

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: Jean Nyby Trust  
PO Box 7  
Dagmar MT 59219
2. Type of action: Application to Change a Water Right, 40R 30042846
3. Water source name: Groundwater
4. Location affected by project: Sec 6 T32N R58E, Sheridan County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

This Change application is to identify the location of a replacement well, for an existing pivot irrigation system, located in the SESESE of Section 6 T32N R58E. The original well developed a hole in the casing and has become unserviceable. The applicant has already drilled the well, installed 1,460 ft of transmission pipeline and resumed beneficial use of the water. The replacement well was drilled to the same depth as the original well and the water bearing layer of 70 to 90 feet is the same for both wells. The use of this well allows the owner to continue agricultural production of alfalfa and small grain crops under the existing pivot.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-311 MCA are met.

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

Montana Wetlands Inventory

SHPO and the Natural Heritage Foundation were not contacted as this is an existing project and the well has already been installed and put to use. The impacts to the area are minimal and any land disturbance has already been mitigated.

## **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:* NA, This is a groundwater Application

**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:* NA, This is a groundwater Application

**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 application is for a replacement well. The new well is approximately 1,460 ft southeast of the original well. Both wells are located in the same water bearing layer. There will not be any additional water withdrawn from the source and no impact should occur to area surface water flows.

**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:* There will not be any impacts to channels, modification of flow, barriers, riparian areas or dams. This is an application for a groundwater well that has already been constructed and put to beneficial use. The well was drilled and the transmission line put in place by an agricultural engineering firm.

#### **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 Natural Heritage Program was not contacted to identify species of special concern. This project has been in existence since 1981, with the exception of the new well,

which has already been installed and put to its beneficial use. There will not be any new impacts to wildlife.

**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:* NA, There are no identified wetlands in the project area. This is a groundwater application.

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

*Determination:* NA, This is a groundwater application

**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:* There will not be any new degradation of soil quality, alteration of soil stability or moisture content. This is an existing project with a new well.

**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:* There will be no new impacts to existing vegetation. This is an existing agricultural project.

Any disturbance to the soil and vegetation that could result in the establishment or spread of noxious weeds is the land owner's responsibility.

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

*Determination:* There will be no degradation to air quality a result of this project.

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

*Determination:* This is an existing project. There will be no additional disturbance to the project site that could impact historical or archeological sites.

**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 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:* There are no known local environmental plans or goals in this area.

**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 project will have no significant impact on recreational or wilderness activities.

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

*Determination:* This project will have no significant impact on human health.

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

Yes\_\_\_ No\_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* There are no additional government regulatory impacts on private property rights associated with this application.

**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.**

Cumulative Impacts **No cumulative impacts have been identified.**

3. ***Describe any mitigation/stipulation measures:*** No mitigation or stipulation measures are required for this application.

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***

2. ***Comments and Responses***

3. ***Finding:***

*Yes*\_\_\_ *No*\_\_\_ *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:*

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

*Name:* Ann L Kulczyk

*Title:* Water Resource Specialist

*Date:* 14 November 2008