

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: TRIANGLE LAND LLC
5938 RUSSELL RD
CARTER, MT 59420-8231
2. Type of action: 606 - Application to Change a Water Right: 40F 30162714
3. Water source name: Fred and George Creek
4. Location affected by project: Point of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12,
Township 37 North, Range 2 East.
Place of Use: 141.5 AC Pivot: Section 13 and Section
24, Township 37 North, Range 2 East.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant seeks to change the place of use associated with six (6) existing irrigation water rights, Statements of Claim 40F 124626-00, 40F 124627-00, 40F 124628-00, 40F 124629-00, 40F 124635-00, and 40F 124638-00. Each of these water rights diverts water from Fred and George Creek for irrigation purposes. Historically, these irrigation water rights were utilized for flood and sprinkler irrigation occurring on property located in Sections 1, 12, and 13, Township 37 North, Range 2 East, and flood irrigation occurring on Sections 7 and 18 of Township 37 North, Range 3 East, in Toole County, Montana.

The Applicant proposes to change the place of use associated with the Statements of Claim to allow for sprinkler irrigation via a 1,298.5-foot Valley Irrigation center pivot irrigation system. In total, the proposed pivot irrigation will occur over a 360-degree radius, irrigating a total of 141.5 acres, which is a reduction from the total existing irrigated area of 143 acres. All of the historically irrigated areas will no longer be irrigated, and all of the water associated with them shall be moved to the proposed irrigated area covered by the pivot. The proposed change in place of use allows for an increase in operational efficiency and a reduction in the amount of labor required to utilize their existing water rights.

The applicant proposes to use a single point of diversion from Fred and George Creek, by method of pump, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 37 North, Range 2 East, to divert water. The point of diversion associated with 40F 124628-00 is the subject dam, and as such, the point of diversion associated with 40F 124628-00 shall

remain unchanged. The subject dam diverts water from Fred and George Creek and creates the A&A Fey Reservoir. Thus, the place of storage shall be added as a place of storage for Statements of Claim 40F 124626-00, 40F 124627-00, 40F 124629-00, 40F 124635-00, and 40F 124638-00. See Figure 1 for the proposed project.

The DNRC issues 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: (include agencies with overlapping jurisdiction)
 - o US Fish & Wildlife Service
 - o Montana Natural Heritage Program
 - o Montana Department of Fish, Wildlife, & Parks
 - o Montana Department of Environmental Quality
 - o USDA Web Soil Survey
 - o National Wetlands Inventory

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.

Fred and George Creek have not been identified by the Department of Fish, Wildlife, & Parks (FWP) as chronically or periodically dewatered.

Determination: No significant impact.

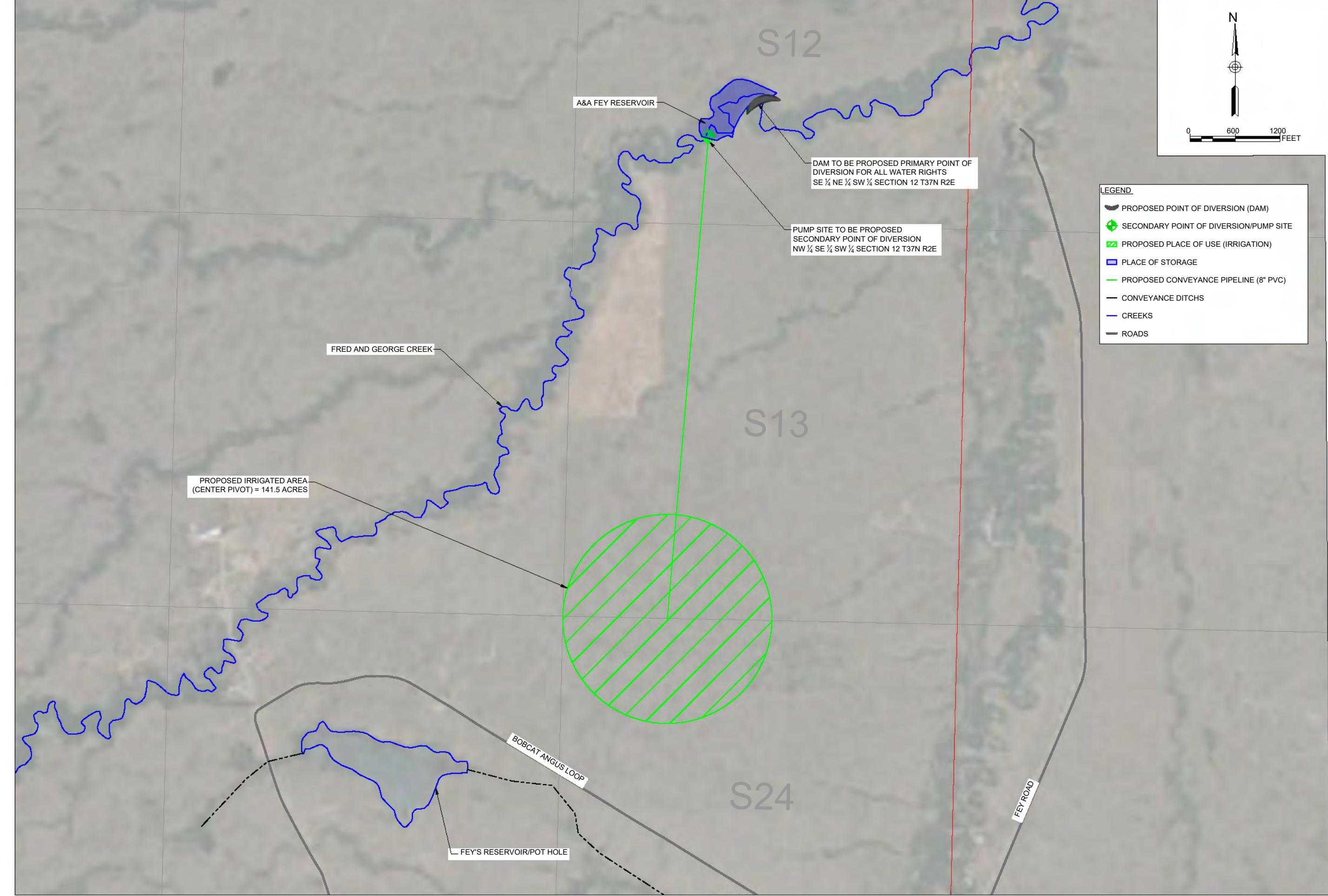
Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

