

THE LAW OF THE KYRGYZ REPUBLIC #8 from Jan 12 2005

WATER CODE OF THE KYRGYZ REPUBLIC

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CHAPTER ONE – GENERAL PROVISIONS

Article 1 Objective and tasks

1. This Code shall regulate water relations in the field of use, protection and development of water resources for guaranteed, adequate and safe supply of water for the population of the Kyrgyz Republic, protection of the environment and promotion of the rational development of the water fund of the country.
2. In fulfilment of its objective, this Code shall establish principles for the management of water resources; the base of the state water policy shall be identified; the competences of state bodies concerning water resources and water object management shall be established; the system of measures for development of National water strategy and plans on use of water resources shall be created; the use of surface, underground waters and payment for their use shall be regulated; the measures on protection of water resources from pollution and depletion shall be identified; the provisions on emergency situations that belong to water resources and dam safety shall be introduced; water economy and irrigation sectors shall be regulated; provisions on use and ownership of water fund lands shall be established; the establishment of the State Water Inspectorate and obligations of the state water inspectors shall be provided; violations of the law within water resource use shall be identified; the attitude of this Code to the obligations of the Kyrgyz Republic concerning international law shall be identified.

Article 2 The main terms and definitions used in this code

The terms and definitions used in this Code mean:

‘Water users’ association’ – public union established for supply of agricultural producers by irrigated water;

‘Basin water administration’ - a territorial branch (body) of the state water administration that is responsible for the management of water resources within the hydro-geographic boundaries of a principal basin;

‘Basin Plan’ - Plan for the Development, Use and Protection of Water Resources within a specified Principal Basin;

‘Basin Council’ - a representative body for solving issues on use protection and development of water resources within a Principal Basin;

‘Banks’ - strips of land alongside a natural water body that is included within the lands of the water fund;

Water users – legal or physical entities of the Kyrgyz Republic and foreign legal and physical entities including persons without citizenship.

‘Water bodies’ - any concentration of surface and underground water including rivers, streams, springs, lakes, swamps, glaciers and snowfields;

‘Water resources of the Kyrgyz Republic’ - all waters found within the national boundaries of the Kyrgyz Republic;

‘Water economy constructions’ - water reservoirs with dams, canals, collectors, drains, ditches, hydro-technical constructions, embankments, aqueducts, mud flood ducts, bridges, wells, pump stations, water pipes with communications and other elements of infrastructure including all ancillary parcels of lands provided for their operation and maintenance;

‘Water fund’ - the collection of water bodies, water resources and water economy constructions including the lands of the water fund;

‘Principal Basin’ – an area in which surface water resources drain into a major common river or water body;

‘State Water Administration’ - the specially established state body for the management of water resources in the Kyrgyz Republic;

‘State Hydro Meteorology Body’ - the specially authorized state body participating in the development of the information system on water, monitoring of water resources and the state water cadastre;

‘State Hydro-geological Body’ - the specially authorized state body participating in agreement of permissions on use of underground waters and drilling of water wells and issuing licenses on implementation of the professional activity on drilling.

‘State Environmental Protection Body’ - the specially authorized state body on environmental protection;

‘State Emergency Situations Body’ - the specially authorized state body participating in training, renewal and implementation of plans in case of floods, mud-floods and land slides.

‘State Sanitarian and Epidemiological Body’ - the specially authorized state body providing identification of water appropriateness for economic, drinking and domestic water use, approval of standards of water in water bodies.

Drainage systems – connected net of opened and/or closed collectors and drains, hydro-technical constructions, wells of vertical drain and other infrastructure including all stripes of alienations of lands provided for operation and maintenance of drain systems.

Annual agreement on water supply – the document certifying the right of the water user to identification of water volume for one year.

‘Pollutant’ - any substance, energy or thing, or combination of these which has a harmful effect on human health, natural resources and ecosystems or which may cause damage to the environment;

‘Lands of the water fund’ - lands occupied by reservoirs (rivers, lakes, water reservoirs, canals, drains), glaciers, swamps, hydro-technical and other water economy constructions and lands provided for easements;

‘Irrigation system’ - a network of irrigation and canals, pipes, hydro-technical equipment, pumping stations, wells, water reservoirs, ponds and tanks and associated electrical transmission lines, roads, buildings and other infrastructure and including all easements provided for operation and maintenance of irrigation systems.

‘Water Supply Contract’ - a document that certifies the right of the water user to the fixed volume of water for the term up to 15 years.

‘National Water Council’ - the state body that co-ordinates water relations in the Kyrgyz Republic and which is established by the Government of the Kyrgyz Republic;

‘Local state administration body’ mean an Oblast, a Rayon or a local state body of executive power;

‘Waste’ - any substance or thing that the holder discards or intends or is required to discard, irrespective of its value, and any substance or thing deemed by regulations to be waste;

Water supply service charge – the payment charged by the water supplier from the contract holder in accordance with the annual agreement on water supply.

Charge for the use of water as a natural resource – charge established by the legislation of the Kyrgyz Republic;

‘Dam’ - a hydro-technical construction that crosses the flow of water in a water body to increase the level of water behind the construction or to store water or to regulate the flow of water;

‘Bulk Water Supplier’ - a territorial body of the State Water Administration or any other legal person that is responsible for the operation and maintenance of an irrigation system and which abstracts and conveys water for supply to a Water Users’ Association or another person on the basis of a Water Supply Contract;

‘Water Use Permission’ - a permission issued for the term up to 15 years for the activity on water use and up to 5 years for implementation of the activity on extraction of gravel or other materials;

‘Discharge Permission’ - a permission to discharge pollutants or wastes to water bodies or water economy constructions or lands of water fund;

Servitude – the right of a person to the limited targeted use of a parcel of land owned or utilized by another person.

‘Special Water Use Permission’ - a long-term permission issued by the Government of the Kyrgyz Republic;

‘Ecological flow’ – minimum permissible water flow in water body that allows to save water ecosystem without causing serious damage.

‘Works on water resource protection’ means works with the purpose to:

prevention or decrease of discharge of pollutants or wastes into water bodies, water economy constructions or lands of water fund;

removal or placing of wastes and pollutants;

treatment and alleviation of pollution cause by pollutants or wastes in the water body, water economy construction or lands of water fund;

recovery of the condition of water body, water economy construction or lands of water fund including conservation of flora and fauna that have been before pollutants and wastes come into water body, water economy construction or lands of water fund if it is acceptably and practically.

‘Responsible Person’ means the person that:

discharged pollutants or wastes into water bodies, water economy constructions and lands of water fund;

discharged pollutants or wastes to the places from which they, in accordance with the conclusions of the state environmental body may get into water body, water economy construction or lands of water fund.

Article 3. Water legislation of the Kyrgyz Republic

1. Water relations in the Kyrgyz Republic are regulated by the Constitution of the Kyrgyz Republic, this Code and other normative legal acts approved in accordance therewith.
2. Water law norms contained in other legal acts shall be consistent with this Code.
3. In cases where provisions of other normative legal acts of the Kyrgyz Republic contradict the provisions of this Code, the provisions of this Code shall apply.

