



Draft Water Regulations for Water Act enforcement in Somaliland

Working document

December 2005

Prepared by:
Mr Ahmed BEHI,
Mr Cedric ESTIENNE



HYDROCONSEIL

www.hydroconseil.com

198 chemin d'Avignon
84470 Châteauneuf de Gadagne, France
Tel.: (33) 4 90 22 57 80
Fax: (33) 4 90 22 57 81
hydroconseil@hydroconseil.com

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REGULATION I WATER RIGHT REGULATIONS

Reference to the Water Act	
CHAPTER C. WATER RIGHTS AND ABSTRACTION PERMITS Article 12 Registration of water rights, page 9	<i>12.5 The ministry in charge of water affairs shall publish a regulation concerning the registration procedures and the maintenance of the Register. The regulation shall detail the right to inspect the register by any person and the procedure to object to and correct any entry.</i>

Article 1 Water right registration procedure

- 1.1 The competent authority to establish, keep, maintain and make available the District Register of Water Rights is the District administration.
- 1.2 Each District administration, in accordance with the ministry in charge of water affairs, shall appoint a District Water Officer for the purpose of maintaining the District Register of Water Rights.
- 1.3 The consultation, registration or updating of the District Register of Water Rights by any individual, is made possible, free of charge, by the District Water Officer, according to public opening hours defined by District administrations in each district. Consultation of the Register can only be done in the District Office where the Register is kept.
- 1.4 The Water Officer is responsible for the condition, integrity and completeness of the Register.
- 1.5 No valid page can be taken off of the Register, for purpose of consultation or copy.
- 1.6 Pursuant to article 12.3 of the Water Act, the charge to be paid to the District Water Office for the provision of an extract of the Register is 3,000 SISHs (ten thousand Somaliland Shillings).
- 1.7 This extract shall be prepared by the District Water Officer on Form MWMR/WR-B/2006, indicating all the current particulars of the water right and mentioning the date of validity of this information as of the date of extraction.
- 1.8 The Water Officer is responsible to make a copy of the entire Register twice a year. These copies must respectively reflect the water rights registered up to the date of the last day of the month of June and on the last day of the month of December. These copies must be deposited at the central office of the ministry in charge of water affairs no later than the last day of the following month.
- 1.9 A mention on each page of these copied registers must clearly indicate they are copies as of the date of copy.
- 1.10 The person signing and submitting the application file for a water right must be the holder of the said water right or an authorised representative of the holder or claimer.
- 1.11 The water right registration application file consists of:
 - 1.11 a) The application form MWMR/WR-A/2006, attached in annexes of this regulation.

- 1.11 b) Any supportive documents that might be useful to describe the precise location of the water right (including and not restrictive to maps, plans, photography).
- 1.11 c) A signed authorisation entitling the applicant to sign and submit the application file on behalf of the water right claimer if this latter is not the applicant.
- 1.11 d) A drilling report, if available, in the case of a water right based on a borehole.
- 1.11 e) A certified water quality report if the use of the water right is for public water supply or commercial bottling.
- 1.11 f) The necessary approval that may be required according to paragraph 6.1 and 6.3 of the present regulation.

Article 2 Numbering of water rights

- 2.1 The singleness of a water right is determined by the combination of:
 - the location of abstraction,
 - the use for which water is abstracted,
 - the amount of water abstracted,
 - the type of water source used
 - the type of abstraction equipment used.
- 2.2 It is the responsibility of the District Water Officer to affect a numbering sequence to each water right resulting in a unique identification of each water right, meeting the singleness requirements described in paragraph 2.1.
- 2.3 The numbering sequence consists of the concatenation of:
 - Two letters designating the region of the location of the water right
 - Two digits designating the district of the location of the water right
 - Eight digits representing the date of first valid registration of the water right in the international date format dd/mm/yyyy for day/month/year.
 - Two digits for an incremental number of order of registration during the day.
- 2.4 The unique number is granted to a given water right only after validation of the registration.
- 2.5 Application files receive a separate number for identification purposes. This application number testifies that the claim is processed, but does not presume of the eventual granting of the right.
- 2.6 Updates of a given water right shall be identified by the water right number followed by an incremental letter, starting at A for the first update.

Article 3 Advertisement of water right claims

- 3.1 It is the responsibility of the District Water Officer to publicly display the water right claim accordingly to paragraph 12.8 a) of the Water Act, and by all means deemed appropriate such as the District advertisement board, the Official Bulletin and local newspapers.

- 3.2 Notwithstanding paragraph 3.1, the District Water Officer may notify any person who is deemed to be possibly affected by the claim.
- 3.3 The advertisement of the water right claim shall be made by the use of the extraction form MWMR/WR-B/2006.
- 3.4 At the end of the advertisement period as in paragraph 12.8 a) of the Water Act, if no objection is filed, the Water Right application file receives an official registration number as provided in Article 2 and becomes the entry in the Register for the concerned Water Right. The official registration number must be written in the appropriate cell of the form MWMR/WR-A/2006, and certified by a rubberstamp and signature of the District Office.
- 3.5 Any person objecting the legitimacy of the claimed water right must, within the period of advertisement, submit to the Water District Officer an application file, using form MWMR/WR-A/2006 similarly of that of the initial claim.
- 3.6 After resolution of the dispute as provided in paragraph 12.8.d) and Article 14 of the Water Act, the application file which the water right is awarded to, if any, is registered as provided in 3.4 above.

Article 4 Updating of water rights

- 4.1 In the event of a significant change in the particulars of a registered water right, it is the responsibility of the holder to update the Register, using the form MWMR/WR-A/2006.
- 4.2 Changes considered significant for the purpose of 4.1 above include but do not restrict to the following list:
 - 4.2 a) change of holder;
 - 4.2 b) change of holder address;
 - 4.2 c) addition of more detailed information on the location;
 - 4.2 d) change of abstraction means;
 - 4.2 e) change of main usage of water;
 - 4.2 f) change of more than 25% of the water right capacity.
- 4.3 A water right can neither change location, nor water source. Such changes require the registration of a new water right.
- 4.4 The water right updating procedure is similar to the water right initial registration procedure detailed in Article 1 to Article 3, and the update is subject to the same verifications and implications as any initial registration, including paragraphs 11.5, 11.6, 12.8, 15.6, 38.2, 43.2 and 49.2 of the Water Act.
- 4.5 Once the water right update is validated, it is registered under the number as provided in Article 2, and takes place on the top of the previous updates or initial water right.

Reference to the Water Act	
<p>CHAPTER C. WATER RIGHTS AND ABSTRACTION PERMITS</p> <p>Article 13 Transmission, cancellation or alteration of water rights, page 10</p>	<p>13.4 <i>Water rights may be expropriated whenever it is necessary to use the water for public water supply and to use, improve or remove privately owned water works in order to install a system for public benefit.</i></p> <p>13.5 <i>In case of expropriation, adequate compensation shall be paid to the holder of the water rights as provided in regulations issued by the competent ministry.</i></p>

Article 5 Water right cancellation and compensation

- 5.1 The competent authority for water right expropriation is the Ministry of Water and Mineral Resources.
- 5.2 The competent authority shall give written notice to the holder of the water right as stated in the register no later than 2 months before the envisaged water right expropriation.
- 5.3 No compensation shall be awarded if the water right is not registered or if the registered water right does not fairly correspond to the reality of water use.
- 5.4 Notwithstanding special provisions agreed between the competent authority and the local district “community elders” (seized by the water right holder), compensation should be awarded to the latter according to the following guidelines:

Water right characteristics	Compensation
Water right used for private domestic consumption, no motorised water works	Free private connection to the future water system, 10 first cubic meters of monthly consumption free of charge
Water right used for livestock, no motorised water works	Free access to the public animal trough for his own livestock
Water right used for agricultural irrigation, less than one hectare	No compensation
Water right used for agricultural irrigation, more than one hectare	Irrigation tap at former water right location (paid-for consumption).
Motorised water works for public water supply or private commercial bottling	Payment of the residual value of the works according to compensation procedures set in Ownership Regulations (WA 24.3)

