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: ASWS, LLC
DBA HAMLIN WATER
PO BOX 1166
WILLISTON, ND 58802

RICHARD AND CONSTANCE IVERSEN
13749 CO RD 332
CULBERTSON, MT 59218

NEIL IVERSEN
411 US HWY 2
BAINVILLE, MT 59212

2. Type of action: Application for Beneficial Water Use Permit No. 40S 30174101

3. Water source name: Missouri River

4. Location affected by project: Sec. 3, T25N, R55E; Sec. 28, T26N, R54E; Sec. 13, T26N, R55E; Sec. 8, 17, 20, 30, and 31, T27N, R55E;

1. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

The Applicant proposes to divert water from the Missouri River, by means of a pump, from January 1 to December 31 at 10 CFS. The applicant proposes to divert a total volume of 879.46 AF, from a point in Gov't Lot 10, NENWSW, Section 8, T27N, R55E, Richland County, for water marketing use from January 1 to December 31. The place of use, which is the point of sale, is generally located in the SESESW, Sec. 31, T27N, R55E. There are three reservoirs proposed to be used as "surge structures" which provides the end user a higher flow rate (15 CFS) than what is proposed for diversion (10 CFS). The storage reservoirs/surge structures are located in the following locations:

a. "Hekkel Structure" - SESW, Sec. 13, T26N, R55E
b. "Martin Structure" - NESE, Sec. 28, T26N, R54E
c. "Steppler Structure" - SESE, Sec. 3, T25N, R55E

The Department found water is not legally available from July 1 to September 30. The Department determines the Applicant may divert water from the Missouri River, by means of a pump, from January 1 to June 30 and October 1 to December 31 at 10 CFS up to 879.46 AF, from a point in Gov't Lot 10, NENWSW, Section 8, T27N, R55E, Richland County, for water marketing use from January 1 to June 30 and October 1 to December 31.