Article 4. Ownership of water resources and the lands of the water fund

1. The water resources of the Kyrgyz Republic are the exclusive and inalienable property of the State. Every person has the right to use water within the national borders in accordance with the provisions of this Code.
2. The lands of the water fund occupied by water bodies and state owned water economy constructions and irrigation systems are the exclusive property of the State.

Article 5. The management of water resources and the basin approach

1. The management of water resources means the system of measures, norms and rules that provide for the rational use, development and protection of water resources and the environment in accordance with this Code and other normative and legal acts, as well as the protection of populated and industrial areas, human lives and property from the harmful effects of water.
2. The basin approach means that the management of water resources is undertaken within the boundaries of the Principal Basin in accordance with hydrogeographic principles, which relate to Lake Issyk-Kul and the main rivers of the Kyrgyz Republic. The Government of the Kyrgyz Republic on the proposal of the National Water Council establishes the zone of the activity of each basin water administration and basin council. The decision made shall be published in the open press.
3. Within each Principal Basin the relevant Basin Water Administration and Basin Water Council, is responsible for specified aspects of water resource management in accordance with the provisions of this Code.
4. Decisions of bodies of local state administration and the territorial branches of ministries, and administrative agencies are made in accordance with this article and the basin approach to water resources management.

Article 6. Principles for the management of water resources

The management of water resources is based on the following principles:

- Participatory Principle – All interested stakeholders should participate in planning and decision-making processes;
- Sustainability Principle – Decision making on the use and protection of water resources should take into account the needs of both present and future generations;

- Principle of the Economic Value of Water Resources – The economic value of water resources should be taken into account in the planning, decision making and realization of activity on the use and protection of water resources;
- The Polluter Pays Principle – A person who pollutes water resources should pay for the discharge as for nature use;
- The Precautionary Principle - The absence of full scientific information must not be used as a reason for postponing or failing to take effective action where there are risks of serious harm to water resources, the environment or human life;
- Principles of real guarantees – Real guarantees are provided that respect the rights of water users and their legal defense;
- Principle of Openness – Information on the condition and use of water bodies and water resources should be accessible to the public.

CHAPTER TWO – COMPETENCE OF STATE BODIES IN WATER RESOURCES MANAGEMENT

Article 7. Competence of the Jogorku Kenesh of the Kyrgyz Republic in water resources management

The competence of the Jogorku Kenesh of the Kyrgyz Republic includes:

- developing, approving and amending of water legislation;
- ratifying and denouncement of international agreements in the sphere of water relations;
- approving annual subsidies for irrigation and drainage;
- setting charges for the use of water as a natural resource.

Article 8. Competence of the Government of the Kyrgyz Republic in water resources management

The competence of the Government of the Kyrgyz Republic includes:

- approval of the territorial boundaries of the Principal Basins in accordance with hydro-geographic principles of water resource management;
- establishment of the National Water Council;
- approval of the regulations of the Basin Councils;
- designates specially authorized state bodies for the purpose of implementing this Code;
- establishment of the water resource monitoring system;
- development and implementation of the state water economy programs, their investment and financing;
- approval of Special Water Use Permissions;
- performance of other tasks identified in this Code.

Article 9. The National Water Council and its competence

1. The Government of the Kyrgyz Republic establishes the National Water Council for the solution of following tasks:
 - to coordinate the activities of ministries, administrative agencies, and other state bodies concerning the management of water resources, their use and protection;
 - to propose the hydro geographic boundaries of Principal Basins to the Government of the Kyrgyz Republic;

- to prepare the National Water Strategy for the approval of the President of the Kyrgyz Republic;
 - to prepare draft laws for presentation to the Government of the Kyrgyz Republic;
 - supervise the activities of the State Water Administration;
 - to develop regulations and instructions for the implementation of this Code;
 - to fulfill other tasks specified in this Code.
2. The National Water Council comprises the heads of ministries, administrative agencies and other state bodies that are responsible for water resource management including financial and state security aspects. The composition of the Council is determined by the Government of the Kyrgyz Republic.
 3. The Prime Minister of the Kyrgyz Republic chairs the National Water Council and the head of the State Water Administration is his deputy.
 4. The National Water Council meets at least once per year. The activity of the National Water Council is regulated by a Regulation approved by the Government of the Kyrgyz Republic, this Code and other normative legal acts approved in accordance therewith.
 5. The National Water Council is entitled to obtain from other ministries, administrative agencies, other state bodies, and public structures, such information, data, reviews or technical and advisory support as are necessary to enable it to prepare the National Water Strategy and fulfil its tasks in accordance with this Code.
 6. The State Water Administration performs the function of secretariat to the National Water Council.

Article 10. Basin Councils and their powers

1. On the proposal of the State Water Administration, the National Water Council establishes a Basin Council for each Principal Basin where it considers this to be appropriate to improve co-ordination and water resource management.
2. Each Basin Council includes representatives of the Basin Water Administration, territorial bodies of the State Environmental Protection Body, the State Emergency Situation Body, the State Hydro-meteorological Body, the State Hydrogeology Body, and the State Sanitary and Epidemiological Body working within that Principal Basin as well as representatives of Local State Administration Bodies, non-government organizations, and water users, including Water Users' Associations. The Basin Council is chaired by the Head of Basin Water Administration for that Principal River Basin while the Basin Council members elect one of their members to be the Vice-Chairman.
3. The tasks of Basin Councils are:
 - to develop the draft Basin Plans for submission to the National Water Council;
 - prepare draft rules of procedure of the Basin Council for approval by the Government of the Kyrgyz Republic;
 - to co-ordinate activities in the water sector within the Principal Basin;
 - approve the composition of the Basin and Local Irrigation and Drainage Committees;
 - to undertake other tasks specified in this Code.
4. Each Basin Council meets at least once per year. Members of Basin Councils do not receive a salary.

5. The relevant Basin Water Administration performs the function of secretariat of the Basin Council.
6. The activity of the Basin Councils is regulated by a Regulation approved by the Government of the Kyrgyz Republic.

Article 11. The State Water Administration and its competence

1. The state body responsible for water resources management and the implementation of this Code is the State Water Administration.

