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:

DARLENE SANDERS FAMILY TRUST
621 SOMERS STAGE RD
KALISPELL MT 59901-7954

2. TYPE OF ACTION:

Application to Change a Water Right 76LJ 30164320

3. WATER SOURCE NAME:

Patrick Creek (using Wiley's Slough as a natural carrier of Patrick Creek water)

4. LOCATION AFFECTED BY PROJECT:

NENENW of Section 11, Township 27 N, Range 21 W, Flathead County (Figure 1).

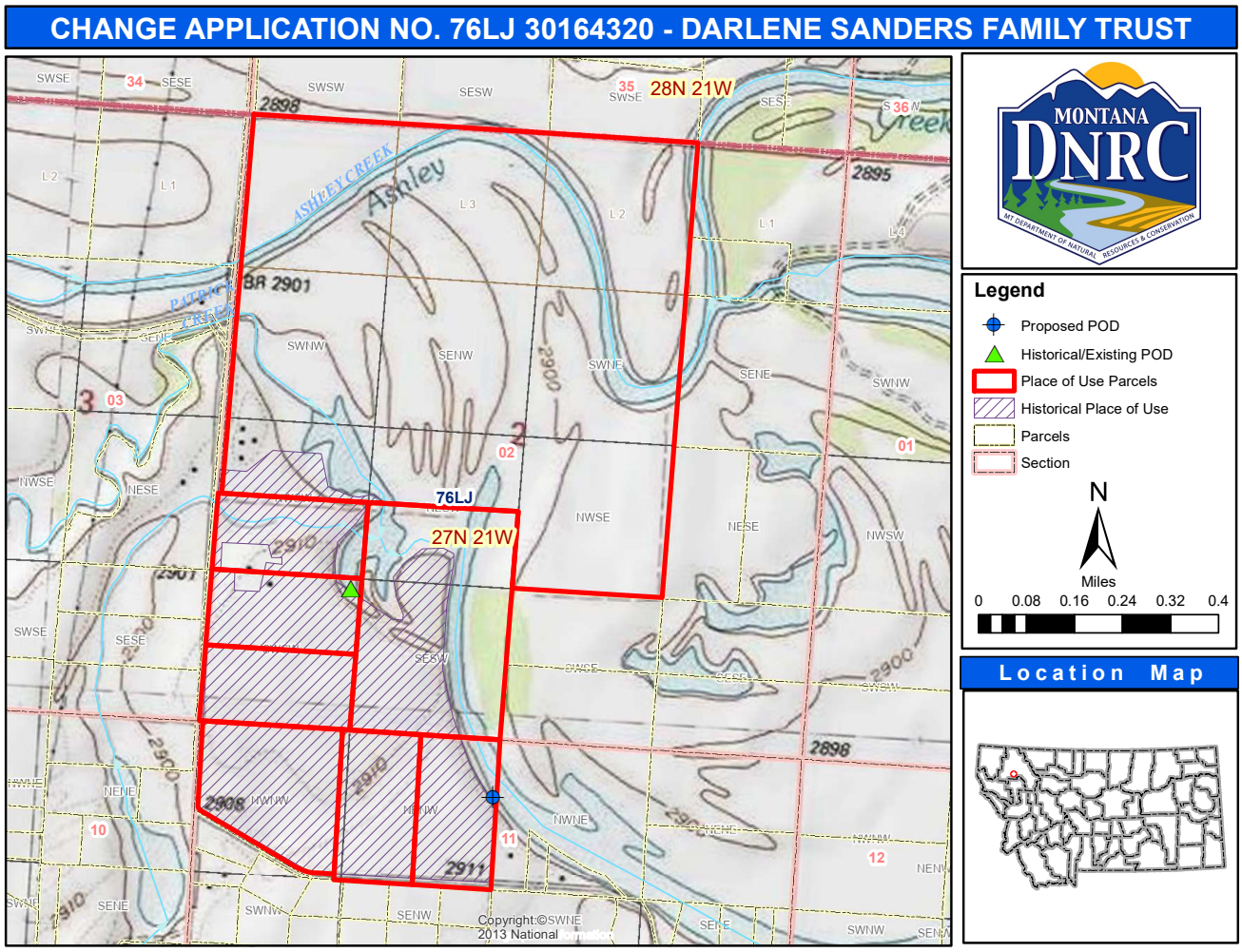

Figure 1: Map of place of use parcels, existing point of diversion, and the proposed point of diversion.

