

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: **Frank D. Gruber**  
**4930 US Hwy 12 W**  
**Helena MT 59601-9695**
2. Type of action: **Application to Change a Water Right No. 411 30021202**  
**Statement of Claim No. 89310-411**
3. Water source name: **Spring unnamed tributary of Tenmile Creek**  
**AKA Broadwater Cold Spring**
4. Location affected by action: **NESWSW of Sec 28, Twp 10N, Rge 4W, Lewis and Clark County.**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:

**This application proposes to change the purpose and place of use of this water right. The proposed purpose is augmentation for the Broadwater Estates Subdivision. The proposed change will be 50 gpm up to 25.7 acre-feet per year. The proposed place of use will be the N2SW and SWNW of Sec 28, Twp 10N, Rge 4W, Lewis and Clark County. The augmentation is to mitigate the possible affects on Tenmile Creek from two public water supply wells for the Broadwater Estates Subdivision. The two wells are located in the NENENW of Sec 28, Twp 10N, Rge 4W, Lewis and Clark County and are referred to as PWS1 and PWS2. A licensed well driller, Lindsay Drilling, drilled PWS1 in July 28, 2004 to a depth of 200 feet. PWS2 was drilled July 29, 2004 to a depth of 100 feet. Water would be diverted at a maximum rate of 50 gpm up to 44 acre-feet per year. An 80,000-gallon storage tank will be part of the system. The water would be used for domestic (49 single family lots, 9 duplex lots and 1 assisted living facility for a total of 73 households) from January 1 through December 31. There will be 8.24 acres of lawn and garden in the subdivision used from April 15 to October 15. The lawn size is limited by covenant to 6000 square feet. The place of use is the Broadwater Estates Subdivision located in the NW of Sec 28, Twp 10N, Rge 4W, Lewis and Clark County.**

**The DNRC shall issue an Authorization to Change to the applicant if the criteria in 85-2-402, MCA are met.**

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

**None**

## **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. The spring would augment Tenmile 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 Tenmile 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 augmentation to mitigate possible impacts on Tenmile Creek.**

**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: **No significant adverse impact. The proposed project will not require diversion works. The project will be for augmentation. The water will run in to Tenmile Creek and be left in-stream.**

#### **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 impact. This application is for augmentation of Tenmile Creek.**

**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 functional wetlands have been identified on the proposed project property. This application is for augmentation of Tenmile Creek.**

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

Determination: **No impact. This application is for augmentation of Tenmile Creek.**

**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 impact. This application is for augmentation of Tenmile Creek.**

**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 impact. This application is for augmentation of Tenmile Creek.**

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

Determination: **No impact. This application is for augmentation of Tenmile Creek.**

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

Determination: **No impact. This application is for augmentation of Tenmile Creek.**

**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 additional impacts on environmental resources of land, water and energy. This application is for augmentation of Tenmile Creek.**

<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: **No impact.**

**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 impact.**

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

Determination: **No impact.**

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

Yes \_\_\_ No **X**.

**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 impact. This application is for augmentation of Tenmile Creek.**
- (b) Local and state tax base and tax revenues? **No impact.**
- (c) Existing land uses? **No significant impact. The purpose was irrigation. The proposed project is augmentation of Tenmile Creek.**
- (d) Quantity and distribution of employment? **No impact.**
- (e) Distribution and density of population and housing? **No impact.**
- (f) Demands for government services? **No impact.**
- (g) Industrial and commercial activity? **No impact**
- (h) Utilities? **No impact.**
- (i) Transportation? **No impact.**
- (j) Safety? **No impact.**
- (k) Other appropriate social and economic circumstances? **No impact.**

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

Secondary Impacts **Secondary impacts from this proposed project are not anticipated. The proposed project is augmentation of Tenmile Creek.**

Cumulative Impacts **Cumulative impacts from this proposed project are not anticipated. The proposed project is augmentation of Tenmile Creek.**

3. Describe any mitigation/stipulation measures:

**The application is for augmentation of Tenmile Creek. The augmentation is to mitigate the possible affects on Tenmile creek from two public water supply wells. The wells are for the Broadwater Estates subdivision.**

**The application will go through the DNRC public notice procedure, and water users concerned with the potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed.**

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 prevent the applicant from augmenting water to prevent possible adverse affects to Tenmile Creek from the proposed subdivision. If the authorization were not granted, the public water supply application for the subdivision would have to be modified. The individual lot owners in the subdivision would probably have to create their own water supply for lawn and garden irrigation. The result could be a greater potential for an adverse impact to water quality and quantity because of the large number of wells that would be drilled to service the Broadwater Estates homes.**

### **PART III. Conclusion**

1. Preferred Alternative: **Issue the authorization as applied for by the applicant, or in some modified form considered reasonable. As stated above the potential for adverse affect would seem to be greater with individual wells being constructed in the area.**
2. Comments and Responses: **There have not been comments or responses at this time.**
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:

**Based on a consideration of the criteria found in DNRC Administrative Rule 36.2.524, "Determining the Significance of Impacts," there is not a significant adverse impact. An EA is sufficient for this level of action. This proposed project is for augmentation of Tenmile Creek. The water will remain in-stream.**

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

Name: Kathy Arndt  
Title: Water Resources Specialist  
Date: May 9, 2006