

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

**Part I. Proposed Action Description**

**1. APPLICANT/CONTACT NAMES AND ADDRESSES:**

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ANNA REMUSZKO-GAJDA & DAMIAN  
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614 ECHO VIEW DR  
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**2. TYPE OF ACTION:**

Petition to Modify Permit No. 76LJ 30117748

**3. WATER SOURCE NAME:**

Groundwater

**4. LOCATION AFFECTED BY PROJECT:**

NW ¼ of Section 05, Township 28N, Range 20W, Flathead County, Montana.

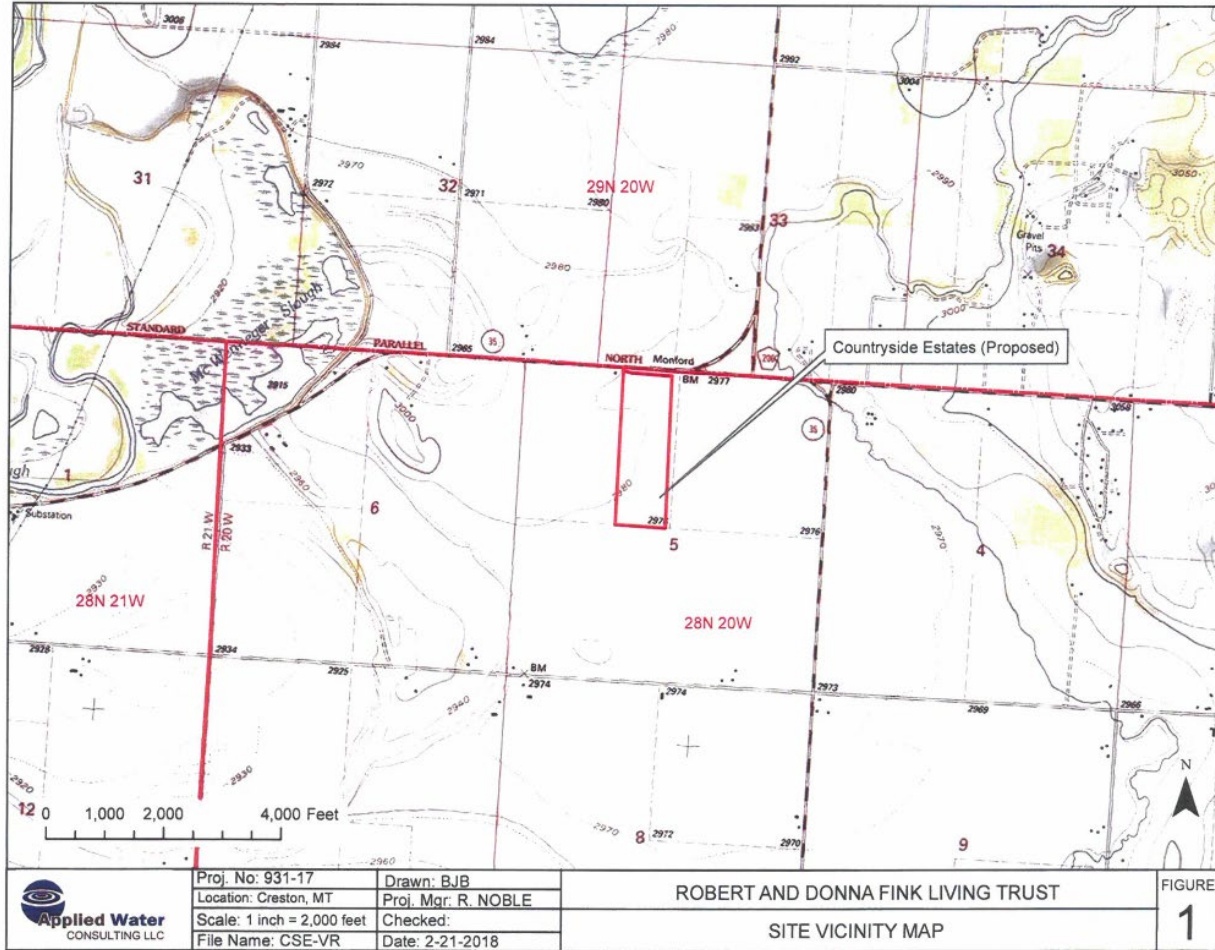


Figure 1. Map of the proposed place of use.

