

CONDITIONS

1. Purpose of definition “Department” means the Navajo Nation Department of Water Resources and “Permittee” means entity, company, water user and its successors.
2. Permittee agrees to comply with the terms and conditions of the Water Use Permit and the Navajo Nation Water Code. Permittee understands and agrees that failure to comply with the permit shall result in forfeiture of this permit.
3. This permit may be revoked if:
 - A. Permittee is not in compliance with any conditions set forth in this permit.
 - B. Permittee is in violation of any provision of the Navajo Nation Water Code.
 - C. Insufficient water supplies are present for whatever reason or term.
 - D. For any other due cause as a result of negative findings from investigation that is performed by both department and permittee.
4. Permit is valid only for the term specified and shall expire at the end of the term or at the completion of the proposed project or required water usage, whichever ever comes first. It is agreed between the parties, that in the event the Permittee needs less than _____ gallons of water for the above referenced projects, Permittee’s rights to obtain water will be limited to such amount. Permittee does not have authority to transfer, convey, or allocate the water subject to this permit to any third party or for any other project not specified herein. It is further agreed between the parties that this permit does not give the Permittee the right to haul water for hire on the Navajo Reservation, or on land subject to the jurisdiction of the Navajo Nation.
5. Permittee agrees to pay for the water used at the rate of \$2.70 per 1,000 gallons. Permittee will be invoiced based on truck tickets, transportation invoices, meter readings, etc., which are to be submitted to the Water Code Administration each month. Payment must be made by Permittee within ten working days of receipt of the invoice.
6. Permittee agrees to submit meter readings or other evidence showing the quantity of water withdrawn pursuant to this permit to the Water Code Administrator on a monthly basis.
7. Any breach of this permit or any failure to pay in full for the water used by due date will be a breach of this permit and the Navajo Nation may terminate this permit upon any breach by giving the Permittee notice of such termination in writing not less than ten (10) days prior to the effective date of termination, provided that if, Permittee remedies any such breach within said ten (10) days period, the permit will remain in effect. Said notice shall state the grounds upon which the termination is being made. It will be a breach of this permit and grounds for termination thereof, if Permittee obtains, or attempts to obtain any other water from any source within the jurisdiction of the Navajo Nation other than the source or sources permitted in this permit.
8. Permittee agrees to obtain a Water Use Permit for each place of withdrawal of water in conjunction with the place of use prior to making use of such source.
9. Permittee agrees to hold harmless and indemnify the Navajo Nation against any and all losses, costs, damages, claims, expenses or other liability whatsoever, rising out of, or connected with Permittee’s services under this permit including but not limited to, any accident or injury to person or property.

10. All disputes arising from the subject matter of this permit or the performance thereof will be settled in the Navajo Nation Courts and under the laws of the Navajo Nation. Nothing herein shall be construed as a waiver of the sovereign immunity of the Navajo Nation, pursuant to 1 N.T.C. §351 et seq.
11. Permittee agrees to maintain the immediate area in a safe and sanitary manner, free of unnecessary debris.
12. Authorization granted under this permit is only for the stated use of the indicated water source location. Permittee is responsible for obtaining any applicable permit from the appropriate department/agency that may be required for the proposed work.
13. If permittee hires sub-contractors to haul water covered by Water Use Permit, Permittee must notify the Navajo Water Code Administration of sub-contractors in writing.
14. In case of a Tribal Well, no more than two-thirds of the water in the water tank will be withdrawn. Before further withdrawals are to be made from a water tank, the water level in the tank must be allowed to rise back to the original level.
15. It is agreed that the Department of Water Resources reserves the right to limit the quantity of water that can be taken under this permit to the above stated amount or less, to limit or restrict the sources of the Navajo Nation and in the best interests of the Navajo Nation. Such limitation will be imposed at the discretion of the Director, Department of Water Resources.
16. Permittee agrees to allow reasonable entry upon their premises by Navajo Nation Employees engaged in the administration of this permit.

Permittee's Signature _____ **Date** _____

OFFICIAL USE ONLY	
Recommendation: () Yes () No	Date _____
Water Code Administrator	
() Yes () No	Date _____
Technical Reviewer	
Approved/Disapproved: _____	Date _____
Director, Department of Water Resources	
If Disapproved State Reasons:	

Revised 04/16/97

WATER USE PERMIT:

INFORMATION SHEET

GENERAL:

The Navajo Nation Water Code provides for the management of present water use, future water resource development and ensures that water quality is not impaired. It is the intent of the Navajo Nation to exercise its authority over the water resources in Navajo Indian Country to the fullest extent permitted under the laws of the Navajo Nation of the United States. Any persons or entities to use or take other actions affecting Navajo Nation water resources should become familiar with the Navajo Nation Water code. Copies of the Navajo Nation Water Code are available for \$2.50 each from the Navajo Water Code Administration.

