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:

   Circle H Ranch Investments
   c/o Mark Bretz
   4800 Grant Creek Rd
   Missoula, MT 59808

2. Type of action: Application for Change No. 76M 30170836

3. Water source name: Groundwater

4. Location affected by project:

   Points of diversion: NWSESW of Section 26, T14N, R20W, Missoula County.
   Place of use: E2 of Section 26, all of Section 25, T14N, R20W, Missoula County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to change the purpose of use and place of use (POU) of unperfected permit 76M 30013295. The permit authorizes multiple domestic (64 AF for 113 units) and lawn and garden purposes (50 AF for 29.6 acres). These volumes will be adjusted and after the change, the multiple domestic volume will be 63.18 AF (for a total of 162 units) and the lawn and garden volume will be 41.57 AF (for a total of 24.6 acres). If authorized, the multiple domestic use will be increased by 49 units (from 113 to 162) and the lawn and garden purpose will be reduced by 5 acres (from 29.6 to 24.6). The Applicant proposes to enlarge the POU from the W2 of Section 25 and E2 Section 26, T14N, R20W, to include all of Section 25. The enlarged POU and change in purposes will allow the applicant to construct more homes within the West Pointe and Circle H subdivisions.
   The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-402 MCA are met.

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

   - Montana Natural Heritage Program - Species of Concern

- Montana Department of Fish, Wildlife and Parks - 2005 Dewatered Stream List, 2022 Dewatered Streams Map
- Montana Department of Environmental Quality - 303(d) list of impaired streams, Montana Impaired Waters 2020 Maps.
- USDA Natural Resources Conservation Science – Web Soil Survey
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory Mapper

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.*

The 2005 Montana Department of Fish, Wildlife & Parks Dewatered Concern Areas list does not identify Lower Clark Fork River as chronically or periodically dewatered. The proposed groundwater change will use less volume and cause less net depletions to the Clark Fork River than what is authorized by the unperfected permit 76M 30013295 (40.45 AF of historical net depletion vs 37.11 AF of net depletions from the proposal). The historical and proposed depletions were determined by the Department. The requested change in purpose and place of use by the Applicant was not modeled to have an increased effect on the quantity of water in the Clark Fork River.

Determination: No impacts

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.*

The proposed change is to permit 76M 30013295, which currently sources water from two 120-foot-deep wells. DEQ does not currently evaluate groundwater quality in Montana. DEQ's Montana Impaired Waters 2020 Maps and 303(d) list of streams only include surface water, streams and lakes. There is no known contamination to the aquifer being diverted from.

Determination: No impacts

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.*

The two production wells (GWIC ID's 214761 and 214758) under permit 76M 30013295 are approximately 3.34 miles from the Clark Fork River, which the Department considered to be hydraulically connected to the groundwater aquifer from which the wells source water. Adverse effect to groundwater was evaluated by comparing the net depletions to surface water for the

existing and proposed conditions. Impacts to nearby wells was not modeled by the Department since the proposed change will not alter the timing, location or amount of water diverted from the aquifer. There will be a net change (savings) of 3.34 AF of consumed volume and net depletions to the Clark Fork River (40.45 AF historically versus 37.11 AF proposed).

Determination: No impacts.

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 change water right 76M 30013295 which authorizes diversion from two wells for multiple domestic and lawn and garden purposes. The wells consist of a 6-inch casing (GWIC 214758) and an 8-inch casing (GWIC 214761). The 6-inch well is 120 feet deep with a statice water level of 75 ft while the 8-inch well is 120 feet deep with a static water level of 78 feet. These wells are located near Butler Creek, but this was determined to be hydraulically disconnected from the source aquifer. The proposed changes are not expected to impact any nearby channels, riparian areas, dams or wells, nor cause flow modifications.

Determination: No impacts.

