

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:** 411 30104062 PROVISIONAL PERMIT  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** HELENA VALLEY IRRIGATION DISTRICT  
3840 N MONTANA AVE  
HELENA, MT 59602  
  
SLEEPING GIANT POWER LLC  
%JOHN KUHNS  
60 E 42ND ST STE 1834  
NEW YORK, NY 10165-6217

**Priority Date:** OCTOBER 8, 2015 at 04:14 P.M.

**Enforceable Priority Date:** OCTOBER 8, 2015 at 04:14 P.M.

**Purpose (use):** POWER GENERATION, NONCONSUMPTIVE

**Maximum Flow Rate:** 1,026.00 CFS

**Maximum Volume:** 440,814.00 AC-FT

**Source Name:** MISSOURI RIVER

**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		NWSESE	4	10N	1W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Purpose (Use):** POWER GENERATION,  
NONCONSUMPTIVE

**Volume:** 440,814.00 AC-FT

**Period of Use:** JANUARY 1 to DECEMBER 31

**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			NWSESE	4	10N	1W	LEWIS AND CLARK

**Geocodes/Valid:** -- NO VALID GEOCODES --

**Remarks:**

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**Remarks:**

**IMPORTANT INFORMATION**

CONDITION 1: OPERATION OF THIS PERMIT IS SUBJECT TO THE EXISTING OPERATIONS OF CANYON FERRY DAM, AT THE DISCRETION AND UNDER THE AUTHORITY OF THE UNITED STATES BUREAU OF RECLAMATION (BOR), IN ORDER TO ENSURE THAT THE EFFICIENCY OF BOR-GENERATED POWER OR WATER OPERATIONS WILL NOT BE IMPAIRED

**IMPORTANT INFORMATION**

CONDITION 2: THE APPROPRIATOR SHALL MONITOR THE INFLOW TO CANYON FERRY LAKE. THE APPROPRIATOR SHALL ONLY GENERATE POWER WHEN THE INFLOW IS GREATER THAN THE FLOW THAT CAN BE UTILIZED BY THE PROPOSED APPROPRIATION, IN ORDER TO ENSURE STORED WATER IS NOT BEING APPROPRIATED UNDER THIS PERMIT. THE MAXIMUM MONTHLY INFLOW INTO CANYON FERRY LAKE SHALL BE RECORDED UPON A FORM PROVIDED BY THE DEPARTMENT AND SUBMITTED TO THE DEPARTMENT BY JANUARY 31 OF EACH YEAR AND WITHIN 30 DAYS OF REQUEST BY THE DEPARTMENT AT OTHER TIMES DURING THE YEAR.

**IMPORTANT INFORMATION**

CONDITION 3: THE APPROPRIATOR SHALL SUBMIT DOCUMENTATION INDICATING THE TYPE OF EACH MEASURING/MONITORING DEVICE, A MAP OF THE SPECIFIC LOCATION OF EACH DEVICE, AND A PLAN DETAILING HOW THE DEVICES WILL BE MONITORED. THE PLAN AND DEVICE LOCATION MUST BE APPROVED BY THE DEPARTMENT BEFORE WATER IS DIVERTED UNDER THIS PERMIT. REVIEW OF THE PLAN AND DEVICE LOCATIONS BY THE DEPARTMENT SHALL BE WITHIN 60 DAYS OF SUBMISSION OF THE PLAN AND DEVICE LOCATIONS. WATER MUST NOT BE DIVERTED UNTIL THE MEASURING/MONITORING DEVICES ARE IN PLACE AND OPERATIONAL. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING/MONITORING DEVICES SO THEY ALWAYS OPERATE PROPERLY AND MEASURE FLOW RATE AND VOLUME ACCURATLY DURING PERIODS OF APPROPRIATION UNDER THIS PERMIT. ANY CHANGES TO THE MEASURING/MONITORING DEVICES OR CHANGES TO THE METHOD USED TO MONITOR AND RECORD INFORMATION FROM THE DEVICES SHOULD BE REPORTED TO THE DEPARTMENT WITHIN 30 DAYS OF ANY SUCH CHANGE.

**IMPORTANT INFORMATION**

CONDITION 4: THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD, ON A FORM PROVIDED BY THE DEPARTMENT, OF THE MAXIMUM FLOW RATE AND TOTAL MONTHLY VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME DURING WHICH WATER WAS APPROPRIATED. THE RECORD SHALL INDICATE HOW AN APPROPRIATE EQUATION WAS UTILIZED TO DETERMINE THE FLOW RATE AND VOLUME THAT WAS USED FOR POWER GENERATION. RECORDS SHALL BE SUBMITTED BY JANUARY 31 OF EACH YEAR AND WITHIN 30 DAYS OF REQUEST BY THE DEPARTMENT AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT REPORTS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE HELENA WATER RESOURCES REGIONAL OFFICE.