

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:
 TURNER MONTANA PROPERTIES
 133 LUKIE ST NW
 ATLANTA, GA 30303-2038
2. Type of action: Application to Change Water Right No. 41F 30162457, by Turner Montana Properties LLC
3. Water source name: Deep Creek
4. Location affected by project: The proposed protected reach is from the historical POD at the Deep Creek Ditch headgate in the NWSENE Section 16, T3S, R2E, to the confluence of Deep Creek and Cherry Creek in the NWSESE Section 9, T3S, R2E, all in Madison County. The protected reach is shown in pink on the map provided as Figure 1.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
 Applicant submitted Change Application 41F 30162457 on December 14, 2023, to the Bozeman DNRC Water Resources Office. The Applicant proposes to temporarily change the point of diversion (POD), place of use (POU), and purpose of two irrigation Statements of Claim (Claims 41F 128168-00 and 41F 100057-00), and one ditch diversionary stock use Statement of Claim (Claim 41F 128165-00) to temporary instream fishery use. The Applicant proposes to retire all of the historical irrigation use (32.6 acres) and stock use (200 AU) from Deep Creek Ditch. The Deep Creek Ditch will also be retired. The DNRC shall issue a change authorization if an Applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
 - Montana Department of Fish, Wildlife & Parks (FWP)- Dewatered Streams Page 3 of 4 [FISHMT :: Waterbody Search](#)
 - Montana Department of Environmental Quality (DEQ)- Clean Water Act Information Center (CWAIC) [Clean Water Act Information Center](#)
 - Montana National Heritage Program (MTNHP)- National Heritage Map Viewer [NHP Generalized Observations](#)
 - U.S. Fish & Wildlife Service (USFWS)- National Wetlands Inventory Wetlands Mapper [Web Soil Survey](#)
 - Natural Resource Conservation Service (NRCS)- Web Soil Survey (WSS) [National Wetlands Inventory](#)

41F 30162457 - Proposed Use

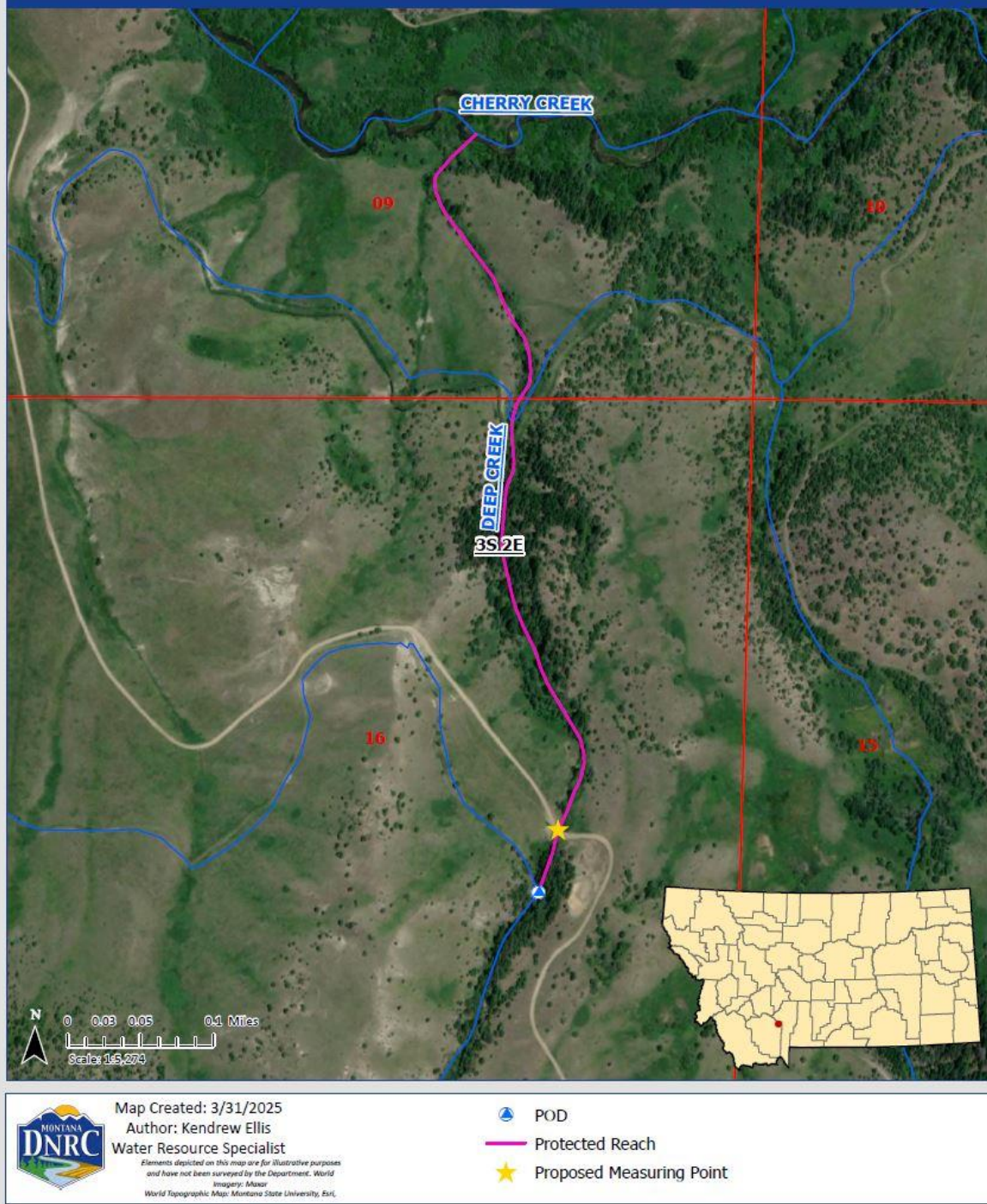


Figure 1. Proposed use for Change Application 41F 30163349

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: No significant impact.

