

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: **C X Ranch Winston LLP
PO Box 470125
Winston MT 59647-0125**
2. Type of action: **Application to Change a Water Right No. 30020031-411
(Statements of Claim Nos. 365, 366, 367, 369, 370-411)**
3. Water source name: **Beaver Creek**
4. Location affected by action: **SENWSW, Sec 1, T8N, R1W, Broadwater Co. (POD)
Secs 23, 24, 25, 26, T9N, R1W, Broadwater Co (POU)**
5. Narrative summary of the proposed project, purpose, action to be taken, and objectives:
This application proposes to change a portion of the place of use of five water rights to accommodate a new center pivot. 30.8 acres in the S2SW of Sec 23, Twp 9N, Rge 1W is proposed to be removed from irrigation. The acres proposed to be added is 26.02 acres in the S2SE and 4.80 acres in the N2SE of Sec 23, Twp 9N, Rge 1W, Broadwater Co. The total acres added would be 30.8. This is an acre for acre exchange and no additional water will be diverted from the source.

The proposed flow rate to be changed is 340 gpm required to operate the pivot. The proposed volume to be changed is 75 acre-feet to cover the new acres irrigated under the pivot.

The applicant will benefit from a more efficient irrigating system to better utilize the limited water he has available.

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

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

**Montana Department of Environmental Quality (DEQ)
Montana Department of Fish Wildlife and Parks (DFWP)
Montana Natural Heritage Program (MTNHP)
Montana Department of Natural Resources – Water Management Bureau**

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: **DFWP has determined Beaver Creek is chronically dewatered from river mile 3.6 to river mile 7.2. Chronic dewatering is a significant problem in virtually all years. The project should not have any affect on the dewatered condition. No additional water will be used for this project.**

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: **DEQ has Beaver Creek listed as water quality impaired. The stream fully supports agriculture. It partially supports other uses, but does not support aquatic life or fisheries.**

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 is a surface water application and does not impact groundwater quality or supply.**

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: **The diversion works are not changing. The proposed project will not impact well construction, dams, riparian areas, barriers, or flow modifications.**

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 MTNHP found no species of special concern.**

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.**

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 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: **No significant impact.**

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 impact.**

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

Determination: **The land was already being irrigated. The only change was adding a center pivot and 30 additional acres. 30 acres are being removed on another field to compensate for the acres being added. The Montana Historical Society was not contacted.**

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: **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 significant 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 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: **No secondary impacts have been identified at this time.**

Cumulative Impacts: **No cumulative impacts have been identified at this time.**

3. Describe any mitigation/stipulation measures: **No mitigation or stipulation measure have been identified or discussed at this time.**

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: **There do not appear to be any reasonable alternatives to the proposed action. The no action alternative would have the applicant use the water as it has been used historically.**

PART III. Conclusion

1. Preferred Alternative: **Issue the authorization for the proposed project or in some form deemed reasonable.**

2. Comments and Responses: **No comments have been received 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: **An environmental assessment is the appropriate level of analysis for this proposed action because no significant environmental impacts were identified.**

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

Name: **Kathy Arndt**
Title: **Water Resources Specialist**
Date: **November 24, 2006**