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MEMORANDUM

Date: August 3, 2016
To: Water Right File 85-15766
From: Ashley Newbry *AN*
Re: Licensing Memorandum: City of Lapwai within Nez Perce Reservation Boundaries

The City of Lapwai is recognized as an incorporated city in Idaho according to the Official Website of the State of Idaho (<https://www.idaho.gov/aboutidaho/cities.html>). The City's drinking water system is recognized as Public Water Supply No ID2350011 by the Idaho Department of Environmental Quality.

Though the City lies within the boundaries of the Nez Perce Indian Reservation, it holds its own water rights for municipal use: 85-4131, 85-4132, 85-7020, 85-7431, and permit 85-15766. Eighty three other federal reserved water rights are held in trust by the US federal government for the Nez Perce Tribe.

The boundaries of the City of Lapwai overlap with the Nez Perce Reservation boundaries; is this duplication of water rights? The US Bureau of Indian Affairs touts the following in their mission statement: "[...] provide tribes with the resources they need to foster strong and stable tribal governments in exercising their rights as *sovereign nations*." The City of Lapwai water rights overlap with rights issued to the Nez Perce nation in the same fashion that City of Meridian's, Nampa's, Twin Falls', Coeur d' Alene's, Idaho Falls', etc. water rights may overlap with US federal government water rights. Because the City of Lapwai and the Nez Perce Tribe are not synonymous governments, they each may hold their own water rights.

Summary of water rights:

Basis	Right	Priority	Use	Source	Div. Rate	Combined Use Limit
Decree	85-4131	2/1/1959	Municipal	Ground Water	0.115	w/ 85-7020 for 0.55 cfs (Ball Field Well)
Decree	85-4132	1/1/1952	Municipal	Ground Water	0.360	None (City Hall well)
Decree	85-7020	5/11/1970	Municipal	Ground Water	0.550	w/ 85-4131 for 0.55 cfs (Ball Field Well)
Decree	85-7431	8/23/1985	Municipal	Ground Water	0.610	None (No. 5/Reservoir)
Permit	85-15766	12/24/2014	Municipal	Ground Water	0.770	All Wells + JD Well

Field Exam	85-15766	12/24/2014	Municipal	Ground Water	1.39 (capacity)	No. 5 + JD Well
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Per the field exam narrative, only two wells (JD and No. 5) are currently utilized to provide municipal water to the City of Lapwai. This means that the City is using no more than 1.39 cfs to meet current demands. Therefore, permit 85-15766 does not provide additional flow rate but does provide authorization for an additional well which is not currently covered under existing City water rights.

Note: The City of Lapwai falls outside the Lewiston Plateau ground water management area.

