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WATER RESOURCES DIVISION

P.O. BOX 365 - LAPWAI, IDAHO - (208) 843-7368 - FAX (208) 843-7371

INSTRUCTIONS

FOR FILING AN APPLICATION FOR PERMIT FOR USE OF TRIBAL WATER RIGHTS

No Person shall divert water or undertake any activity affecting or involving Tribal water rights without first obtaining a Permit from the Nez Perce Tribe Water Resources Division. The only water uses authorized to begin without a Permit are: 1) emergency fire-fighting uses and 2) sweat house/lodge uses in an amount not to exceed 15 gallons per day. To apply for a Permit, prospective water users must complete the [“Application for Permit for Use of Tribal Water Rights”](#) form and submit it to the Nez Perce Tribe Water Resources Division with the required filing fee. The Nez Perce Tribe Water Resources Division will review and process the application in accordance with the Nez Perce Tribal Water Rights Administration Code and either issue a permit or deny the application.

COMPLETE THE APPLICATION FORM AS FOLLOWS:

1. Print the full name, current mailing address, telephone number, and email address of each applicant. If more than one applicant, attach additional information.
2. Print the full name, current mailing address, telephone number, and email address of the applicant’s representative, if applicable. Leave blank if not applicable.
 - 2.1 Check the box identifying to whom correspondence for the application should be sent to – the applicant or the representative and the applicant. Leave blank if there is no authorized representative identified in Item #2.
 - 2.2 Check the box identifying whether the representative is authorized to sign for the applicant. Leave blank if there is no authorized representative identified in Item #2.
3. Identify the source of water supply and the major stream to which it is tributary. If there is no tributary, list N/A.

EXAMPLES:

Source of Water Supply	<u>Sweetwater Creek</u>	which is a Tributary of	<u>Lapwai Creek</u>
Source of Water Supply	<u>unnamed stream</u>	which is a Tributary of	<u>Big Canyon Creek</u>
Source of Water Supply	<u>groundwater</u>	which is a Tributary of	<u>N/A</u>

4. Locate the point of diversion within each 40-acre tract, Allotment Number, and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located. **Note that when both the government lot and the 10-acre or 40-acre tract are shown, the government lot is considered to be the principal legal description.**

EXAMPLE:

TWP	RGE	SEC	Gov’t Lot	1/4	1/4	1/4	County	Source	Allotment No.
34N	4W	27		NW	NE	NW	Nez Perce	Sweetwater Creek	555

5. Estimate the rate of diversion in cubic feet per second (cfs) or the amount of storage in acre-feet (af) to be used for each purpose shown. Describe the intended use of the water and state the annual beginning and ending dates for the diversion of water. The maximum rate needed for each purpose should be requested. Refer to the Nez Perce Tribe Water Resources Division's ["Guidance on Water Use"](#).

EXAMPLES:

Amount 0.4 for Irrigation purposes from Mar 15 to Oct 15 (both dates inclusive)
cubic feet per second

Amount 100 for Irrigation Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
acre-feet per year

MEASUREMENT UNITS:

- 1 cubic foot per second (cfs) = 448.8 gallons per minute or 50 miner's inches in Idaho
 - 1 cubic foot per second flowing 24 hours = 1.9835 acre-feet
 - 1 acre-foot = the volume necessary to cover 1 acre to a depth of 1 foot (43,560 cubic feet)
 - 1 miner's inch = a continuous flow equal to 1/50 cubic feet per second or 0.02 cubic feet per second
6. State the total rate of diversion after accumulating flows for each use. The amount entered in Item #6 may be less than the total of the amounts listed in Item #5. However, it must be at least equal to the largest amount in line item #5. **Note that if the project proposes storage of water and also a direct flow diversion, both the storage and direct flow components can be shown on the same form.**

EXAMPLE:

Total quantity to be appropriated is 0.4 cfs and/or 100 acre-feet per year.

- 7.1 Describe the complete diversion system. List the pump, motor, ditch, pipeline, or diversion structure sizes.
- 7.2 If applying to store water, complete this information (otherwise list N/A). Depending on your proposal, a separate ["Application for Construction or Enlargement of a New Existing Dam"](#) permit may be required. Check the box indicating "Yes" or "No" if a separate dam construction permit application is required.
- 7.3 If applying to develop a well, complete this information (otherwise list N/A). A separate ["Application for Well Drilling Permit and Permit Approval or Denial"](#) form will also be required. If applying to develop a new use from an existing well, complete this information.
- 8.1 If applying for power generation, estimate both the total head in feet and the anticipated installed power generation capacity in kilowatts. A completed ["Affidavit for Water Rights to be Used for Power Purposes"](#) form is also required.
- 8.2 If stockwater has been listed under Item #5, state the total number of each kind of livestock (i.e., horses, beef cattle, dairy cattle, etc.).
- 8.3 If domestic use is listed under Item #5, state the maximum number of households to be served. If more than one domestic unit is described and water is used for irrigation, identify acres that will be irrigated. List the acres under the irrigation use.
- 8.4 If the water use listed under Item #5 is for the purposes of the Nez Perce Tribe, state the name of the Tribal Agency, Executive Director, and provide documentation of the applicant's authority/qualifications. Describe any other uses not fully explained above.

9. Locate all water uses by writing in the townships (TWP), ranges (RGE), and sections (SEC). Using the table below as a guide, identify the uses within each 40-acre tract with the appropriate use symbols (use symbols provided on the table at the top of page 3). The number of acres to be irrigated in each 40-acre tract must be shown as a whole number.

