

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: **Wilks Ranch Montana LTD  
PO Box 111  
Cisco TX, 76437**
  
2. Type of action: **Application for Beneficial Water Use Permit No. 40B 30070712**
  
3. Water source name: **Durfee Creek**
  
4. Location affected by project: **260 acres in parts of Sections 15, 16, 21, 22, 23 and 24, all in T12N, R23E, Fergus County. The proposed place of use is for supplemental irrigation on 236 acres, with an additional 24 acres of new land proposed for irrigation. The existing 236 acres of irrigation are claimed as historically irrigated under the following water rights: 40B 41502 and 40B 41503. A place of storage is also part of the system, located in the N2NW Section 21, T12N, R23E.**
  
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:  
  
**The applicant proposes to divert water from Durfee Creek from November 1 through June 30 at a flow rate of 4.0 cubic feet per second (CFS), and a volume up to 151.4 acre-feet (AF), and store the water in an off-stream reservoir. The point of diversion is a headgate located in the SWNWNW Section 21, and the off-stream storage reservoir is located in the NWNENW Section 21, both in T12N, R23E, Fergus County. The reservoir has a capacity of 114.4 acre-feet (AF). After the water is stored, it is proposed to be released or pumped from the reservoir and used for irrigation purposes during the period April 15 to October 15.**
  
6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)  
  
**Dept. of Environmental Quality Website – Clean Water Act Information Center  
MT. National Heritage Program Website - Species of Concern  
USDI Fish & Wildlife Service Website - Endangered and Threatened Species  
MT State Historic Preservation Office - Archeological/Historical Sites**

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

<p style="text-align: center;"><b>PHYSICAL ENVIRONMENT</b></p>
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**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.**

**Durfee Creek is tributary to Flatwillow Creek, and Flatwillow Creek is listed as chronically dewatered. The proposed action will further dewater Flatwillow Creek. However, the Department has proposed to place conditions and limits on the issuance of the Permit that would restrict the periods when water could be appropriated (including the period of appropriation and minimum stream flow conditions), so that other water users and instream flows would not be negatively impacted.**

***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.**

**The DEQ website does not list any data for Durfee Creek. Durfee Creek is a tributary of Flatwillow Creek. The DEQ website lists Flatwillow as fully supporting agricultural practices. The website lists drinking water, primary contact recreation, and aquatic life as not fully supported. The Impairment Information section on the DEQ website lists the probable causes of impairments as; Low flow alterations- Irrigated Crop Production, Impacts from Hydro-structure Flow Regulation-modification; Sedimentation/Siltation-Loss of Riparian Habitat, Rangeland Grazing, Grazing in Riparian or Shoreline Zones; and Alteration in stream-side or littoral vegetative covers- Grazing in Riparian or Shoreline Zones, Loss of Riparian Habitat, Rangeland Grazing. No significant impact to Water Quality is expected.**

***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.**

**Localized ground water elevations are not expected to see any significant impact from this Permit. It is not anticipated that the proposed action would create any significant impacts**

or adverse effects to groundwater resources. Cumulative impacts associated with the new storage reservoir could alter groundwater patterns in the vicinity of the storage site in a localized manner. Based on the groundwater effects of similar storage projects it is anticipated that any adverse effects would be minor and non-significant.

**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 applicant proposes to divert water from Durfee Creek from November 1 through June 30 at a flow rate of 4.0 cubic feet per second (CFS), and a volume up to 151.4 acre-feet, and store the water in an off-stream reservoir. The 114.4 acre-feet reservoir is not anticipated to create any adverse effects concerning channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

#### **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.**

The Montana National Heritage Program lists 3 Species of Concern and no plant Species of Concern within Township 12 North, Range 23 East. The common names for the two bird species include the Greater Sage-Grouse and Mountain Plover. The Black-tailed Prairie Dog is the only mammal listed as a species of concern in Township 12 North, Range 23 East. No impacts to any of these species are expected.

**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.**

There are Freshwater Emergent Type Wetlands along tributary drainages and in Durfee Creek. According to the US Fish and Wildlife Service's Wetland Mapper website, the reservoir is listed as a Freshwater pond. However, the wetland areas are an expected result of the reservoir impounding water from this drainage. No significant impacts to wetlands are expected from this permit application; wetland areas may benefit from water stored in the reservoir.

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

*Determination:*           **No Significant Impact.**

**The reservoir of interest for this application may create impacts to wildlife and waterfowl from the impoundment, but the impacts may be considered beneficial because the stored water will make water available after runoff or precipitation events later in the year.**

**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:*           **No Significant Impact.**

**Adverse effects to soil moisture could be experienced as a result from the construction activity and the creation of the reservoir. The overall impact would be minor and non-significant. Potential cumulative impacts associated with the construction activities could have a created a minor impact on the soils on the site, but there will be no further impacts than what has already occurred. It is not anticipated that any significant impacts to geology, soil quality, stability and moisture would result from the proposed action because the reservoir was already constructed.**

**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 proposed action would not cause any adverse effects or have any significant impact on vegetation cover, quantity and quality. Some plant cover may have been disturbed, primarily associated with the reservoir. No significant impacts are anticipated; the disturbance associated with the construction of the reservoir may have caused an increase in noxious weeds. It is the responsibility of the property owner to control noxious weeds 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.**

**No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal.**

**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**

**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.**

**No additional impacts are anticipated.**

<b>HUMAN ENVIRONMENT</b>
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**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.**

**No locally adopted environmental plans or goals have been identified.**

**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.**

**The proposed action should not negatively impact recreational activities in the area. The project is located on private land, and there is not expected to be any difference in the access to recreational or wilderness activities by the public from the action.**

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

Determination: **No Significant Impact.**

**No impacts to human health have been identified.**

**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 known 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? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **No significant impact from increased irrigation.**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts – **No secondary impacts have been identified.**

Cumulative Impacts – **No cumulative impacts have been identified.**

3. *Describe any mitigation/stipulation measures:*

**No mitigation or stipulation measures have been described..**

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:*

**No action alternative: Deny the application. This alternative would result in none of the economic benefits of increased irrigated production for the applicant, nor decrease water supplies in Durfee and Flatwillow Creeks.**

*PART III. Conclusion*

1. *Preferred Alternative*

**The preferred alternative is the proposed alternative, but only if the Applicant provides the necessary criteria required for issuance of a new Provisional Permit.**

2 *Comments and Responses*

**None Received.**

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:*

**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:* Mike Everett

*Title:* Water Resources Specialist – LRO

*Date:* 5/17/16