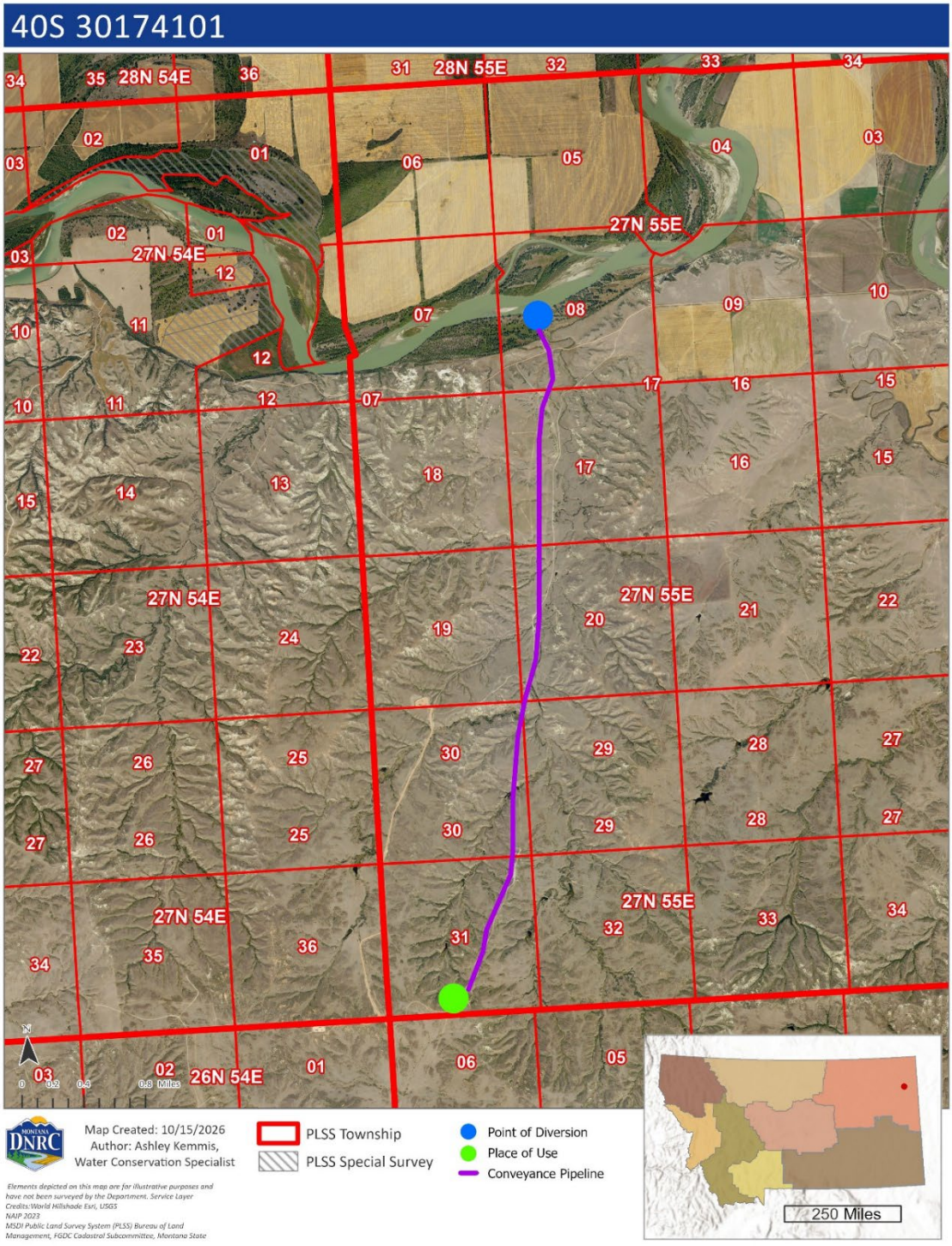


Figure 1: Map depicting the Applicant's proposed POD, conveyance, and POU.