2. The competence of the State Water Administration includes:

a) in the field of water resource management:

- to provide the secretariat for the National Water Council;
- to participate in Basin Councils;
- to undertake monitoring and planning activities;
- to manage and regulate the use of water resources;
- to regulate the use of under ground waters;
- to perform tasks relating to the protection of water resources from pollution and depletion;
- to undertake tasks relating to the establishment and implementation of protection zones;
- to undertake tasks relating to emergency situations;
- to undertake tasks relating to dam safety;
- to perform functions relating to the lands of the water fund;
- to manage activity of the State Water Inspectorate;
- to participate in the management of water resources information systems;
- to undertake transitional measures in accordance with Chapter 18 of this Code;
- to regulate water relations that are not competences of Jogorku Kenesh and the Government of the Kyrgyz Republic according to this Code.

b) in the field of irrigation, drainage and other water economy activity:

- operation, maintenance, repairing, rehabilitation, design and construction of irrigation, drainage systems and water economy constructions;
- maintenance of irrigation, drainage systems and water economy constructions of interstate importance;
- supply of water of fixed quality in accordance with contracts and annual concluded agreements on water supply;
- collection of fee from the water users in accordance with contracts for water supply;
- preparation of plans on operation and maintenance of each irrigation and drainage system for presentation to the corresponding irrigation commission;
- passportization, maintain a cadastre on irrigation, drainage systems and water economy constructions and preparation of the proposals on increase of their technical level;
- registration of volume of taken water from natural water bodies by the state irrigation systems and registration of the volume of water supply from it to water users;
- management of state water fund lands assigned for operation and maintenance of the state irrigation and drainage systems;
- development of target programs and projects with identification of the source of financing including foreign investments;

- planting of forestry protection plantations along of canals, collectors, around reservoirs and water economy constructions that are the state property and tree surgery;
 - preparation of state land-reclamation cadastre;
 - undertaking other tasks specified in this Code.
3. The territorial branches of the State Water Administration are the Basin Water Administrations which are organized in accordance with hydro-geographic principle of basin territories of Principal Basins pursuant to article 5 of this Code and organizations on operation and maintenance of the state irrigation and drainage systems and/or water economy constructions.
 4. An annual report on the activities of the State Water Administration is approved by the National Water Council.
 5. The internal structure and activity of the State Water Administration is regulated by a Regulation approved by the Government of the Kyrgyz Republic

Article 12. The Authorized State Environmental Protection Body and its competence

The competence of the Authorized State Environmental Protection Body with regard to the implementation of this Code includes:

- to participate in the National Water Council and Basin Councils;
- to participate in state monitoring;
- to advise the State Water Administration on the issue of Water Use Permissions;
- to advise on the proposed classification and standards of waters in water bodies and reservoirs;
- to prepare and propose to the Government of the Kyrgyz Republic a list of hazardous substances that are prohibited for discharge to water objects;
- to issue Permissions on discharge of polluted subsidies and wastes into water objects, water economy constructions and water fund lands;
- to suspend, cancel or vary of Permissions on discharge of polluted subsidies and wastes into water objects, water economy constructions and water fund lands;
- to maintain a register of Permissions on discharge of polluted subsidies and wastes into water objects, water economy constructions and water fund lands;
- to undertake water protection works;
- to advise proposed minimum ecological flow;
- to advise proposed mountain territories as zones of stock formation;
- to agree proposals on the establishment of water protection zones.

Article 13. The Authorized State Sanitarian and Epidemiological Body and its competence

The competence of the Authorized State Sanitarian and Epidemiological Body with regard to the implementation of this Code includes:

- to participate in National Water Council and Basin Council;
- to advise on the proposed classification of waters and standards and objectives for such waters in accordance with article 49 of this Code;
- to agree conditions of Permissions on discharge of polluted subsidies and wastes into water objects, water economy constructions and water fund lands;

- to develop sanitarian norms and rules of protection of surface and underground waters from pollution;
- to identify surface water appropriateness for economic, drinking and domestic water use in accordance with sanitarian-hygienic norms;
- to agree designs on zones of sanitarian protection of water objects for drinking and domestic water supply and medical purposes and rules on protection of underground and surface waters from pollution;
- to agree conditions of discharge waste waters to the water objects;
- to agree of order of control of water object quality above water discharge location and near the paces of water use provided by water user;
- to perform other tasks specified in this Code.

Article 14. The Authorized State Hydrogeology Body and its competence

The competence of the Authorized State Hydrogeology Body with regard to the implementation of this Code includes:

- to participate in National Water Council and Basin Council;
- to advise on the issue of Water User Permissions and Special Water Use Permissions;
- to agree of water well drilling permissions;
- to issue well drillers licenses;
- to propose regulations and guidelines on the protection of underground water from pollution;
- to propose the creation of Groundwater Protection Zones; and
- to perform other tasks specified in this Code.

Article 15. The Authorized State Emergency Situations Body and the Authorized State Hydrometeorology Body

1. The competence of the Authorized State Emergency Situations Body with regard to the implementation of this Code are:

- to participate in the National Water Council and Basin Council;
- to agree proposals on establishment of National Flood, Mud Flood, and Drought Information and Warning System;
- to collaborate preparation and periodically review of Flood and Mud Flood Emergency Plans together with State Water Administration.

2. The competence of the Authorized State Hydrometeorology Body with regard to the implementation of this Code includes:

- to participate in National Water Council and Basin Council;
- to undertake tasks regarding the National Water Resources Monitoring System;
- to undertake tasks relating to information systems, State Water Cadastre, and state land-reclamation cadastre.

Article 16. Competence of local state administration bodies

1. Competence of local state administration bodies for the purposes of this Code includes:

- to approve the location, size, area and regime of sanitary protection zones;
- to participate in Basin Council work;

- to advise on the creation of and implementing the rules relating to water protection zones in accordance;
- to issue by-laws to regulate activities and implement protection works in areas where there are risks of floods and mud-floods.

2. On the proposal of the State Water Administration the Government of the Kyrgyz Republic specifies which of local state administration body is to exercise tasks and competences specified in this Code.

CHAPTER THREE – WATER RESOURCES MONITORING AND PLANNING

Article 17. State Monitoring of Water Resources

1. On the proposal of the National Water Council the Government of the Kyrgyz Republic establishes an effective National Water Resources Monitoring System that enables the National Water Council, the State Water Administration, the State Environmental Protection Body and the State Hydro Geology Body to fulfill their tasks in accordance with this Code.
2. The Government regulates the activity of the State Water Administration, the authorized State Environmental Protection Body, the authorized State Hydro meteorology Body, the authorized State Hydrogeology Body and other state bodies concerning monitoring, collection, analysis and transfer of data relating to:
 - the quantity of water resources in the Kyrgyz Republic;
 - the quality of water resources in the Kyrgyz Republic;
 - the use of water resources in the Kyrgyz Republic;
 - the compliance with any standards and objectives for water quality;
 - the risk of floods, mud-floods and droughts;
 - the health of aquatic ecosystems; and
 - atmospheric conditions which may influence water bodies and water resources.
3. On the proposal of the National Water Council the Government of the Kyrgyz Republic issues instructions concerning:
 - procedures, standards and methods for the monitoring of water resources; and
 - format and time period for the provision of data to the State Water Administration and the authorized State Environmental Protection Body.
4. Monitoring information gathered in accordance with this article forms part of the State Water Cadastre.

Article 18. The National Water Strategy

1. The National Water Council prepares the National Water Strategy for approval by the President of the Kyrgyz Republic.
2. The National Water Strategy sets out the main principles and provisions that are to be followed in the development of any plan, program, documents, decisions or actions concerning the use, protection and development of the Water Fund.