WATER USE PERMIT:

The Navajo Nation Water Code requires all persons within the territorial jurisdiction of the Navajo Nation, as defined in 7 N.T.C. subchapter 254, desiring to initiate new use or activity which has the potential to affect waters of the Navajo Nation, to file a Water Use Permit. This includes all surface and ground waters. The purpose of the Water Use Permit is to provide the Navajo Nation with the means to develop, manage, and preserve the water resources of the Navajo Nation.

A Water Use Permit constitutes nothing more than Navajo Nation permission to use the water or conduct an activity which may affect waters within the territorial jurisdiction of the Navajo Nation, subject to the terms and conditions of the permit. No Water Use Permit issued should be construed as creating or recognizing any right other than Navajo Nation permission to use water or conduct the activity indicated in the permit.

A Water Use Permit form may be obtained from the Water Code Administration, Department of Water Resources, P.O. Box 678, Fort Defiance, Arizona 86504, or by calling (520) 729-4130/4132.

Any person (s) having any questions or needing aid in filing or filling out a Water Use Permit form should contact the Water Code Administrator of the Department of Water Resources at the above number for assistance.

WATER USE PERMIT FORM: INSTRUCTION SHEET

WUP NO.	Do not fill in, Office Use Only.
VALID FROM _____ to _____	Do not fill in, Office Use Only.
APPLICANT	Name of individual (last name first), chapter, commercial or company applicant.
ADDRESS	Current mailing address.
CONTACT PERSON	Fill in if different from applicant.
TELEPHONE NO.	Current telephone number (if available)
WATER USE PERMIT RECEIVED, \$25.00 FILING FEE RECEIVED AND PERMIT COMPLETED	Do not fill in, Office Use Only. Do not fill in, Office Use Only. <u>(A \$25.00 FILING FEE MUST ACCOMPANY THE PERMIT)</u>

WATER SOURCE

If application is for use of diversion of water, check description of the source or sources from which water is or will be diverted or withdrawn and fill in name or number, if available.

If application is for construction of retention or diversion structure, check appropriate box and include project name or number. Check OTHER for classification other than those specified.

If application is for construction, conversion, or use of an injection well, provide both company designator e.g., COMPANY #XX-XX and API number, if available.

CHAPTER Fill in chapter name, CHAPTER CODE will be completed in the office.

STATE/COUNTY Check appropriate STATE and COUNTY.
GRAZING DISTRICT Fill in appropriate GRAZING DISTRICT (if known).

LOCATION

Provide the location of the source of water either by UTM coordinates or township, range, section (if none of these are available attach USGS topographic map with location indicated). Include a 8 1/2" x 11" topographical map showing project and water source location.

LAND STATUS Check current land status.

WATERSHED NAME Fill in, if applicable.

USGS WATERSHED CODE NO. Fill in, if applicable.

WATER USE

Check appropriate **Primary** use; check **Other**, if no primary use is applicable. Fill in description of how water is or will be applied or consumed (TYPE OF LIVESTOCK, NUMBER OF PEOPLE, NUMBER OF HOMES, TYPE OF CROPS, ACRES, TYPE OF WILDLIFE).

IF WATER IS USED FOR INDUSTRIAL OR MINING PURPOSES Please attach Water Supply Plan describing source and methods or diversions, conveyance and uses.

SEASON OF MAXIMUM USE Check appropriate season, if peak seasons are anticipated. This is for determination of availability for requested season.

SPRING March 21 - June 20 SUMMER June 21 - September 21
FALL September 22 - December 21 WINTER December 02 - March 20

MAXIMUM RATE OF USE Indicate maximum number of gallons/minute or cubic feet/second of water to be used.

DATE EXPECTED FOR WATER USAGE TO BEGIN

Enter date water use or uses began or will begin (bests reasonable estimate)

EXPECTED VOLUME OF WATER TO BE USED

Total gallons/acre feet of water to be used for the year.

METHOD OF WATER DIVERSION Check description of the method of diversion.

METHOD OF WATER CONVEYANCE Check description of method of conveyance.

ATTACH LEGAL DESCRIPTION OF LOCATION WHERE WATER IS TO BE USED (If such is readily available, and other descriptions reasonably describing the point or points of diversion, withdrawal or impoundment).

RETURN FLOW OR DISCHARGE

If permitted activity will result in discharge to stream, wash, canal, impoundment, injection well, or any other receiving zone whether point source, non-point source, or by injection, complete applicable portions of these section.

AMOUNT OF WATER Indicate rate of discharge.

METHOD
Check direct - if point source.
Check indirect - if non-point source.
Check injection - if injection well.

IS DISCHARGE TREATED Check whether quality effluent is treated prior to discharge and attach description of treatment process.

IS QUALITY AFFECTED Check whether quality of water is affected and attach description.

IS TEMPERATURE AFFECTED Check whether temperature of water is affected and attach description.

FEDERAL/UIC PERMIT Fill in Federal/UIC permit number (if injection wells).

APPLICANTS SIGNATURE/DATE

If individual - signature of applicant
If corporation - signature of responsible Corporation Officer or authorized manager
If public agency - Executive Officer having significant supervisory responsibility for operation.

RECOMMENDATION Do not fill in, Office Use Only.