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:
   JUMPING HORSE STOCK RANCH, LLC
   PO BOX 1377
   ENNIS, MT 59729-1377

2. Type of action: Application to Change an Existing Irrigation Water Right No. 41F 30163349 by Jumping Horse Stock Ranch, LLC

3. Water source name: Madison River

4. Location affected by project: The Applicant proposes to change the point of diversion (POD) for Claims 41F 8354-00 and 41F 8355-00. The proposed POD is a pump site composed of two pumps that will divert water downstream of the historical POD in the NESWNE Section 20, T1N, R2E, Gallatin County, on the Madison River.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Applicant submitted Change Application 41F 30163349 on October 7, 2024, to the Bozeman DNRC Water Resources Office. The Application proposes to change the POD of Statement of Claims 41F 8354-00 and 41F 8355-00. The proposed POD is located downstream of the historical POD in the NESWNE Section 20, T1N, R2E, Gallatin County, on the Madison River. The proposed POD is a pump site composed of two pumps that will divert water from the Madison River. Water will be conveyed from the proposed POD to the POU via pipelines, so no changes in conveyance losses will occur. Since no change to the POU or conveyance losses is proposed, the proposed use is equal to the historical use. 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]

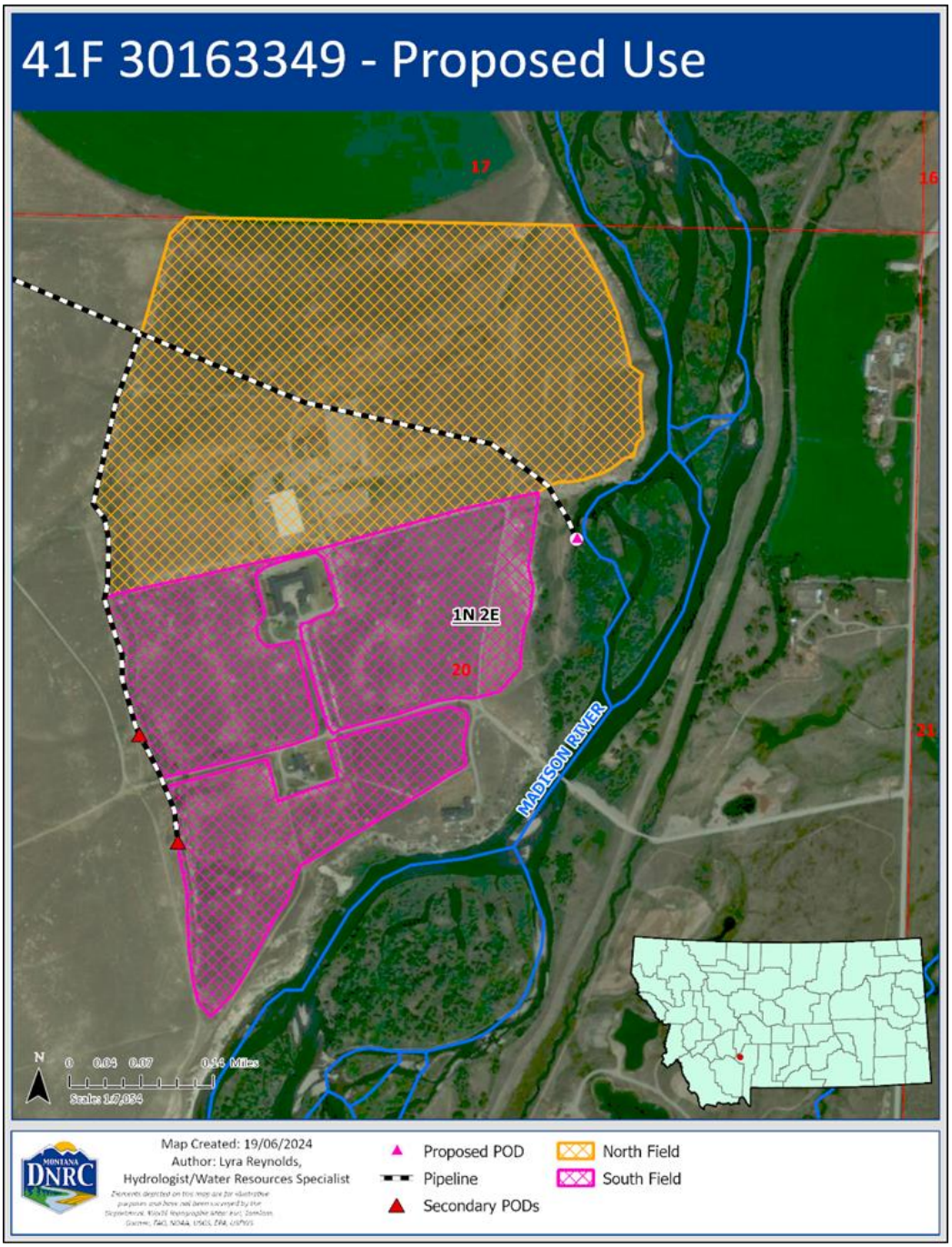

Figure 1. Proposed use for Change Application 41F 30163349

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.