3. The National Water Strategy is developed in accordance with the provisions of this article and as a minimum identifies:
 - the quantity and quality of existing water resources and water bodies and their uses by all sectors of the economy;
 - the volume of unused flow of water resources taking into account environmental needs and international agreements concerning water relations;
 - short, medium and long term water requirements for each sector of the economy;
 - the institutional and administrative arrangements necessary for its implementation;
 - modern techniques and strategies to give effect to water requirements;
 - the need for and possibilities relating to inter-basin transfers taking into account Basin Plans.
4. Following its approval, the State Water Administration ensures that the main principles of the National Water Strategy are widely disseminated to the population through mass media.
5. All state bodies shall implement the National Water Strategy in fulfilling their tasks pursuant to this Code.
6. The National Water Council shall review the National Water Strategy at intervals of not less than five years and proposes amendments to the President of the Kyrgyz Republic as appropriate.

Article 19. State Water Economy Programs

1. The Government of the Kyrgyz Republic develops and implements state water economy programs, their investment and financing.
2. State water economy program includes as minimum construction, rehabilitation and modernization of:
 - irrigation and drainage systems, including planting of forestry protection plantations along them;
 - hydroelectric power stations;
 - communal water supply systems of cities and rayon centers;
 - rural water supply systems;
 - waste water treatment plants.
3. The Government of the Kyrgyz Republic shall review state water economy program no less than once every five years.

Article 20. Basin Plans for the Development, Use and Protection of Water Resources

1. The State Water Administration establishes programs and schedules for the development of Basin Plans on Development, Use and Protection of Water Resources within each Principal Basin and organizes their implementation.
2. Draft Basin Plans are prepared by the Basin Councils and submitted for approval to the National Water Council.

3. Each Basin Plan:
 - includes an assessment of the risks of water shortages, drought, flood, pollution and dam failure within the Basin and the costs of preventing, reducing or mitigating of such risks;
 - identifies areas in which there are particular risks of diffuse source pollution;
 - contains the review of existing protection zones;
 - identifies the areas at risk from floods and mud floods and the types of activities that should be prohibited or restricted in such areas.

4. In addition a Basin Plan may:
 - include an assessment of the quality and quantity of water resources within the Basin;
 - contain an identification of current and anticipated future types and quantities of water use;
 - contain an evaluation of the quantity of water available for additional use, if any, taking into account of environmental requirements and any obligations under international law;
 - identify a need in water for ecological and human needs;
 - assess investment and financing requirements together with the identification of possible funding sources;
 - set up priorities for water use and possible restrictions for water use among different sectors of economy;
 - identify the places where it is necessary to construct of bank protection dams on maintenance of agricultural lands and provide planting of forestry protection plants;
 - identify areas where gravel and other materials may be extracted from rivers.

5. The State Water Administration establishes procedures for the preparation of draft Basin Plans that must afford an opportunity for water users to participate in the process and to comment on the draft plans.

6. The State Water Administration and the relevant Basin Water Administration give effect to the applicable Basin Plan in fulfilling their tasks in accordance with this Code.

7. Each Basin Plan is reviewed by the relevant Basin Council every five years and submitted to the National Water Council for its approval.

CHAPTER FOUR – THE ABSTRACTION AND USE OF WATER RESOURCES

Article 21 Rights and duties of water users

1. The water resources of the Kyrgyz Republic are used in accordance with the provisions of this Code.

2. For the purposes of this Code the use of water resources includes:
 - abstraction of water from a surface water body or an underground water body;
 - conveyance of abstracted water for supply to another person;
 - use of water for drinking and domestic purposes;
 - use of water for watering household plots;
 - use of water for irrigation and livestock watering;
 - use of sewage and waste water for irrigation;
 - use of water for hydropower generation;
 - use of water for industrial and agro-industrial purposes;

- use of water for fishing and fish farming;
 - use of water for sport and recreational purposes;
 - impoundment or storage of water below a dam or other water economy construction;
 - diversion, restriction or alteration of the flow of water within a water body;
 - alteration of the bed, *poima*, banks, course or characteristics of a water body, including the abstraction of gravel and other materials from such water bodies;
 - the use of water for irrigation (washing) of salinity lands.
3. Water users must:
- use water carefully so as to avoid pollution;
 - comply with conditions and obligations imposed on their right to use water including all conditions specified in accordance with this Code as well as those contained in a Water Use Permission, Special Water Use Permission or Water Supply Contract; and
 - not violate the rights of other lawful water users.
4. Water users have the right:
- to use water in accordance with the provisions of this Code;
 - to participate in decision making on water resource management;
 - for compensation when their right to use water is restricted or terminated in accordance with the provisions specified in this Code;
 - to information concerning the quantity, quality and use of water resources in accordance with the provisions of this Code; and
 - to use water bodies for rest, tourism, sport and recreation arrangements.

Article 22. Water use that does not require a water use permission

1. Surface water resources may be used without a Water Use Permission:
- for drinking and domestic water supply, livestock watering and other individual needs in cases where a permanent water economy construction is not used to abstract water from a water body;
 - for recreation;
 - for fire fighting;
 - for watering household plots without the use of a permanent water economy construction;
 - in cases where water is directly or indirectly supplied on the basis of, and in compliance with the provisions of, a Water Supply Contract;
 - for irrigation by a person who is lawfully supplied with water by a Water Users' Association.
2. Underground water resources may be used without Water Use Permission for domestic needs and the watering of household plots and livestock in accordance with the provisions of article 42(2) of this Code.
3. The State Water Administration may restrict or prohibit the types of water use described in sub-articles 1 and 2 of this article in a defined area or throughout the Kyrgyz Republic during periods of drought or water shortage or where water quality has been harmed, where radiation or waterborne diseases have spread or there is a risk of that.

Article 23. Water use that requires a water use permission

1. The following activities may be only undertaken within the Kyrgyz Republic on the basis of a Water Use Permission issued by State Water Administration in accordance with this Code:
 - abstraction, conveyance and use of water from surface water bodies where this involves the use of permanent water economy constructions including the use of movable pump stations with total capacity of 5 liter/second;
 - abstraction and conveyance of water for supply to another person in accordance with a Water Supply Contract concluded in accordance with Chapter Five of this Code;
 - use of underground water except in those cases specified in article 42(2) of this Code;
 - use of sewage and waste water for irrigation;
 - impoundment or storage of water bellow a dam or other water economy construction;
 - use of impounded or stored water for power generation, fishing, fish farming or other economic activities;
 - diversion, restriction or alteration of the flow of water within a water body;
 - alteration of the bed, banks or characteristics of a water body;
 - the extraction of gravel and other materials from water bodies and the lands of the water fund.

2. A Water Use Permission lasts for fifteen years except in cases where:
 - the applicant requests a shorter duration at the time the application is made; or
 - the permission relates to the extraction of gravel and/or other minerals in which case the maximum duration of the permission is five years.

Water Use Permission is personal to the permission holder and may only be transferred in accordance with article 30 of this Code.

