

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: Carl B. Webb  
2223 Hwy. 89 S.  
Emigrant, Mt. 59027
2. Type of action: Application For Beneficial Water Use Permit # 30041630-43B
3. Water source name: Little Donahue Creek
4. Location affected by project: Sections 28, 29, 32, 33, 34 T6S R7E, and Section 3 T7S R7E, Park County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert 2 CFS up to 38.5 acre-feet from Little Donahue Creek, from May 1 to June 30, at a point in the SWNW Section 32 T6S R7E, Park County. The water will be diverted through a ditch, and an existing reservoir into West Creek. A 36.9 acre-foot reservoir will be constructed on West Creek in the center of the SW Section 28 T6S R7E, Park County. This water will be released to supply supplemental irrigation water to 143 acres in the E2 Section 33, and 159.0 acres in the W2 Section 34 T6S R7E. It will also be use on 3 acres in the NWNWNW Section 3 T7S R7E, Park County. **The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.**
6. Agencies consulted during preparation of the Environmental Assessment: Montana State Historical Preservation Office, Montana Department of Fish, Wildlife & Parks, Montana Natural Heritage Program, Montana Department of Environmental Quality, Park County Planning Office.  
(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.

*Determination:* The source of water is Little Donahue Creek, which has not been listed as chronically or periodically dewatered by the MDFWP.

**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:* Little Donahue Creek has not been listed on the DEQ, 303(d) list.

**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:* A total of 38.5 acre-feet of water will be diverted into this new reservoir. When used to irrigate it will be lost to evapotranspiration. Historically that water would have soaked into the ground, and recharge the groundwater that recharged the Yellowstone River.

**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:*

#### **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:* Water will be diverted from Little Donahue Creek through an existing ditch. The ditch is used to fill an existing reservoir. Overflow from the reservoir flows into West Creek. The proposed 36.9 acre-foot reservoir will be located on West Creek. This on stream reservoir would create a barrier to fish migration. It is unknown that species of fish may live in West Creek. The Natural Heritage Program was contacted. The Gray Wolf, Canada Lynx, and Grizzly Bear may be found near the proposed pond location.

**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:* The aerial photo depicts vegetative growth at the proposed pond site. It appears that West Creek is providing water to this location. It is unknown if there are wetlands located in this riparian zone.

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

*Determination:* A new 36.9 acre-foot pond will be constructed. It will be 3.7 surface acres, and 25 feet deep. It will be built on-stream. I discussed this project with Scott Opitz, FWP fishery biologist. He remembered that they applicant has already applied for and received a # 310 permit for this pond. Because the creek never reached the Yellowstone River, they were able to build it on stream. This pond is not a fishery, and will be drained during the irrigation season.

**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:* It is unlikely that there is saline seep in this area. Moisture content should be increased on the irrigated ground when this stored water is used for supplemental irrigation.

**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:* Existing vegetative cover will be disturbed during construction. The exposed soil will be replanted by the land owner.

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

*Determination:* There should be no significant impact on air quality relating to this new pond.

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

*Determination:* SHPO was contacted. It is unknown if any archeological or historical sites are located at the proposed pond location.

**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 impacts on other environmental resources were identified.

<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.

*Determination:* The Park County Planning Board indicated that they have no restrictions against irrigation Ponds.

**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:* This project is located on private land, with no access to public recreational or wilderness activities. No impact is expected.

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

*Determination:* This project should have no impact on human health.

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

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

*Determination:* Private property rights are not impacted by this proposed action.

**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 It has been determined that there are no secondary impacts to the human and physical environment.

Cumulative Impacts Cumulative impacts on the physical environment and human population are minimal.

3. ***Describe any mitigation/stipulation measures:*** Mitigation or stipulations are not planned at this time.
  
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:*** The no action alternative would be to not build the pond. They could plant a crop that requires less water, like small grain. They could irrigate less ground so they don't need the additional 36.9 acre-feet.

### *PART III. Conclusion*

1. ***Preferred Alternative*** The applicant would prefer to construct the new pond.
  
2. ***Comments and Responses*** To date no comments have been received.
  
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:*

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

*Name:* Jan R Mack  
*Title:* Water Resources Specialist  
*Date:* May 8, 2008