EXAMPLE:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE													
10S	14E	21	40		4	4					4			40					92
			S		S	S	D				S			S					

USE SYMBOLS: *Note that domestic may describe uses where the total use does not exceed 2,500 gal/day nor 0.04 cfs.

- | | | |
|---------------------------------|---|---------------------------------|
| C = Commercial Use | H = Hatchery Use | P = Power Generation Use |
| D = Domestic Use* | I = Industrial Use | R = Recreational Use |
| F = Instream Flow | L = Cultural/Religious/Spiritual Use | S = Stockwater Use |
| G = Groundwater Recharge | M = Municipal Use | W = Water Storage |

10. Describe any other water rights used for the same purposes as sought in the application. Include water delivered by municipality, Tribal Agency, canal company, or irrigation district. Be as specific as possible.

11.1 Identify the landowner of record even if the land is being purchased, rented, or leased.

11.2 Identify the landowner of record even if the land is being purchased, rented, or leased.

11.3 Explain the contract, lease, or other arrangement by which land not owned by the applicant will be developed, and the applicant’s specific authority to make this application. If any federal lands must be accessed as part of the development, include with the application evidence that an application has been filed with the federal government for a right-of-way or special use permit. If developing water from a pond of less than five acres in surface area or from a spring wholly contained within a single land ownership and not flowing therefrom, submit evidence that the land owner consents to the proposed development.

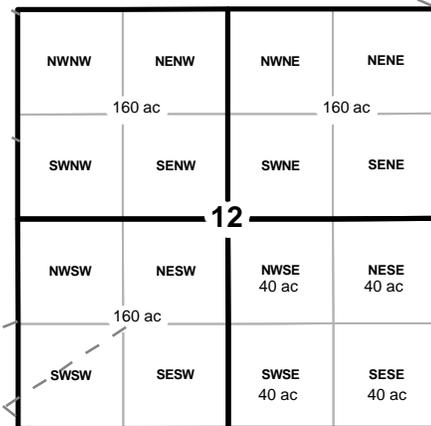
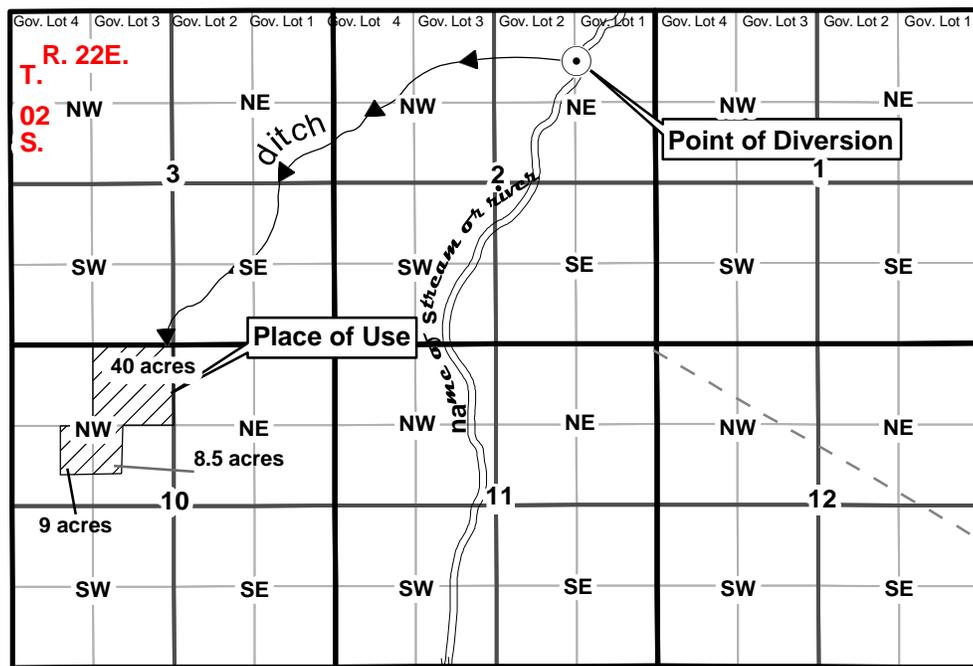
12. The narrative should provide a detailed word-picture of your proposal. It should also relate any additional pertinent information that will be useful to the Nez Perce Tribe Water Resources Division. For example, list unique features such as treatment of industrial waste, name of well drillers, number of raceways, or total weight of fish anticipated to be grown for a fish propagation filing.

13. Estimate the time required for completion of work and application of water to the proposed use. The Nez Perce Tribe Water Resources Division will only grant a development period equal to the time necessary to complete the project with due diligence.

14. The map must locate the point of diversion from the source of water and the location of the lands to be irrigated or the place where the water will be used. The map **must** also show townships, ranges, sections, government lots, and allotment numbers if relevant. Important landmarks such as rivers, streams, roads, and highways should be shown on the map. If the place of use is located in a recorded subdivision, submit a copy of that portion of the subdivision plat which contains the place of use lot. See Idaho Department of Water Resources’ [example map](#) on page 4.

15. Sign the application exactly as the name appears in Item #1. If the applicant is a corporation, partnership, or other entity, the representative named in Item #2 should sign the application. Leave the remainder of the form blank. Your completed application and fee may be submitted to the address shown below. Application fees can be found online at <https://nptwaterresources.org>. Checks should be made payable to: Nez Perce Tribe Water Resources Division.

Water Diversion and Delivery System Map Example



Sample Symbols for map

- canals & ditches
- dams
- pipelines
- place of use
- point of diversion
- reservoirs, ponds
- springs
- streams, rivers
- other wells not part of system