**5. NARRATIVE SUMMARY OF THE PROPOSED PROJECT, PURPOSE, ACTION TO BE TAKEN, AND BENEFITS:**

Provisional Permit No. 76LJ 30117748 was issued on February 2, 2019 for 540 gallons per minute (GPM) up to 38.03 acre-feet (AF) diverted volume for multiple domestic use by 24 households, commercial use (4 lots) and lawn & garden irrigation of 14 acres. The period of use is April 15 to October 15 for lawn & garden irrigation and January 1 to December 31 for commercial and multiple domestic purposes. The points of diversion are located as shown in **Table 1** below and water is conveyed to the place of use by means of 20 individual and 4 shared wells.

Provisional Permit No. 76LJ 30117748 authorized diversions from 20 individual wells and four shared wells. However, COSA EQ# 19-1181 authorized diversions from 26 individual wells and one shared well. Under Provisional Permit No. 76LJ 30117748, wells were shared between lots 14 and 15, lots 16 and 17, lots 18 and 19, and lots 20 and 21. Under COSA EQ# 19-1181, only lots 18 and 19 are permitted to share a well. To satisfy the

conditions of the COSA, the Applicants are proposing to retain connection of lots 14,16, and 20 to the wells previously shared with lots 15, 17, and 21, respectively through a Petition to Modify 76LJ 30117748. The Applicants have obtained permit exemptions (form 602) for lots 15, 17, and 21 for new individual wells granted under Groundwater Certificates 76LJ 30159922, 76LJ 30159920, and 76LJ 30169921, respectively.

The proposed modification would result in a reduction of the place of use, flow rate, and volume of Provisional Permit 76LJ 30117748. Lots 15, 17, and 21 are proposed to be removed from the place of use. Multiple Domestic volume would be reduced from 9.41 AF to 8.23 AF (24 residential lots utilizing 350 GPD would be reduced to 21 residential lots utilizing 350 GPD), reducing the overall volume from 38.03 AF to 36.85 AF. Flow rate would be reduced from 540 GPM to 495 GPM as a reduction of the previously shared PODs 18, 19, and 21 being reduced from 35 GPM to 20 GPM. The period of use and period of diversion would remain the same for each of the permitted uses.

In Addition, the Applicants propose to remove the following condition from 76LJ 30117746:

THE APPROPRIATOR SHALL CONDUCT AN 8-HOUR DRAWDOWN & YIELD TEST ON EACH WELL UPON WELL COMPLETION AND SUBMIT TEST RESULTS ON DNRC FORM 633 TO THE DEPARTMENT. WELLS SHALL NOT BE USED UNTIL DRAWDOWN & YEILD TEST RESULTS HAVE BEEN SUBMITTED TO THE DEPARTMENT. FAILURE TO SUBMIT DRAWDOWN & YIELD TEST RESULTS PRIOR TO BENEFICIAL USE OF WATER MAY BE CAUSE FOR REVOCATION OF THIS PERMIT.

The DNRC shall modify the permit if the Applicant proves the criteria in 85-2-314 MCA are met.

## 6. AGENCIES CONSULTED DURING PREPARATION OF THE ENVIRONMENTAL ASSESSMENT:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (DFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MDEQ): Clean Water Act Information Center
- U.S. Natural Resource Conservation Service (NRCS): Web Soil Survey
- U.S. National Park Service (NPS) Water Rights Branch

## **Part II. Environmental Review**

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### 1. ENVIRONMENTAL IMPACT CHECKLIST:

#### *PHYSICAL ENVIRONMENT*

#### 1.1 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.

The source of supply is Groundwater. Depletion to the following surface water sources could occur and was previously addressed in the Statement of Opinion by the Department when the permit was originally issued: Blaine Creek. Blaine Creek is listed by DFWP as chronically or periodically dewatered. However, this Creek is intermittent and composed of standing pools of water during the fall and winter months. Blaine Creek flows seasonally in the spring due to snowmelt and high precipitation events. The Applicants propose to reduce the flow rate originally permitted through this modification, therefore the proposed depletion will not worsen the period of non-flow.

*Determination:* No significant impact.

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.

According to the Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information Center in 2018 Blaine Creek was categorized as having insufficient data to assess any use. The Applicant is proposing to utilize groundwater and will reduce flow to Blaine Creek. The total maximum volume of water potentially depleted is less than what was originally permitted and is expected to have little or no effect on the water quality of this source.

