

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

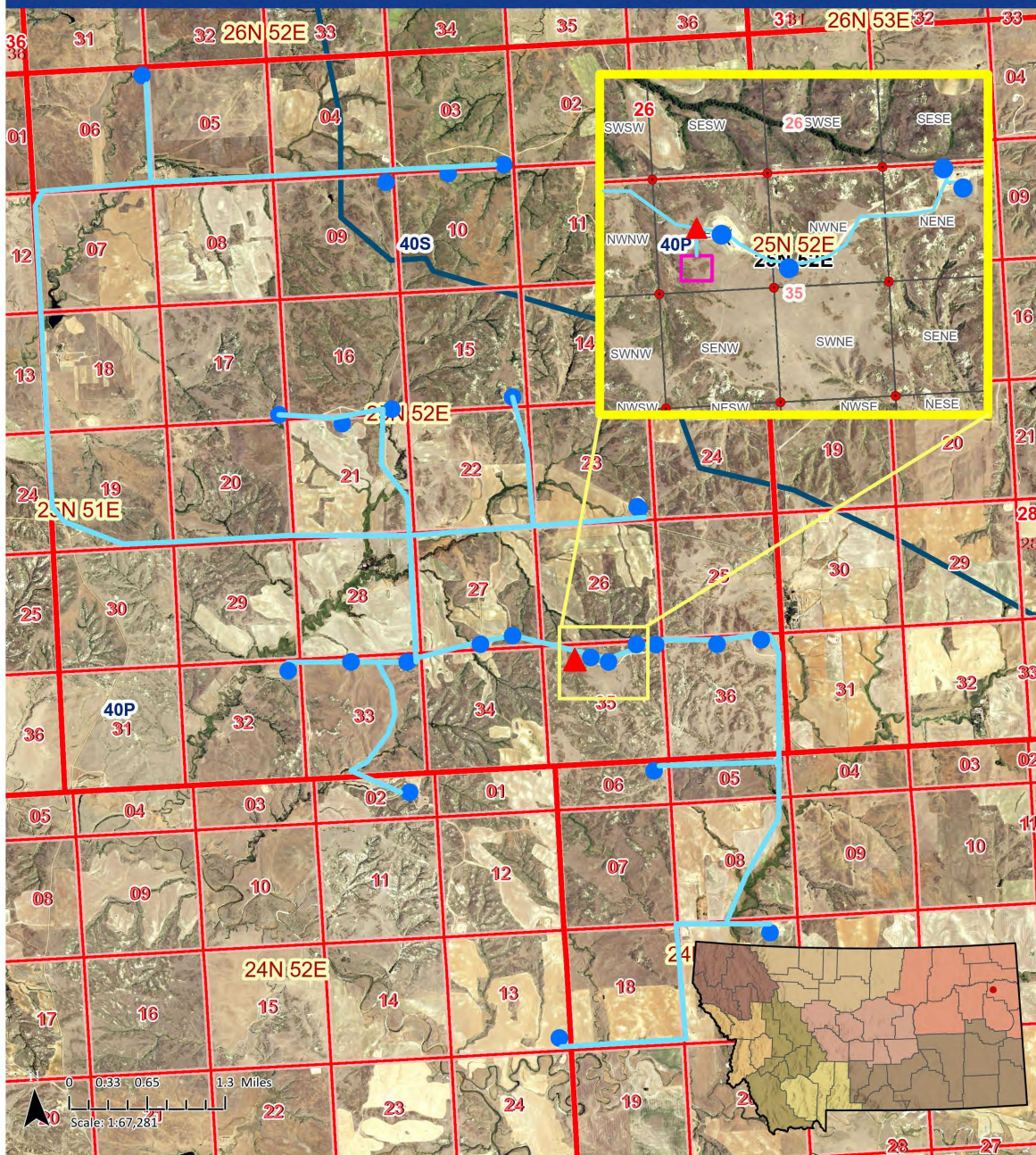
Part I. Proposed Action Description

1. Applicant/Contact name and address: White Rock Oil & Gas LLC
5810 Tennyson Pkwy Ste 500
Plano, TX 75024-3523
2. Type of action: Application for Beneficial Water Use Permit No 40P 30163275
3. Water source name: Groundwater
4. Location affected by project: NW, Section 35, T25N, R52E, Richland County
5. 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 groundwater from the Fox Hills-Hell Creek aquifer, by means of a well (1,128 FT BGS), from March 1 to November 30 at 240 GPM up to 100 AF, from a point in the NENENW, Section 35, T25N, R52E, Richland County, for industrial use from March 1 to November 30. The Applicant proposes to use water for oil field development. A 34.4 AF lined storage pond will be utilized by the Applicant and located in S2NENW, Section 35, T25N, R52E, Richland County. Water will be conveyed via temporary flat lay hose to the places of use in T25N, R51E and T24N, R52E.