There is no data available for water quality on Fred and George Creek. Water has historically been utilized for Stock and Irrigation purposes on the source.

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: Where the proposed project is associated with a water reservation, no historical data is available to assess any positive or negative impacts to groundwater resources.

**PROPOSED USE**

PROJECT NAME: FEY RANCH WATER RIGHT CHANGE
LOCATION: TOOTEE COUNTY, MONTANA
FILE NO.: Fey Ranch W.R Change Proposed Site Map.dwg

JOB NO: 706-14
DATE: 8/7/24
DRAFTER: BG
CHECKED BY: BB

SHEET

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this document and the ideas and designs incorporated herein as an instrument of
professional service which shall not be used in whole or part for any other project or
other use without our express written authorization.

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 point of diversion on Fred and George Creek will occur from a pump station installed in the A&A Fey Reservoir located in the E½ SW¼ of Section 12, Township 37 North, Range 2 East. The point of diversion will be specifically noted as the dam that creates the A&A Fey Reservoir. A new pump station will be installed in the A&A Reservoir to convey water to the sprinkler system and maintain adequate pressure. The pump station will consist of a Cornell Pump 4RB150HP capable of sustaining 900 gpm (2.0 cfs) at 39 psi (90 feet) of operating pressure. Approximately 6,300 feet of eight-inch PVC water main will be utilized to convey the water from the A&A Fey Reservoir to the pivot located on the section line between Section 13 and Section 24, Township 37 North, Range 2 East.

Determination: No significant impact is expected as this land and pump site have already been developed for irrigation. No new disturbance will occur.

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."*

According to the information provided by the Montana Natural Heritage program, the only species of concern is the Grizzly Bear (*Ursus arctos*). The State of Montana ranks the species as 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. In Montana, Grizzly Bears primarily use meadows, seeps, riparian zones, mixed shrub fields, closed timber, open timber, sidehill parks, snow chutes, and alpine slab rock habitats. No true migration occurs, although Grizzly Bears often exhibit discrete elevational movements from spring to fall, following seasonal food availability.

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.*

Determination: No significant impact.

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

A&A Fey Reservoir is located in the E½ SW¼ of Section 12, Township 37 North, Range 2 East. It is an existing reservoir that will be utilized by the proposed project.

Determination: No significant impact to existing wildlife, waterfowl, or fisheries resources is expected.

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 pivot place of use (Figure 2) is 82.2% Williams-Vida loams, 0 to 4% slopes and 17.2% Williams-Vida loams, 2 to 8% slopes. Williams-Vida loams, 0 to 4% slopes is identified as farmland of statewide importance and are well drained. It is slightly saline to moderately saline (4.0 to 8.0 mmhos/cm).

Williams-Vida loams, 2 to 8% slopes is identified as farmland of statewide importance and are well drained. It is slightly saline to moderately saline (4.0 to 8.0 mmhos/cm).

Degradation to soil or development of a saline seep is not anticipated.