*Determination:* No significant impact.

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.*

Provisional Permit 76LJ 30117748 originally authorized a diversion rate of 540 GPM up to 38.03 AF annually. The proposed modification will authorize a diversion rate of 495 GPM up to 36.85 AF annually. Consumptive use under the modification is less than what the original permit was granted for, with the reduction of 3 multiple domestic uses served within the subdivision. Decreasing the flow rate pumped from the subdivision will not result in an increase in current consumptive use. The reduction in flow rate will increase legal availability of groundwater in the local aquifer by 45 GPM, more accurately reflecting true existing legal demands in the area.

*Determination:* No significant impact.

**1.2 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.*

The Applicant proposes to divert 495 GPM up to 36.85 AF per year from a total of 24 wells located in the E2NW of Section 5, Township 28N, Range 20W, Flathead County. The remaining wells will be drilled and constructed to divert water from the Deep Aquifer and will be required to be constructed by a licensed water well contractor in accordance with Title 37, Chapter 43, MCA and Title 36, Chapter 21, ARM and the "Well Construction Specifications for Countryside Estates Subdivision" document dated May 21, 2018 written by Applied Water Consulting Project No. 931-17.

The requested flow rate of 495 GPM is the maximum pumping rate of all 24 wells operating at the same time [(35 GPM × 1 shared wells) + (20 GPM × 23 individual wells)]. All wells will have a pump and motor installed and a small pump house shall contain the well, controls, pressure tank, variable frequency drive, flow meter, and appurtenant piping and valves.

In order to meet adequacy of diversion criteria, the Applicant will be subject to the following conditions, limitations, or restrictions on its permit:

### **IMPORTANT INFORMATION**

THE APPROPRIATOR SHALL RECORD IN THE COURTHOUSE A COPY OF THE WELL CONSTRUCTION STANDARDS PROVIDED IN THE WATER RIGHT APPLICATION MATERIALS FOR PROVISIONAL PERMIT 76LJ 30117748. THE DOCUMENT SHALL BE RECORDED FOR EACH LOT AS THEY ARE CREATED AND PRIOR TO THE SALE OR DRILLING OF WELLS ON ANY LOT. WELLS SHALL BE COMPLETED SO THAT THEY DIVERT WATER FROM THE DEEP ALLUVIAL AQUIFER OF THE FLATHEAD VALLEY. WELL LOGS SHALL BE SUBMITTED TO THE DEPARTMENT PRIOR TO USE OF WATER FROM THE WELL. FAILURE TO SUBMIT A WELL LOG UPON WELL COMPLETION MAY BE CAUSE FOR REVOCATION OF THIS PERMIT.

The project shall not impact any channels, barriers, riparian areas, or dams.

*Determination:* No significant impact.

1.3 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, 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.”

The Montana Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any “species of special concern” in Township 28N, Range 20W that could be impacted by the proposed project. Forty-two animal and thirty plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Canada Lynx (*lynx canadensis*), the Grizzly Bear (*Ursus arctos*), the Wolverine (*Gulo gulo*), the Bull Trout (*Salvelinus confluentus*), and the Whitebark Pine (*Pinus albicaulis*) are listed as threatened by the USFWS. The Suckley’s Cuckoo Bumblebee (*Bombus suckleyi*) is proposed as endangered. This area is already developed, and it is not anticipated that any species of concern will be further impacted by the proposed project.