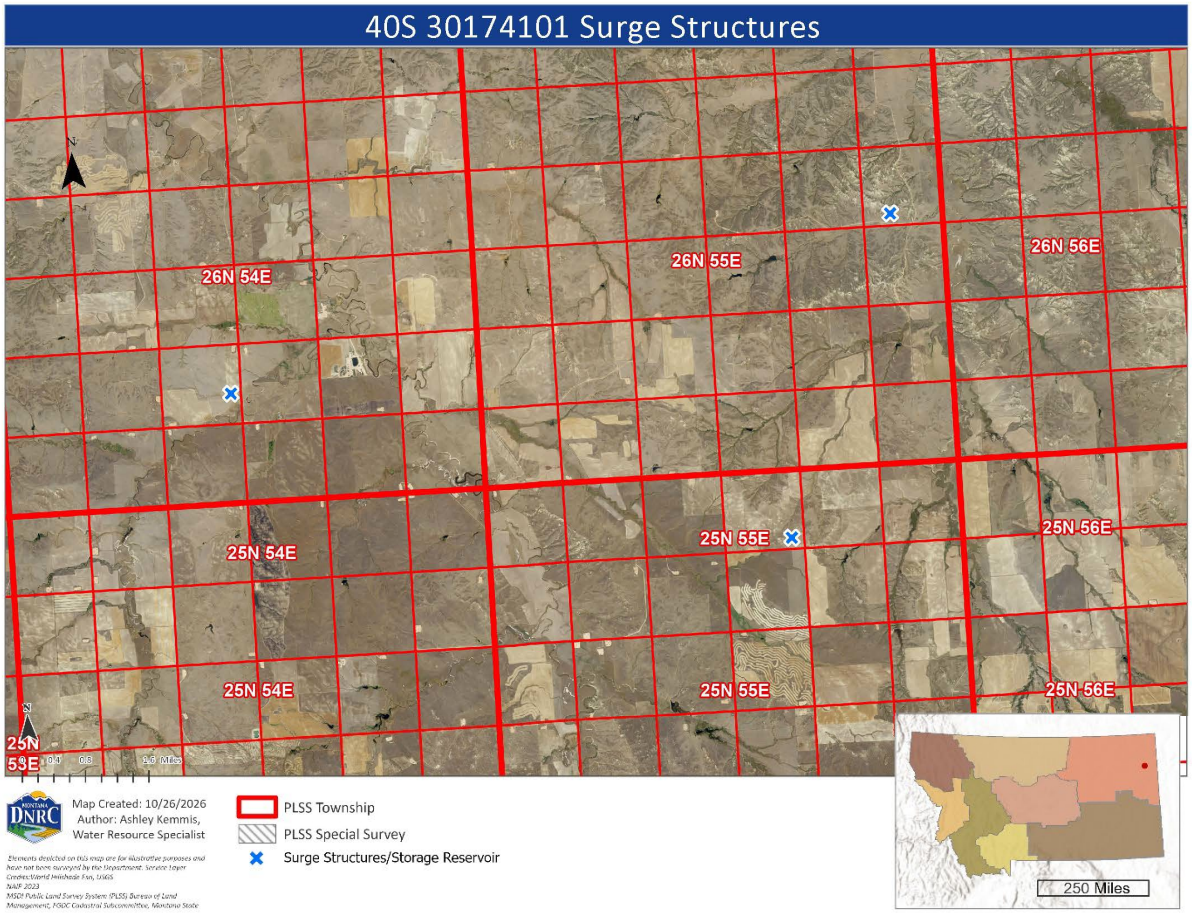


Figure 2: Map depicting the Applicant's proposed surge structures.

5. Agencies websites reviewed during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)
   - US Fish & Wildlife Service
   - Montana Natural Heritage Program
   - Montana Department of Fish, Wildlife, & Parks
   - Montana Department of Environmental Quality
   - USDA Web Soil Survey
   - National Wetlands Inventory
   - United States Environmental Protection Agency

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 reach of the Missouri River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. The MT FWP has an instream flow reservation for fisheries on this portion of the Missouri River for 5,178 CFS and 3,748,500 AF, year-round. The proposed withdrawal of water is not expected to alter the hydrologic regime of the river.

Determination: No significant impact.

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 lower Missouri River is listed on the 2022-2024 Draft Montana 303(d) list as fully supporting agriculture, drinking water and not fully supporting aquatic life. Causes of impairment for aquatic life are the temperature and flow regime modification. Probable sources of the impairment are the upstream Fort Peck Dam/impoundment and hydro-structure flow regulation/modification. The proposed project will not have any significant effect on water quality.

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.*

The surface water appropriation should have no significant impact on the groundwater in the area.

Determination: No significant impact.

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 plans to divert water at a rate of 10 CFS up to 879.46 AF from the Missouri River from a diversion point in Gov't Lot 10, NENWSW, Section 8, T27N, R55E, Richland County. The

Applicant stated the system originates at the river source; the pump is mounted on a mobile cart, and the self-contained diesel engine power source allows for variable speed control. The 81022MPL Cornell intake pump is equipped with multiple floating-style, self-cleaning screens configured in parallel to protect the rotating assembly and local ecosystem. The diesel engine is a 765 HP, Caterpillar C18 ACERT, which meets Tier 3 U.S. EPA standards. The Applicant provided pump curves and spec sheets for the pump, engine, and river screen.

The conveyance pipeline for the project granted under water right 40S 30051664 will be temporarily used for the proposed appropriation until construction of the new pipeline is complete. No infrastructure will be shared once the proposed conveyance pipeline for this application is complete. Water right 40S 30051664 is owned by the same entity as this Application. While infrastructure is shared, projects will not be scheduled simultaneously, and both diversions will not be required at the same time.

The Applicant stated the pipeline is designed as an enclosed system, and volumetric losses are not expected under normal operating parameters. To ensure the highest level of system integrity, initial pressure testing will be conducted across all segments to identify and mitigate any potential leaks. Leaks will be repaired immediately to maintain system pressure and environmental standards.

The Applicant stated the transmission main is engineered to meet specific pressure requirements using C900 DR 18 PVC pipe. All associated fittings and valves conform to AWWA (American Water Works Association) standards, and the entire design is consistent with Montana Public Works Standards to ensure regional compliance and structural integrity.

The Applicant stated they will utilize natural thermal insulation by utilizing a primarily underground burial of pipeline. To maintain system pressure across varying terrain and friction losses, four Cornell solids-handling booster pumps are deployed in series along the alignment. These units are cart-mounted and diesel-driven, matching the source pump's specifications. The variable speed capability of the diesel engines is leveraged at each station to "tune" the booster to its specific location, allowing the system to compensate for localized head and flow conditions in real-time.