Reference to the Water Act	
<p>CHAPTER G. PROVISION OF WATER FOR LIVESTOCK</p> <p><i>Article 38 Planning and regulation of new water points for livestock</i></p> <p>Page 18</p> <p>CHAPTER H. PROVISION OF WATER FOR IRRIGATION</p> <p><i>Article 43 Planning and regulation of new irrigation water points</i></p> <p>Page 19</p>	<p>38.1 <i>It is the responsibility of the ministry in charge of water affairs to plan and regulate water resources in general. With respect to water sources for livestock, that are likely to have adverse impact on environment, ministry in charge of water affairs will work in consultation with Ministry of Pastoral Development and Environment and Ministry of Livestock, in order to prevent overgrazing and other negative environmental outcomes.</i></p> <p>38.2 <i>Notwithstanding the provisions of Chapter C, the creation of new water rights for new pastoral water sources (wells, boreholes, berkads, ballis...) shall require prior approval from the authorised representatives of the ministry responsible of environment and the ministry responsible for livestock, following written recommendation of the District Council.</i></p> <p>43.1 <i>It is the responsibility of the ministry in charge of water affairs to plan and regulate water resources required for the development of irrigation, in consultation with Ministry of Agriculture and Ministry of Pastoral Development and Environment.</i></p> <p>43.2 <i>Notwithstanding the provisions of Chapter C, the creation of new water rights for new irrigation water sources (wells, boreholes, berkads, ballis, waro, gacan) requires prior approval from authorised representatives of the ministry responsible of environment and the ministry responsible for agriculture, following written recommendation of the District Council.</i></p>

Article 6 Water Right for livestock and agriculture

6.1 For the registration of a new pastoral water right, the applicant must:

- Ask for a written recommendation from the District Council for the creation of the said water right;
- Submit this recommendation to the representatives at district level of the ministry responsible of environment and the ministry responsible for livestock, and ask for a formal approval form;
- Provide this approval form and include it in the application file for the water right.

6.2 A water right is considered pastoral if the cell for “livestock” is ticked in the water right particulars section of the application form.

6.3 For the registration of a new agricultural water right, the applicant must:

- Ask for a written approval from the District Council for the creation of the said water right;

- Submit this recommendation to the representatives at district level of the ministry responsible of environment and the ministry responsible for agriculture, and ask for a formal approval form;
- Provide this approval form and include it in the application file for the water right.

6.4 A water right is considered agricultural if the cell for “irrigation” is ticked in the water right particulars section of the application form.

Article 7 Obligations relative to motorisation

7.1 It is compulsory for any person wishing to mobilise water resources with motorised works to meter its abstraction.

7.2 To comply with 7.1 above, the metering devices must be sealed and directly measure the volumes of the total abstraction.

7.3 The metering devices are the property of the owner of the works who is responsible to finance, install, maintain and renew them.

Article 8 Registration obligations

8.1 It is an offence to continue mobilising water resources in the conditions specified in paragraphs 11.5 and 11.6 of Article 11 of the Water Act more than 6 (six) month after the enactment of the present regulation without a properly registered water right.

8.2 This offence qualifies as grade 2. Repetition is considered after one (1) month.

REGULATION II ABSTRACTION PERMIT REGULATIONS

Reference to the Water Act	
<p>CHAPTER C. WATER RIGHTS AND ABSTRACTION PERMITS</p> <p><i>Article 15 Abstraction Permit, page 11</i></p>	<p>15.3 <i>The ministry in charge of water affairs shall define a threshold of abstraction capacity over which an Abstraction Permit shall be required. This threshold shall be defined in the Regulation.</i></p> <p>15.4 <i>An Abstraction Permit is necessary when:</i></p> <p>15.4.a) <i>the abstraction capacity of the water works attached to the water rights, exceeds the threshold stated in Article 15.3;</i></p> <p>15.4.b) <i>the water abstracted is destined for public water supply, as defined in Article 2.37 regardless of the abstraction capacity;</i></p> <p>15.4.c) <i>the water source is located in a specific area which is subject to a restriction under this Act.</i></p> <p>15.5 <i>The competent authority for issuing Abstraction Permits is the ministry in charge of water affairs unless by regulations, the ministry has delegated this authority to the Districts in any particular cases.</i></p> <p>15.6 <i>Upon registration of the water right of a motorised works, the Water District Officer shall determine whether the exercise of the water right requires an Abstraction Permit on the basis of Article 15.4. If so, he shall provide the application form and assist the applicant to complete the application procedures.</i></p> <p>15.7 <i>The applicant shall submit the application for determination by the competent authority designated by the Ministry in charge of water affairs.</i></p>

Article 9 Abstraction capacity

- 9.1 It is the responsibility of the water right owner to carry out a fair estimation of the capacity of the water works attached to the said water right.
- 9.2 Notwithstanding paragraph 9.1, in the case of a facility mobilising water from several separate resources, the entity concerned with the abstraction permit regulations is the operator of the facility who makes use of the water.
- 9.3 The capacity to be estimated is the maximum number of cubic meters that could theoretically be abstracted by the total number of pumps installed if they were operated at their nominal discharge 24 h/day (twenty four hours per day) during 365 days.
- 9.4 Where several wells and fixed pumps are discharging into the same water supply facility (tank or network), the capacity to be estimated is the overall capacity of the total number of works connected to the facility, regardless of distance or ownership of the water rights.

- 9.5 The competent authority for abstraction permit issuance shall exercise at any time its right to carry out a counter-estimation of the capacity of any water works.
- 9.6 It is an offence to declare an underestimated abstraction capacity.
- 9.6 a) When the declared capacity is under the threshold capacity set in 9.7 below, this offence qualifies as grade 2 if the real capacity remains inferior to the threshold capacity, and as grade 5 if the real capacity exceeds the threshold.
- 9.6 b) When the declared capacity is over the threshold capacity set in 9.7 below, this offence entails a penalty equivalent to the double of the amount of abstraction fees that were not paid due to this declaration for the preceding year.
- 9.7 The threshold capacity over which an abstraction permit is required is set in Schedule I of this regulation. This threshold is subject to repetitive updates by the competent authority.

Important note 1: The fact that the threshold applies to the capacity and not to the effectively abstracted volumes is necessary, because the criteria must be judged once and for all, the abstraction permit is not only intended to generate some fees, but also to restrict abstraction that could endanger resources (relates the potential abstraction rather than the actual volumes), and there are more opportunities for the operator to cheat on the declared volume than on a capacity that can be more easily verified.

Article 10 Abstraction permit procedure

- 10.1 The competent authority to issue abstraction permits and establish, keep, maintain and make available the Permit Register is the permit office at the central level of the Ministry of Water and Mineral Resources.

Important note 2: This provision is redundant with article 15.5 of the Water Act, but materialises the place where a new provision could be made to decentralise the Permit issuance as soon as the capacity present at regional level is deemed sufficient.

- 10.2 The authorised representative of the competent authority at regional level may provide assistance for permitting procedure to any person wishing to apply for an abstraction permit.
- 10.3 The person signing and submitting the application file for an abstraction permit must be:
- 10.3 a) the holder of the concerned water right or,
- 10.3 b) an authorised representative of the holder or,
- 10.3 c) an authorised representative of the operator making use of the abstracted water, with a signed approval from each water right holder encompassed by the claimed abstraction permit.
- 10.4 The abstraction permit application file consists of:
- 10.4 a) Less than three month-old certificates for the water rights concerned with the permitted abstraction.
- 10.4 b) Application form MWMR/AP-A/2006, attached in annexes of this regulation.

- 10.4 c) Any supportive documents that might be useful to describe the equipments, buildings and facilities of the water works (including and not restrictive to maps, plans, photography, technical data sheets, detailed technical studies).
- 10.4 d) A drilling report, if available, in the case of a water right based on a borehole.
- 10.4 e) A less than three month-old certified water quality report if the use of the water right is for public water supply or commercial bottling.
- 10.4 f) Any documents that might be useful to determine if the issuance of the claimed abstraction permit does not entails one of the situations described in the article 15.2 of the Water Act.

Article 11 Updating of abstraction permits

- 11.1 In the event of a significant change in the particulars of a registered abstraction permit, it is the responsibility of the holder to update the Register, using the form MWMR/AP-A/2006.
- 11.2 Changes considered significant for the purpose of 11.1 above include but do not restrict to the following list:
 - 11.2 a) change in the number of attached water rights;
 - 11.2 b) update of any of the attached water rights;
 - 11.2 c) changes in the equipments and infrastructures of the water works;
 - 11.2 d) change of more than 10% of the abstraction capacity.
- 11.3 In the event of a change of facility or change of all the water rights concerned, a new abstraction permit must be applied for. An abstraction permit cannot be extended to a new separate water works.
- 11.4 The abstraction permit updating procedure is similar to the abstraction permit initial application procedure detailed in Article 10, and the update is subject to the same verifications and implications as any initial application.

Article 12 Granting of abstraction permits

- 12.1 The competent authority, in his determination of the permit, may require complementary elements such as environmental impact assessment studies and any investigation that may provide useful information to determine if the claimed abstractions does neither entail hazards to the natural environment as described in Article 15.2 of the Water Act nor interfere with the water rights of downstream users as mentioned in Article 60.2 of the Water Act.
- 12.2 The competent authority determines, according to the knowledge and information available, the level of abstraction that can be authorised, and is attached to the permit as the Permit Capacity (PC).
- 12.3 The particulars of the Abstraction Permit, including the level of the Permit Capacity and an information on the Abstraction Fees possibly applying, are recorded in the permit register as well as in the permit certificate that is issued to the permit holder.

