

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 41H 30026441 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: BOYNE USA INC
PO BOX 160001
BIG SKY, MT 59716-0001

Priority Date: FEBRUARY 13, 2007 at 08:10 A.M.
Enforceable Priority Date: FEBRUARY 13, 2007 at 08:10 A.M.

Purpose (use): COMMERCIAL
FISHERY

Maximum Flow Rate:

Maximum Volume: 121.00 AC-FT

Source Name: GALLATIN RIVER, MIDDLE FORK WEST FORK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	30	6S	3E	MADISON

Period of Diversion: APRIL 1 TO JUNE 30
Diversion Means: DAM

Reservoir: ON STREAM **Reservoir Name** LEVINSKY
Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**
SENENE 30 6S 3E MADISON

Depth: 52.00 FEET
Surface Area: 9.80 ACRES
Current Capacity: 221.00 ACRE-FEET

Purpose (Use): COMMERCIAL **Purpose Clarification:** SNOW MAKIING

Volume: 60.00 AC-FT
Period of Use: OCTOBER 1 to APRIL 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2	25	6S	2E	MADISON
2				30	6S	3E	MADISON
3			S2	29	6S	3E	MADISON
4			NE	31	6S	3E	MADISON

Purpose (Use): FISHERY **Purpose Clarification:** IN STREAM USE

Volume: 61.00 AC-FT
Period of Use: OCTOBER 1 to APRIL 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE	30	6S	3E	MADISON
2			NENSW	33	6S	4E	GALLATIN

Geocodes/Valid: 25-0425-25-4-01-01-0000 - Y 25-0426-29-3-01-01-0000 - Y
25-0426-30-3-01-01-0000 - Y 25-0426-31-2-01-01-0000 - Y

Remarks:

Remarks:

ASSOCIATED RIGHT

THIS WATER RIGHT IS ASSOCIATED WITH WATER RIGHT NO. 87314-41H. THEY HAVE COMMON PLACES OF USE AND PLACE OF STORAGE.

IMPORTANT INFORMATION

THE WATER USED FOR SNOW MAKING AND INSTREAM FISHERY ENHANCEMENT MUST BE WATER THAT HAS BEEN STORED DURING HIGH SPRING FLOWS. AFTER WATER HAS BEEN STORED DURING THE HIGH SPRING FLOWS ALL INFLOWS TO THE RESERVOIR MUST BE RELEASED AND PASSED THROUGH THE RESERVOIR.

IMPORTANT INFORMATION

** MONTANA DEPT. OF FISH, WILDLIFE & PARKS- RESERVED RIGHTS. THIS RIGHT IS SUBJECT TO THE DEPARTMENT OF FISH, WILDLIFE AND PARKS' (MDFWP) WATER RESERVATION FOR INSTREAM FLOW AS FOUND IN THE MISSOURI RIVER BASIN FINAL ORDER BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION - JULY 1, 1992. WHEN THE FLOW OF THE MIDDLE FK OF WEST FK OF WEST GALLATIN RIVER FALLS BELOW THE GRANTED RESERVATION OF 3 CFS, THE APPROPRIATOR SHALL CEASE DIVERTING WATER IMMEDIATELY UPON NOTIFICATION BY THE MDFWP.

IMPORTANT INFORMATION

APPROPRIATOR MAY DIVERT FLOWS UP TO THE PERMITTED AMOUNT DURING THE PERIOD OF APRIL 1 THROUGH JUNE 30 WHEN FLOWS AT THE USGS GAUGING STATION NO. 06066500 (MISSOURI RIVER BELOW HOLTER DAM NEAR WOLF CREEK) ARE ABOVE 7100 CFS. WHEN FLOWS AT THE REFERENCED GAUGING STATION ARE BELOW 7100 CFS DURING THE PERMITTED PERIOD OF DIVERSION THE APPROPRIATOR MAY DIVERT WATER ONLY IF: A) A CONTRACT TO PURCHASE STORAGE WATER FROM CANYON FERRY RESERVOIR HAS BEEN PROCURED IN A SUFFICIENT AMOUNT TO COVER ANY DIVERSIONS FROM THE PERMITTED SOURCE, OR B) A MITIGATION PLAN IS IN PLACE TO OBTAIN WATER FROM THE BIG SKY WATER AND SEWER DISTRICT THAT COVERS ANY DEPLETIONS TO THE MIDDLE FORK OF THE WEST FORK OF THE GALLATIN RIVER THAT MAY CAUSE ADVERSE EFFECTS TO EXISTING WATER RIGHT HOLDERS.

IMPORTANT INFORMATION

THIS PERMIT IS SUBJECT TO THE CONDITION THAT THE PERMITTEE SHALL MANUALLY MEASURE, USING A GENERALLY ACCEPTED FLOW METER DEVICE, THE INFLOW AT EACH OF THE THREE INLETS TO LAKE LEVINSKY AND THE OUTFLOW FROM LAKE LEVINSKY. WRITTEN RECORDS MUST BE TAKEN FROM EACH OF THESE FOUR LOCATIONS AT LEAST WEEKLY AND WITHIN 24 HOURS OF A SPECIFIC REQUEST OF THE MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS. A WRITTEN RECORD OF THE DATE, FLOW RATE, AND VOLUME OF WATER PUMPED FROM LAKE LEVINSKY FOR SNOW MAKING AND RELEASES FOR INSTREAM FISHERY FLOWS MUST ALSO BE KEPT. ALL OF THE AFOREMENTIONED WRITTEN RECORDS SHALL BE SUBMITTED BY JULY 1ST OF EACH YEAR OR UPON REQUEST TO THE BOZEMAN WATER RESOURCES REGIONAL OFFICE.