

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:* Quirk Cattle Company, 2547 Burma Road, Eureka MT 59917
2. *Type of action:* Application to Change Water Right 76D 30050838
3. *Water source name:* Indian Creek
4. *Location affected by project:* SW¹/₄NW¹/₄SE¹/₄ of Section 29, Township 37N, Range 26W approximately 4 miles north of Eureka, Montana, Lincoln County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The DNRC shall issue an authorization if an applicant proves the criteria in 85-2-402 MCA are met

An Indian Creek flooding event resulting from heavy rains in June 2006, forced Quirk Cattle Company to reconstruct a claimed point of diversion structure. The flooding washed away the fine silt and clay layers leaving a very porous cobbled bottom. This application proposes to by-pass this section of the creek with a new headgate further upstream of the existing POD and carry diverted water via a pipeline lying north of and adjacent to the creek instead of using the creek bed itself. By doing this, the flood-induced increased seepage losses from the creek will be minimized. New point of diversion will be located in the NW¹/₄NE¹/₄SW¹/₄ of Section 29, Township 37N, Range 26W, Lincoln County. Water in the pipeline will reach a splitter. A maximum amount of 7.5 CFS up to 2,530 AF for 76D 118111 will proceed north to irrigation ditches while the rest will drop south to Indian Creek with a maximum of 5 CFS up to 1,955 AF to be picked-up at original POD of 76D 118113. There are no PODs between the pipeline splitter and where water will re-enter Indian Creek.

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

Montana Natural Heritage Program
Montana State Historical Society
Natural Resources and Conservation Service soil maps
Montana Department of Environmental Quality
United States Fish and Wildlife Wetland Mapper
Montana Department of Fish, Wildlife and Parks Dewatered Streams

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: Indian Creek from Burma Road to the mouth of the stream is classified by DFWP as chronically dewatered. Since this right has been in practice since 1884, and there hasn't and won't be any changes in irrigation practices, the dewatering of this stream should not worsen.

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: Not listed by DEQ.

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 impact; surface source.

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: Less water will flow in the flood damaged portion of Indian Creek due to proposed pipeline. There should be no negative 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."

Determination: The Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project. They identified the following animal and plant species that are threatened, or have special status, that are located regionally: Wolverine, Hoary Bat, Canada Lynx, Fisher, Grizzly Bear, Cassin's Finch, Evening Grosbeak, Clark's Nutcracker, Flammulated Owl, Brewer's Sparrow, Western Toad, Westslope Cutthroat

Trout, Bull Trout, Wavy Moonwort, Peculiar Moonwort and Northern Moonwort. These species are found throughout this region and not necessarily at this particular spot. No immediate 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.

Determination: No data available.

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

Determination: No pond. 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.

Determination: The high majority of soils in area of place of use is Typic Calcixerolls, south aspects. This is well drained soil with a moderately high to high transmittal capacity. 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.

Determination: Irrigated land, personal responsibility to maintain property. No impact.

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

Determination: N/A

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands.

Determination: N/A-project not located on State or Federal Lands.

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: N/A

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: Irrigation of the land will remain as it has been since the late 1890s.

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: N/A

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

Determination: N/A

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

Yes___ NoXX 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? N/A
- (b) Local and state tax base and tax revenues? N/A
- (c) Existing land uses? Not changing; no impact.
- (d) Quantity and distribution of employment? N/A
- (e) Distribution and density of population and housing? NA
- (f) Demands for government services? N/A
- (g) Industrial and commercial activity? N/A
- (h) Utilities? N/A
- (i) Transportation? N/A
- (j) Safety? N/A
- (k) Other appropriate social and economic circumstances? N/A

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

Secondary Impacts None

Cumulative Impacts None

3. ***Describe any mitigation/stipulation measures:***
None

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*** As proposed

2. ***Comments and Responses*** None

3. ***Finding:***

Yes___ NoXX 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: Use of land will not change

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

Name: Kathy Olsen

Title: Water Resource Specialist

Date: May 18, 2012