3. A Special Water Use Permission that can last for up to fifty years may be granted by the Government of the Kyrgyz Republic in cases where a substantial long term investment is to be made by the applicant regarding the construction, improvement or rehabilitation:
 - of a dam for hydropower or other purposes;
 - of a water economy construction for the delivery of drinking water; or
 - of an irrigation system.

4. Water Use Permissions, including Special Water Use Permissions, are created and regulated by this Code and other normative legal acts issued according to this Code.

Article 24. Priorities for water use

Until such time as Basin Plans are approved that specify a different order of priorities for the purposes of water use, the allocation of water, including underground water, for use on the basis of a Water Use Permission or Special Water Use Permission takes place in accordance with the following priorities:

- the use of water for domestic/drinking water supply purposes;
- the use of water for the purpose of irrigation and the watering of livestock;
- the use of water for the purpose of hydropower generation;
- the use of water industrial activity, including mining and agro-industry;
- the use of water for the purpose of fishing and fish farming;

- the use of water for the purposes of sport and recreation;
- the use of water for other purposes.

Article 25. Contents of water use permissions

1. Every Water Use Permission specifies:

- the activity that is permitted;
- the quantity of water the permission holder is entitled to abstract, impound, divert and use, either by reference to a fixed volume or a share of the flow;
- in case of a permission to extract gravel and/or other materials, the matters specified in article 86 (2) of this Code;
- the volume of the return flow, if any, and the place where the return flow should be discharged;
- the purpose for which the water is to be used;
- in cases where the water is to be used for the purpose of irrigation, the area of land to which the use of water relates;
- the period of validity of the permission;
- other matters that may be prescribed by the legislation of the Kyrgyz Republic on the proposal of the National Water Council.

2. Each Water Use Permission contains the following general requirements in accordance with which the permission holder must:

- rationally use water for the specified purpose as to avoid waste and harm to the environment;
- pay all fees or charges relating to the Water Use Permission;
- install or allow the installation of the constructions and equipment for measurement of the quantity of water in accordance with the requirements of the State Water Administration;
- register the volume of used water including drain and revolving flowing in accordance with the requirements of the State Water Administration;
- provide to the State Water Administration the detail information contracts for water supply referred to the Water use permission and also the information on any changes and amendments to the contracts in cases if the permission holder is the water supplier;
- provides information concerning their use of the water to the State Water Administration where this is reasonably necessary for the management of water resources.

3. A Water Use Permission may be subject to special conditions which specify:

- how the water is to be used;
- measuring requirements concerning ground water levels in the case of irrigation activities;
- seasonal or temporal variations in the use of the water;
- measures to be taken to reduce the effects of diffuse source pollution;
- additional environmental protection measures; and
- other conditions determined by the legislation of the Kyrgyz Republic.

4. A Water Use Permission that authorizes the abstraction and conveyance of water for drinking purposes does not remove the obligation of the permission holder to follow sanitarian hygienic and financial requirements in accordance with the Law of the Kyrgyz Republic “On Drinking Water”.

Article 26. Applications for water use permissions and their determination

1. Applications for Water Use Permissions are submitted in writing to the State Water Administration. Every application for a Water Use Permission shall be made in the standard form that includes:
 - a description of the proposed use to which the application relates;
 - a plan and description of the site of the proposed use together with the location of any water economy constructions or other facilities relating to the proposed use;
 - an ecological expertise in cases required by the legislation of the Kyrgyz Republic;
 - a description of the quantity of any water to be used as well as details of the volume of any return flows and waste water discharges;
 - a description of the proposed means of measuring the quantities of water to be used and discharged;
2. Within thirty days of receipt of the application, the State Water Administration shall inspect the site to which the application relates and shall publish a notice of the application in official publications circulating in the area. The reasonable cost of the inspection and publication is paid by the applicant.
3. Any legal or physical persons who object to the application may file written objections to the State Water Administrations within thirty days of the publication of the notice of the application.
4. Within consideration and determining of an application for a Water Use Permission the State Water Administration shall consult:
 - the authorized State Environmental Protection Body;
 - the authorized State Hydrogeology Body if the application relates to the use of groundwater or the extraction of gravel and other materials;
 - the authorized State Sanitarian and Epidemiological Body in all cases except drift floating of trees.

The Government of the Kyrgyz Republic specifies procedures concerning such consultations.
5. In cases where the use of water will also involve the discharge of wastes, wastewater or pollutants, the application shall be dealt with as if a simultaneous application had been made for Discharge Permission. In all cases applications for Water Use Permission that are subject for this article must comply with applications for Discharge Permission that are subject for article 52 of this Code.
6. The State Water Administration shall determine each application for Water Use Permission other than Special Water Use Permission in accordance with sub-article 8.
7. The State Water Administration shall forward each application for Special Water Use Permission to the Government of the Kyrgyz Republic accompanied by its written recommendations so that the Government of the Kyrgyz Republic may make a determination in accordance with sub-article 8.
8. Every application for a Water Use Permission or a Special Water Use Permission, is determined by reference to the following matters:
 - National Water Strategy;
 - availability of the sufficient water resources;

- allocation of water in the relevant Basin Plan and the obligations of the Kyrgyz Republic under international law;
- applicable priorities for water use;
- existing lawful uses of water by other water users and the impact that issuing a water use permission might have on them;
- contents of any environmental expertise or environmental impact assessment required by law;
- written objections to the application; and
- environmental requirements of the water body in question, including the minimum ecological flow requirements specified in article 64 of this Code.

During consideration of any application for a new Water Use Permission the decision maker shall not derogate from any existing Water Use Permission granted in accordance with this Code except in cases according to article 28 of this Code.

9. During 30 days the Government of the Kyrgyz Republic within consideration of the application for the Special permission and the State Water Administration within consideration of the application for Water use permission shall notify the applicant on the decision in written form (agreement or refusal). In case of rejection the reasons should be provided.
10. In the event that an application for Water User Permission, not being Special Water User Permission, is rejected the applicant may make a written request to the Head of the State Water Administration for a review of the decision, which review must be dealt with within 60 days of the date of submission of the request. If the application is once again rejected written reasons are provided.

Article 27. The temporary suspension and variation of water use permissions

Water Use Permission and Special Water Use Permission may be temporarily suspended and/or varied by the State Water Administration and Government of the Kyrgyz Republic respectively, in the following circumstances:

- a. following the issue of a Drought and Water Shortage Order;
- b. in the case of non-compliance by the permission holder with the conditions of the permission;
- c. at the request of the permission holder;
- d. following the declaration of an Emergency Ecological Situation or Ecological Disaster in accordance with article 70 of this Code or the Law of the Kyrgyz Republic “On Environmental Protection”.

