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:

BRUCE AND ILENE PAULSEN
8 BALDY VIEW LN
PLAINS MT 59859-9249

2. TYPE OF ACTION:

Surface Water Application for Beneficial Water Use Permit No. 76N 30163571

3. WATER SOURCE NAME:

Lynch Creek

4. LOCATION AFFECTED BY PROJECT:

The SENESE of Section 35 and the SWNWSW of Section 36, Township 21N, Range 26W, Sanders County, Montana (Figure 1).

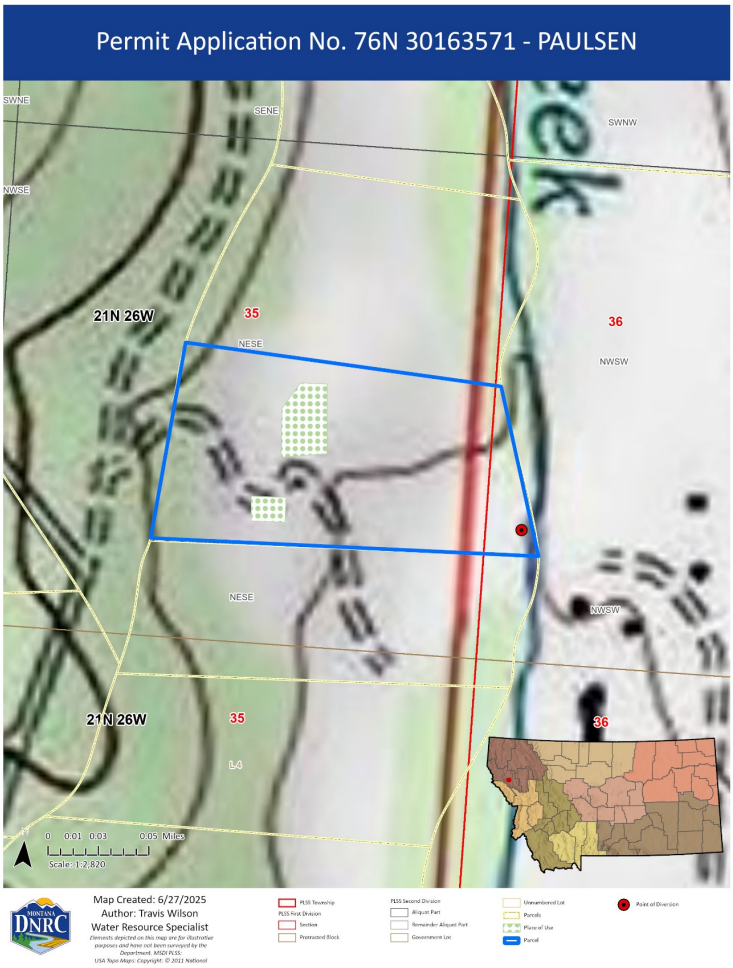

Figure 1. Map of the proposed place of use and point of diversion.

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

The Applicants proposed to divert 0.86 AF of Lynch Creek water by means of a pump at a flow rate of 30.0 GPM for irrigation of 0.343 acres of lawn and garden area from May 1 – September 30, annually. However, the Department found that water is not legally available throughout the entire proposed period of diversion and use, so the Applicants may only divert 0.32 AF of Lynch Creek water by means of a pump at a flow rate of 30.0 GPM for lawn and garden use from May 1 – June 30, annually.

The proposed point of diversion (POD) is in the SWNWSW of Section 36, Township 21N, Range 26W, Sanders County, Montana (Figure 1). The proposed place of use is in the SENESE of Section 35, Township 21N, Range 26W, Sanders County, Montana, further described as Lot 8 of the Sammons Trucking subdivision (Figure 1).

The POD is in Water Right Basin No. 76N (the Clark Fork River, below the Flathead River) in an area that is not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311 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.*

Lynch Creek is listed as chronically dewatered in the Montana DFWP list of dewatering concern areas. The proposed use may cause additional dewatering of up to 30.0 GPM during pumping during the period of diversion of May 1 – June 30.

Determination: The proposed appropriation may cause additional dewatering of the source.

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.*

Lynch Creek: MDEQ Clean Water Act Information Center's 2020 Water Quality Information report lists Lynch 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 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;

iii. "Not assessed" for agricultural and drinking water uses; and,

iv. "Not fully supporting" for:

a. Aquatic life with probable causes for this designation being alteration in stream-side or littoral vegetative convers, sedimentation/siltation, temperature, total nitrogen, total phosphorus, and flow regime modification; and,

b. Primary contact recreation with probably causes for this designation being total nitrogen and total phosphorus.

The diversion of water for lawn and garden irrigation use is not anticipated to significantly affect water quality in 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.*

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 Applicants propose to divert up to 0.86 AF/year of Lynch Creek water at 30.0 GPM for irrigation of 0.343 acres of lawn and garden area using a Honda WX10T 25cc gasoline water pump. A 15-foot long 1-inch diameter screened rubber intake line will be set in Lynch Creek. A 10-foot long 1-inch rubber discharge line will be used to fill three 400-gallon portable plastic water tanks, with one tank being mounted in a pickup truck bed with the other two being mounted on a flatbed trailer. The water tanks will be transported via the vehicle/trailer from point of diversion to the place of use. The same Honda WX10T water pump will be used to pump water from the portable water tanks through 1-inch diameter rubber lines varying from 30- to 70-feet in length to rotating impact sprinklers and oscillating sprinklers to irrigate the lawn and garden areas.

The maximum TDH while filling the water tanks is approximately 15 feet based on four feet of lift, 10.6 feet of fiction losses in the 25-feet of intake and discharge line, and open discharge flow. Based on the pump specifications and the TDH figures provided by the Applicants, the system will divert 30.0 GPM at 15 feet TDH. Based on the system design and specifications, the Department finds that the proposed system is adequate to divert and convey the requested flow rate of 30.0 GPM up to an annual volume of 0.86 AF.

This project will not have any channel or riparian impacts, nor will it create barriers or dams on Lynch Creek.

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. Four animal and zero plant species of concern (Table 1) were identified in the general vicinity of the project area. Of these species, none are listed as threatened by the USFWS. This general area is already developed with agricultural and rural residential properties. 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	Northern Hoary Bat	*Lasiurus cinereus*
Mammals	Townsend's Big-eared Bat	*Corynorhinus townsendii*
Birds	Great Blue Heron	*Ardea herodias*
Fish	Westslope Cutthroat Trout	*Oncorhynchus lewisi*

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.*

There are no ponds or wetlands within the proposed place of use. The point of diversion is within a riverine habitat directly adjacent to an area of freshwater forested/shrub wetland. It is not anticipated that the proposed pumping of water at this location will have significant impacts on the wetland resource.

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 lawn and garden use will not negatively impact the soil quality, stability, or moisture content. The soil type in the project area is Totelake gravelly loam, 2 to 8 percent slopes, formed from alluvium parent material. This soil has a moderately high to high capacity to transmit water. Soils in this general area are not typically saline and thus not 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.*

This project site is already developed. Any existing native vegetation has likely already been disturbed. It is not anticipated that issuance of a water use permit 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 issuance of the proposed permit for beneficial use of surface water.

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*.

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 surface water at this location.

Part III. Conclusion

1. PREFFERED ALTERNATIVE:

Issue a water use permit if the Applicant proves the criteria in 85-2-311 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: Travis Wilson
Title: Water Resource Specialist
Date: July 1, 2025