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

The Applicant proposes to add an additional (second) POD to Statement of Claim No. 76LJ 147164-00 located in the NENENW of Section 11, Township 27 N, Range 21 W, Flathead County (Figure 1). The existing POD is located in the NESWSW of Section 2, Township 27 N, Range 21 W, Flathead County (Figure 1). The proposed POD is on Wiley's Slough approximately 2,300-feet downstream from the existing POD. Patrick Creek flows into Wiley's Slough and the proposed POD will divert water from Wiley's Slough, which will be used as a natural carrier for Patrick Creek water. The proposed POD will serve as the primary POD for Statement of Claim 76LJ 147164-00. The existing POD will be retained when water is available at that location to supply the existing handline irrigation risers. No changes to the place or purpose of use are proposed in this change and there is no storage component of this water right.

The project is in the Flathead River Basin (76LJ) in an area that is not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall grant the requested water right change if the applicant proves the criteria in 85-2-402 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

Part II. Environmental Review

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.*

Patrick Creek and Wiley's Slough are not listed as chronically or periodically dewatered by MTDFWP. Ashley Creek, into which Patrick Creek and Wiley's Slough flow, is listed as periodically dewatered from the US Hwy 2 bridge to its mouth. This reach of Ashley Creek is downstream of the proposed POD. This change will not result in an increase in total diverted or consumed flow rate and volume over historical use and thus will not cause any additional dewatering.

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.*

Patrick Creek flows into Wiley's Slough which is a tributary of Ashley Creek. Ashley Creek is a tributary of the Flathead River.

Ashley Creek: MDEQ Clean Water Act Information Center's 2020 Water Quality Information report lists Ashley Creek as:

i. Water Quality Category 4A: All total maximum daily load (TMDL) plans needed to rectify all identified threats or impairments have been completed and approved;

ii. Use Class C-2: Waters classified as suitable for bathing, swimming and recreation; growth and marginal propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply;

iii. "Fully supporting" for: agriculture; and,

iv. "Not fully supporting" for:

a. aquatic life with probable causes for this designation being alteration in stream-side or littoral vegetative covers, Chlorophyll-a, dissolved oxygen, sedimentation/siltation, temperature, Nitrate/Nitrite, total Nitrogen, and total Phosphorus; and,

b. primary contact recreation with probable causes for this designation being Chlorophyll-a and Nitrate/Nitrite.

Flathead River (upstream of Flathead Lake): MDEQ Clean Water Act Information Center's 2020 Water Quality Information report lists the Flathead River as:

i. Water Quality Category 3: Waters for which there is insufficient data to assess the use support of any applicable beneficial use, so no use support determinations have been made; and,

ii. Use Class B-1: Waters classified as suitable for drinking, culinary, and food processing purposes after conventional treatment; bathing, swimming and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply;

The addition of a new POD for the diversion of water for the continuation of historically practiced irrigation is not anticipated to significantly affect water quality in these sources.

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.*

Determination: N/A, project does not involve groundwater.

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 add a new (second) POD in the NENENW of Section 11, Township 27N, Range 21W to Statement of Claim No. 76LJ 147164-00. The new POD will be a pump that will serve a center pivot sprinkler irrigation system. This center pivot sprinkler system will operate wholly within the historical place of use. Use of the pump at the existing POD will continue to supply two existing handline sprinkler systems when water is available at that pump site. The Applicant stated they will not operate the existing pump and the new pump at the same time.

The existing pump at the existing POD, which the Applicant will continue to use to operate two existing handlines, is a 50-HP GE model 5K324YK156. This pump was historically used to run combinations of wheeline and handline sprinkler systems up to 919.6 GPM. If this pump proves too large to operate just the two handlines, the Applicant has stated they will seek a downsized pump for that location. The two handlines consist of 28 heads and 33 heads, respectively. All heads use 5/32-inch nozzles rated at 4.5 GPM per head, for a total demand of 274.5 GPM.