Reference to the Water Act	
<p>CHAPTER C. WATER RIGHTS AND ABSTRACTION PERMITS</p> <p><i>Article 16 Restrictions, suspensions, expropriation, cancellation, page 12</i></p>	<p>16.2 <i>Abstraction Permits may be restricted or suspended in the public interest due to, inter alia, the following situations:</i></p> <p>16.2.a) <i>a significant scarcity of water in the water resource from which the abstraction is being made associated with the Abstraction Permit,</i></p> <p>16.2.b) <i>where an applicant is not using the volume for which the permit has been issued for two successive years, as duly proven,</i></p> <p>16.2.c) <i>a deterioration of quality, a contamination of the concerned water resource exceeding a prescribed level,</i></p> <p>16.2.d) <i>the abstraction causes damage by abstraction to the water resources such as through water pollution or seawater intrusion;</i></p> <p>16.2.e) <i>endangering the environment through excessive soil erosion, overgrazing resulting from concentration of livestock or sedentary settlement.</i></p> <p>16.3 <i>There shall be compensation due for such restriction or suspension the amount of which shall be determined according to regulations issued by the competent ministry.</i></p> <p>16.4 <i>In the event that a permit holder has not used the permit for five successive years, the ministry in charge of water affairs may cancel the permit without compensation.</i></p>

Article 13 Restrictions, suspensions, expropriation, cancellation

- 13.1 In the event of any of the situations described in the article 16.2 of the Water Act, the competent authority for permit issuance shall inform by written notice the permit holder of the permit restriction or suspension.
- 13.2 The written notice shall specify the reference under which the permit is registered, the name and address of the holder, the nature of the notice (suspension, restriction, expropriation or cancellation) and the validity period of the notice (permanent or temporary).
- 13.3 The written notice shall be received and registered by the concerned District Office, which in turn transmits the notice to the permit holder.
- 13.4 Fifteen (15) days after the registration of the notice by the District Office, the restriction or suspension comes into effect. After this period, any abstraction (in case of suspension) or any abstraction exceeding the restricted permit capacity (in case of restriction) is an offence characterised under Article 16.1 of the Water Act.

- 13.5 The situations described in the Water Act as 16.2 a), c) and e) entails temporary notices. The duration of temporary notices is 3 (three) months. Temporary notices can be renewed through the same procedure as the initial notice.
- 13.6 The situations described in the Water Act as 16.2 b) and d) entails permanent notices. The permit holder concerned by a permanent notice can request the cancellation of the notice through the following procedures:
- 13.6 a) filing a Permit amendment for the situation described in 16.2 b);
 - 13.6 b) filing of a claim by providing evidences that the situation described in 16.2 d) no longer applies.
- 13.7 In the case of abstraction fees calculated on the Permit Capacity, as provided in paragraph 14.1, during the validity period of a notice, abstraction fees are:
- 13.7 a) re-calculated according to the Permit Capacity indicated in the restricted permit, or
 - 13.7 b) suspended in the case of suspension.
- 13.8 In the case of the situations described in the article 16.2 c) of the Water Act, there shall be a compensation consisting in halving the amount of the abstraction fee payable for the restricted abstraction limit.
- 13.9 When the water right to which the abstraction permit is attached, is expropriated as described in article 13.4 of the Water Act, the abstraction permit is subsequently cancelled.

Article 14 Abstraction volume

- 14.1 Any holder of an abstraction permit must report to the competent authority the total volumes abstracted in one year under his permit no later than one month after the renewal date of his permit. If the abstraction is not metered, the Permit Capacity shall be applied in lieu of the abstracted volume.
- 14.2 The competent authority for abstraction permit issuance shall exercise at any time its right to carry out a measure of abstracted volumes through reading the metering devices.
- 14.3 The competent authority for abstraction permit issuance shall exercise at any time its right to check the metering devices' accuracy.
- 14.4 The competent authority for abstraction permit issuance shall exercise at any time its right to check the installed abstraction capacity of a permit, through on-site visits.

Article 15 Abstraction fee

- 15.1 Pursuant to article 15.10 of the Water Act, the following elements are defined:
- TC = Threshold Capacity, see paragraph 9.7 and Schedule I.
 - AC = Abstraction Capacity (see 9.3 and 9.4) is a fixed volume, set in the abstraction permit, expressed in cubic meter that represents the maximum volumes that could be abstracted by a given water works.
 - AV = Abstracted Volumes (see 14.1) are variable volumes that are actually abstracted in one year, as measured on the metering devices.

- AF = Abstraction Fee is the amount of money that is payable by abstraction permit holders to the Ministry of Water and Mineral Resources.
- R1 is the first rate of abstraction fee, applying above S1.
- R2 is the second rate of abstraction fee, applying above S2.
- R3 is the third rate of abstraction fee, applying above S3.
- R4 is the fourth rate of abstraction fee, applying above S4.
- S1 = Step 1, the abstracted volumes above which R1 is applicable.
- S2 = Step 2, the abstracted volumes above which R2 is applicable.
- S3 = Step 3, the abstracted volumes above which R3 is applicable.
- S4 = Step 4, the abstracted volumes above which R4 is applicable.
- The values for TC, R1 to R4, as well as that for S1 to S4 are defined in the Schedule I of this regulation.

15.2 The following table gives the details of the calculation of the abstraction fees:

AV ↓ (in m ³)	AF = ↓ (in SLSh)
0 < AV < S1	0
S1 < AV < S2	(AV-S1)*R1
S2 < AV < S3	(S2-S1)*R1+(AV-S2)*R2
S3 < AV < S4	(S2-S1)*R1+(S3-S2)*R2+(AV-S3)*R3
AV > S4	(S2-S1)*R1+(S3-S2)*R2+(S4-S3)*R3+(AV-S4)*R4

Example 1: with the values for TC, R1 to R4, as well as that for S1 to S4 as defined in the Schedule 1 of this regulation, an Abstraction Permit holder having abstracted 350,000 m³ in a given year, is liable to pay:

$$350,000 - 200,000 = 150,000 * 200 = 30,000,000 \text{ SLSh.}$$

Example 2: If the abstraction goes up to 500,000 m³, the abstraction fee is:

$$\begin{aligned} 0.5 * 400,000 * 200 &= 40,000,000 && 40,000,000 \\ (500,000 - 400,000) * 400 &= 40,000,000 && + 40,000,000 \\ &&& = 80,000,000 \end{aligned}$$

Example 3: If he abstracts 4,500 m³/day, it amounts to 1,642,500 m³ in one year (more than four times the Threshold Capacity), so the yearly abstraction fee is:

$$\begin{aligned} 0.5 * 400,000 * 200 &= 40,000,000 && 40,000,000 \\ 400,000 * 400 &= 160,000,000 && + 160,000,000 \\ 2 * 400,000 * 1,000 &= 800,000,000 && + 800,000,000 \\ (1,642,500 - 1,600,000) * 2,000 &= 42,500 * 2,000 && \underline{85,000,000} \\ &&& = 1,085,000,000 \end{aligned}$$

Important note 3: The abstraction fee must apply on abstracted volumes to be fair. We advise to make it applicable on abstraction capacity for water works that have no meter to encourage them to install meters. It is also necessary to keep the unmetered option for systems operating with streams intake, where abstracted