**Table 5.** Animal Species of Concern in Township 28N, Range 20W, Flathead County, Montana.

Species Group	Common Name	Scientific Name	U.S. FWS – Status under the Federal Endangered Species Act of 1973
Mammals	Canada Lynx	<i>Lynx canadensis</i>	Listed Threatened; Critical Habitat
	Fisher	<i>Pekania pennanti</i>	
	Grizzly Bear	<i>Ursus arctos</i>	Listed Threatened
	Little Brown Myotis	<i>Myotis lucifugus</i>	
	Long-eared Myotis	<i>Myotis evotis</i>	
	Long-legged Myotis	<i>Myotis volans</i>	
	Northern Hoary Bat	<i>Lasiurus cinereus</i>	
	Townsend’s Big-eared Bat	<i>Corynorhinus townsendii</i>	
	Wolverine	<i>Gulo gulo</i>	Listed Threatened
Birds	American Bittern	<i>Botaurus Lentiginosus</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	American Goshawk	<i>Accipiter atricapillus</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Black Tern	<i>Chlidonias niger</i>	Migratory Bird Treaty Act of 1918 (MBTA); Birds of Conservation Concern (BCC), Regions 10, 11, 17
	Bobolink	<i>Chlidonias niger</i>	Migratory Bird Treaty Act of 1918 (MBTA); Birds of Conservation Concern (BCC), Regions 10, 11, 17
	Boreal Chickadee	<i>Poecile hudsonicus</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Brewer’s Sparrow	<i>Spizella breweri</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Brown Creeper	<i>Certhi americana</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Cassin’s Finch	<i>Haemorhous cassinii</i>	Migratory Bird Treaty Act of 1918 (MBTA); Birds of Conservation Concern, Region 10
	Clark’s Nutcracker	<i>Nucifraga Columbiana</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Common Tern	<i>Sterna Hirundo</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Evening Grosbeak	<i>Coccothraustes vespertinus</i>	Migratory Bird Treaty Act of 1918 (MBTA); Birds of Conservation Concern, Region 10
	Gray-crowned Rosy-Finch	<i>Leucosticte tephrocotis</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Great Blue Heron	<i>Ardea Herodias</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Great Gray Owl	<i>Strix nebulosa</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Harlequin Duck	<i>Histrionicus histrionicus</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Lewis’s Woodpecker	<i>Melanerpes lewis</i>	Migratory Bird Treaty Act of 1918 (MBTA); Birds of Conservation Concern, Regions 10, 17
Long-billed Curlew	<i>Numenius americanus</i>	Migratory Bird Treaty Act of 1918 (MBTA); Birds of Conservation Concern, Region 11	

	Pacific Wren	<i>Troglodytes pacificus</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Pileated Woodpecker	<i>Dryocopus pileatus</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Trumpeter Swan	<i>Cygnus buccinator</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Varied Thrush	<i>Ixoreus naevius</i>	Migratory Bird Treaty Act of 1918 (MBTA)
	Veery	<i>Catharus fuscescens</i>	Migratory Bird Treaty Act of 1918 (MBTA)
<b>Reptiles</b>	Northern Alligator Lizard	<i>Elgaria coerulea</i>	
<b>Amphibians</b>	Western Toad	<i>Anaxyrus boreas</i>	
<b>Fish</b>	Bull Trout	<i>Salvelinus confluentus</i>	Listed Threatened; Critical Habitat
	Pygmy Whitefish	<i>Prosopium coulterii</i>	
	Westslope Cutthroat Trout	<i>Onchorhynchus clarkii lewisi</i>	
<b>Invertebrates</b>	Suckley Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed as endangered as of December 17 <sup>th</sup>
	Hooked Snowfly	<i>Isocapnia crinite</i>	
	Alberta Snowfly	<i>Isocapnia integra</i>	
	Oblique Ambersnail	<i>Oxyloma nuttallianum</i>	
	Gray Comma	<i>Polygonia progne</i>	
	Smoky Taildropper	<i>Prophysaon humile</i>	
	Cordilleran Forestfly	<i>Zapada cordillera</i>	

