



© 1995 NEZ PERCE TRIBE

Nez Perce

WATER RESOURCES DIVISION

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

OVERVIEW OF WATER RIGHT PERMITTING SYSTEM

AS PER THE NEZ PERCE TRIBAL WATER RIGHTS ADMINISTRATION CODE (“§3-3”)

1. No person shall divert water or undertake any activity affecting or involving Tribal water rights without first obtaining a Water Use Permit (“Permit”) from the Nez Perce Tribe Water Resources Division (“WRD”). No Permit is required for sweat house/lodge uses in an amount not to exceed 15 gallons per day or for emergency fire-fighting uses.
2. Applications to use Tribal water rights must be approved by the WRD and a Permit issued before the applicant may take any proposed water use action. No construction of diversion works or diversion of water or other alteration of any water source, is allowed under the Permit until the expiration of the later date of either: (1) 20 days after the expiration of the Notice of Permit Issuance described in §3-3-11 (f), if no objection to the Permit has been filed; or (2) final resolution of any objection to the Permit pursuant to a hearing pursuant to §3-3-13, including any subsequent appellate process on such objection.
3. All issued Permits will include restrictions or limitations as to the water source, point of diversion, diversion rate, annual volume cap, place of water use, any authorized diversion works, beneficial purpose(s) of use, and calendar period of use.
4. All issued Permits will require the Permittee to comply with the provisions of §3-3. Any Permit to pump or divert more than 25 gallons per minute shall require the installation and maintenance of a flow rate and total use metering system, at the Permittee’s expense.
5. Any Permit issued by the WRD constitutes a right of entry for WRD personnel to the entire location of permitted water use, for purposes of inspection, monitoring, and Permit enforcement.
6. All issued Permits will have a maximum initial term of five (5) years, or such shorter term as stated in the Permit. All Permits will expire on the stated expiration date. A Permittee may petition the WRD for renewal within thirty calendar days prior to the expiration date, and the WRD shall review the petition and provide a renewal decision prior to the expiration of the Permit. Nothing in the Permit renewal process shall alter an Allottee’s entitlement to use water in quantities necessary to carry out the agricultural purposes of the allotment as provided under the General Allotment Act, 25 U.S.C. Section 381.
7. No Permit may be transferred, exchanged, sold, or otherwise conveyed except as described in §3-3-11 (h). Transfer of a Permit shall not change any of the terms and conditions of the Permit.
8. In drought conditions, water shall be strictly allocated according to Permit initial use date, unless special agreements between the Nez Perce Tribe and other entities provide for a temporary change of water allocation priority. If a drought condition prevails such that not enough water exists to satisfy even senior users, all senior water uses will have partial water uses met, but at a lesser diversion rate than that specified in a Permit as described in §3-3-10 (d).

9. The WRD may revoke a Permit for any of the reasons described in §3-3-11 (j), including:
- Failure to comply with any term or condition of the permit.
 - Failure to comply with any provision of the Nez Perce Tribal Water Rights Administration Code (“§3-3”).
 - Failure to comply with any order or decision of the WRD, the Nez Perce Tribal Water Rights Administration Commission, or the Tribal Courts.
 - Nonuse of water for a period of two years.
 - Expiration of the Water Use Permit without renewal.
 - Any misrepresentation in the Permit application, or in any other statement made as part of the permit application or modification process.
 - Ecosystem conditions or protections of a Water Use Permit’s water source.
10. The WRD shall notify the Permittee of the impending revocation as described in §3-3-11 (k).
11. The WRD is authorized to take appropriate action related to a Water Use Permit, including the following:
- Inspect, monitor, and investigate water use, permit compliance, and any other activities affecting Tribal water rights or the provisions and/or purposes of §3-3.
 - Issue warnings, stop work orders, abatement orders, compliance orders, stop use orders, permit revocations, and take any other action necessary to carry out the purposes and/or provisions of §3-3.
 - Remove, render inoperative, shut down, close, seal, cap, or otherwise control methods of water diversion, withdrawal, or use, in order to carry out the purposes and/or provisions of §3-3.

12. SIGNATURE

My signature below certifies that I have read, understand, and agree to comply with the provisions of §3-3. Should the Water Use Permit issued by the WRD contain conditions that are not acceptable to me, I understand that I may withdraw my Application for Permit to Use Tribal Water Rights and/or request a Hearing before the Nez Perce Tribal Water Rights Administration Code as described in §3-3-13.

Applicant or Authorized Representative Signature: _____ Date: _____