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."*

The Montana Natural Heritage Program (MNHP) was utilized to determine if there are any threatened or endangered fish, wildlife, plants of aquatic species or any "species of special concern", that could be impacted by the proposed project. The MNHP identified the following mammal, bird, amphibian, fish, invertebrate and plant species of concern: Canada Lynx, fisher, grizzly bear, little brown myotis, long-eared myotis, northern hoary bat, silver-haired bat, townsend's big-eared bat, wolverine, American bittern, black-backed woodpecker, bobolink, brewer's sparrow, brown creeper, cassin's finch, clark's nutcracker, evening grosbeak, flammulated owl, great blue heron, harlequin duck, lewis's woodpecker, long-billed curlew, pacific wren, pileated woodpecker, varied thrush, veery, western toad, bull trout, Westslope cutthroat trout, western bumble bee, suckley's cuckoo bumble bee, rocky mountain forestfly, cordilleran forestfly, pointed broom sedge, alpine collomia, pale-yellow jewel-weed, spiny-spore quillwort, stalk-leaved monkeyflower, Missoula phlox.

Determination: No significant impacts.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Using the U.S. Fish and Wildlife Service Wetlands Mapper, no wetlands were identified at the proposes site.

Determination: No impacts.

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

The project does not involve ponds.

Determination: No impacts.

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 the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey, the major soils at the proposed place of use are Minesinger-Bigarm complex, 0 to 4 percent slopes, Minesinger-Bigarm complex, 4 to 15 percent slopes, Bigarm-Minesinger complex, 15 to 30 percent slopes, Bigarm gravelly loam, 0 to 4 percent slopes, Bigarm Gravelly loam, 15 to 30 percent slopes, Bigam gravelly loam, 30 to 60 percent slopes, Riverside gravelly sandy loam 15 to 30 percent slopes and Minsinger-Bigarm complex, 2 to 45 percent slopes, landslides.
The use of groundwater for multiple domestic purposes is not anticipated to cause degradation of soil quality or stability. Water will be diverted from the singular well and conveyed in underground facilities. All of the aforementioned soils are non-saline or very slightly sailine. The project is not anticipated to cause saline seep.

Determination: No significant impacts.

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.*

The diversion of water for additional homes use will not cause degradation to existing vegetation. The place of use consists of many individual homesites and future construction will cause some disturbances to the natural vegetation and open space. Any spread of noxious weeds would be the landowner's responsibility to manage and mitigate.

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.*

Adverse air quality impacts from increased air pollutants are not expected to occur as a result of the proposed changes. The water will be diverted using a submersed electric pumps in the wells. No major impacts are anticipated related to the water diversion/use.

Determination: No impacts.

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 – the project is not located on State or Federal lands.

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 have been identified and discussed.

Determination: No impacts

HUMAN ENVIRONMENT

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

The Department is unaware of any locally adopted environmental plans or goals. This project is not anticipated to create any significant pollution, noise or traffic congestion in the area.

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.*

The project site is on private property with limited recreational opportunities for the public. No wilderness areas will be impacted by the proposed changes.

Determination: No impact.

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

The proposed use will not adversely impact human health.

Determination: No impacts

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 impacts

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 impacts

(*b)* *Local and state tax base and tax revenues?* Additional domestic structures would cause an increase in local/state tax revenues.

(c) *Existing land uses?* The land use would change from the addition of the proposed domestic structures. The open space would be decreased.

(*d)* *Quantity and distribution of employment?* No impacts

(e) *Distribution and density of population and housing?* The proposal would result in additional housing units and thus more density of the population.

(f) *Demands for government services?* With the creation of more housing units, there may be additional demands on government services.

(g) *Industrial and commercial activity?* No impacts

(h) *Utilities?* Additional housing units will require more utilities.

(i) *Transportation?* Additional housing will cause more vehicles on the road

(j) *Safety?* There could be some impacts on existing emergency responses and evacuation with the addition of the numerous homesites proposed.

(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 identified

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 is the only action alternative to the proposed action. Under the no action alternative, the application would be unable to obtain a water right change authorization.

PART III. Conclusion

1. Preferred Alternative N/A

2 Comments and Responses N/A

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 for the proposed action because the proposed changes to 76M 30013295 are not anticipated to cause any significant impacts.

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

Name: Alex Dalgleish
Title: Water Resources Specialist
Date: June 9, 2026