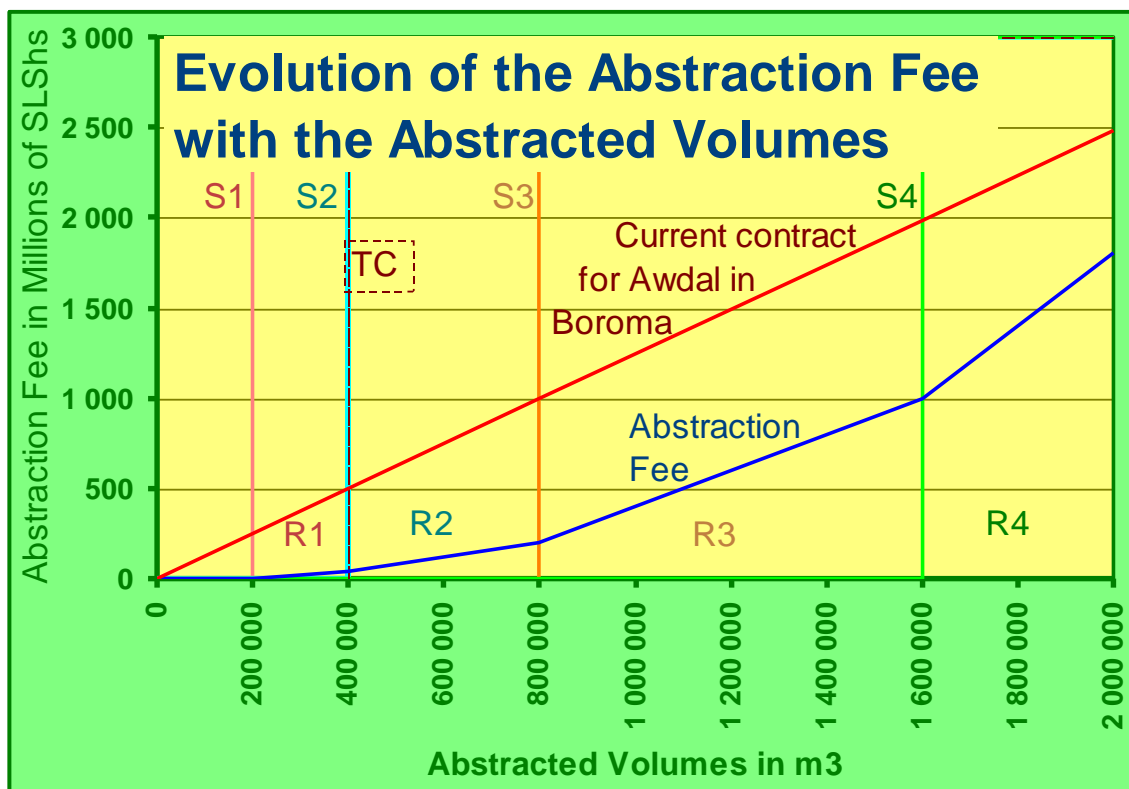
volumes are often close to the capacity (it does not cost them anything more to use the entire capacity).

Important note 4: For a given facility, the Abstracted Volumes will generally be lower than the Abstraction Capacity because operators do not pump 24 h/day. It is even expectable that roughly, AV will often be less than $0.3 \cdot AC$, as pumping 8 h/day is already $0.33 \cdot AC$. That is the reason why the abstraction fees apply even before AV reaches TC (because TC relates to AC and not to AV).

Important note 5: Moreover, it is fair that the first cubic meters abstracted be free of charge, to be consistent with other operators under the TC and abstracting the same volumes free of charge. For example, if two operators abstracting $199,000 \text{ m}^3/\text{year}$, but only one of them has a capacity above $400,000 \text{ m}^3/\text{year}$, they will both have no fee to pay. The difference only after $200,000 \text{ m}^3$, where the permitted one pays a small fee and the other is using more than 50% of his capacity (pumping more than 12 hours a day) to stay under the threshold capacity. The first step of $0.5 \cdot TC$ could be set further, but the more important is to set the amount of the first fees low enough to avoid making it a big financial stake for a few cubic meters.

Important note 6: Similarly, it is very important that this fee is progressively increasing. The evolution from a lower rate to a higher one must be smooth enough to prevent any "step effect". This would occur if abstracting only a few cubic meters above one of the steps would result in paying a lot more. In that case, water providers would probably try to cheat with the numbers when they are close to a step.

Important note 7: The graphic below, using the current amounts set in the Schedule I, gives a visual understanding of the amount of the Abstraction Fee, the various steps and the current payment of Awdal in Boroma, as a reference.



- 15.3 The period over which the fee is calculated starts on the first day of validity of the permit and last one year.
- 15.4 The corresponding abstraction fee must be paid by the abstraction permit holder to the competent authority no later than 2 months after the end of the period stated in 15.3 above.
- 15.5 Any abstraction permit holder failing to totally pay the abstraction fees within the period specified in 15.5 above, is liable to pay a fine of 10% of the amount left to be paid.
- 15.6 Any abstraction permit holder failing to totally pay the abstraction fees within twice the period specified in 15.5 above, is liable to pay a fine of 50% of the amount left to be paid.
- 15.7 The offence of abstracting volumes of water in excess of the Permit Capacity set in the concerned abstraction permit entails a special payment of three (3) times the Abstraction Fee that would apply on the volumes abstracted in excess of the permit. The offence is considered repetitive if pertains, as duly ascertained, more than one month.

SCHEDULE I. THRESHOLD CAPACITY AND ABSTRACTION FEES

Article 16 Threshold Capacity (TC)

16.1 The threshold capacity referred to as TC in paragraph 9.7 of the abstraction permit regulations is set to 400,000 m³/year (four hundred thousand cubic meters in a year).

Important note 8: The threshold capacity is a criteria on the theoretical capacity, not on real abstracted volumes. An operator abstracting 1,200 m³/day through 7 or 8 hours of pumping generally has a capacity of 3 to 4,000 m³/day (24 h pumping). This means that the threshold must be set 3 to 3.5 times higher than the targeted abstraction volume.

Important note 9: The threshold capacity must not be too low at first to only target big providers at first. The threshold must be lowered only when capacity is sufficient to deal with more than 20 abstraction permits (registration, environmental impact assessment, meter reading, invoicing, recovering the fees, deal with bad payers, etc.)

16.2 R1 as referred to in paragraph 15.1 is set at 200 SLSh/m³.

16.3 R2 as referred to in paragraph 15.1 is set at 400 SLSh/m³.

16.4 R3 as referred to in paragraph 15.1 is set at 1,000 SLSh/m³.

16.5 R4 as referred to in paragraph 15.1 is set at 2,000 SLSh/m³.

16.6 S1 as referred to in paragraph 15.1 is set at 0.5*TC (half of the Threshold Capacity).

16.7 S2 as referred to in paragraph 15.1 is set at 1*TC (the Threshold Capacity).

16.8 S3 as referred to in paragraph 15.1 is set at 2*TC (double of the Threshold Capacity).

16.9 S4 as referred to in paragraph 15.1 is set at 4*TC (four times the Threshold Capacity).

REGULATION III OWNERSHIP REGULATIONS

Reference to the Water Act	
<p>CHAPTER D. IMPLEMENTATION AND OWNERSHIP OF ASSETS</p> <p><i>Article 18 Divestiture of public right of use from the State to the Local Government, page 13</i></p>	<p>18.1 <i>The State may divest itself of the right of use of the water-related public assets in favour of regions or districts, through an agreement between the central government and the concerned local government.</i></p> <p>18.2 <i>The agreement shall transfer full responsibilities for provision of water services and the right to use the assets from the central government to the concerned local government.</i></p> <p>18.3 <i>Notwithstanding the provisions of Articles 18.1 and 18.2, the local government shall not be entitled to sell, divest or offer as collateral, assets entrusted to them by the central government to third parties.</i></p>

Article 17 Divestiture agreement template

17.1 Pursuant to article 18.1 in the Water Act, a divestiture agreement is provided in annexes as template MWMR/OR-A/2006, subject to adaptations by the parties involved.

Reference to the Water Act	
<p>CHAPTER D. IMPLEMENTATION AND OWNERSHIP OF ASSETS</p> <p><i>Article 21 Investments by non-profit making entities in public infrastructure, page 13</i></p>	<p>21.1 <i>Investment made by non-public entities into infrastructure that is destined to provide public water services must be authorised under Article 15.</i></p> <p>21.2 <i>Infrastructure developed under Article 21.1 shall be integrated upon completion into the public assets and included in the public assets register, provided that it fulfils the standards set out as per Article 15.11.</i></p> <p>15.11 <i>The competent ministry may prescribe a plan for design and operation of a well, a borehole, a well field or a dam. Such plans may provide specifications, including the location and number of wells as well as the maximum depth and the maximum yield.</i></p> <p>21.3 <i>Pursuant to Article 21.2, the investing entity must handover the infrastructure to the lowest appropriate level capable of exercising right of use responsibilities as per Article 20.1, using procedures set by the ministry in charge of water affairs.</i></p> <p>21.4 <i>When a water supply facility is entirely located in the territory of one district, the lowest appropriate level for right of use is the District.</i></p> <p>21.5 <i>When a water supply facility covers significant parts of several district territories, the lowest appropriate level for its right of use is the Region.</i></p>

Article 18 Handover agreement for non-public water infrastructures

18.1 Pursuant to article 21.1 in the Water Act, a handover agreement is provided in annexes as template MWMR/OR-B/2006, subject to adaptations by the parties involved.

Article 19 Rules for depreciation principles

19.1 When the residual value of an asset has to be estimated for the purpose of transfer of ownership, the following rules apply, unless other special agreement is provided in the ownership transfer contract.

