

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
WATER RESOURCES DIVISION  
WATER RIGHTS BUREAU

**ENVIRONMENTAL ASSESSMENT**

**PART I. PROPOSED ACTION DESCRIPTION**

1. **Type of action:** Water use permit application no.  
Water right change application no. 41K-G(R)104362-00  
Petition or Other Action:
2. **Applicant/Contact name and address:** Teton Conservation District, 1102 Main Avenue NW, Choteau, MT 59422 (Daniel J. & Laile A. Andrews Project No. TE-571-98-1)
3. **Water source name:** Muddy Creek, tributary to Sun River
4. **Location affected by action:** SWSWNE Sec. 34, TWP 23N, RGE 01W, Teton County
5. **Narrative summary of the proposed project and action to be taken:** The DNRC shall issue an authorization for change of appropriation if the applicants prove the criteria in 85-2-402, MCA, are met. This is an application by Daniel J. & Laile A. Andrews through the Teton Conservation District to add a point of diversion and change part of the place of use of the district's Reserved Water Right No. 41O-M072574-03. The original reserved water right diverts from a point in the SESESW Sec. 27, TWP 23N, RGE 01W, at a rate of 4,714.00 gpm up to 1,593.00 acre-feet from April 1 to October 15. It's use is for irrigation of 711 acres in Secs. 26, 27, and 35, of TWP 23N, RGE 01W, Teton County. The new point of diversion located in the SWSWNE Sec. 34, TWP 23N, RGE 01W, will be located about ½ mile downstream from the original diversion point. From the new diversion point, the Andrews propose to pump 3100 gpm up to 660 acre-feet to irrigate 440 acres of small grains and legumes from April 1 to October 15. The place of use will be 80 acres in the E½SE Sec. 34 and 360 acres in Sec. 35, both of TWP 23N, RGE 01W, Teton County.
6. **Agencies consulted during preparation of the environmental assessment:** None

**PART II. ENVIRONMENTAL REVIEW**

1. Environmental Impact Checklist:

**PHYSICAL ENVIRONMENT**

**Soils/Geologic Features:**

Degradation of soil quality or alteration of soil stability, moisture content, geologic substructure, unique geologic features, archeological sites?

NO

**Erosion:**

Alteration of erosion or siltation patterns which modify stream beds or lake shores?

Yes, however, the pump site will receive bank stabilization techniques from the Muddy Creek Task Force to minimize bank erosion. Muddy Creek, tributary of Sun River, has had major erosion and siltation problems due to excessive stream flows and a task force was set up to study ways to minimize its effects.

Muddy Creek is part of the Upper Missouri River Basin Closure but was opened back up during the 1997 legislature to help reduce the stream flow problems. The reduced flow as a result of this appropriation would certainly help with these efforts.

**Vegetation/Noxious weeds:**

Change in or adverse affect on diversity and production of local plant species including any unique or endangered species (including trees, shrubs, grass, and aquatic plants)? Establishment or spread of noxious weeds?

NO

**Air:**

Deterioration of air quality, or adverse effects on vegetation due to increased air pollutants.

NO

**Water:**

Alteration of surface water or groundwater quality including but not limited to temperature, dissolved oxygen or turbidity or quantity or distribution?

Yes, however, it is anticipated and hoped that the additional amount of water taken from Muddy Creek for this project will contribute toward the goal of reducing erosion.

**Floodplain:**

Changes in drainage patterns, course or magnitude of flood flows, or exposure of people/property to hazards (flood)?

NO

**Wildlife Habitat/Migration:**

Deterioration of critical fish or wildlife habitat? Creation of a barrier to the migration or movement of fish or wildlife?

NO

**Endangered Species:**

Adverse effects on any unique or endangered species?

NO

<b>HUMAN ENVIRONMENT</b>
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**Existing Land Use:**

Alteration of or interference with the productivity or profitability of the existing land use of an area?

NO

**Historical Significance:**

Destruction or alteration of a natural area of scientific or educational value or prehistoric or paleontological importance?

NO

**Populace:**

Alteration of the location, distribution, density, or growth rate of the human population of an area? Alteration of social structure of community?

NO

**Transportation:**

Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?

NO

**Safety:**

Creation of any health hazard or affect on existing emergency response or evacuation plans?

NO

**Public Services:**

Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? Have an effect upon local or state tax base?

NO

**Utilities:**

Creates need for new or altered facilities for any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

Yes, new electric power will be required at the site to run the pump, however, effects will be minimal.

**Aesthetics:**

Alteration of any scenic vista or recreation opportunity or creation of an aesthetically offensive site to the public?

NO

**Other:**

NO

2. **Secondary and cumulative impacts:** None
  
3. **Reasonable alternatives to the proposed action, including the no action alternative:** No significant impacts have been identified. If an authorization is not issued, one alternative is to apply for a new water use which in this location would also require a temporary service agreement through the Bureau of Reclamation. As I understand it, it would take about 2 years to obtain the temporary service agreement. If the authorization is not issued and a permit cannot be obtained, the applicant will be deprived the economic benefits of raising agricultural crops. In addition, the erosion problem will continue as in the past. Any additional amount of water removed from the source will obviously help reduce erosion. The use of this water will contribute to the tax base and general economic stability of the county, and subsequently the State of Montana.

### **PART III. CONCLUSION**

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts were identified, therefore, no EIS is required.

#### **PREPARED BY:**

NAME: Dixie Brough  
TITLE: Water Resources Specialist  
DATE: June 2, 1998