**Table 6.** Plant Species of Concern in Township 27N, Range 20W, Flathead County, Montana.

Species Group	Common Name	Scientific Name	USFWS Status
<b>Vascular Plants</b>	Geyer's Onion	<i>Allium geeyeri</i> var. <i>geeyeri</i>	
	Beck Water-marigold	<i>Bidens beckii</i>	
	Watershield	<i>Brasenia schreberi</i>	
	Bristly Sedge	<i>Carex lacustris</i>	
	Panic Grass	<i>Dichanthelium acuminatum</i>	
	English Sundew	<i>Drosera anglica</i>	
	Crested Shieldfern	<i>Dryopteris cristata</i>	
	Beaked Spikerush	<i>Eleocharis rostellata</i>	
	Giant Helleborine	<i>Epipactis gigantea</i>	
	Marsh Horsetail	<i>Equisetum palustre</i>	
	Meadow Horsetail	<i>Equisetum pratense</i>	
	Slender Cottongrass	<i>Eriophorum gracile</i>	
	Water Star-grass	<i>Heteranthera dubia</i>	
	Pale-yellow Jewel-weed	<i>Impatiens aurella</i>	
	Spiny-spore Quillwort	<i>Isoetes echinospora</i>	
	Howell's Quillwort	<i>Isoetes howellii</i>	
	Kalm's Lobelia	<i>Lobelia kalmia</i>	
	Northern Bog Clubmoss	<i>Lycopodium inundatum</i>	
	Guadalupe Water-nymph	<i>Najas guadalupensis</i>	
	Pygmy Water-lily	<i>Nymphaea leibergii</i>	
	Whitebark Pine	<i>Pinus albicaulis</i>	Listed Threatened
	Five-leaf Cinquefoil	<i>Potentilla nivea</i> var. <i>pentaphylla</i>	
	Straightbeak Buttercup	<i>Ranunculus orthorhynchus</i>	
Pod Grass	<i>Scheuchzeria palustris</i>		
Water Bulrush	<i>Schoenoplectus subterminalis</i>		
Tufted Club-rush	<i>Trichophorum cespitosum</i>		
Flatleaf Bladderwort	<i>Utricularia intermedia</i>		
Columbia Water-meal	<i>Wolffia Columbiana</i>		

<b>Bryophytes</b>	Lyall's Polytrichum Moss	<i>Meiotrichum lyallii</i>	
	Warnstorfia Moss	<i>Sarmentypnum exannulatum</i>	
	A Scorpidium Moss	<i>Scorpidium scorpioides</i>	
	Narrowleaf Peatmoss	<i>Sphagnum angustifolium</i>	
	A Peatmoss	<i>Sphagnum centrale</i>	
	Contorted Sphagnum Moss	<i>Sphagnum contortum</i>	
	Brown Hair Peatmoss	<i>Sphagnum fuscum</i>	
	Norwegian Syntrichia Moss	<i>Syntrichia norvegica</i>	
<b>Lichens</b>	Pustulate Tarpaper Lichen	<i>Collema curtisporum</i>	

*Determination:* No significant impact.

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:* N/A, project does not involve wetlands.

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

*Determination:* N/A, project does not involve ponds.

- 1.4 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.

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of very fine silt loam. The soil drainage class is well drained; the capacity of the most limiting layer of soil to transmit water is moderately high (0.57 – 1.98 in/hour). Soils within the place of use are not susceptible to saline seep. The stability of the soil profile and moisture content will not be significantly altered with the use of groundwater within the subdivision. No degradation of soil quality shall occur.

*Determination:* No significant impact.

- 1.5 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.

It is not anticipated that the Modification will impact existing native vegetation or contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowner, who must follow all applicable noxious weed regulations.

*Determination:* No significant impact.

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

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use of groundwater.

*Determination:* No significant impact.

- 1.7 **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:* N/A, project not located on State or Federal Lands.

- 1.8 **DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified and no further impacts are anticipated.

*Determination:* No significant impact.

#### *HUMAN ENVIRONMENT*

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

The project is consistent with planned land uses.

*Determination:* No significant impact.

- 1.10 **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.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

*Determination:* No significant impact.

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

No negative impact on human health is anticipated from this proposed use.

*Determination:* No significant impact.

- 1.12 **PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

No government regulatory impacts on private property rights.

*Determination:* No impact.

- 1.13 **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? None identified.
- (b) Local and state tax base and tax revenues? None identified.
- (c) Existing land uses? None identified.



- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.
- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.
- (k) Other appropriate social and economic circumstances? None identified.

**2. SECONDARY AND CUMULATIVE IMPACTS ON THE PHYSICAL ENVIRONMENT AND HUMAN POPULATION:**

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

**3. DESCRIBE ANY MITIGATION/STIPULATION MEASURES:**

None.

**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 only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the diversion of groundwater at this location.

**Part III. Conclusion**

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**1. PREFERRED ALTERNATIVE:**

Issue a Grant with Modifications on the Petition to Modify if the Applicant proves the criteria in 85-20-401 MCA are met.

**2. COMMENTS AND RESPONSES:**

None.

**3. FINDING:**

*Based on the significance criteria evaluated in this EA, is an EIS required?* \_\_\_Yes \_\_\_**X**No

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

No significant impacts related to the proposed project have been identified.

**4. NAME OF PERSON(S) RESPONSIBLE FOR PREPARATION OF EA:**

*Name:* Kristal Kiel

*Title:* Water Resource Specialist

*Date:* 03 December 2025