The Applicant stated that integration between the buried pipeline and the mobile booster units is achieved through dedicated suction and discharge risers built into the mainline specifically for pressure boosting. The interface between the permanent infrastructure and the mobile booster carts utilizes flexible hoses and grooved-type fittings, which provide high-pressure seals, accommodate vibration isolation, and allow for efficient deployment or removal of the pumping units for maintenance.

The Applicant stated that a minimum of three-man crew is assigned to maintain and monitor each pump station during operation. The personnel requirement ensures that each unit is continuously supervised, allowing the team to manually adjust the diesel engine RPMs to maintain the appropriate flow rate and pressure targets dictated by the system design. The

active management allows the system to respond immediately to any hydraulic changes, ensuring stable delivery to the terminal point.

The Applicant stated that the entire process is overseen in real-time by the onsite crews and verified by the satellite-linked IDT Harmony system to ensure the volume recorded by the source flow meter is the volume delivered at the Morning Star riser. The Applicant stated that the Morningstar riser will consist of a flanged pipe protruding from the surface of the ground.

The suction of a diesel transfer pump will be connected to this riser, and the discharge of the pump will be connected to a 12" lay flat frac hose and laid along the route towards the destination. Total dynamic head (TDH) calculations will be performed along the route to determine when a residual pressure of 25 psi is reached in that segment of hose at the permitted flow rate. At this point, an additional pump will be added to the end of that hose segment. New TDH calculations will be performed to determine the next location of the reduced pressure in that hose section, for the addition of a booster pump. This process will continue until the water reaches its destination. Water may be delivered directly to the frac site, or to a surge structure/storage reservoir. The surge structure buffers the diversion rate, enabling the end user to draw 15 CFS directly from storage, which is necessary during active pumping operations.

Permit storage addendums were provided for three surge structures/storage reservoirs, located in the following locations:

a. "Hekkel Structure" - SESW, Sec. 13, T26N, R55E
b. "Martin Structure" - NESE, Sec. 28, T26N, R54E
c. "Steppler Structure" - SESE, Sec. 3, T25N, R55E

The Hekkel surge structure has a surface area of 8.03 acres and a capacity of 128 AF. On February 11th, 2026, ASWS, LLC, submitted an Application for Determination of Hazard Classification to the DNRC Dam Safety Program. A memorandum was prepared by Ryan Murphy, PE, DNRC Regional Engineer which classified the dam as "Not High Hazard." The Martin surge structure has a capacity of 49.03 AF and a surface area of 4.08 acres. The Steppler structure has a capacity of 48.98 AF and a surface area of 5.55 acres. Survey maps of the proposed reservoirs were completed by Northern Plains Engineering and submitted by the Applicant.

The proposed diversion does not involve well construction and should have no significant impact on stream channels, flow modifications, barriers, riparian areas, or dams.

Determination: No significant impact.

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 identified a list of 24 species of concern within and surrounding the following locations:

- Sec. 3, 8, 17, 20, 30, and 31, T27N, R55E
- Sec. 28, T26N, R54E
- Sec. 13, T26N, R55E

Of this list, the Whooping Crane and Pallid Sturgeon are listed as endangered by the United States Fish and Wildlife Service (USFWS) and Bureau of Land Management (BLM). The Piping Plover is listed as threatened by USFWS and BLM.

Species Group	Common Name	Scientific name
Birds	Whooping Crane*	Grus americana
Birds	Great Blue Heron	Ardea herodias
Birds	Piping Plover**	Charadrius melodus
Birds	Veery	Catharus fuscescens
Birds	Least Tern	Sternula antillarum
Birds	Golden Eagle	Aquila chrysaetos
Birds	Ferruginous Hawk	Buteo regalis
Fish	Blue Sucker	Cycleptus elongatus
Fish	Iowa Darter	Etheostoma exile
Fish	Northern Redbelly Dace	Chrosomus eos
Fish	Pallid Sturgeon*	Scaphirhynchus albus
Fish	Sauger	Sander canadensis
Fish	Shortnose Gar	Lepisosteus platostomus
Fish	Sicklefin Chub	Macrhybopsis meeki
Fish	Sturgeon Chub	Macrhybopsis gelida
Mammals	Eastern Red Bat	Lasiurus borealis
Mammals	Townsend's Big-eared Bat	Corynorhinus townsendii
Mammals	Little Brown Myotis	Myotis lucifugus
Mammals	Long-eared Myotis	Myotis evotis
Mammals	Silver-haired Bat	Lasionycteris noctivagans
Mammals	Northern Hoary Bat	Lasiurus cinereus
Reptiles	Western Hog-nosed Snake	Heterodon nasicus
Vascular Plants	Pottery Milkvetch	Astragalus ceramicus
Vascular Plants	Prairie Violet	Viola pedatifida

