

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* Alton Trust, % N. Kirby Alton & Janice M. Alton, 815 Country Valley Rd., Thousand Oaks, Ca. 91320
2. *Type of action:* Application to Change A Water Right # 30021471-41F
3. *Water source name:* Moran Creek
4. *Location affected by project:* Sec 36 T6S R2W, Sec 1 T7S R2W, Sec 31 T6S R1W, Sec 6 T7S R1W, Madison County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
This change application is being filed to change the place of use for 62.2 acres. A total of 62.2 acres claimed as the past place of use located in Sec 30 T 6S R1W, and Sec 36 T6S R2W will be retired. The new place of use will be a 60 acre center pivot, located in the SE Sec 36 T6S R2W, SW Sec 31 T6S R1W, NWNW Sec 6 T7S R1W, and NENE Sec 1 T7S R2W. A 2.2 acre lawn located in the SE Sec 36 T6S R2W, Madison County will also be irrigated. The DNRC shall issue an Authorization to Change if the applicant proves the criteria in #85-2-402,MCA, are met.
6. *Agencies consulted during preparation of the Environmental Assessment:* Montana State Historical Preservation office, Montana Natural Heritage Program, Madison County Planning Office, Montana Department of Fish, Wildlife & Parks, Montana Department of Environmental Quality.  
(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, Moran Creek has not been listed as chronically or periodically dewatered by DFWP.

**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:* Moran Creek is not 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:* This use of surface water will have no impact on groundwater.

**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 diverted through a pipeline to the proposed pivot. A pump will be used to divert water to the lawn & garden system. It is unknown if any barriers will be placed within the creek. A # 310 permit is required from the Conservation District before any new diversion is placed in a perennial creek.

#### **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. The Brewer's Sparrow, a species of concern, may be found in the area.

**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:* There are no wetlands located within the proposed project sight.

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

*Determination:* This project does not involve a pond.

**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:* Moisture content should be diminished on the land no longer being irrigated. On the 62.2 acres of new ground being irrigated, moisture content should be increased. Soil quality and stability should be unchanged. There is no saline seep in this area.

**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 is likely to be changed under the proposed sprinkler systems.

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

*Determination:* Air quality will not be affected by this change.

**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. There have been no previously recorded sites within the designated search locales. They recommend that a cultural resource inventory be conducted in order to determine whether or not sites exist and if they will be impacted.

**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.

## **HUMAN ENVIRONMENT**

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

*Determination:* The Madison County Planning board has no restrictions against changing the place of use for existing irrigation water rights.

**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 proposed project is on private land, with no access to public recreational or wilderness activities. Therefore, 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 physical environment, or human population.

Cumulative Impacts It has been determined that there are no cumulative impacts to the physical environment, or human population.

**3. *Describe any mitigation/stipulation measures:*** No mitigation measures are necessary.

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:** If the applicant proposes to irrigate this 62.2 acres, their only option is to change the place of use of an existing water right. The no action alternative would be to do nothing, and continue to irrigate the past place of use.

*PART III. Conclusion*

1. **Preferred Alternative** To have this change authorized, and irrigate the new ground.

2. **Comments and Responses** No comments have been received to date.

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:* Significant impacts have not been identified. The EA is the appropriate level of action for this project.

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

*Name:* Jan R. Mack

*Title:* Water Resources Specialist

*Date:* May 17, 2006