Article 28. The cancellation or permanent variation of water use permissions

1. A Water Use Permission may be cancelled or permanently varied:
 - a) where it is necessary to re-allocate the water for another purpose in accordance with the public interest and the relevant Basin Plan;
 - b) in the case of non-compliance by the permission holder with the terms of the permission, following an earlier period of suspension of the permission
 - c) if that permission has been transferred, otherwise than in accordance with article 30 of this Code;
 - d) at the request of the permission holder;
 - e) if the water to which the permission relates has not been used for a period of three years on end;

- f) on the death or liquidation of the permission holder;
 - g) if the holder of the permission has been convicted of a an offence specified under this Code.
2. Water Use Permission may be cancelled or permanently varied by the State Water Administration. Special Water Use Permission may be cancelled or permanently varied by the Government of the Kyrgyz Republic. A decision to cancel or permanently vary Water Use Permission, including a Special Water Use Permission, may be appealed to the Courts.
 3. An application by a permission holder to vary permission is accompanied by proof of payment of the application fee and other data that is specified in regulations issued by the Government of the Kyrgyz Republic.
 4. Before canceling or permanently varying a Water Use Permission in cases where the permission holder is a Bulk Water Supplier, the State Water Administration shall consult the holders of any Water Supply Contracts relating to the water described in the permission. If a decision is made to cancel a permission in accordance with clauses b), d), e), f) or g) of sub-article 1 the State Water Administration or, as the case may be, the Government may transfer the permission to one or more of the holders of the relevant Water Supply Contracts or their nominee.
 5. In the case of a cancellation or variation pursuant to sub-article 1 a) of this article:
 - the permission holder shall be provided with a new permission to use an equivalent volume of water from an alternative source; or
 - compensation must be paid in case of the lack of the alternative source.

The compensation is issued on the base of the regulation approved by the Government of the Kyrgyz Republic.

6. If the amount of compensation cannot be agreed between the parties matter shall be determined by the court. In cases where the permission holder is a Bulk Water Supplier the holders of Water Supply Contracts that relate to water supplied under the relevant permission shall also be entitled to receive compensation if water cannot be provided to them from another source.

Article 29. Extension of water use permission

1. Not later than twelve months before its expiry, the holder of Water Use Permission may apply to the State Water Administration for the permission to be extended for a further period of fifteen years or shorter period. The application shall be accompanied by such documents as may be determined in regulations issued by the Government of the Kyrgyz Republic. Once a valid application has submitted, the relevant permission remains in force until the application has been determined.
2. The State Water Administration renews an application to extend a Water Use Permission unless the order of priorities in the applicable Basin Plan provides for some or all of the water to be re-allocated for another purpose or there are other compelling public interest reasons for rejecting the application or for permitting the use of a lesser quantity of water. The State Water Administration gives written reasons for its decision if it rejects an application to extend Water Use Permission or if the new permission permits the use of a lesser quantity of water.

3. Special Water Use Permission may be extended by the Government in circumstances where the permission holder can demonstrate that the initial duration of the permission will not be sufficient to enable him to recover the costs of the investment to which the permission relates. In such cases the permission holder files an application for an extension, which is accompanied by data justifying the need for the extension, as may be determined in regulations issued by the Government of the Kyrgyz Republic.

Article 30. Transfer of water use permissions

1. With the exception of a Water Use Permission that relates to the use of water for irrigation, the holder of Water Use Permission and the holder of Special Water Use Permission may transfer that permission to another person.
2. An irrigation Water Use Permission may only be transferred in accordance with sub-article 3 of this article.
3. The holder of an irrigation Water Use Permission who sells or otherwise disposes of his interest in the land to which the permission relates must at the time of the disposal either surrender the permission to the State Water Administration or transfer the Water Use Permission to the new owner or user of the land plot. s
4. A transferred Water Use Permission remains valid provided the transferee registers the transfer with the State Water Administration within two months of the date of the transfer.
5. On the death or liquidation of the holder of Water Use Permission, the successor is entitled to the Water Use Permission provided he registers his succession with the State Water Administration within two months of the date of the transfer.

Article 31. Administrative fees for the issue, variation, renewal and registration of water use permissions

- 1 Administrative fees for applications for the issue, variation, renewal and registration of Water Use Permissions including Special Water Use Permissions are levied by the State Water Administration.
- 2 The level of such administrative fees are determined by the Government of the Kyrgyz Republic taking into account the actual administrative and other costs of the State Water Administration and other state bodies involved in dealing with the relevant application, including the reasonable costs of publishing relevant applications.

Article 32. Register of Water Use Permissions

The State Water Administration must maintain a register that shall include:

- details of all Water Use Permissions issued in accordance with this Code;
- details of all applications made in respect of the grant of new permissions, or the variation of existing permissions;
- any monitoring information required to be filed with the State Water Administration by the permission holder in accordance with the conditions of the permission;
- in the case of a Water Use Permission held by a Bulk Water Supplier, details of any Water Supply Contracts relating to the water described in the permission; and
- details of any enforcement action taken by the State Water Inspectorate in respect of the permission.

CHAPTER FIVE – USE OF WATER ON THE BASIS OF WATER SUPPLY CONTRACTS

Article 33. Water Supply Contracts

1. Water users who are directly supplied with water by a Bulk Water Supplier may make a request to the latter to enter into Contract conclusion in accordance with the provisions of this Chapter.
2. Upon receipt of a request made under sub-article 1 by a Water User's Association, an industrial enterprise or a municipal body responsible for the supply of water within towns and settlements, a Bulk Water Supplier must enter into a Water Supply Contract.
3. Upon receipt a request made under sub-articles 1) and 2) by any other water user a Bulk Water Supplier may enter into a Water Supply Contract save that a Bulk Water Supplier may not enter into a Water Supply Contract with a person who owns or uses land within the Service Area of a Water User's Association, as defined in the Law of the Kyrgyz Republic "On Unions (Associations) of Water Users".

Article 34. Terms of Water Supply Contracts and water rights according to them

1. Each Water Supply Contract is concluded for a term of fifteen years; in accordance with the application of the water user it may be concluded for a shorter period.
2. Each Water Supply Contract specifies the 'Maximum Water Right' and the 'Minimum Water Right' of the water user.
3. The 'Maximum Water Right' is the maximum annual volume of water that the water user can call on the Bulk Water Supplier to supply, subject to the availability of adequate water resources.
4. The 'Minimum Water Right' is the minimum volume of water that the Bulk Water Supplier must annually supply to the water user unless the Water Use Permission held by the Bulk Water Supplier is temporarily varied or suspended in accordance with article 27 of this Code due to a drought, water shortage or emergency situation.

Article 35. Calculation of water rights under Water Supply contracts

5. The Maximum Water Right and Minimum Water Right in respect of each Water Supply Contract are calculated by the Bulk Water Supplier by reference to the following criteria:
 - the actual volume of water used by the water user or the water user's predecessor in respect of the same irrigation system, water economy construction, enterprise or drinking water supply network demonstrated by historical records over the previous twenty years or for so long a period as is available and the design parameters of the irrigation system, enterprise or drinking water supply network in question;
 - the volume of water requested by the water user;
 - historical records showing the total volume of water supplied by the Bulk Water Supplier or its predecessor over the period;
 - the existence of and rights of other water users who are supplied with water from the same irrigation system by the same Bulk Water Supplier.