*Listed Endangered by the USFWS and BLM
**Listed Threatened by the USFWS and BLM

Pallid Sturgeon are found in the Missouri River and use large, turbid rivers over sand and gravel bottoms, usually in strong current. They use all channel types but primarily use straight reaches with islands. The pumps will use floating screens with small footprints.

The Whooping Crane has been observed in the marsh habitat present at Medicine Lake National Wildlife Refuge and the Red Rock Lakes National Wildlife Refuge. Birds have been

observed in other areas of the state, which include grain and stubble fields as well as wet meadows, wet prairie habitat, and freshwater marshes that are usually shallow and broad with safe roosting sites and nearby foraging opportunities.

The Piping plover prefers unvegetated sand or pebble beaches on shorelines or islands in freshwater and saline wetlands. Open shorelines and sandbars of rivers and large reservoirs in the eastern and north-central portions of the state provide prime breeding habitat.

Because the diversion point and pipeline are located next to an existing pipeline, it is unlikely that this project will create any additional impact to endangered or sensitive species in this area.

Determination: No significant impact.

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

There are no wetlands identified near the storage structures. The wetland identified near the proposed diversion and pipeline in Sec. 8, 17, 20, 30, and 31, T27N, R55E, Richland County is Freshwater Emergent Wetland, classified as PEM1A:

- System Palustrine (P): The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
- Class Emergent (EM): Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.
- Subclass Persistent (1): Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.
- Water Regime Temporary Flooded (A): Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season.

