of action: Change Application No. 43D 30023063
3. Water source name: Groundwater
4. *Location affected by project:* Section 4 of Township 6 South, Range 24 East in Carbon County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This application requests to change the point of diversion of water right 43D 13887 to two new artesian wells. The two PODs are developed wells in the NE NW SW Section 3 and the of NW NE NW of Section 10 in Township 6 South, Range 24 East in Carbon County. The combined flow of the two new wells will be approximately 3250 gpm. The old artesian well has a broken casing and is creating unwanted seepage along the hillside. The DNRC will issue a change authorization only if all criteria for issuance under MCA 85-2-402 are met.
6. Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)

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| <p>Montana Natural Heritage Program Montana Historic Preservation Office Montana Department of Fish Wildlife & Parks (MFWP) Montana Department of Environmental Quality (MDEQ)</p> | <p>Species of concern Data Report Historic Site Determination Dewatered Concern Report TMDL Listings</p> |
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Part II. Environmental Review

1. Environmental Impact Checklist:

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| PHYSICAL ENVIRONMENT |
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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.*

Determination: The proposed Point of Diversion is 2500 feet to the west of the original artesian well. It has been shown by the Fish Wildlife & Parks that the artesian wells in this area tend to be hydrologically connected to the Big Blue Water Spring. The overflow and runoff of the developed artesian well runs into the Bluewater Creek immediately above the Bluewater Fish Hatchery. The Blue Water Creek then flows into the Clarks Fork of the Yellowstone that is listed as Periodically Dewatered from this confluence to its mouth at the Yellowstone River. This change is not expected to worsen the dewatering of the Clarks Fork of the Yellowstone as long as the development is done responsibly.

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: There should be no additional impact on water quality of Blue Water Creek as long as the flow and volume of the new artesian well is regulated to prevent erosion.

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: The source is two artesian wells providing a combined flow of approximately 3250 GPM. The artesian wells in this area have been shown to be closely connected to each other. For this reason, an increase of flow beyond what was historically used may impact the artesian wells that feed the Big Bluewater Fish Hatchery 1 mile to the west. Close attention should be paid to the flows of all artesian wells and springs in the area by all parties.

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: The source is ground water through two artesian wells providing a combined flow of approximately 3250 GPM. The two artesian wells are referred to as the Shultz Well in NE NW SW Section 3 in Township 6 South, Range 24 East that contributes its entire flow of 2200 gpm and the Power Well in NW NE NW of Section 10 in Township 6 South, Range 24 East that will contribute part of its flow up to 1050 gpm. The two wells will be manifold together to in order to direct the flood/sprinkler irrigation of the 208 acres.

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: The Montana Natural Heritage Program identified the Milk Snake and the Greater Sage Grouse as species of concern while the Giant Helleborine plant, the Spotted Joepye-Weed and Swamp Milkweed are vascular plants of concern in the project area. Because this land has been irrigated in the past there is not expected to be additional impacts on these species as a result of this change.

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: There are no wetlands in the project area.

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

Determination: There are no reservoirs involved with this change.

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: Because this change involves only a new place of diversion there is no potential for new saline seep or soil stability problems as a result of the change.

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 new well is already drilled. It is expected that the land owner will take an active roll in preventing the spread and establishment of noxious weeds.

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

Determination: There is not expected to be any impacts on air quality due to this change.

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

Determination: The Montana Historic Preservation Office did not identify any archeological or historic sites of record in the proposed project area. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the area.

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: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

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| HUMAN ENVIRONMENT |
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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.*

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Carbon County.

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: The addition of a new point of diversion and the construction of a manifold system is not expected to impact access to or the quality of recreational activities.

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

Determination: There should be no significant impacts on recreational or wilderness activities from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ *No* ___ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: There should be no significant impact on private property from this proposed change.

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
- (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: Because it has been shown that the aquifer in this area is closely connected there could be impacts to the flow of the springs that supply Big Blue Water Fish Hatcher.

Cumulative Impacts: As more development takes place using this sensitive aquifer the potential for design and construction errors that will impact other users increases. A proactive, sustainable approach to water resource management is necessary to mitigate future and current water problems.

- 3. *Describe any mitigation/stipulation measures:*** No mitigation measures are included in the application.
- 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:*** There is no reasonable alternative to the completion of the project. Because this project is necessary maintenance the no action alternative may render the existing water right useless.

PART III. Conclusion

1. *Preferred Alternative:* The preferred action will be to allow the applicant to change their existing water right and to use these two new points of diversion. It is expected that the land owner will adequately plug the existing point of diversion to control the leakage problems along the hillside to reduce erosion.

2 *Comments and Responses:* None to report.

3. ***Finding: None to report***

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: No significant environmental impacts were identified. No EIS is required.

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

Name: Tim Lewis

Title: Water Resource Specialist

Date: April, 16, 2007