

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: Shane Schwenke  
Thornhill Ranch Partnership  
2210 Power Plant Ferry RD  
Zortman, MT 59546  
  
American Prairie Foundation  
PO Box 908  
Bozeman, MT 59771-0908
2. Type of action: Application to Change Water Right – Additional Stock Tanks – No. 40EJ 30164552
3. Water source name: Siparyann Creek
4. Location affected by project: Section 20 and 18, T24N, R24E, Phillips County  
Section 13, T24N, R23E, Phillips County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.  
  
THE APPLICANT PROPOSES TO ADD 5 STOCK TANKS TO PROVISIONAL PERMIT 40EJ 30103397. A TOTAL OF 14 STOCK TANKS WILL BE SUPPLIED BY THIS WATER RIGHT. THE ADDITIONAL STOCK TANKS ARE LOCATED IN SECTION 18 AND 20, T24N, R24E AND SECTION 13, T24N, R23E, PHILLIPS COUNTY. THE WATER RIGHT WILL CONTINUE TO DIVERT 20 GALLONS PER MINUTE AND 16.1 ACRE-FEET PER YEAR.
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

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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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.*

Siparyann Creek is not identified as a chronically or periodically dewatered stream 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.*

Siparyann is not listed on the 2020 Montana 303(d) list

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.*

Adding five stock tanks to the stock water system while maintaining the same flow rate and volume should have no significant impact on 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 diversion means consists of a 2 HP FPS Series Five submersible pump that will pump water out of an existing irrigation reservoir at a rate of 20 gpm through a buried 1.5-inch PVC line that travels roughly 300 yards and tees into an existing buried pipeline that travels under Siparyann Creek to the tanks. The pipelines are buried roughly 6 feet deep. There will be no barriers or constructions installed in this project that will impact the channel or stream flows.

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 6 species of concern within and surrounding the location of the additional stock tanks listed below. None are identified as threatened or endangered with the United States Fish, and Wildlife Service (USWS) and Bureau of Land Management (BLM). The stock tanks are in the following locations:

- NENENW, Sec. 18, T24N, R24E
- SESWSE Sec. 18, T24N, R24E
- NWNWNE, Sec. 20, T24N, R24E
- NESWNE, Sec. 13, T24N, R23E
- SWSESSEW, Sec. 13, T24N, R23E

Species Group	Common Name	Scientific name
Birds	Greater Sage-Grouse	Centrocercus urophasianus
Birds	Long-billed Curlew	Numenius americanus
Mammals	Spotted Bat	Euderma maculatum
Birds	Sage Thrasher	Oreoscoptes montanus
Vascular Plants	Scribner's Ragwort	Senecio integerrimus var. scribneri
Fish	Northern Redbelly Dace	Chrosomus eos

The project is located within a General Habitat/Core Area for sage grouse which is listed as a sensitive species by the BLM. The BLM classifies a portion of this area as a Priority Habitat Management Area. Executive Orders 12-2015 and 21-2015 require Applicants to consult with the Montana Sage Grouse Habitat Conservation Program. Review letter dated September 5, 2024, by the Program found that the Applicant’s activities are not expected to result in direct habitat loss to sage grouse and will not be assessed mitigation.

The proposed project was previously issued a beneficial water use permit by the DNRC with a priority date of August 11, 2015, and construction was completed by the Applicant. A project completion notice was received on October 13, 2016, and verified by the Department on November 18, 2016. The 5 additional stock tanks were installed as early as 2001 under water right 40EJ 30000128. Because the ground disturbance associated with this project is already complete, no new impact to any threatened or endangered fish, wildlife, plants, or aquatic species is expected from this proposed change authorization.

*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 five additional stock tanks.

*Determination: No significant impact.*

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

According to the U.S. Fish and Wildlife Service National Wetlands Mapper, the freshwater pond habitats near the additional, five stock tanks are identified as a PABFh.

- 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 **Aquatic Bed (AB)**: Includes wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years.
- Water Regime **Semi Permanently Flooded (F)**: Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.
- Special Modifier **Diked/Impounded (h)**: These wetlands have been created or modified by a man-made barrier or dam that obstructs the inflow or outflow of water.