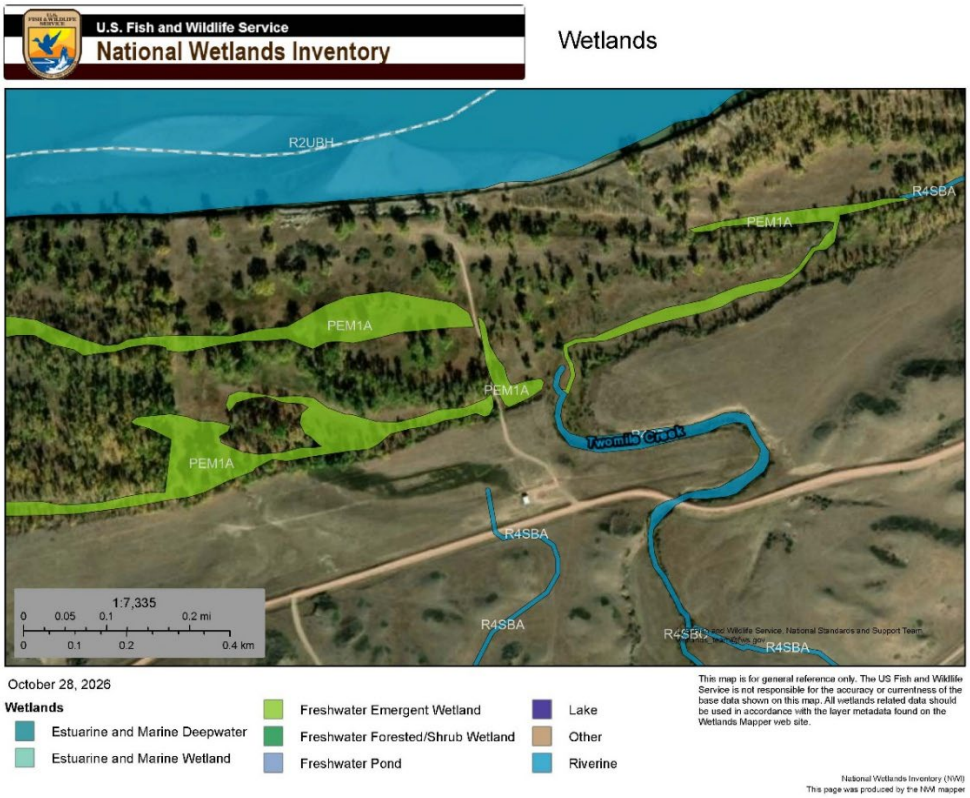


Figure 3: Wetlands near POD

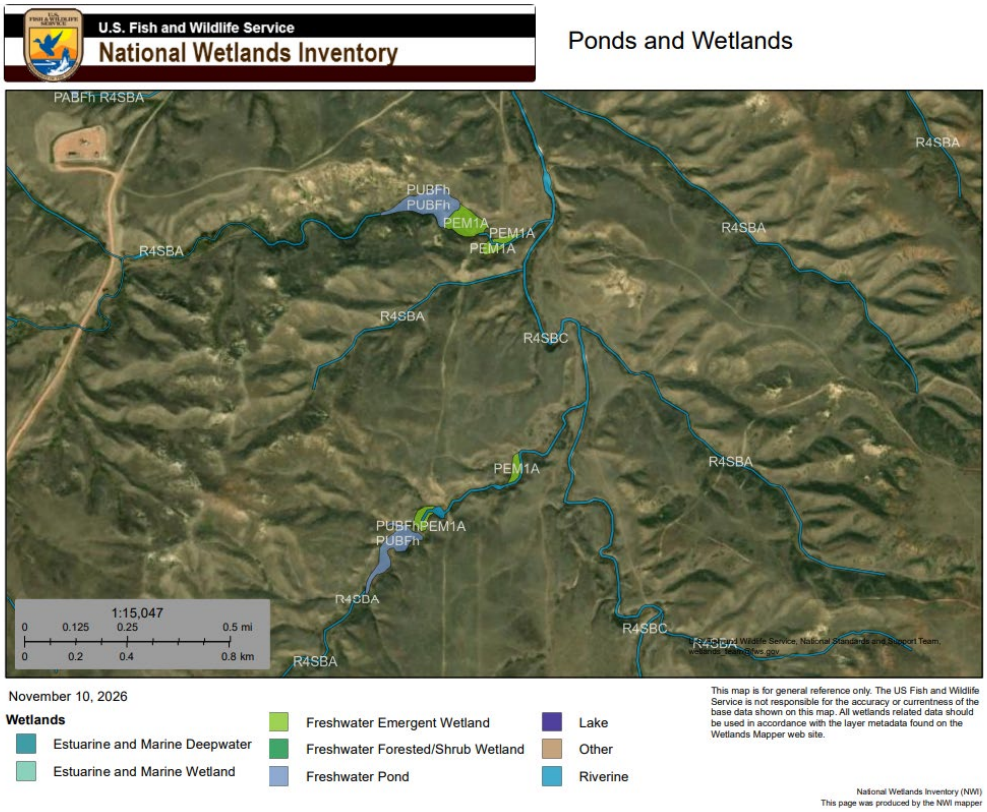


Figure 4: Wetlands and ponds near conveyance system.

The point of diversion, conveyance area, and place of use are located directly adjacent to an existing pipeline. The placement of the new conveyance system is not expected to cause substantial land disturbance because it has already experienced human activity.

Determination: No significant impact.

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

There are no ponds identified near the storage structures in the National Wetlands Inventory. The storage structures/reservoirs proposed for construction are for industrial purpose and not for wildlife, waterfowl, or fishery use.

The stock ponds in the vicinity of the proposed pipeline (see Figure 4) are Freshwater Pond, classified as PUBFh:

- System Palustrine (P): The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
- Class Unconsolidated Bottom (UB): Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

The Freshwater Ponds identified in Figure 4 are adjacent to an existing pipeline. Disturbance associated with pump site installation and pipeline excavation is expected to be temporary.

Determination: No significant impact.