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

40P 30163275



Map Created: 1/24/2025
 Author: Ashley Kemmis,
 Water Resource Specialist
 Elements depicted on this map are for illustrative
 purposes and have not been surveyed by the
 Department. MSDI PLSS:
 2017 Aerials:



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 source is groundwater, which is not listed by Montana Department of Fish, Wildlife & Parks. Surface water depletions would occur to the Missouri River starting near the SWSWNE, Section 29, T27N, R52E, Richland County.

The reach of the Missouri River that is included in the area of potential impact is not identified as a chronically or periodically dewatered stream by the DFWP. The DFWP 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 to maintain instream flows.

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 source is groundwater, but the connected surface water source is the Missouri River. The lower Missouri River is listed on the 2020 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 total depth of the well is 1,128 ft bgs, is screened from 897 to 1,128 ft bgs, has a static water level of 441.50 ft bgs, and a total available drawdown of 428.5 ft bgs. Modeling analysis by the Applicant showed that groundwater is physically available (320 AF/Year) and the Department determined water is legally available (129 AF/Year) for appropriation during the period requested by the Applicant. If the proposed appropriation is approved, 29 AF will remain in the aquifer.

The Applicant also used modeling to predict drawdown in existing wells completed in the source aquifer. The 1-foot drawdown contour was modeled using AQTESOLV for a period of five years. The drawdown contour would occur 96,000 ft from the Applicant's wells and includes 25

groundwater rights with known depth completed in the FHHC aquifer. All 25 water rights have a positive remaining available water column after comparison with the additional drawdown.

Surface water depletions are to the Missouri River. Net depletions will occur starting near the SWSWNE, Section 29, T27N, R52E, Richland County. The Department has determined that the hydraulically connected surface water of the Missouri River is physically available. Based on the area of potential impact designated by the applicant's technical analysis, water is not legally available in the month of July. Based on these findings, there could be impact to the hydraulically connected sources if the permit was granted.

Determination: The proposed project would result in a groundwater flux of 29 AF in the zone of influence and may cause adverse effect to downstream water users on the Missouri River.

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 should have no significant impact on stream channels, flow modifications, barriers, riparian areas, dams, or well construction.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