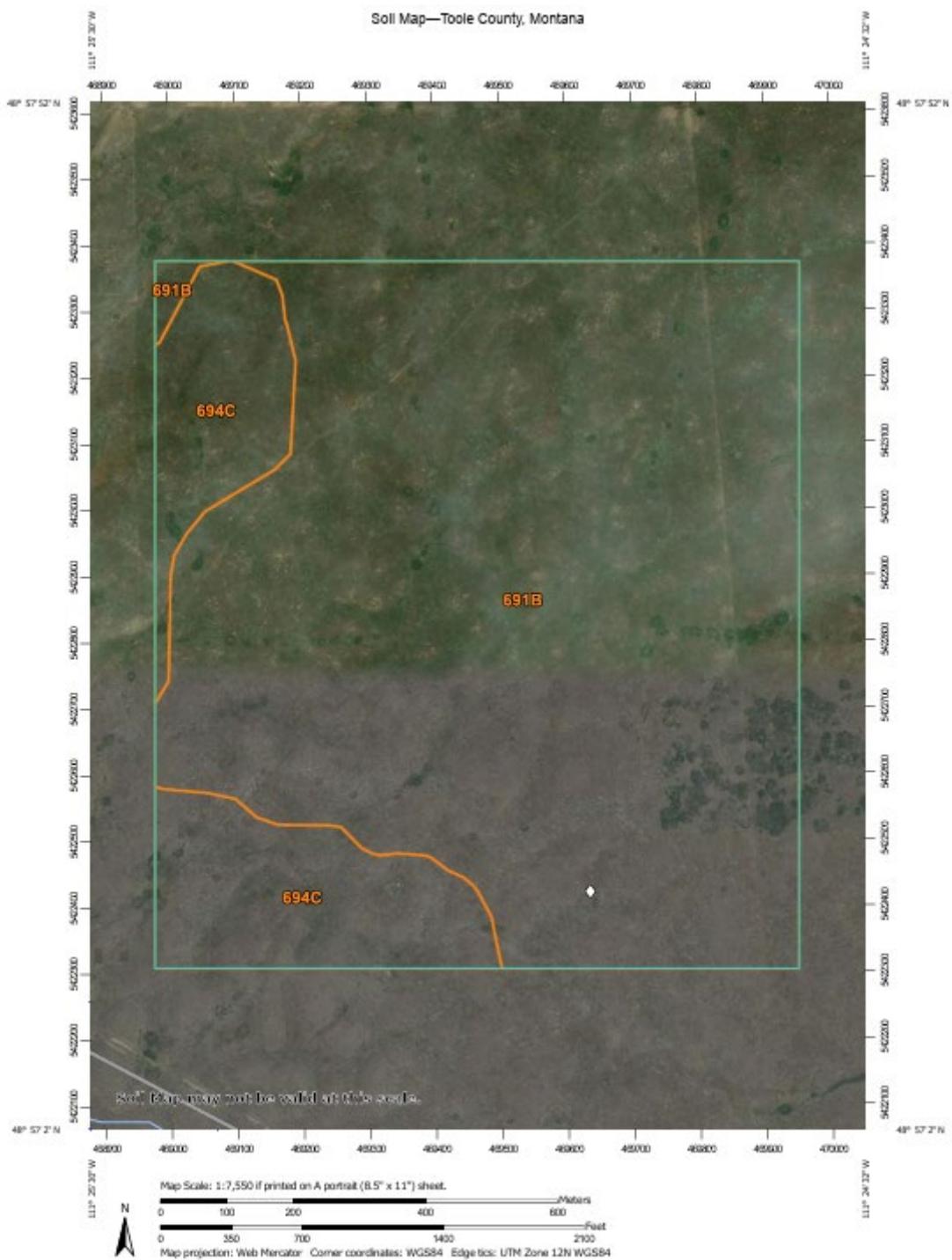


Figure 2: Pivot Soil Composition Map

Table 1: Soil Map Description

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
691B	Williams-Vida loams, 0 to 4 percent slopes	214.0	82.8%
694C	Williams-Vida loams, 2 to 8 percent slopes	44.3	17.2%
Totals for Area of Interest		258.3	100.0%

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 pumping station will be installed in the A&A Reservoir to convey water to the sprinkler system and maintain adequate pressure. Historically, Statement of Claim 40F 124628-00, which was located at the same point of diversion, utilized a pump that was powered by a six-cylinder Perkins diesel engine with a power take-off to the pump.

Determination: No significant impact or increase in historical air quality deterioration is expected.

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: NA-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 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 on 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:

The applicant would not be able to develop their project as proposed.

Alternative 1:

Approve the change application as submitted if the applicant proves that the statutory criteria have been met.

PART III. Conclusion

1. ***Preferred Alternative:*** Alternative 1
2. ***Comments and Responses:*** None
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 EA:

Name: Kailee Ingalls
Title: Water Resources Specialist
Date: 1/8/26