No person shall divert water or undertake any activity affecting or involving the Tribal water rights without first obtaining a Permit from the Nez Perce Tribe Water Resources Division.

No permit is required for emergency fire-fighting uses OR sweat house/lodge uses (in an amount not to exceed 15 gal/day)

New Water Right Application: Permittee

I want to divert ____ on an individual Indian trust allotment or a tribal trust/fee land:

- surface water
- ground water

submit a WRD Application for Permit for Use of Tribal Water Rights and pay fee

WRD will acknowledge receipt of applications by email and mail outlining remaining steps in the process

If water is available AND Permit meets Tribal Code

WRD will tentatively approve Permit with OR without conditions

WRD staff will invite NPT Natural Resources staff to comment on the new permit application within 3 weeks of WRD’s 1st email invite

WRD will invite IDWR staff to comment on the new permit application within 3 weeks of WRD’s 1st email invite

WRD will review comments and revise Permit conditions if necessary

WRD will formally approve Permit, assign a 5 year expiration date, and post notice of the new permit application in the Nimiipu Tribal Tribune within the Reservation AND in the BIA/Executive Director’s offices AND on its website for 3 weeks

Permittee will notify WRD that they accept Permit’s conditions

Permittee will notify WRD that they reject Permit’s conditions

if no water available OR Permit violates Tribal Code

WRD will deny Permit

any person/agency dissatisfied with the Permit has until 20 days after the closing period of public notice of Permit issuance to submit a WRD Application to Request a Hearing and pay fee

any person/agency that requests a Hearing shall receive a Hearing before the Nez Perce Tribal Water Rights Administration “Commission” within 20 days of filing request

“Commission” will pay for/post notice of Hearing in the Nimiipu Tribal Tribune AND in the BIA/Executive Director’s offices at least 1 week prior to the Hearing’s date

Hearing will be held and “Commission” will provide a written decision solely on the application/record within 10 days

approve Permit with OR without conditions

deny Permit

tabling action until receive additional data/information

“Commission’s” decision will be mailed to all parties

If no appeals are filed within 20 days of “Commission’s” decision, any decisions/rulings of the “Commission” are binding/enforceable

any person/agency requesting an appeal shall submit a WRD Application to Request an Appeal directly to NPT Court of Appeals

Appeals Process:
Nez Perce Tribal Court of Appeals

Permit Finalization:
WRD Water Rights Administration Staff

Permittee will put water to beneficial use and submit a WRD Proof of Beneficial Use (if diverting surface water) or a WRD Well Driller’s Report (if constructing a well) and pay fee

should Permittee fail to submit either a WRD Proof of Beneficial Use or a WRD Well Driller’s Report by the time allotted, Permittee should submit a WRD Request for Additional Time, 3 days prior to Permit lapsing and pay fee

should Permittee fail to submit either a WRD Proof of Beneficial Use or a WRD Well Driller’s Report by the time allotted AND WRD did not approve additional time, Permit is considered lapsed

WRD will arrange a site visit with Permittee verifying beneficial use and that Permit’s conditions have been met

approve additional time

WRD shall review Permittee’s WRD Request for Additional Time

deny additional time

if conditions and beneficial use have been verified by WRD, WRD will work with Permittee to set up a monitoring/inspection schedule if use is >25 gpm