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DEC 22 2021
DEPARTMENT OF
WATER RESOURCES

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DEC 20 2021
WATER RESOURCES
WESTERN REGION

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Attorney for Nez Perce Tribe

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATIONS FOR CHANGE)
AND APPROPRIATION OF WATER)
RIGHTS, NOs. 85396, 85397, 85398,)
85399, 85538, 65-24089, 77-14377,)
77-14378, 77-14379, AND 77-14381)
In the name of Perpetua Resources)
Idaho, Inc.)

NOTICE OF PROTEST

Protestant NEZ PERCE TRIBE hereby files this *Notice of Protest*, by and through its attorney of record and pursuant to Idaho Code § 42-203A(4) and Idaho Administrative Procedure Act § 37.01.01, to the approval of the above-numbered applications for change and appropriation of Water Rights filed by Applicant PERPETUA RESOURCES IDAHO, INC.

Protestant is a federally-recognized Indian tribe whose aboriginal territory encompasses over 13 million acres in what is today the states of Idaho, Oregon, Washington, and Montana. In its 1855 Treaty with the United States, Protestant reserved and the United States secured Protestant's sovereign fishing, hunting, gathering, and pasturing rights on its aboriginal lands, including on lands and waters subject to Applicant's applications. Protestant continues to exercise its treaty-reserved rights and natural resources co-management responsibilities in the Salmon River

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Basin, including in the East Fork South Fork Salmon River Basin in the area subject to Applicant's applications.

The initial bases for the protest are as follows:

1. Applicant's applications will conflict with the requirements of Idaho Code § 42-203A(5).
2. For such other and further reasons as may be discovered or set forth at a hearing on this matter.

To resolve this protest, Protestant requests that Applicant's applications be withdrawn, denied, or conditioned with appropriate terms as may be necessary to protect the public interest.

DATED this 20th day of December, 2021.



Michael A. Lopez
Attorney for Nez Perce Tribe

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 20th day of December, served the foregoing *Notice of Protest* upon Applicant's representative in this proceeding by mailing a copy thereof, properly addressed with postage prepaid, to Kevin J. Beaton, Attorney at Law, Stoel Rives LLP, 101 S. Capitol Boulevard, Suite 1900, Boise, Idaho 83702-7705.



Anjee Toothaker
Legal Assistant