

PUBLIC NOTICE

Notice to Water Users
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

OBJECTION DEADLINE: JULY 1, 2016. THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 1424 9TH AVENUE, PO BOX 201601, HELENA, MT 59620-1601, PHONE: 406-444-6999, FAX: 406-444-9317.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

Application Number: 411 30104062

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.

Purpose (use): POWER GENERATION, NONCONSUMPTIVE

Maximum Flow Rate: 1,026.00 CFS

Maximum Volume: 440,814.00 AC-FT

Source Name: MISSOURI

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

Remarks:

IMPORTANT INFORMATION

CONDITION 1: 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.

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.

CONDITION 3: 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.

CONDITION 4: 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

PUBLISHED IN: INDEPENDENT RECORD ON MAY 18, 2016.