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Water Resources Division
NEZ PERCE TRIBE
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RECEIVED
FEB 12 2026
IDWR / NORTH

Representative for Protestant Nez Perce Tribe

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 82-12298)
)
In the name of Robert & Diane McCormick) **NOTICE OF PROTEST**
)

Protestant NEZ PERCE TRIBE (“Tribe”) hereby files this *Notice of Protest* to the approval of ROBERT AND DIANE MCCORMICK’s (“Applicants”) Application for Permit No. 82-12298, by and through its Water Resources Division and pursuant to Idaho Code § 42-203A(4) and the Idaho Department of Water Resources’ Rules of Procedure § 37.01.01.

The Tribe is a federally-recognized Indian tribe whose aboriginal homeland encompasses millions of acres in what is today the northwestern United States. In its 1855 and 1863 treaties with the United States, the Tribe reserved a land base and inherent, sovereign rights, held since time immemorial, including its right to manage its natural resources throughout its aboriginal territory.¹

¹ Treaty with the Nez Percés, June 11, 1855, 12 Stat. 957; Treaty with the Nez Percés, June 9, 1863, 14 Stat. 647.

2-12-26

NO 4581 6

25.00

KH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate \$25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to send a copy of the protest to the applicant.

1. Matter protested. Application for [X]Permit []Amendment of Permit []Transfer []Exchange
No. 82-12298 in the name of ROBERT & DIANE MCCORMICK

2. Protestant's Name: NEZ PERCE TRIBE WATER RESOURCES DIVISION
Address: P.O. BOX 365, LAPWAI, ID 83540
Telephone: 208-843-7368 Email:

3. Protestant's Representative: ALLISON LEBEDA
Address: P.O. BOX 365, LAPWAI, ID 83540
Telephone: 208-843-7368 Email: ALLISONL@NEZPERCE.ORG

4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See Instructions for Filing a Notice of Protest for the relevant review criteria. Applicant's application will conflict with the requirements of Idaho Code 42-2023A(5). Specifically, the water supply is insufficient for the purpose for which this application seeks to appropriate it, the application conflicts with the local public interest as defined in section 42-202B of Idaho Code, the application is contrary to the conservation of water resources within the state of Idaho, and for such other and further reasons as may be discovered or set forth at a hearing on this matter.

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

5. [X] Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, the Department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

[Signature]
Protestant's or Representative's Signature

Allison Lebeda, Water Rights Program Coordinator
Printed Name and Title (if applicable)

2-11-2026
Date

FOR DEPARTMENT USE ONLY

\$25.00 fee received by Receipt # Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING A NOTICE OF PROTEST

5. In a case where the place of use is outside the watershed or local area containing the source of water, whether the proposed change will adversely affect the local economy of the watershed or local area within which the source of water originates.
6. In a case where the nature of use is changing from agricultural use, whether the proposed nature of use change will significantly affect the agricultural base of the local area.
7. In a case where the water right is for municipal purposes, whether the proposed change is consistent with the requirements for municipal providers.

The criteria the Department must consider when evaluating an application for amendment of permit are set forth in Idaho Code § 42-211.

1. Whether the proposed amendment will result in the diversion and use of more water than originally permitted.
2. Whether the proposed amendment will adversely affect the water rights of others. (Whether the proposed amendment will injure existing water rights.)

The criteria the Department must consider when evaluating an application for exchange are set forth in Idaho Code § 42-240(5).

1. Whether the proposed exchange will injure other water rights.
 2. Whether the proposed exchange will result in an enlargement in use under existing rights.
 3. Whether the proposed exchange is contrary to the conservation of water resources within the state of Idaho.
 4. Whether the proposed change will conflict with the local public interest. (“Local public interest” is defined as the interests of the people in the area directly affected by the proposed use and its effects on the public water resource.)
 5. In a case where the place of use is outside the watershed or local area containing the source of water, whether the proposed exchange will adversely affect the local economy of the watershed or local area within which the source of water originates.
5. Pursuant to IDAPA 37.01.01.053.02.b, the Department may authorize parties to serve documents via email rather than mail or personal service. Check the box if you will accept service of documents, including notices and orders, by email. Please be sure to provide your email address(es) in Item #2 and #3.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CONSENT TO EMAIL SERVICE

Water Right Application for Permit/Transfer No. 82-12298

As provided in IDAPA 37.01.01.053.02 and .03, I consent to service of documents, including notices and orders, by email in this contested case as an alternative to service by mail or personal service at the following email address:

allisonl@nezperce.org

Email Address



Signature

2-11-2026

Date

Allison Lebeda

Printed Name

representative

Relationship to Party

Nez Perce Tribe Water Resources Division

Party Name

For IDWR Office Use Only

Received By _____ Date _____ Updated By _____ Date _____