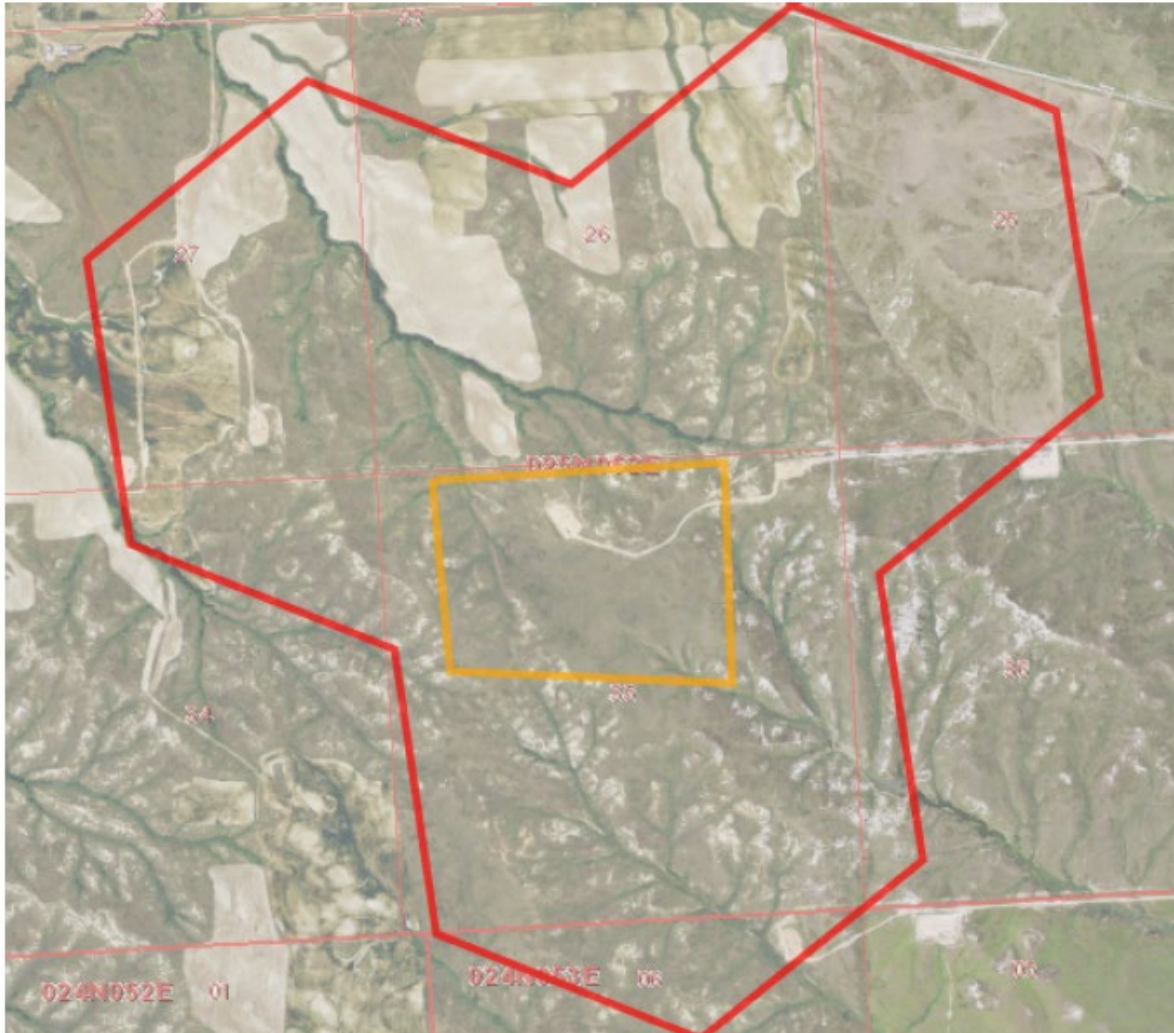
Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed 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 1 species of concern (Little Brown Myotis) within and surrounding Section 35, T25N, R52E. The Little Brown Myotis is not listed as endangered by the United States Fish, and Wildlife Service (USFWS) and Bureau of Land Management.



| Latitude | Longitude |
|----------|------------|
| 47.86532 | -104.94369 |
| 47.89591 | -104.99377 |

Summarized by:
(Custom Area of Interest)



Suggested Citation

Montana Natural Heritage Program. Environmental Summary Report.
for Latitude 47.86532 to 47.89591 and Longitude -104.94369 to -104.99377. Retrieved on 5/12/2025.

The proposed project is near a developed oil field well pad, so the location has already experienced disturbance and human activity.

The Department has determined that the hydraulically connected surface water of the Missouri River is not legally available in the month of July. Based on these findings, there could be impact to the hydraulically connected sources if the permit was granted which could affect fish habitat. The DFWP 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 to maintain instream flows.

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

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: 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: There are no ponds identified within the project area.

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 two main soil types in the project area Williams-Vida loam and Lambert-Dimyaw complex. Williams-Via loam is well drained, on slopes of 2-8 percent, is nonsaline to slightly saline (0.0 to 4.0 mmhos/cm), and is classified as “farmland of statewide importance”. Lambert-Dimyaw complex is well drained, on slopes of 15-65 percent, is very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm), and is not prime farmland. The project area has already experienced disturbance due to oil field activity; the reservoir construction would cause additional soil disturbance,

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.*

The project area has already experienced ground disturbance due to oil field activity; the reservoir construction would cause additional disturbance to vegetation. 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.*

Dusty conditions could arise during reservoir construction. Due to the remote location, the effect is expected to be minor and temporary.

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 a water right permit for industrial use. Under the no action alternative, the Applicant would not be able to use water for industrial purposes.

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:

The Department has issued a draft preliminary determination to deny the application due to lack of legal availability.

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

Name: Ashley Kemmis

Title: Water Resource Specialist

Date: May 14, 2025