A November 20, 2024, search of DFWP data does not list the stretch of the Madison River adjacent to the project as periodically or chronically dewatered. The proposed diverted volume is less than or equal to the historically diverted volume so water quantity in the source will not decrease as a result of the proposed change. Water will continue to be used for irrigation and the consumptive use associate with the field will remain the same as the historical consumed volume. No impact to water quantity is expected as a result of this 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.

A December 10, 2024, search of DEQ Impaired Waters 2020 data on the CWAIC identified Madison River, headwaters to the mouth (Missouri River), was assessed for impairments. Agricultural use and Primary Contact Recreation use were not assessed, but the search showed the source to be not fully supporting Aquatic Life use and Drinking Water use. The impairments are suspected to be caused by alteration in streamside or littoral vegetative covers, arsenic, sedimentation/siltation, and temperature from the following:

- Dam Construction
- Impacts from Abandoned Mine Lands
- Impacts from Hydrostructure Flow Regulation/modification
- Dam or Impoundment
- Natural Sources
- Agriculture

The proposed project involves changing the POD and diverting water by pipelines. The proposed change is not likely to affect eater quality because the historical consumptive volume, diverted volume, and return flows remain unchanged.

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 a change in POD. The proposed POD is approximately 0.45 miles downstream of the historical POD on the Madison River and will convey water from the pump site by a means of a buried 18" mainline pipeline. There was a small disturbance of native soils during construction, but no significant impact to the channel, flow regime, or riparian areas are expected by using the diversion works after 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.

A December 10, 2024, search of the Montana Heritage Programs website for T1N, R2E, Gallatin County returned the following results:

- 53 Animal Species of Concern: Black-tailed Prairie Dog, Canda Lynx, Hoary Bat, Little Brow Myotis, Long-eared Myotis, Wolverine, American Bittern, American Goshawk, American White Pelican, Black Tern, Black-billed Cuckoo, Black-crowned Night-Heron, Black-necked Stilt, Bobolink, Brewer's Sparrow, Brown Creeper, Burrowing Owl, Caspian Tern, Cassin's Finch, Clark's Grebe, Clark's Nutcracker, Common Loon, Common Tern, Evening Grosbeak, Ferruginous Hawk, Forster's Tern, Franklin's Gull, Golden Eagle, Gray-crowned Rosy-Finch, Great Blue Heron, Great Gray Owl, Green-tailed Towhee, Horned Grebe, Lewis's Woodpecker, Loggerhead Shrike, Long-billed Curlew, Pinyon Jay, Sage Thrasher, Sharp-tailed Grouse, Sprague's Pipit, Thick-billed Longspur, Trumpeter Swan, Varied Thrust, Veery, White-faced Ibis, Yellow Rail, Greater Short-horned Lizard, Snapping Turtle, Northern Leopard Frog, Western Toad, Arctic Grayling, Northen Redbelly Dace, Westslope Cutthroat Trout
- 11 Animal Potential Species of Concern: North American Porcupine, Silver-haired Bat, Barrow's Goldeneye, Broad-tailed Hummingbird, Chimney Swift, Hooded Merganser, Ovenbird, Rufous Hummingbird, Short-eared Owl, Tennessee Warbler, Western Screech-Owl
- 1 Animal Special Status Species: Bald Eagle
- 6 Plant Species of Concern: Annual Indian Paintbrush, Beaked Spikerush, Annual Muhly, Mealy Primrose, Alkali-marsh Ragwort, Ute Ladies'-tresses
- 1 Plant Potential Species of Concern: Limestone Larkspur,
- 0 Plant Special Status Species

The proposed change will not change the flow rate or volume of diverted water from historical values. The proposed project will continue historical irrigation practices, so flow regimes will not change. The proposed pump diversion is not expected to create a barrier to the migration or movement of aquatic species. The proposed project is not anticipated to have a 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.

A November 20, 2024, search on the National Wetlands Inventory Mappers shows no wetlands in the project area but does show forested riparian zones along the river. Water will be diverted in volumes less than or equal to the historical use of the water rights proposed to change. No significant impact on wetlands in the area are expected as a result of the proposed change.