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 soil type at the various locations are shown below:

POD, POU, and Conveyance located in Sec. 8, 17, 20, 30, and 31, T27N, R55E				
Soil Type	**Acres in AOI**	**Percent of AOI**	**Drainage Class**	**Maximum Salinity**
Cherry, Havrelon, and Trembles soils, occasionally flooded	159.3	18.30%	Well Drained	Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)

Lambert-Dimyaw complex, 15 to 65 percent slopes	17.1	2.00%	Well Drained	Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)
Lohler silty clay loam	24.7	2.80%	Well Drained	NA
Shambo loam, 0 to 2 percent slopes	13.1	1.50%	Well Drained	NA
Shambo loam, 2 to 4 percent slopes	70.9	8.10%	Well Drained	NA
Trembles fine sandy loam	6.7	0.80%	Well Drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Williams-Vida loams, 2 to 8 percent slopes	112.1	12.80%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Vida-Zahill loams, 2 to 8 percent slopes	8.9	1.00%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Zahill-Vida loams, 4 to 15 percent slopes	34.5	4.00%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Zahill loam, 15 to 60 percent slopes	291.1	33.40%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Zahill-Lambert complex, 15 to 65 percent slopes	133.1	15.30%	Well Drained	Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Hekkel Storage/Surge Structure				
Soil Type	**Acres in AOI**	**Percent of AOI**	**Drainage Class**	**Maximum Salinity**
Lambert-Badland complex	0.7	1.70%	Well Drained	Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)
Lambert-Dimyaw complex, 15 to 65 percent slopes	17.6	40.40%	Well Drained	Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)
Zahill loam, 15 to 60 percent slopes	25.2	57.90%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

Martin Storage/Surge Structure				
Soil Type	**Acres in AOI**	**Percent of AOI**	**Drainage Class**	**Maximum Salinity**
Shambo loam, 0 to 2 percent slopes	3.7	37.70%	Well Drained	NA
Williams-Vida loams, 2 to 8 percent slopes	3.2	32.30%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Vida-Zahill loams, 2 to 8 percent slopes	2.7	27.70%	Well drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Zahill loam, 15 to 60 percent slopes	0.2	2.30%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

Steppler Storage/Surge Structure				
Map Unit Name	**Acres in AOI**	**Percent of AOI**	**Drainage Class**	**Maximum Salinity**
Lonna-Cambeth silt loams, 2 to 8 percent slopes	7.6	91.30%	Well Drained	Nonsaline to moderately saline (1.0 to 8.0 mmhos/cm)
Vida-Zahill loams, 2 to 8 percent slopes	0.7	8.70%	Well Drained	Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

Disturbance to soil associated with pump site installation and pipeline excavation is expected to be temporary. The construction of three surge ponds will involve soil removal from at least 18 acres, and compaction caused by heavy equipment traffic. Conveying water through lay-flat hoses is not expected to cause soil degradation.

Determination: No 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.*

No vegetation was listed as endangered or threatened by the USFWS or BLM in the project area. The control of noxious weeds is the responsibility of the landowner.

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.*

The proposed pipeline is not expected to produce heavy ground disturbance or dust levels. The pump is powered by a Tier 3 U.S. EPA rated diesel engine, which can have an impact on air quality due to the emissions of air pollutants. The pump meets current EPA standards, is in a remote area, and will not run continuously, so is not expected to have a substantial impact on the air quality.

Determination: No significant impact.

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: Not applicable, 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 other potential impacts have been identified.

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 known environmental plans or goals will be significantly impacted by this project.

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: The local land use is mainly agricultural. No access or recreational activities will be significantly impacted by this project.

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

Determination: The project will have no significant impact on 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.

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 significant impacts identified.

(b) *Local and state tax base and tax revenues?* No significant impacts identified.

(c) *Existing land uses?* No significant impacts identified.

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

(e) *Distribution and density of population and housing?* No significant impacts identified.

(f) Demands for government services? No significant impacts identified.

(g) Industrial and commercial activity? No significant impacts identified.

(h) Utilities? No significant impacts identified.

(i) Transportation? No significant impacts identified.

(j) Safety? No significant impacts identified.

(k) Other appropriate social and economic circumstances? No significant impacts identified.

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

Secondary Impacts No significant impacts.

Cumulative Impacts No significant impacts.

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 other viable alternative would be the no action alternative in which the Department would not authorize a water right permit for industrial use. Under the no action alternative, the Applicant would not be able to withdraw water for water marketing.

PART III. Conclusion

1. Preferred Alternative: Issue a water use permit if the applicant proves the criteria in §85-2-311, MCA are met***.***

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 why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified; therefore, an EIS is not necessary.

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

Name: Ashley Kemmis
Title: Water Resource Specialist
Date: November 10, 2026