19.2 The residual value of an asset, giving a legitimate right for compensation to the investor, is calculated according to the principles of linear depreciation. That is the residual value is equal to the initial value divided by the nominal lifespan and multiplied by the actual age of the asset.

19.3 The following theoretical lifespan can be used as standards in the water industry:

Type of asset	Expected lifetime	Comments
Steel casing borehole	20 years	Divide by 2 in unstable substratum
PVC casing borehole	15 years	
Cemented well	10 years	Divide by 2 in unstable substratum
Concrete ground tank	30 years	
Concrete elevated tank	20 years	
Metallic tanks (steel panels)	10 years	
Steel tanks (welded 5 to 15 m ³)	5 years	
Fibreglass elevated tank	5 years	
Immerged electrical pump	5 years	Or 10,000 hours, first to come
On-line booster	5 years	Or 10,000 hours, first to come
Mechanical pump (vertical shaft)	7 years	Excluding engine
Engine for mechanical pump	5 years	Including the clutch
Generator less than 10 kVA	5 years	Including the electrical control panel
Generator less than 50 kVA	7 years	Including the electrical control panel
Generator over 50 kVA	10 years	Including the electrical control panel
Cast iron main line	15 years	
Steel rising main	15 years	
Production meter and accessories	10 years	Or 5 millions m ³ , first to come
Public kiosk	15 years	
PVC main line (over 110 mm)	15 years	

Type of asset	Expected lifetime	Comments
PVC pipeline	10 years	
Concrete building	25 years	
Iron sheet hanger	10 years	
Service conventional car	10 years	Not 4 wheel-drive
Pick-up or 4 wheel-drive	12 years	Used for service
Transport truck	12 years	Used for service
Technical truck (tanker, crane...)	10 years	Used for service (lifting pumps...)
Drilling rig	15 years	
Office furniture	3 years	
Computer and attachment	5 years	
Copier	7 years	
General tools	5 years	

REGULATION IV PUBLIC WATER SUPPLY REGULATIONS

Article 20 Operating contract and lease fee

- 20.1 The lease fee payable by the water provider to the owner of the water system shall be calculated according to the following guidelines:
- 20.2 The lease fee must be agreed upon by both parties, and set as a fair trade-off between the two following constraints:
- 20.3 The lease fee is intended to allow the holder of right of use to exert its responsibility to organise the funding of progressive renewal of the infrastructure according to the expected lifetime of the different parts and to plan extensions according to the demand.
- 20.4 The lease fee is an operational cost impacting his financial viability.
- 20.5 The lease fee must be set as a rate against the volumes of water sold by the provider. The rate can be either flat, decreasing or increasing.
- 20.6 The fee must be paid by the water provider at least twice a year, and as much as possible on a more frequent basis.
- 20.7 If the holder of right of use is a public entity, the fee shall be deposited on a separate bank account to progressively constitute the renewal and extension fund.
- 20.8 The operating contract may provide for an arrangement allowing the water provider to propose to the holder of the right of use the investment to be made using this renewal and extension fund.
- 20.9 Notwithstanding paragraph 20.8 above, the operating contract may provide for an arrangement where both parties agree upon an investment programme to be implemented by the Water Provider using a certain part of the renewal and extension fund.
- 20.10 An investment programme, if any, must be revised and agreed upon at least every year.
- 20.11 The principles of asset depreciation, following the guidelines set in Article 19 shall be used for:
- 20.11 a) the valuation of investments made by the Water Provider into the facility and eligible to compensation at the end of the operating contract,
 - 20.11 b) the valuation of the necessary renewal and extension fund that is used for the estimation of the lease fee.

Article 21 Technical standards for public water supply

- 21.1 The competent authority to set technical standards for public water supply is the Ministry in charge of water affairs.
- 21.2 A private entity applying for or renewing an abstraction permit for public water supply usage must provide evidences that the concerned water works complies with all the technical standards set by the competent authority and currently applying.

- 21.3 The said private entity covers all the costs related to providing evidences of compliance.
- 21.4 It is the responsibility of the said private entity to be informed of the standards that currently apply.
- 21.5 Any technical standard applies for both new and existing water systems, at the latest date of the following:
- 21.5 a) The renewal date of the abstraction permit,
 - 21.5 b) 3 months after the date when the technical standard is published by the competent authority.
- 21.6 The provision of evidences of compliance can be achieved through:
- 21.6 a) A visit of a authorised representative of the competent authority on the site and during the works, for him to ascertain the techniques, methods and quality of materials used;
 - 21.6 b) The provision of invoices, receipt, vouchers and other relevant documents to attest the origin of materials used and equipments installed;

Article 22 Water Management Unit

- 22.1 In its mandate to operate and manage a rural water supply facility, a Water Management Unit has the following tasks and duties:
- Define the user regulation that apply to every user of the said facility
 - Provide the water supply service through operating the facility
 - Collect the revenues from water sales if any
 - Finance the operating costs, including possible abstraction fees, out of the sales revenue and any possible other source of income
 - Maintain the facility in its original condition
 - Decide, finance and implement rehabilitations, extensions and improvements on the facility
 - Identify a possible group of users to handover the operation and management of the facility as soon as possible.

REGULATION V DRILLING REGULATIONS (TO BE COMPLETED)

Reference to the Water Act	
<p>CHAPTER J. PROTECTION OF GROUNDWATER RESOURCES</p> <p><i>Article 49 Permits and data requirements, page 21</i></p>	<p>49.2 <i>Any groundwater user shall be required by regulations and special requests to provide technical data and any other information regarding new or existing works to the competent authority.</i></p>

Article 23 Drilling reports

- 23.1 Any operator, public or private, wishing to provide drilling services to groundwater users, must register to the competent authority.
- 23.2 The registration process is free of charge and consists of an application MWMR/DR-A/2006.
- 23.3 It is an offence to drill boreholes without being registered. This offence qualifies as grade 5. This offence is considered repetitive as soon as a second borehole is drilled without registration.
- 23.4 Drilling operators shall send, on behalf of the groundwater user, a drilling report based on the template MWMR/DR-B/2006
- 23.5 Failure to send a drilling report within one month of the completion of the drilling works shall entail a grade 3 penalty. This offence is considered repetitive as soon as a second borehole is drilled without reporting in time.
- 23.6 Failure to send three (3) consecutive drilling reports results in the cancellation of the drilling operator registration.

Article 24 Protection area

- 24.1 The following water resource protection rules are imposed to any ground water user or drilling operator when constructing a new well or borehole.
- 24.2 An close-surrounding protection area is defined around the head of the borehole. In this area, soil contaminating activities, injections and drillings are prohibited.
- 24.3 A wider protection area is defined, where injections and drillings are prohibited.
- 24.4 Soil-contaminating activities are defined as livestock grazing, agricultural activities involving pesticides and other chemicals, activities generating used water such as washing (persons, animals, cloths, cars, utensils, etc.)
- 24.5 Injections relate to any kind of discharge of liquids into the ground such as latrines, industrial outputs (tannery, machinery cooling circuits, road drains, car service station used oils, and all other liquid refusal).
- 24.6 Drillings include boreholes, wells and ballis, a more generally, any excavation which boundaries are permeable.

- 24.7 Troughs destined to animal watering must be installed out of the close-surrounding protection area.
- 24.8 The close-surrounding protection area is defined by a 30-meter radius discus centred on the borehole.
- 24.9 The wider protection area is defined by a 60-meter radius discus centred on the borehole.

REGULATION VI WATER QUALITY REGULATION (TO BE COMPLETED)

Article 25 Quality standards for water destined to human consumption

25.1 The water quality standards generally applicable for water destined to human consumption are that of the World Health Organisation as they may be updated by this organisation. The last update of these standards is in annexe of these regulations.

25.2 Notwithstanding paragraph 25.1, water quality monitoring programmes to be implemented by the District, as described in the article 45 of the Water Act, shall mainly focus on relevant chemical elements and on bacteriological quality.

25.3 Relevant chemical elements differ from a region to another, as the following list details:

(List to be determined in collaboration with the Ministry of Health and Labour)

Region/town	Elements to be monitored	Threshold

Reference to the Water Act	
<p>CHAPTER I. DRINKING WATER QUALITY REGULATION</p> <p><i>Article 46 Water Provider responsibilities regarding Water Quality, page 20</i></p>	<p>46.5 Pursuant to Article 45.2, all consumers affected by the provision of unsafe water shall be eligible to reasonable compensation by the Water Provider.</p>

Article 26 Compensation for unsafe water provision

26.1 In the event of a situation where a water provider, public or private, proves to have supplied unsafe water to public consumers, and notwithstanding the possibility of a legal sue for damages, the water provider is liable to offer compensation to the affected consumers.

