

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:

Big Rose Colony Inc.
PO Box 905
Shelby, MT 59474
2. Type of action: Application for Beneficial Water Use Permit No. 41P 30170733
3. Water source name: Groundwater - Marias River Valley Alluvial Aquifer (111ALVM)
4. Location affected by the project: See Tables 1a & 2
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to divert groundwater utilizing two wells. Well No. 1 (M# 325073) is located in the SWNE, Section 24, T31N, R03W, Toole County. Well No. 2 (M# 325075) is located in the SE, Section 24, T31N, R03W, Toole County. Both wells are 31ft deep and will divert water from January 1 to December 31 at 159 GPM up to 273.4 AF for the purpose of Stock, Multiple Domestic, Lawn and Garden, Sprinkler Irrigation, Industrial, Agricultural Spraying, and Water Marketing. Purposes and their corresponding period of use are listed in Table 1a. Table 1a describes the Period of Diversion, Period of Use, Flow Rate, and Volume for each purpose. Each purpose and its general location of use are described in Table 1b. Table 2 details the place of use for the purpose of Water Marketing.

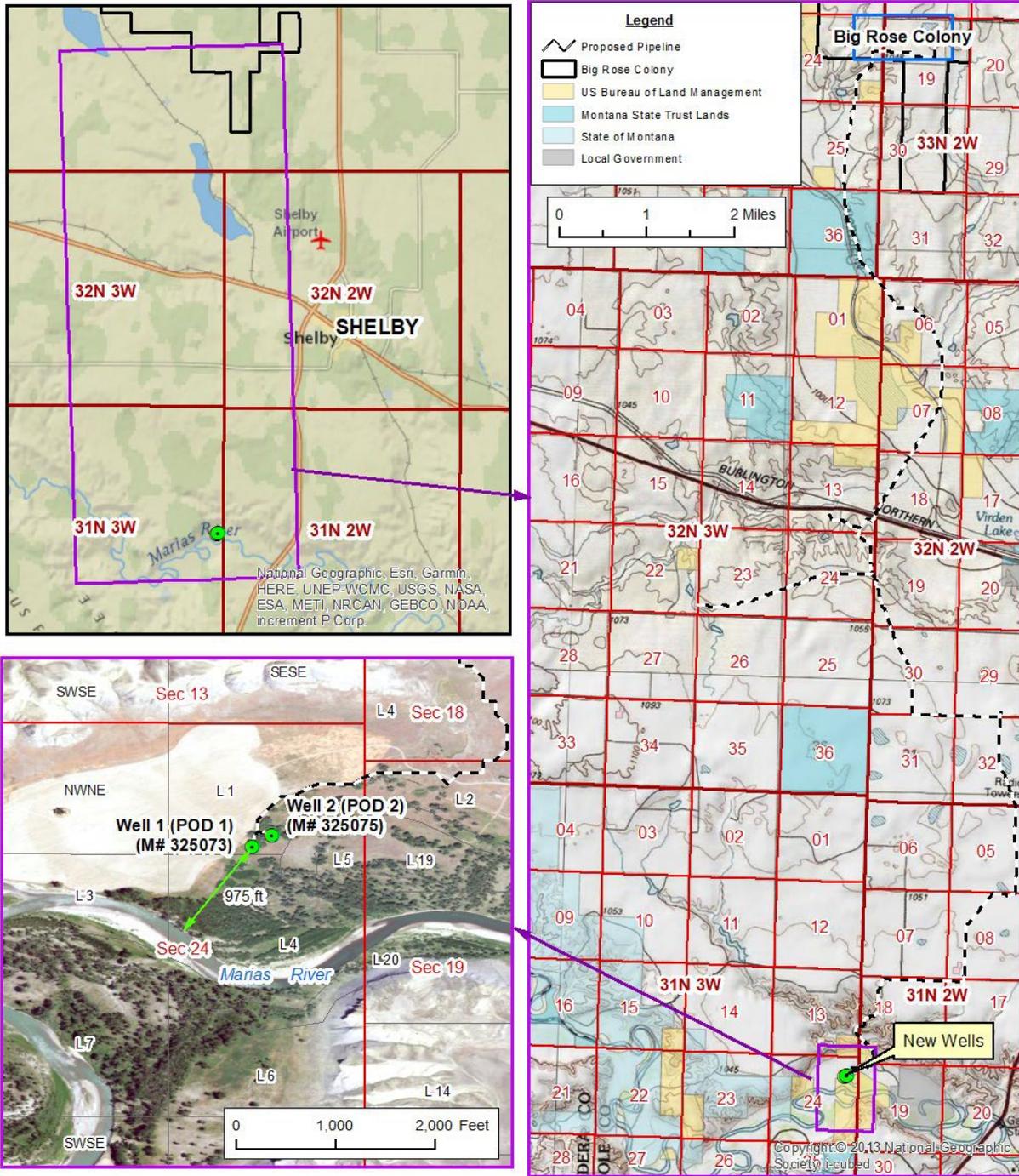
Purpose	Period of Diversion	Period of Use	Flow Rate (GPM)	Volume (AF)
Stock	1/1 - 12/31	1/1 - 12/31	159	35.3
Multiple Domestic	1/1 - 12/31	1/1 - 12/31		16.8
Lawn/Garden/ Shelterbelt	4/20 - 10/10	4/20 - 10/10	159	38.2
Industrial	1/1 - 12/31	1/1 - 12/31	159	7
Ag Spraying	4/20 - 10/10	4/20 - 10/10	159	2.2
Reservoir (Fill)				56.9