An April 22, 2025, search of DFWP data does not list Deep Creek as chronically dewatered. The proposed project leaves all historically diverted volume instream at the point of diversion. The water quantity in the source will not decrease as a result of the proposed change.

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 impact.

The source of the water right proposed for change is Deep Creek. An April 24, 2025, search of DEQ Impaired Waters 2020 data on CWAIC did not list Deep Creek. The proposed change to Claims 41F 128168-00, 41F 100057-00, and 41F 128165-00 is not anticipated to negatively impact water quality, as all water will be left instream potentially leading to an increased dilution of pollutants.

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 impact.

The proposed use does not involve a groundwater component.

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 impact.

The proposed project involves changing the point of diversion to an instream diversion point. No new construction is required as a result of the proposed change, as all water will remain instream following the proposed change.

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 significant impact identified.

An April 22, 2025, search of the Montana Heritage Program’s website for T3S, R2E, Gallatin County, and returned the following results:

- 25 Animal Species of Concern: American Bison, Fringed Myotis, Grizzly Bear, Little Brown Myotis, Long-eared Myotis, Northern Hoary Bat, Silver-haired Bat, American Goshawk, American White Pelican, Black Tern, Bobolink, Brown Creeper, Caspian Tern, Clark’s Nutcracker, Golden Eagle, Great Blue Heron, Harlequin Duck, Pacific Wren, Pinyon Jay, Trumpeter Swan, Veery, Western Toad, Artic Grayling, Rocky Mountain Cutthroat Trout, Westslope Cutthroat Trout,
- 4 Animal Potential Species of Concern: Western Spotted Skunk, Barrow’s Goldeneye, Broad-tailed Hummingbird, Hooded Merganser
- 1 Animal Special Status Species: Bald Eagle
- 2 Plant Species of Concern: Whitebark Pine, Alkali-marsh Ragwort
- 0 Plant Potential Species of Concern
- 0 Plant Special Status Species

All water will be temporarily left instream following the proposed change. No diversion structure will be required, as the proposed point of diversion is instream, so no barrier to the migration or movement of aquatic species will occur. The proposed change is not anticipated to have significant impact on endangered or threatened species.

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 significant impact.

An April 22, 2025, search on the National Wetlands Inventory Mappers shows no wetlands in the project area. As all water will be left instream, no wetlands or deepwater habitats in the proposed place of use will be negatively impacted. Wetlands surrounding the project area will not be negatively impacted by the proposed change to temporary instream fishery use.

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

Determination: No significant impact.

There are no ponds involved in the proposed project.

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: An April 22, 2025, search of the NRCS Web soil Survey identified low surface salinization risk in the project area. The proposed project will leave all water instream. Retirement of historically irrigated acres will not further increase salinization of soils. The proposed change to temporary instream fishery use is not anticipated to cause saline seeps.

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.

The retirement of acres should not promote the establishment of noxious weeds. Under Montana law, private landowners are responsible for noxious weed control on their property.

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.

The proposed project will not impact air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: No significant impacts.

The proposed project is not located on State or Federal Lands. The Applicant did not mention significant historical or archeological sites on the property.

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 significant impact identified.

No impacts on environmental resources of land, water, or energy not already addressed.

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 significant impact identified.

This change application is to temporarily change the point of diversion, place of use, and purpose of Claims 41F 128168-00, 41F 100057, and 41F 128165-00 to instream fishery use. Instream fishery use is a recognized beneficial use of water within the State of Montana a (§85-2-102(5), MCA).

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 identified.

The proposed change is located entirely on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

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

Determination: No significant impact identified.

The project will not impact 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: No significant impact identified.

This project does not impact government regulations on private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

1. Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact identified.
- (b) Local and state tax base and tax revenues? No significant impact identified.
- (c) Existing land uses? No significant impact identified.
- (d) Quantity and distribution of employment? No significant impact identified.

- (e) Distribution and density of population and housing? No significant impact identified.
- (f) Demands for government services? No significant impact identified.
- (g) Industrial and commercial activity? No significant impact identified.
- (h) Utilities? No significant impact identified.
- (i) Transportation? No significant impact identified.
- (j) Safety? No significant impact identified.
- (k) Other appropriate social and economic circumstances? No significant impact identified.

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

Secondary Impacts No significant secondary impacts identified.

Cumulative Impacts No significant cumulative impacts identified.

3. Describe any mitigation/stipulation measures: All of the historical irrigation and stock use from Deep Creek Ditch will be retired and no longer used as a result of this change. The Applicant will only be able to protect the historical consumed volume in the proposed reach. For the change authorization to be granted by the DNRC, the Applicant must prove the criteria in §85-2-402 MCA are met.

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 be for the Applicant to continue to use the water for irrigation and stock use, as done historically.

PART III. Conclusion

1. **Preferred Alternative:** The preferred alternative is to grant the change application if the Applicant has proven the criteria of §85-2-402, MCA.
2. **Comments and Responses:** None 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: The EA is the appropriate level of analysis because the proposed project is to change the point of diversion, place of use, and purpose of existing irrigation and stock water rights. The Applicant proposes to use the water rights for temporary instream fishery use and protect a maximum 516.06 GPM flow rate and maximum diverted volume of 115.6 AF. No change in place of storage is proposed. Instream fishery use is consistent with state and local plans. *Name of person(s) responsible for preparation of EA:*

Name: Kendrew Ellis
Title: Water Resource Specialist
Date: April 23, 2025