26.2 Unless a compensation offer is agreed between the representatives of the affected users and the water provider, it is considered that a reasonable compensation should be that the provider exonerates affected users of the payment of an equivalent volume that was deemed to be unsafe if reckonable, or a volume equivalent to the average family consumption for the time during which the water was considered unsafe.

REGULATION VII WATER TARIFF REGULATIONS

Reference to the Water Act	
CHAPTER L. WATER TARIFF, LEASE FEES AND ABSTRACTION FEE <i>Article 64 Competent authority, or authorities, page 24</i>	<p>64.1 <i>The ministry in charge of water affairs shall be responsible for setting general guidelines concerning water tariff for customers and issuing regulations and notifications concerning abstraction fees and any special payments thereof.</i></p> <p>64.2 <i>The regulations shall prescribe the criteria and procedures for computation of water charges and payments. The notifications shall provide the rules and rates to be used in determining the exact tariffs and payments. These shall be periodically updated to keep up with inflation and any changes in costs and pricing policies.</i></p>

Article 27 Water tariff for customers

27.1 In the provision of water supply as a public service, any water provider must set the price of the service accordingly to the following guidelines:

27.1 a) The tariff for customers must be agreed upon with the holder of the authority responsible for the provision of the public service of water supply in the perimeter, and set in the operating contract.

27.1 b) In the computation of his price, the water provider must take into account:

- the operating costs, including the necessary repairs to maintain the facility in a functional condition and renew short-lifetime equipment,
- the cost of abstraction fees for the volumes abstracted, and other possible special payments if any,
- the cost of the lease fee paid to the holder of the right of use of the facility,
- a commercial profit.

27.1 c) The negotiation of the water tariff and the lease fee, before the signature of the operating contract, must be based on these particulars and:

- the possibility to base the tariff according to different levels of willingness to pay among customers, defining several prices and level of service to cover the wider range of demand,
- the necessity to ensure a sound, financially viable and sustainable service that covers all the costs,
- the necessity to protect the resource from overexploitation, at least from spillage,
- the necessity to frequently adjust the tariff to take into account the fluctuations of a significant part of the operating cost.

27.1 d) In order to implement a sound policy of reduction of spillage, fairness and equity of the price of the public service:

- The water tariff must be set for the most part of it, against the consumption. Thus, all the possible ways of measuring the consumption and determine the price of the service according to the volumes used are encouraged.
- The tariff structure shall follow the principles of the increasing block tariff, including a social block, such as detailed in paragraph 27.2.
- The actual volumes and rates of the blocks must be thoroughly determined and agreed upon by both parties of the operating contract to adapt the tariff to the particular context of each operating contract (operating costs to mobilise the resource, level of the demand, needs for improvement in the service, etc.)

27.2 An increasing block tariff consists of different rates per cubic meter that apply only for certain volumes of the consumption measured on a given period.

- A consumer pays the first cubic meters used at a first rate R1.
- If his consumption exceeds V1, the volume of the first block, the volume of V1 will still be paid at R1, but the extra cubic meters consumed above V1 will be paid at a higher rate, R2.
- The same process can apply when the consumption exceeds a second volume, V2 and the extra cubic meters over V2 are paid at R3.

27.3 This guidelines strongly encourage water provider to set volumes and rates so that:

- the first block allows a basic consumption at an inexpensive price, without profit or with a possible loss, meeting the demand of poorer families,
- and the higher blocks generate enough revenue to compensate the possible loss on the first block.

27.4 The first block may also be a social block, applying a flat rate whether the volume is consumed or not, and below the cost of the service for the water provider.

27.5 The tariff for water sold in public kiosks should be lower than the average price at house connections.

27.6 The tariff at particular water points, where the water is utilised for specific usages, can differ to apply a higher or lower rate according to the use of water, in a view to cross-subsidy the water price from secondary uses to primary basic needs.

Reference to the Water Act	
CHAPTER L. WATER TARIFF, LEASE FEES AND ABSTRACTION FEE <i>Article 66 Effect of prescribed tariffs and payments, page 25</i>	66.1 <i>A supplier shall not supply water, nor provide special goods and services related to water supply, except in accordance with the tariff and payment guidelines prescribed by the competent authority.</i>

27.7 It is an offence to sell water services at prices that contradict the tariff guidelines set in Article 27. The offender is liable to pay a grade 5 penalty. The offence is considered repetitive if pertains, as duly ascertained, more than one month.

SCHEDULE II. PENALTY AND FINES

27.1 Any person or entity acting in contradiction of the provisions of these regulations is liable to a grade 3 penalty, unless specified otherwise in the regulations.

27.2 The following table details the amount of the different grade of penalties:

Grade	Amount (SLSh)	Comment
1	10,000	<i>Offences that do not endanger environment or other users</i>
2	50,000	<i>Failure to comply with basic administrative regulation</i>
3	100,000	<i>Same plus includes non-payment of fees over 15,000</i>
4	300,000	<i>Minor hazard for environment or users</i>
5	1,000,000	<i>Non-payment of fees over 150,000</i>
6	5,000,000	<i>Significant hazard for environment or users</i>
7	10,000,000	<i>Non-payment of fees over 150,000</i>
8	30,000,000	<i>Voluntary offence or escape from paying taxes and fees of more than SLSh 3,000,000</i>
9	100,000,000	<i>Voluntary offence endangering environment, users' health or to escape from paying taxes and fees of more than SLSh 10,000,000</i>
Repetition	X 3	<i>In case of repetition of offence, initial penalty multiplied by 3</i>

ANNEXES

I. STANDARD FORMS

Water Right Register initial application or update	Form MWMR/WR-A/2006
Water Right Register certificate or extract	Form MWMR/WR-B/2006
Divestiture Agreement.....	Template MWMR/OR-A/2006
Handover Agreement	Template MWMR/OR-B/2006
Drilling operator registration form	Form MWMR/DR-A/2006
Drilling report template	Template MWMR/DR-B/2006
Abstraction Permit application form	Form MWMR/AP-A/2006



WATER RIGHT REGISTRATION FORM

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px;"></td> <td style="text-align: center;"><input checked="" type="checkbox"/> Initial Registration</td> </tr> <tr> <td colspan="2" style="height: 40px; vertical-align: top;"> <p><i>↵ ↗</i></p> <p><i>Date and number of the application</i></p> </td> </tr> <tr> <td colspan="2" style="background-color: #cccccc; height: 40px; vertical-align: bottom;"> <p><i>Official registration number once validated</i></p> </td> </tr> </table>		<input checked="" type="checkbox"/> Initial Registration	<p><i>↵ ↗</i></p> <p><i>Date and number of the application</i></p>		<p><i>Official registration number once validated</i></p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px;"></td> <td style="text-align: center;"><input checked="" type="checkbox"/> Amendment</td> </tr> <tr> <td style="width: 20px;"></td> <td style="text-align: center;"><input checked="" type="checkbox"/> Objection</td> </tr> <tr> <td colspan="2" style="height: 40px; vertical-align: top;"> <p><i>↵ ↗</i></p> <p><i>Registration number of the updated/objected water right</i></p> </td> </tr> <tr> <td colspan="2" style="background-color: #cccccc; height: 40px; vertical-align: bottom;"> <p><i>Number of the update once validated</i></p> </td> </tr> </table>		<input checked="" type="checkbox"/> Amendment		<input checked="" type="checkbox"/> Objection	<p><i>↵ ↗</i></p> <p><i>Registration number of the updated/objected water right</i></p>		<p><i>Number of the update once validated</i></p>	
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<p><i>Number of the update once validated</i></p>															

WATER RIGHT HOLDER

<input checked="" type="checkbox"/>	Identification	<i>↵</i>				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><i>IndividualID card number</i></td> <td rowspan="3" style="font-size: 3em; vertical-align: middle;">}</td> </tr> <tr> <td><i>Association Registration number</i></td> </tr> <tr> <td><i>Company Register of commerce</i></td> </tr> </table>	<i>IndividualID card number</i>	}	<i>Association Registration number</i>	<i>Company Register of commerce</i>	<i>↵</i>
<i>IndividualID card number</i>	}					
<i>Association Registration number</i>						
<i>Company Register of commerce</i>						
Name						
<i>Individuals ▶</i>	<i>First Name</i> <i>↵ ↗</i>	<i>Middle Name</i> <i>↵ ↗</i>				
<i>If association or company ▶</i>		<i>Name</i> <i>↵ ↗</i>				
Address						
<i>Phone number</i>						
<i>Post Office box</i>						
<i>Zone</i>						
<i>Town or village</i>						
<i>District</i>						
<i>Region</i>						

Please turn the page...