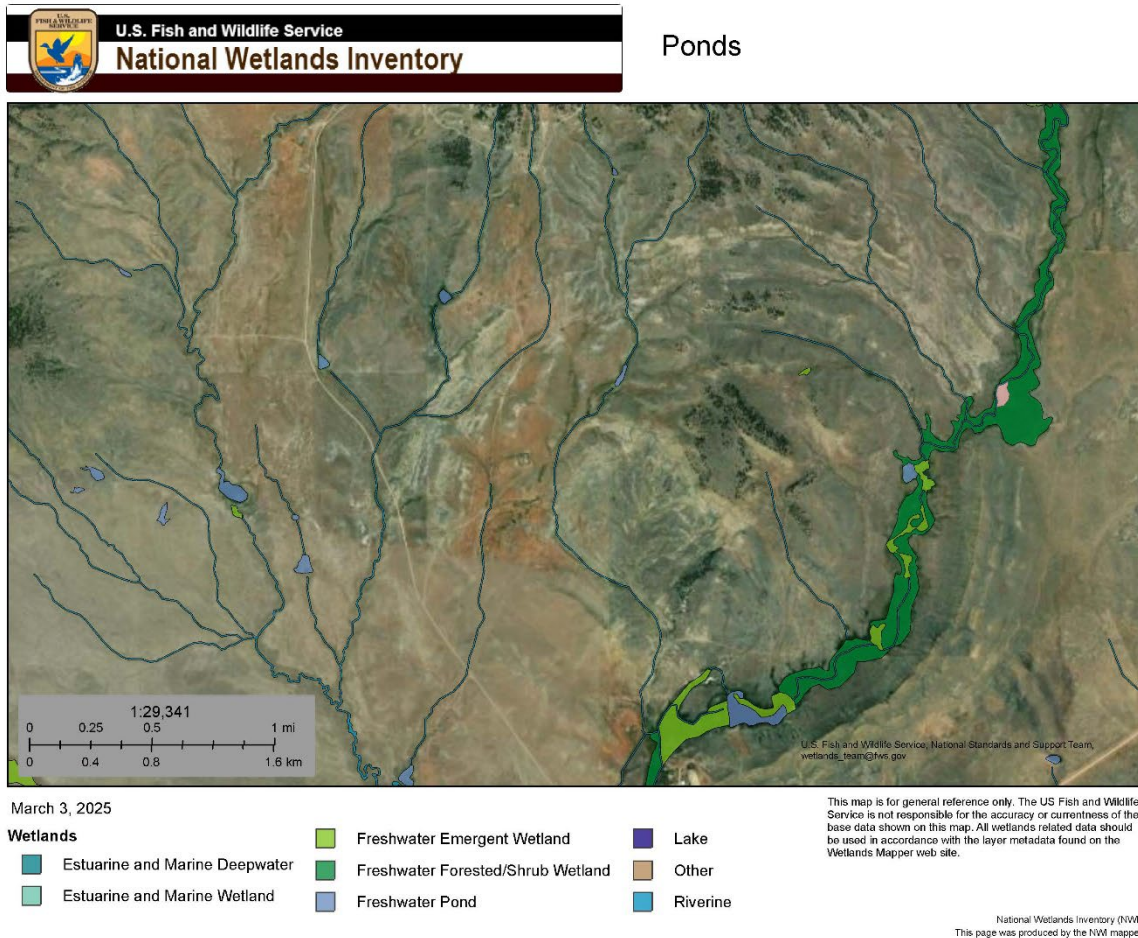


Figure 1: Area Ponds

The additional stock tanks are adjacent to land used for agricultural purposes and have already been developed. Because the project has already been completed, there is no significant impact expected to existing ponds.

*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.*

According to the NRCS Web Soil Survey, the soil types at the following locations are:

- NENENW, Sec. 18, T24N, R24E
  - Majority Bascovy-Neldore clay – not prime farmland, 2-8% slopes, well drained, and nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
  - Minority Neldore-Bascovy clay - not prime farmland, 8-25% slopes, well drained, and nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
- SESWSE Sec. 18, T24N, R24E
  - Marvan-Vanda clays – not prime farmland, 0-8% slopes, well drained, and moderately saline to strongly saline (8.0 to 16.0 mmhos/cm)

- NWNWNE, Sec. 20, T24N, R24E
  - Majority Cabbart-Twilight-Yawdim association – not prime farmland, 8-35% slopes, well drained, and nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
  - Minority Kobase-Megonot silty clay loams – farmland of statewide importance, 2-8% slopes, well drained, and nonsaline to slightly saline (0.0 to 3.9 mmhos/cm)
- NESWNE, Sec. 13, T24N, R23E
  - Majority cool-Neldore-Rock outcrop association – not prime farmland, 15-60% slopes, well drained, and nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
  - Minority Bascovy-Neldore clays – not prime farmland, 2-8% slopes, well drained, and nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
- SWSESW, Sec. 13, T24N, R23E
  - Neldore-Bascovy clay - not prime farmland, 8-25% slopes, well drained, and nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

The additional stock tanks are adjacent to land used for agricultural purposes and have already been developed. Because the project has already been completed, there is no significant impact expected to the soil.

*Determination:* Issuance of this change authorization is unlikely to have significant impact on soil quality, alteration of soil stability, or moisture content.

**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.*

Because the ground disturbance associated with this project has already been completed, new vegetative disturbance is not expected from the proposed change authorization. Control of noxious weeds will be the responsibility of the property owner.

*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.*

Because the project has already been completed, no air quality impact is expected.

*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:* No access or recreational activities will be significantly impacted by this project.

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

*Determination:* This 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?

**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 this application to change the water right and add additional stock tanks.

**PART III. Conclusion**

**1. Preferred Alternative:** Issue a change authorization if the applicant proves the criteria in §85-2-402, 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.

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

Name: Ashley Kemmis

Title: Water Resource Specialist

Date: March 6, 2025