

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:  
Treeline Springs  
PO Box 1369  
Ennis, MT 59729
2. Type of action: Application to Change a Water Right # 30031144-41F  
(claim # 14211, 15336, 15345, 15348-41F)
3. Water source name: Jack Creek
4. Location affected by project: Historic irrigation removal is proposed to occur in 55.3 acres in the W2, Sec. 28, T5S, R1E, Madison, Co.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

On February 13, 2008, Treeline Springs LLC submitted a change application to change a portion (portions identified in the Historic use table below) of the flow rate, volume, purpose and place of use of claim numbers 41F-14211, 41F-15336, 41F-15345, and 41F-15348. The location of the acreage removed will be 55.3 acres in the W2 Sec. 28, T5S, R1E, Madison Co. This application proposes to retire a portion of existing irrigation water rights located 11 miles downstream in Jack Creek Drainage and to change to a mitigation purpose for the volume consumed by three new wells described in permit application 41F-30013630 for multiple domestic and commercial uses, which was issued February 14, 2008. The calculated volume consumed by the uses of irrigation and snowmaking under the permit application equals a total of 64.72 acre-feet. This project is located in the Upper Missouri Basin Closure.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.")

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)  
MONTANA STATE HISTORICAL PRESERVATION OFFICE  
MONTANA NATURAL HERITAGE PROGRAM  
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS  
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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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:* No significant adverse impact. This proposed project would not affect chronically dewatered streams as identified by DFWP; it does not seek to develop water from a surface water source. The proposed application is for mitigation of Jack Creek.

**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 adverse impact. This proposed project would not affect water quality in Jack Creek.

**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 adverse impact. The proposed project is to mitigate possible impacts on Jack Creek by the Treeline Springs water supply wells associated to permit # 41F-30013630.

**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:* Water will be left in Jack Creek. Water historically diverted for irrigation will formally cease from claim # 14211, 15336, 15345, 15348-41F. Water rights also being retired from this project but are not included in the application are rights: 41F-15337, 15339, 1888, 1866, 1889.

#### **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 adverse impact. The water will be left in Jack Creek to mitigate possible impacts on Jack Creek by the Treeline Springs public water supply wells associated to permit # 41F-30013630.

**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 proposed project does not involve wetlands.

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

*Determination:* This proposed project does not involve ponds.

No significant adverse impact. The water will be left in the Jack Creek to mitigate possible impacts on Jack Creek by the Treeline Springs wells associated to permit # 41F-30013630.

**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 adverse impact. The water will be left in the Jack Creek to mitigate possible impacts on Jack Creek by the Treeline Springs wells associated to permit # 41F-30013630.

**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:* No significant adverse impact. The water will be left in the Jack Creek to mitigate possible impacts on Jack Creek by the Treeline Springs wells.

**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 adverse impact. The water will be left in the Jack Creek to mitigate possible impacts on Jack Creek by the Treeline Springs wells.

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

*Determination:* According to a report from the Montana Natural Heritage Program, there are two species of special concern within the project area. The Lynx and the Grizzly Bear are listed under the Endangered Species Act as Threatened. The occurrence of both of these species covers multiple townships and it is unlikely that this change would have any significant impact on them. Water will be used at the new place of use to irrigate a golf course.

**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:

**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 loss to quality of recreational and wilderness activities identified.

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

Determination: No impacts to human health identified.

**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: No government regulatory impacts on private land have been identified.

**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 impacts identified.
- (b) Local and state tax base and tax revenues? No impacts identified.
- (c) Existing land uses? No impacts identified.
- (d) Quantity and distribution of employment? No impacts identified.
- (e) Distribution and density of population and housing? No impacts identified.
- (f) Demands for government services? No impacts identified.

(g) Industrial and commercial activity? No impacts identified.

(h) Utilities? No impacts identified.

(i) Transportation? No impacts identified.

(j) Safety? No impacts 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:** A mitigation program has been accepted as part of the change application. Nine overlapping water rights have been retired for the 55.3 acres removed from irrigation as part of the mitigation for permit No. 41F-30013630 for multiple domestic and commercial use.

**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** None identified

**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: Porter Dassenko

Title: Water Resources Specialist

Date: 2/22/2009