WATER RIGHT LOCATION

Geodesic coordinates			
<i>In degrees, minutes and seconds ▶</i>	(degrees) --° ↻↓	(minutes) --' ↻↓	(seconds) --'' .- ↻↓
Latitude: ▶	North (between 8° and 12°)		
Longitude: ▶	East (between 42° and 49°)		
Or in decimal degrees: ▶	--° .----- ↻↑ (degrees point decimals)		
Water source name (if any) ↻⇨			
Name of the place or area ↻⇨			
Town/village ↻⇨			
District ↻⇨			
Region ↻⇨			
Supportive documents provided as annex (maps, plans...) ↻⇨			
Other useful comments to help specify location ↻⇨			

WATER RIGHT PARTICULARS

The water is taken from: ↻↓	<input checked="" type="checkbox"/>	The water is mainly destined to: ↻↓	<input checked="" type="checkbox"/>
Spring (catchment)		Domestic supply	
Stream (diversion)		Public water supply	
Run-off (Berkad or Balli)		Commercial bottling	
Underground (well or borehole)		Industry / mining	
Abstraction is: ↻↓	<input checked="" type="checkbox"/>	Irrigation	
Manual		Livestock	
Motorised		Daily abstraction capacity of the water right: ↻⇨	m ³

CERTIFICATION

<input checked="" type="checkbox"/>	Quality of the signer: ↻↓	First Name ↻↓	Middle Name ↻↓	Last Name ↻↓
	Authorised* agent			
	Water right holder or claimer	Date ↻⇨		Signature ↻↓
<p>"I, the undersigned, certify that to the best of my knowledge and information, the data I provided in this form correctly describe the reality of the claimed water right."</p>				

* a signed authorisation from the holder, association or company is required



WATER RIGHT CERTIFICATE / ADVERTISEMENT

<i>The District Office of:</i> <input style="width: 90%;" type="text"/>	<i>Region and District name</i>
<i>Advertises</i> <input type="checkbox"/> <input style="width: 20px;" type="text"/> <i>Certifies</i> <input type="checkbox"/> <input style="width: 20px;" type="text"/>	
<i>that the following water right:</i> <input style="width: 90%;" type="text"/>	<i>Registration number + last update</i>

determined by:

I. WATER RIGHT LOCATION

Geodesic coordinates			
<i>In degrees, minutes and seconds ▶</i>	<i>(degrees)</i> --° <input style="width: 20px;" type="text"/>	<i>(minutes)</i> --' <input style="width: 20px;" type="text"/>	<i>(seconds)</i> --" .- <input style="width: 20px;" type="text"/>
<i>Latitude: ▶</i> North <i>(between 8° and 12°)</i>			
<i>Longitude: ▶</i> East <i>(between 42° and 49°)</i>			
<i>Or in decimal degrees: ▶</i>	--° .----- <input style="width: 20px;" type="text"/> <i>(degrees point decimals)</i>		
<i>Water source name (if any)</i> <input style="width: 90%;" type="text"/>			
<i>Name of the place or area</i> <input style="width: 90%;" type="text"/>			
<i>Tow or village</i> <input style="width: 90%;" type="text"/>			
<i>District</i> <input style="width: 90%;" type="text"/>			
<i>Region</i> <input style="width: 90%;" type="text"/>			

II. WATER RIGHT PARTICULARS

<i>The water is taken from:</i> <input checked="" type="checkbox"/> <input style="width: 10px;" type="text"/>	<i>The water is mainly destined to:</i> <input checked="" type="checkbox"/> <input style="width: 10px;" type="text"/>
Spring (catchment) <input style="width: 20px;" type="text"/>	Domestic supply <input style="width: 20px;" type="text"/>
Stream (diversion) <input style="width: 20px;" type="text"/>	Public water supply <input style="width: 20px;" type="text"/>
Run-off (berkad or balli) <input style="width: 20px;" type="text"/>	Commercial bottling <input style="width: 20px;" type="text"/>
Underground (well or borehole) <input style="width: 20px;" type="text"/>	Industry / mining <input style="width: 20px;" type="text"/>
<i>Abstraction is:</i> <input checked="" type="checkbox"/> <input style="width: 10px;" type="text"/>	Irrigation <input style="width: 20px;" type="text"/>
Manual <input style="width: 20px;" type="text"/>	Livestock <input style="width: 20px;" type="text"/>
Motorised <input style="width: 20px;" type="text"/>	<i>Daily abstraction capacity of the water right:</i> <input style="width: 50px;" type="text"/> m ³



<input type="checkbox"/> is claimed by...	<input type="checkbox"/> has been granted to...
---	---

II. WATER RIGHT HOLDER

<input checked="" type="checkbox"/> Identification ↺		
<input type="checkbox"/> IndividualID card number	}	
<input type="checkbox"/> Association Registration number		
<input type="checkbox"/> Company Register of commerce		
Name		
Individuals ▶	First Name ↺	Middle Name ↺
		Last Name ↺
If association or company ▶	Name ↺	
Address		
Phone number ↺		
Post Office box ↺		
Zone ↺		
Town or village ↺		
District ↺		
Region ↺		

<input type="checkbox"/>	This claim may be registered as a water right if no objection is filed before: ↺	
<input type="checkbox"/>	These data reflect the information under which the water right was registered and updated, and are only valid on: ↺	
Tax stamp		Rubberstamped tax stamp and signature



DIVESTITURE AGREEMENT

Between the Central Government of the State of the Islamic Republic of Somaliland, represented by the Minister of Water and Mineral Resources, hereinafter called “the State”,
And

The of
(“District” or “Region”) (Name of the concerned local government)

represented by
(Name and position of the authorised representative)
hereinafter called “Local Government”,

It is agreed that the State divest to the Local Government the right of use of the facility that is described in article 2 hereinafter called “the Facility”.

Article 1 Divestiture obligations and limitations

Pursuant to article 18 in the Water Act, this agreement shall transfer full responsibilities for provision of water services and the right to use the assets from the State to the Local Government, except that of selling, divesting or offering as collateral, assets of the facility entrusted to them by the central government to third parties.

Right of use of the Facility imposes the responsibility to ensure the sustainability of the water supply service, which implies:

1. to organise the proper operation and the maintenance of service facilities,
2. to organise the funding of progressive renewal of the infrastructure according to the expected lifetime of the different parts,
3. to plan extensions according to the demand.

It is recalled that, according to article 28 in the Water Act, in urban areas, local government must delegate the operation and management of water supply services to a competent entity that can be:

- a local, autonomous (self-accounting) public water agency,
- a national, autonomous (self-accounting) public water agency,
- an independent private Water Provider (individual or small private enterprise or larger-scale private company)



Article 2 Description of the facility

The Facility concerned with this divestiture agreement comprises:

Asset	Unit	Quantity	Age	Nominal Lifespan

Article 3 Duration of the agreement

This agreement comes into effect at the date of signature and is valid 20 years on, unless interrupted under situations stated in article 4.

Article 4 Repossession of Right of Use by the State

As provided in article 21 of the Water Act, if the Local Government fails to ensure proper provision of water services thereby hampering provision of services, the State shall be entitled to repossess the right of use of the public assets.

When the State repossesses the right of use of public assets, it shall continue with the responsibilities of provision of water services in concerned locality.

Article 5 Settlement of disputes and litigation

The law applicable to the present agreement is the Somaliland law, as well for the rules of substance that for the rules of form.

The Parties will try to solve any disagreement issued of the execution of this agreement, by a friendly agreement. In case of failure or impossibility to reach a friendly settlement, the litigation will be brought before the Somaliland courts, only qualified to interpret this agreement.

Done in two copies in on the

For the Central Government

For the Local government

Name ↵

Position ↵

Signature ↵



HANDOVER AGREEMENT

Between

The of
(*"District" or "Region"*) (Name of the concerned local government)

represented by
(Name and position of the authorised representative)

hereinafter called "Local Government",

And

.....
(Name of the entity which invested in the facility)

.....
(address of the investing entity)

represented by
(Name and position of the authorised representative)

hereinafter called "the Investor",

It is agreed that the Investor hands over to the Local Government the ownership of the facility that is described in article 2 hereinafter called "the Facility".

Article 1 Handover obligations and limitations

Pursuant to article 21 in the Water Act, this agreement shall transfer ownership the assets of the Facility to the State of Somaliland, through the Local Government, for integration into the Register of Public Assets. This handover agreement also transfer full responsibilities for provision of water services and the right to use the assets to the Local Government, except that of selling, divesting or offering as collateral to third parties, assets of the facility that becomes part of the public assets.

Right of use of the Facility imposes the responsibility to ensure the sustainability of the water supply service, which implies:

1. to organise the proper operation and the maintenance of service facilities,
2. to organise the funding of progressive renewal of the infrastructure according to the expected lifetime of the different parts,
3. to plan extensions according to the demand.