6. For each irrigation system or water economy construction Maximum and Minimum Water Rights for each user shall be calculated by reference to documentation, design indexes and historical records over a period of more than twenty years.
7. In case of the lack of the historical records showing the total volume of water supplied during 20 years and in case of owners and users of new constructed bodies of water use or constructed less than 20 years ago Minimum and Maximum Water Rights shall be identified on the base of the instruction approved by the State Water Administration.

Article 36. Allocation of water under Water Supply Contract

1. Each Water Supply Contract shall specify an annual Notification Date, by which each water user must notify the Bulk Water Supplier of the volume of water it wishes to use during the following year, as well as the proposed delivery schedule. A water user may call for the delivery of a volume of water up to its Maximum Water Right or some lesser volume.
2. Within four weeks of the Notification Date, the Bulk Water Supplier, on the basis of the available hydro-meteorological information, determines:
 - the total amount of water is likely to be available within each irrigation system or water economy construction during the course of the following year; and
 - on the basis of the notifications received from water users, whether there will be adequate water to supply each water user with the volume of water it has requested.
3. If following a determination under sub-article 2 it appears to the Bulk Water Supplier that there will be adequate water available, the Bulk Water Supplier shall enter into an Annual Water Supply Agreement with each water user that must specify the total volume of water to be supplied to that user, the water delivery schedule and the payment schedule.
4. If following a determination under sub-article 2, it appears that there will not be adequate water available, the Bulk Water Supplier shall determine a proposed reduced allocation for each water user who holds a Water Supply Contract on a pro-rata or equivalent basis and shall notify each water user accordingly.
5. After notifying the water users of the proposed reduced allocation, the Bulk Water Supplier shall agree the water supply schedule with all water users supplied from the same irrigation system or water economy construction.
6. If after conclusion of annual agreement for water supply hydro meteorological information is made more precise and proposed water available in the same irrigation system or water economy construction does not comply to total supply under annual agreements, Bulk Water Supplier amends annual agreement with attachment of new schedule of supply and payment after agreement with each water user.
7. If following conclusion of annual agreement for water supply, it appears that there will not be adequate water available, then for reasons of control activity of the Bulk Water Supplier, it shall allocate water between holders of an annual agreements of that system on pro-rata basis in accordance with rules approved by the State Water Administration.

Article 37. Surplus water supply in accordance with the request of water users

1. The holder of a Water Supply Contract may request the Bulk Water Supplier to supply him with a volume of water that is more than its Maximum Water Right.
2. The Bulk Water Supplier may supply such greater amount of water provided surplus water is available as a result of other water users within the irrigation system requesting volumes of water that are less than their Maximum Water Rights. If more than one water users requests a volume of water in excess of its Maximum Water Right, the Bulk Water Supplier may supply surplus water to one or more water use on the base of the additional conditions to the annual agreement including higher payment for supply of additional volume of water.
3. Procedures for selling off surplus water and connected with it changes of Water Supply Contract in accordance with sub-article 2 are specified in regulations issued by the Government of the Kyrgyz Republic.

Article 38. Conditions of Water Supply Contracts and Annual Water Supply Agreements

- 1 The conditions of each Water Supply Contract and Annual Water Supply Agreement must replicate and give effect to any conditions contained in the relevant Water Use Permission held by the Bulk Water Supplier in respect of the quantity of water delivered.
- 2 In Accordance with the proposal of the State Water Administration the Government of the Kyrgyz Republic approves the model annual Water Supply Contract and model annual Water Supply Agreement.

Article 39. Legal effect of Water Supply Contracts and Annual Water Supply Agreements

1. Water Supply Contract takes into consideration the conditions within violation of which the Bulk Water Supplier stops water supply to the water user. The Bulk Water Supplier may stop water supply if the water user does not pay for water supply services within three months.
2. The Bulk Water Supplier is liable to pay compensation to the water user if it fails to supply the quantity of water specified in the Annual Water Supply Agreement in accordance with the delivery schedule except:
 - in cases of force-majeure;
 - in cases of non-fulfillment of the conditions specified in Water Supply Contract and Annual Water Supply Agreement;
 - where the relevant Water Use Permission held by the Bulk Water Supplier has been temporarily suspended or varied in accordance with article 26(1) a) or d).
3. The regulation on the order of payment of compensation to the water user for incomplete delivery of water quantity identified in the annual agreement for water supply is approved by the Government of the Kyrgyz Republic

4. Water Supply Contract can be cancelled on the grounds of mutual agreement of the parties or court decision.

Article 40. Service Charges payable under Water Supply Contracts

1. The State Water Administration identifies the order of giving an estimate for water supply services by the Bulk water Supplier.
2. The amount of payment for water supply services is approved by the Government of the Kyrgyz Republic.
3. The means charged for services in accordance with water supply contract are used for recovery of annual expenses of the bulk Water Supplier on operation and maintenance of irrigation and drain systems including payment for obtaining by the Bulk Water Supplier the Water Use Permission and payment for use of water as the natural resource established by Jogurku Kenesh of the Kyrgyz Republic.
4. The recording of volumes of water supplied is undertaken jointly by the water user and the Bulk Water Supplier in accordance with the terms of the Water Supply Contract.

Article 41. Assignment of rights and obligations under Water Supply Contract

1. A water user may assign some or all of its rights to water under a Water Supply Contract to another water user within the same irrigation system, on the written approval of the Bulk Water Supplier.
2. In accordance with a decision of the State Water Administration a Bulk Water Supplier may assign its rights and duties under a Water Supply Contract to another water supplier.

CHAPTER SIX – USE AND DEVELOPMENT OF UNDERGROUND WATERS

Article 42. Use of underground waters

1. Use of underground waters from wells more than thirty meters deep, which are equipped with electric pumps, shall take place on the basis of Water Use Permission or Special Water User Permission.
2. The use of water for domestic needs, and the watering of household plots and livestock, abstracted from a well of less than 30 meters deep does not require a Water Use Permission, irrespective of whether the well is hand-operated or electrically powered.
3. Use of water from non-regenerative zones of underground waters is prohibited.
4. Drilling and use of artesian (self-emission) wells is permissible only with use of special equipment that allows to fully block off spontaneous flow from the well.

Article 43. Permissions for water well drilling

1. The drilling of wells may only be undertaken on the basis of a well drilling permission issued by the State Water Administration. A well drilling permission shall last for a period of one year and shall specify:

- the land area in which the well may be drilled;
 - the maximum depth of the well;
 - the type of drilling equipment to be used; and
 - other conditions specified in a regulation issued by the Government of the Kyrgyz Republic.
2. The State Water Administration shall not issue a well drilling permission without the written agreement of the authorized State Hydro-geology Body.
 3. Every well drilling permission shall be subject to the condition that well drilling activities shall only be undertaken by a person who holds a professional well drillers license.
 4. The procedure for applying for a well drilling permission shall be determined in regulations issued by the State Water Administration.
 5. At the end of each drilling operation the holder of the well drilling permission must provide the State Water Administration and the authorized State Hydro-geology Body with a detailed hydro-geological report on the drilling operation. Such data must be provided within two months of the completion of drilling operation.