Irrigation	4/20 – 10/10	4/20 – 10/10	159	62.2
Water Marketing	1/1 – 12/31	1/1 – 12/31	32	54.8
Table 1b. Proposed Purpose and Place of Use				
Purpose	AC	Legal Land Description	Geocode	
Stock		W2 NE Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
		E2 NW Sec 19, T33N, R02W		
Multiple Domestic		SE NW Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
Lawn/Garden/Shelterbelt				
<i>Lawn</i>	4	SE NW Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
<i>Garden</i>	10	NW NE SW Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
		N2 NE SW Sec 19, T33N, R02W		
<i>Shelter Belt</i>	2	S2 NE NW Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
		W2 SE NW Sec 19, T33N, R02W		
Ag Spraying <i>Spigot at Plumber Shop</i>		SW SE NW Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
Industrial				
<i>Shops</i>		SE NW Sec 19, T33N, R02W	21-4533-19-1-01-01-0000	
<i>Batch Plant</i>		SW NE NE Sec 24, T33N, R03W	21-4532-24-1-01-01-0000	
Reservoir (Fill)		E2 Sec 24, T33N, R03W	21-4532-24-1-01-01-0000	
Irrigation	38	SE Sec 12, T33N, R03W	21-4532-12-3-01-01-0000	
Water Marketing		Table 2	Table 2	

Table 2: Water Marketing Purpose Proposed Place of Use			
Tap #	Ownership	Point of Sale (Legal Land Description)	Geocode
1	Marlea M Irvin Livings Trust (1)	NW NW NW Sec 19, T31N, R02W	21-4317-19-2-01-01-0000
2	Marlea M Irvin Livings Trust (2)	NW NE NW Sec 18, T31N, R02W	21-4317-18-2-01-01-0000
3	Simons, Patrick M. & Cecily M. & Hasquet Family Farms Inc.	NW NE SE Sec 5, T31N R02W	21-4317-05-4-01-01-0000
4	Steve Ahrens and Julie R. Ahrens	SE SE NE Sec 24, T32N, R03W	21-4423-24-1-03-01-0000
5	Darrell L. Doane and Linnet R. Doane (1)	NE SE NE Sec 24, T32N, R03W	21-4423-24-1-01-01-0000
6	Darrell L. Doane and Linnet R. Doane (2)	SW SE SE Sec 13, T32N, R03W	21-4423-13-3-04-01-0000
7	Juanita Y. Hasquet (1)	NW NE NW Sec 18, T32N, R02W	21-4424-18-2-01-01-0000
8	Juanita Y. Hasquet (2)	SE SW SE Sec 6, T32N, R02W	21-4424-06-1-01-01-0000
9	Juanita Y. Hasquet (3)	NE NW NE Sec 25, T33N, R03W	21-4532-25-1-01-01-0000

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted 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



BIG ROSE CONLONY INC
 Well Location Map
 NENE Sec 24, T31N R03W
 Toole County, Montana



Figure 1. Applicant Provided Map of the Proposed Project, undated.

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 Marias River has been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks.

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 Department of Environmental Quality (DEQ) does list the Marias River as water quality impaired or threatened. DEQ identifies the Marias River as fully supporting agricultural, drinking water, and recreation in certain areas. The Marias River does not support aquatic life, agriculture, and recreation in different areas. The probable causes of the impaired listing are agriculture, infrastructure, and lack of riparian barriers. The proposed project will not adversely affect water quality. The purpose of the project is to obtain water from groundwater instead of the Marias River directly, which will help with the decreasing sedimentation and soil degradation near the banks of the river.

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: The groundwater legal demand for the proposed project is determined by calculating groundwater flux through a zone of influence (ZOI) corresponding to the 0.01-ft drawdown contour (see Figure 5). According to the Department-completed Groundwater Permit Technical Analyses Report, 910 active groundwater rights within the zone of influence are completed in the source aquifer.

