Short-term Lease of Appropriation Water Right
for Construction Dust Suppression
Upper Tenmile Creek Mining Area Superfund Site
Lewis and Clark County, Montana

On behalf of U.S. Environmental Protection Agency (EPA), CDMS Smith proposes to lease upper Tenmile Creek surface water for dust suppression while constructing remedial actions at the Upper Tenmile Creek Mining Area Superfund Site in 2020. The City of Helena may agree to allow use of its appropriated water right for this purpose pending approval of the city commission.

1) Name and address of the lessee
CDMS Smith
560 North Park Ave., Suite 300
Helena, Montana 59601
Contact: David Shanight, CDMS Smith Project Manager

2) Name of the appropriation right owner
City of Helena
316 North Park Street
Helena, Montana 59601
Contact: Melinda Reed, Interim City Manager

3) Appropriation right number
41I-W-089059-00 – Ruby Creek
41I-W-089065-00 – Banner Creek
41I-W-089074-00 – Tenmile Creek
41I-W-089075-00 – Tenmile Creek

4) Purpose of use of water for which the lease is being made
As stated, CDMS Smith intends to implement several remedial action components at the Upper Tenmile Creek Mining Area Superfund Site from July through October 2020. CDMS Smith plans to complete the excavation of mine wastes from the residential property at 3440 Rimini Road, which is one of the last remaining residential properties within the Rimini community that has not had cleanup/remediation activities completed. In addition to the cleanup of the 3440 Rimini Road, the following tasks will also be completed as part of the construction contract:

- Operations and Maintenance (O&M) at the Lee Mountain (sludge removal and substrate replacement) and Susie adit settling pond (sludge removal)
- O&M (sludge removal) at the Luttrell leachate collection pond
- Opening of the Luttrell Repository and disposal of yard soils, Lee Mountain/Susie/Luttrell leachate collection pond sludges, and other imported mine waste materials

These actions will require hauling excavated materials on Rimini Road and Banner Creek Road south of the community of Rimini for disposal at the Luttrell Repository (at the old Basin Creek Mine). One of EPA’s primary goals in the Upper Tenmile Creek Mining Area cleanup is to improve water quality at the intake for the City of Helena’s Tenmile Water Treatment Plant and for the Upper Tenmile watershed. CDMS Smith’s construction contractors will be performing the work. The leased water will be used for dust suppression at all project locations and along the Rimini Road and Banner Creek Road haul routes.

5) Source of the water to be used
The water source will be surface water from Tenmile Creek, Banner Creek, and Scott Reservoir.

6) Starting and ending date of the proposed use of water
The water will be used from approximately mid-August 2020 through September 25, 2020.

7) Proposed point of diversion
CDMS Smith’s contractor will draw the water from up to five locations: Scott Reservoir (T8N R5W, Section 20), Banner Creek at the Rimini Road bridge (T8N R5W, Section 16), Beaver Creek (T9N R5W, Section 33), and Tenmile Creek above Rimini (T8N R5W, Section 4).

8) Proposed places of use
The water will be used for dust suppression on several roads located within the site. The majority of the water will be used on the Rimini Road between the community of Rimini and the Basin Creek Mine located on the continental divide and on secondary roads within the community of Rimini.

9) Diversion flow rate and volume of water to be used during the period of use
Water will be drawn from the streams at approximately 100 gallons per minute while filling the water trucks. Water may be drawn from Scott Reservoir at approximately 250 gallons per minute. Daily use during dry periods is expected to be 6,000 gallons per day. During rainy periods, less water will be required. Maximum total leased water use over the entire construction period is estimated to be 144,000 gallons, or a little less than 0.5 acre-feet.

10) How existing use of water will be reduced to accommodate the intended leased use
The existing use of the water is for the City of Helena municipal drinking water supply and the quantity of use is variable during the summer months, depending strongly on weather conditions. Helena has an active ongoing water conservation program intended to minimize the amount of water drawn from the Tenmile Creek watershed, especially during drought periods. There is no existing irrigation use under the appropriation right being leased.