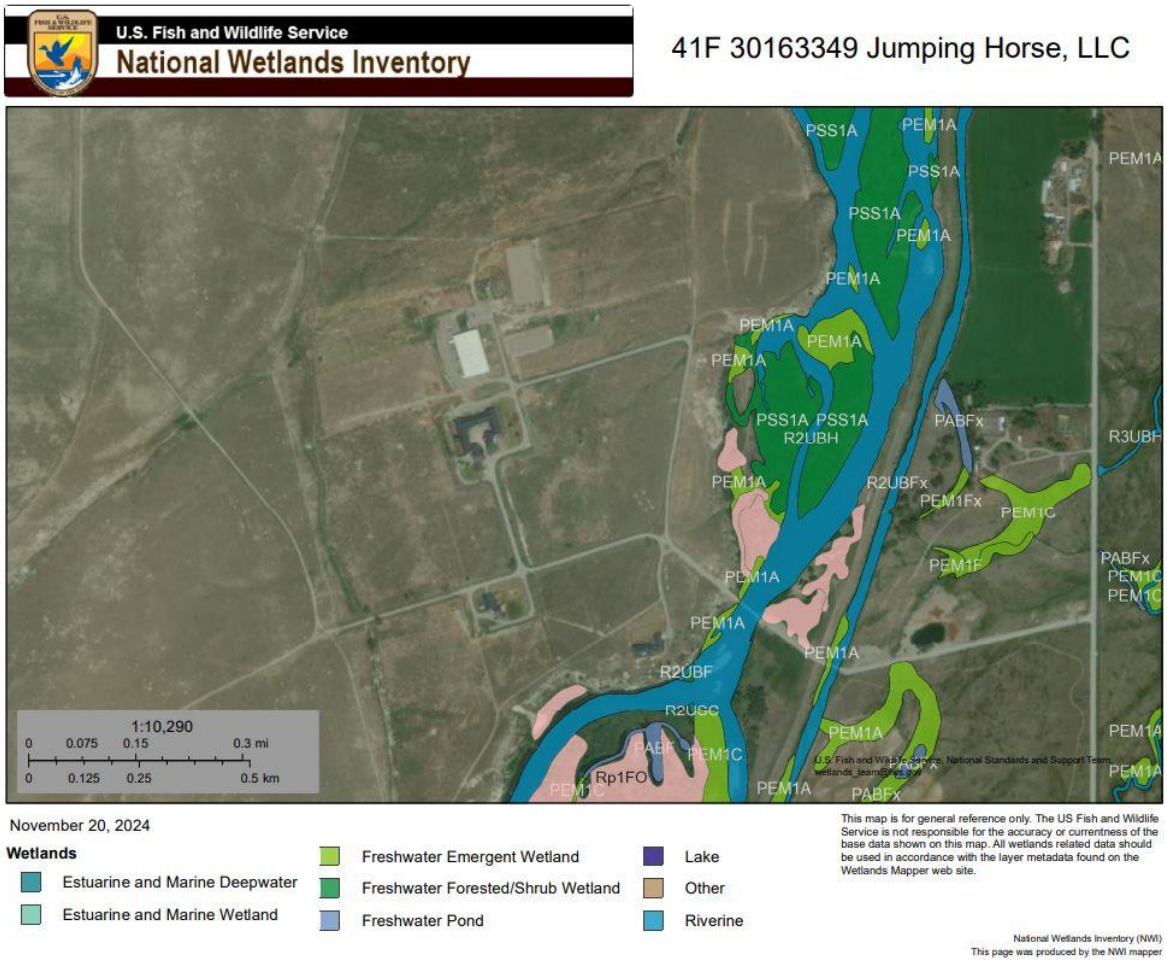

Figure 2. Wetlands surrounding the proposed project area

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: A December 10, 2024, search of the NRCS Web soil Survey identified surface salinization risk in the project area. About 4.6% of the POU is characterized to have surface salination risk, and the remaining 95.4% has a low surface salinization risk. The proposed project is not predicted to increase soil salinization risk. The historical POU will remain unchanged and there will be no changes to the irrigation practices. The installation of the pump diversion may cause temporary and minor disturbance to the soil but is not anticipated to have significant impact.

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 disturbance associated with construction the pump and pipeline structure in the Madison River was minimal and 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 of 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 change the POD downstream for continued irrigation use, which is 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: The proposed diversion will be located downstream of the historical POD. Water will be diverted via a pump site and conveyed into the irrigation system via a pipeline. The applicant will not exceed historical diverted volume. 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 to not construct an additional point of diversion. The applicant would continue using the historical POD to divert water from the Madison River for irrigation use.

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

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 <u>why</u> 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 POD downstream. Irrigation is consistent with state and local plans. None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Kendrew Ellis
Title: Water Resource Specialist
Date: December 18, 2024