Consumed groundwater does not return to the source aquifer. Consumed volume depends on the proposed use and its associated percentage of known consumption. Depletion is assumed to be equivalent to consumption on an annual basis unless return flows do not accrete to the potentially affected surface water.

According to the Technical Analysis, the Cretaceous shales to the north bound the aquifer and likely limit propagation of drawdown to within the Marias River valley; therefore, the net depletion analysis is limited to the Marias River. The starting point of the depleted reach starts along the northern side of the SWSENE of Section 24, Township 31 North, Range 3 West, Toole County.

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 proposed diversion is a groundwater diversion and is expected to have no significant impact on stream channels, flow modifications, barriers, riparian areas, dams, or well construction.

Water will be diverted via two wells. Well No. 1 is located in SW NE NE Sec 24 T31N R03W, Toole County, and Well No. 2 (M# 325075) is located in the SE NE NE Sec 24 T31N R03W, Toole County. Both wells were drilled at a depth of 31 ft.

The proposed water will be conveyed through the existing DEQ-approved conveyance system, historically used to convey water purchased from the City of Shelby. See the Preliminary Determination for 41P 30170733, Adequate Means of Diversion Finding of Fact, for more information.

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.”*

Table 3. Species List

Common Name	Scientific Name	Global Rank	State Rank
Grizzly Bear	<i>Ursus arctos</i>	G4	S3
Northern Hoary Bat	<i>Lasiurus cinereus</i>	G3 G4	S3B
Golden Eagle	<i>Aquila chrysaetos</i>	G5	S3
Spiny Softshell	<i>Apalone spinifera</i>	G5	S3

Table 4. Species Global and State Rank Definition Chart

Rank		Definition
G1	S1	Critically Imperiled — At very high risk of collapse or global extinction or state extirpation due to a very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.
G2	S2	Imperiled — At high risk of collapse or global extinction or state extirpation due to a restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
G3	S3	Vulnerable — At moderate risk of collapse or global extinction or state extirpation due to a fairly restricted range, few populations or occurrences, recent and widespread declines, threats, or other factors.
G4	S4	Apparently Secure — At a fairly low risk of collapse or global extinction or state extirpation due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
G5	S5	Secure — At very low or no risk of collapse or global extinction or state extirpation due to a very extensive range, abundant populations or occurrences, with little to no concern from declines or threats.
Quantifiers		Definition
B		Breeding — Rank refers to the breeding population of the species in Montana.
N		Nonbreeding — Rank refers to the non-breeding population of the species in Montana.
M		Migratory — Species occur in Montana only during migration.

Determination: No significant impact on any threatened or endangered fish, wildlife, plants, or aquatic species is expected from the issuance of this permit.

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: There are no wetlands identified within the project area.

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

Determination: No significant impact is expected from the issuance of this permit.

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.

At the points of diversion, the soil type is 100% Havre-Glendive complex (Table 5), 0 to 2 percent slopes, occasionally flooded. The Havre-Glendive complex is identified as

farmland of statewide importance, has a 0 to 2 percent slope, is well-draining, and is non-to very slightly saline.



Figure 2. Soil Map at the Proposed Point of Diversion

Table 5. Soil Composition and Information

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
603A	Havre-Glendive complex, 0 to 2 percent slopes, occasionally flooded	2.0	100.0%
Totals for Area of Interest		2.0	100.0%

At the place of use, located in and around the colony, the soil types are 74.2% Scobey-Kevin clay loams, 21.9% Sunburst-Neldore complex, and 3.9% other various soil types (See Table 6). The Scobey-Kevin clay loam is identified as prime farmland if irrigated, well-draining, has a slope of 0 to 4 percent, and is very slightly to moderately saline (2.0 to 8.0 mmhos/cm). The Sunburst-Neldore complex is identified as not prime farmland,

well-draining, has a slope of 15 to 60 percent, and is non-to-slightly saline (0.0 to 4.0 mmhos/cm).