It is recalled that, according to article 28 in the Water Act, in urban areas, local government must delegate the operation and management of water supply services to a competent entity that can be:

- a local, autonomous (self-accounting) public water agency,
- a national, autonomous (self-accounting) public water agency,
- an independent private Water Provider (individual or small private enterprise or larger-scale private company)



This agreement testifies that the Local Government accepts the Facility as it is described below and duly inspected on field, and discharges the Investor from the responsibility to modify or complete the Facility for compliance with the technical standards that may apply.

Article 2 Reception of the Facility

The reception of the Facility is the process by which a certified competent entity attests that the Facility conforms to the relevant technical standards that may apply pursuant to Article 15.11 of the Water Act, and to the general specifications for the usage it is transferred for.

The outcome of the reception process is materialised by a certificate issued by the competent entity, and must be annexed to this agreement, that cannot be signed without this.

Article 3 Description of the facility

The Facility concerned with this divestiture agreement comprises:

Asset	Unit	Quantity	Age	Nominal Lifespan

Article 4 Duration of the agreement

This agreement comes into effect at the date of signature and is permanent.

Article 5 Settlement of disputes and litigation

The law applicable to the present agreement is the Somaliland law, as well for the rules of substance that for the rules of form.

The Parties will try to solve any disagreement issued of the execution of this agreement, by a friendly agreement. In case of failure or impossibility to reach a friendly settlement, the litigation will be brought before the Somaliland courts, only qualified to interpret this agreement.

Done in two copies in on the

For the Investor

Name ✍️

Position ✍️

Signature ✍️

For the Local government



DRILLING OPERATOR REGISTRATION FORM

<input type="text"/>	<input type="text"/>
<i>Date and number of the application</i>	<i>Official registration number once validated</i>

DRILLING OPERATOR

<input checked="" type="checkbox"/>	Identification	<input type="text"/>
<input type="checkbox"/>	<i>IndividualID card number</i>	<input type="text"/>
<input type="checkbox"/>	<i>Company Register of commerce</i>	<input type="text"/>
Name		
<i>Individuals ▶</i>	<i>First Name</i> <input type="text"/>	<i>Middle Name</i> <input type="text"/>
	<input type="text"/>	<i>Last Name</i> <input type="text"/>
<i>If company ▶</i>	<i>Name</i> <input type="text"/>	
Address		
<i>Phone number</i>	<input type="text"/>	
<i>Post Office box</i>	<input type="text"/>	
<i>Zone</i>	<input type="text"/>	
<i>Town or village</i>	<input type="text"/>	
<i>District</i>	<input type="text"/>	
<i>Region</i>	<input type="text"/>	

DRILLING EQUIPMENT

Designation	Quantity	Specification (capacity, power)	Age

CERTIFICATION

<input checked="" type="checkbox"/>	Quality of the signer:	<i>First Name</i> <input type="text"/>	<i>Middle Name</i> <input type="text"/>	<i>Last Name</i> <input type="text"/>
<input type="checkbox"/>	<i>Authorised representative</i>	<input type="text"/>		
<input type="checkbox"/>	<i>Operator as an individual</i>	<i>Date</i> <input type="text"/>	<input type="text"/>	<i>Signature</i> <input type="text"/>
<i>“I, the undersigned, certify that to the best of my knowledge and information, the data I provided in this form correctly describe the reality of my activity.”</i>				<input type="text"/>



DRILLING OPERATION REPORT

DRILLING OPERATOR	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<i>Official registration number of the drilling operator</i>	<i>Name of the company or the individual</i>

GROUNDWATER USER			
<input checked="" type="checkbox"/> Identification		<input style="width: 100%;" type="text"/>	
<input type="checkbox"/>	<i>Individual ID card number</i>	<input style="width: 100%;" type="text"/>	
<input type="checkbox"/>	<i>Company Register of commerce</i>	<input style="width: 100%;" type="text"/>	
Name			
Individuals ▶	<i>First Name</i> <input style="width: 100%;" type="text"/>	<i>Middle Name</i> <input style="width: 100%;" type="text"/>	<i>Last Name</i> <input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>			
If company ▶	<i>Name</i> <input style="width: 100%;" type="text"/>		
Address			
<i>Phone number</i>	<input style="width: 100%;" type="text"/>		
<i>Post Office box</i>	<input style="width: 100%;" type="text"/>		
<i>Town or village</i>	<input style="width: 100%;" type="text"/>		
<i>District</i>	<input style="width: 100%;" type="text"/>		
<i>Region</i>	<input style="width: 100%;" type="text"/>		

DRILLING LOCATION			
Geodesic coordinates			
<i>In degrees, minutes and seconds ▶</i>	<i>(degrees)</i> --° <input style="width: 100%;" type="text"/>	<i>(minutes)</i> --' <input style="width: 100%;" type="text"/>	<i>(seconds)</i> --" .- <input style="width: 100%;" type="text"/>
Latitude: ▶	North <i>(between 8° and 12°)</i>		
Longitude: ▶	East <i>(between 42° and 49°)</i>		
Or in decimal degrees: ▶	--° .----- <input style="width: 100%;" type="text"/> <i>(degrees point decimals)</i>		
<i>Name of the place or area</i>	<input style="width: 100%;" type="text"/>		
<i>Tow or village</i>	<input style="width: 100%;" type="text"/>		
<i>District</i>	<input style="width: 100%;" type="text"/>		
<i>Region</i>	<input style="width: 100%;" type="text"/>		



II. BOREHOLE PARTICULARS

Depth	m	Diameter	Inches or mm
Elements	Quantity, dimension, material, comments		
Casing			
Screen			
Borehole head			

III TERRAIN PARTICULARS

Upper limit	Lower limit	Description	Cutting N°
m	m		
m	m		
m	m		
m	m		

IV AQUIFER PARTICULARS

Upper limit	Lower limit	Description of water output	Sample N°
m	m		
m	m		
Static Level	m		

V ATTACHED DOCUMENTS

<i>The following document are attached to this report</i>		<input checked="" type="checkbox"/>
Drilling report to the client		<input type="checkbox"/>
Pumping test report		<input type="checkbox"/>
Water quality analytical report		<input type="checkbox"/>
Maps, plans and photos		<input type="checkbox"/>
Cuttings		<input type="checkbox"/>
Water sample		<input type="checkbox"/>

<i>"I, the undersigned, certify that to the best of my knowledge and information, these data correctly describe the reality of the works."</i>		
Date ↗⇨		Signature ↗⇨



ABSTRACTION PERMIT APPLICATION FORM

<input checked="" type="checkbox"/> Initial Application	<input checked="" type="checkbox"/> Amendment
✍️ ➡ Date and number of the application	✍️ ➡ Registration number of the updated abstraction permit
Official registration number once validated	Number of the update once validated

ABSTRACTION PERMIT APPLICANT

<input checked="" type="checkbox"/> ↓	Identification	✍️ ↓	
Individual ID card number	}	Association Registration number	
Company Register of commerce			
Name			
Individuals ▶	First Name ✍️ ↓	Middle Name ✍️ ↓	Last Name ✍️ ↓
If association or company ▶		Name ✍️ ↑	
Address			
Phone number ✍️ ➡			
Post Office box ✍️ ➡			
Zone ✍️ ➡			
Town or village ✍️ ➡			
District ✍️ ➡			
Region ✍️ ➡			

Please turn the page...



LIST OF WATER RIGHTS USED UNDER THIS PERMIT

Registration number	Holder signature	Water Right capacity	Metered ? <input checked="" type="checkbox"/> ↓
		m ³	
		m ³	
		m ³	
		m ³	
		m ³	
		m ³	
		m ³	

ABSTRACTION PARTICULARS

The abstraction is <input checked="" type="checkbox"/> ↓	
Motorised	<input type="checkbox"/>
The water is mainly destined to: <input checked="" type="checkbox"/> ↓	
Domestic supply	<input type="checkbox"/>
Public water supply	<input type="checkbox"/>
Commercial bottling	<input type="checkbox"/>
Industry / mining	<input type="checkbox"/>
Irrigation	<input type="checkbox"/>
Livestock	<input type="checkbox"/>
Overall Abstraction Capacity installed: ↗↘	m³

CERTIFICATION

<input checked="" type="checkbox"/> ↓	Quality of the signer:	First Name ↗↘	Middle Name ↗↘	Last Name ↗↘
	Authorised* agent			
	Permit holder or claimer	Date ↗↘		Signature ↗↘
<i>"I, the undersigned, certify that to the best of my knowledge and information, the data I provided in this form correctly describe the reality of the claimed permit."</i>				

* a signed authorisation from the holder, association or company is required