The new diversion and conveyance system is associated with a new center pivot sprinkler irrigation system designed for the Applicant by USDA NRCS Professional Engineer Logan Prochazka under the NRCS Environmental Quality Incentives Program. The full system designs and specifications as detailed in the USDA NRCS EQIP project documentation, as well as the documentation generated by the equipment vendor, Ronan Irrigation, LLC, were provided with the application. The pumping station will consist of a Cornell 4RB with a 40-HP motor equipped with a Dan Foss 480V VFD connected to an 8-inch screened intake pipe. Water will be conveyed from the pump to the center pivot through an 8-inch PVC water main. The Reinke Center Pivot 2065

has seven towers and an end swingarm with spans consisting of 6-5/8-inch galvanized steel pipe. The maximum flow rate for the system using the equipment provided by the vendor is 1.83 CFS (821.8 GPM).

The Department finds that the new POD is capable of diverting, conveying, and distributing the proposed flow rate of 1.83 CFS (821.8 GPM) and that the two PODs combined can provide the historically proven annual volume of 240.9 AF.

This project will not have any channel or riparian impacts, nor will it create barriers or dams on Patrick Creek or Wiley's Slough.

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 the project area that could be impacted by the proposed project. Eight species of concern (Table 1) were identified in the general vicinity of the project area. Of these species, the Grizzly Bear (Ursus arctos) is listed as threatened by the USFWS. This general area has been in agricultural production for decades, and it is not anticipated that any species of concern will be further impacted by the proposed project. This project will not create any barriers to the migration or movement of fish or wildlife.

Table 1. Species of Concern

Species Group	Common Name	Scientific Name
Mammals	Grizzly Bear	*Ursus arctos*
Mammals	Northern Hoary Bat	*Lasiurus cinereus*
Birds	Bobolink	*Dolichonyx oryzivorus*
Birds	Brewer's Sparrow	*Spizella breweri*
Birds	Great Blue Heron	*Ardea herodias*
Birds	Pileated Woodpecker	*Dryocopus pileatus*
Birds	Trumpeter Swan	*Cygnus buccinator*
Invertebrates	Oblique Ambersnail	*Oxyloma nuttallianum*

Determination: No significant impact.

Wetlands and Ponds - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted. For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

The area of Wiley's Slough from which Patrick Creek water will be diverted is mapped as a freshwater emergent wetland. This new POD is being installed under the United States Department of Agriculture Natural Resources Conservation Service Environmental Quality Incentives Program. The Applicant is responsible for ensuring they obtain all permits from the relevant agencies for work near this wetland. This project does not involve a pond.

Determination: No significant impact.

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.*

The proposed addition of a new POD will not negatively impact the soil quality, stability, or moisture content. The soil type in the project area is Kalispell silt loam, moderately deep over sand, 0 to 7 percent slopes, formed from alluvium parent material. This soil has a moderately high to high capacity to transmit water and is very slightly saline and thus is not likely susceptible to saline seep.

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.*

No new place of use is proposed; this change adds a new point of diversion on Wiley's Slough to divert and convey Patrick Creek water to land that has been in agricultural production for decades. It is not anticipated that the construction of the new diversion and conveyance structures will significantly impact any existing native vegetation. It is not anticipated that the authorization of the requested water right change will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners, who must follow local 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.*

There will be no impact to air quality associated with the authorization of the proposed water right change.

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.*

This proposed use will not adversely impact human health.

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*.

There are no government regulatory impacts on private property rights resulting from this project.

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 be to not grant the requested water right change of adding a new point of diversion.

Part III. Conclusion

1. PREFFERED ALTERNATIVE:

Authorize the requested water right change if the Applicant proves the criteria in 85-2-402 MCA are met.

2. COMMENTS AND RESPONSES:

None.

3. FINDING:

Based on the significant 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: Travis Wilson
Title: Water Resource Specialist
Date: January 24, 2025