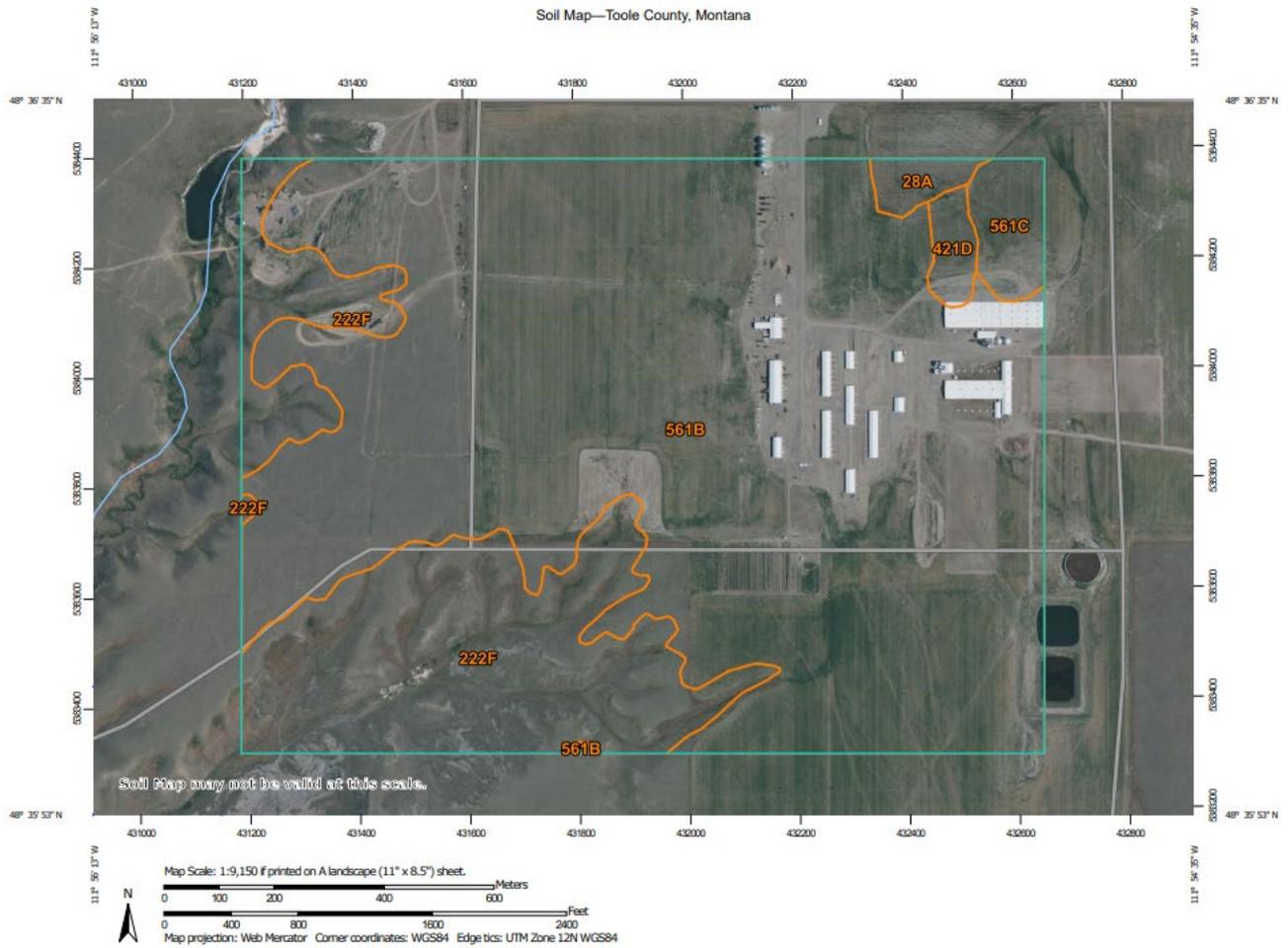


Figure 3. Soil Map at the Proposed Place of Use

Table 6. Soil Information

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
28A	Nishon clay loam, 0 to 1 percent slopes	3.6	0.9%
222F	Sunburst-Neldore complex, 15 to 60 percent slopes	85.6	21.9%
421D	Hillon-Joplin loams, 4 to 15 percent slopes	3.9	1.0%
561B	Scobey-Kevin clay loams, 0 to 4 percent slopes	290.7	74.2%
561C	Scobey-Kevin clay loams, 2 to 8 percent slopes	7.8	2.0%
Totals for Area of Interest		391.6	100.0%

The places of use for water marketing were not assessed.

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.

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.

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.

NA-project not located on State or Federal Lands.

Determination: No significant impact.

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 additional impacts on other environmental resources were 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: There are no known environmental plans or goals in this area.

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 project should have no significant or harmful impact on recreational or wilderness activities.

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

Determination: The development should have no 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: There are no additional government regulatory impacts on private property rights associated with this application.

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 impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

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: 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:

No action alternative: Under the no action alternative, the Department would not authorize a water right permit. The Applicant would not be able to use water for the proposed beneficial use.

Alternative 1: Approve the change application as submitted if the applicant proves that the statutory criteria in §852-311, MCA are met.

PART III. Conclusion

1. ***Preferred Alternative:*** Alternative 1
2. ***Comments and Responses:*** None to date.
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 the preparation of the EA:

Name: Kailee Ingalls
Title: Water Resources Specialist
Date: March 4, 2026
Environmental