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Nez Perce

WATER RESOURCES DIVISION

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GENERAL INFORMATION

FOR FILING AN APPLICATION FOR WELL DRILLING PERMIT

1. GENERAL

- 1.1** A Well Drilling Permit must be obtained from the Nez Perce Tribe Water Resources Division (“WRD”) before the construction, modification, or abandonment of any well.
- 1.2** The Well Drilling Permit describes general conditions of approval and provides for specific conditions, which may be applicable in a particular locality or situation, i.e. Contamination Area, Area of Drilling Concern, Critical Groundwater Area, or Groundwater Management Area. The Well Drilling Permit authorizes the construction or modification of a well, but does not authorize water diversion, use, or injection.
- 1.3** The [“Application for Well Drilling Permit”](#) will be evaluated by the WRD to determine whether the proposed use or activity is technically feasible. The WRD will notify the applicant of any errors or omissions to their application and will approve or deny the application.
- 1.4** The WRD may revoke a Water Use Permit and/or Well Drilling Permit for any of the following reasons:
- 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.
- 1.5** The WRD is authorized to take appropriate action related to a Water Use Permit and/or Well Drilling 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.

1.6 In drought conditions, water shall be strictly allocated according to Water Use 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 Water Use Permit as described in §3-3-10(d).

2. **WELL DRILLING PERMIT DEFINITIONS**

2.1 DOMESTIC: The use of water for human consumption, household purposes, and domestic animal consumption that is ancillary to residential use of property or related accessory uses.

2.2 NONDOMESTIC: Any well used for purposes not included in “Domestic” as defined above.

3. **WELL DRILLING PERMIT ISSUANCE RESTRICTIONS**

3.1 All wells require a Water Use Permit prior to issuance of a Well Drilling Permit. Note that the two applications may be submitted simultaneously.

3.2 Use of the well must comply with conditions of the associated Water Use Permit.

3.3 Drilling of wells shall be coordinated with the WRD and the Nez Perce Tribe’s Land Services Division. All wells must be drilled a minimum distance of 100’ from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50’ and 100’ respectively from a septic tank.

3.4 The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit and the well identification tag at the drilling site.

3.5 Approval of any Well Drilling Permit does not authorize trespass on the land of another party.

3.6 The Well Drilling Permit does not represent a right to divert and use Tribal water rights.

3.7 No construction of diversion works or diversion of water or other alteration of any water source, is allowed under the Water Use 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 Water Use Permit has been filed; or (2) final resolution of any objection to the Water Use Permit pursuant to a hearing pursuant to §3-3-13, including any subsequent appellate process on such objection.

3.8 A Water Use 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.

3.9 The Water Use Permit constitutes a right of entry for WRD personnel to the entire location of permitted water use, for purposes of inspection, monitoring, and enforcement.

3.10 If the depth of this well exceeds 500’ or the well is in an area known to have low temperature geothermal (“LTG”) water, bottom hole temperature must be measured and recorded on the Well Driller’s Log, and reported on the [“Well Driller’s Report”](#).

3.11 If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller shall contact the WRD immediately.

3.12 The applicant or contractor must contact “DigLine” (a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The “DigLine” number for this area is 1-800-342-1585.

- 3.13** Any well being replaced by a new well shall be properly abandoned by the well driller prior to removing the drilling equipment, unless otherwise authorized by the WRD. An [“Authorization to Abandon a Well”](#) form must be completed for abandonment.
- 3.14** The stainless-steel identification tag must be **securely and permanently attached** to the well casing by the Driller upon completion of the well, and prior to removing the drill rig from the drill site and must remain permanently attached above ground level for the life of the well. The well tag shall be attached by welding at least three sides or using four stainless-steel, closed-end pop rivets.
- 3.15** Injection wells (domestic and non-domestic) will require Injection Well permits prior to issuance of the Well Drilling Permit.
- 3.16** Monitoring wells require a well bore schematic and a map or plat showing the location of each well prior to issuance of the Well Drilling Permit. All well bore schematics must be prepared and stamped by a registered professional engineer or geologist.
- 3.17** Public Water Supply wells will require additional input from the U.S. Environmental Protection Agency.

4. WELL DRILLING PERMIT FEE STRUCTURE

The fees for wells and Water Use Permits can be found online at <https://nptwaterresources.org>. Checks should be made payable to: Nez Perce Tribe Water Resources Division.

5. SIGNATURE

My signature below certifies that I have read, understand, and agree to comply with the provisions of §3-3. Should any permit issued by the WRD contain conditions that are not acceptable to me, I understand that I may withdraw my Application for Well Drilling Permit 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: _____