Article 44. Professional well drillers licenses

The professional activity on well drilling is implemented on the base of the license issued by the authorized State Body on Hydrology in accordance with the identified order.

CHAPTER SEVEN – DRINKING WATER SUPPLY

Article 45. Supply of drinking water

1. The regulation of the supply of drinking water is implemented in accordance with the Law of the Kyrgyz Republic “On drinking water”.
2. The abstraction and conveyance of water for drinking water networks shall take place on the basis of a Water Use Permission or Special Water Use Permission.

Article 46. The construction and operation of sewerage systems

The construction and operation of sewerage and other systems for the discharge of water and wastewater is governed by separate legislation. The discharge of sewage water and other wastes to water bodies is regulated by Chapter 9 of this Code.

CHAPTER EIGHT – ECONOMIC MECHANISMS OF WATER USE

ARTICLE 47. State financing

The state shall contribute fully or partially to the financing of water use and protection regulation in the form of budgetary disbursements, allocation of credit, investments, grants, long-term loans, attraction of foreign investments and other forms stipulated by the legislation of the Kyrgyz Republic.

ARTICLE 48. Charges for the use of water as a resource

1. The Jogorku Kenesh of the Kyrgyz Republic may determine charges for the use of water as a resource for each main river basin on the base of actual expenses for research, estimate and protection of water resources as well as expenses for State Water Administration's activity.
2. Funds generated in accordance with this article may be applied for:
 - operating and administrative costs of State Water Administration and other state bodies involved in water resource management;
 - investment costs of water development projects that provide for the efficient management and use of water resources in accordance with the National Water Strategy;
 - projects identified by state water economy programs; and
 - other purposes as may be determined by the Jogorku Kenesh of the Kyrgyz Republic.

CHAPTER NINE – PROTECTION OF WATER RESOURCES FROM POLLUTION AND DEPLETION

ARTICLE 49. Classification of waters

1. The National Water Council on the proposal of the State Water Administration following consultation with the authorized State Sanitarian and Epidemiological Body and the authorized State Environmental Protection Body, organizes classification of waters of the Kyrgyz Republic in accordance with the quality and the directions of their use for each water object. The directions of use may include, but not be limited, water use for drinking, agricultural and recreation purposes.
2. The authorized State Environmental Protection Body after agreement with the authorized State Sanitarian-Epidemiological Body proposes standards for water quality in respect of each water body that has been so classified.
3. Standards for water quality are approved by the authorized State Sanitarian-Epidemiological Body.

ARTICLE 50. General prohibition of water pollution

The discharge of wastes or pollutants to a water body, a water economy construction or the lands of the water fund is prohibited except in accordance with the terms of a valid Discharge Permission.

ARTICLE 51. Banned substances and regulations on standards for discharge polluted substances and wastes into water bodies, water Economy constructions and lands of water fund

1. On the proposal of the authorised State Environmental Protection Body the Government of the Kyrgyz Republic approves a list of substances, which because of their hazardous nature or the risk that they pose to the environment may never be discharged to any water body, water economy construction or the lands of the water fund.

2. On the proposal of the State Environmental Protection Body the Government of the Kyrgyz Republic issues regulations specifying:
 - maximum limit values for the discharge of pollutants and wastes to water bodies, water economy constructions and the lands of the water fund;
 - processes and standards for the treatment of pollutants and wastes prior to their discharge to water bodies, water economy constructions and the lands of the water fund.

ARTICLE 52. Discharge Permission that authorise the discharge of wastes and pollutants to water bodies, water economy constructions or the lands of the water fund

1. Discharge Permissions that authorise the discharge of wastes and pollutants to water bodies, water economy constructions or the lands of the water fund are issued by the authorised State Environmental Protection Body after agreement with the authorized State Sanitarian and Epidemiological Body and the State Water Administration.
2. Every Discharge Permission that authorise the discharge of wastes and pollutants to water bodies, water economy constructions or the lands of the water fund contains conditions relating to:
 - amount of wastes or pollutants that may be discharged over a specified period;
 - description of the location of discharge constructions with their characteristics and enclosure of cartographical materials;
 - monitoring to be undertaken by the permission holder and the frequency with which monitoring information is to be provided to the authorized State Environmental Protection Body;
 - description of treatment or pre-treatment processes to which the wastes or pollutants are to be subjected prior to their discharge;
 - description of the construction, operation and maintenance of any structures necessary for the treatment or pre-treatment of wastes and pollutants or which regulate or control the manner or place of their discharge; and
 - such other matters as may be identified by the Government of the Kyrgyz Republic necessary to minimize or prevent pollution of water bodies or water economy constructions and to meet applicable water quality objectives including seasonal or other variations on the quantity or concentration of pollutants that may be discharged.
3. Discharge Permission may specify deadlines for the phased reduction of the quantity of concentration of pollutants that may be discharged.
4. Discharge Permission shall last for a maximum period of three years. Discharge Permission may not be transferred to another person without the written permission of the authorised State Environmental Protection Body.
5. Discharge Permissions that authorise the discharge of wastes and pollutants to water bodies and water economy constructions of the Kyrgyz Republic are issued and regulated by the Water Code of the Kyrgyz Republic and other normative legal acts of the Kyrgyz Republic issued in accordance with it.

ARTICLE 53. Applications for Discharge Permissions

1. Every application for Discharge Permission is made in writing to the authorized State Environmental Protection Body and is accompanied by the necessary documents. The list of documents for making an application is identified by the authorized State Environmental Protection Body.
2. The authorized State Environmental Protection Body before making a decision on approval of Discharge Permission must agree it with:
 - the authorized State Sanitary and Epidemiological Body.
 - the State Water Administration which must confirm that the issue of the Discharge Permission will not affect the rights of any holder of a Water Supply contracts relating to the same water economy construction;
3. In determining each application for a Discharge Permission the authorized State Environmental Protection Body shall take account of:
 - normative of maximum-allowed discharges of pollutants developed and approved according to current legislation of the Kyrgyz Republic;
 - relevant Basin Plan;
 - other uses of the relevant water body or water economy construction and the potential impact on them, if any, of granting the Discharge Permission;
 - any classification of waters;
 - regulations issued in accordance with article 51 of this Code.
4. Within 30 days the authorized State Environmental Protection Body notifies in written form the applicant on the decision made (agreement and refusal). The refusal should be motivated.

ARTICLE 54. Suspension, variation or cancellation of water discharge permission that authorise the discharge of wastes and pollutants to water bodies, water economy constructions or the lands of the water fund

The authorized State Environmental Protection Body may temporarily suspend, vary or cancel a Discharge Permission that authorise the discharge of wastes and pollutants to water bodies, water economy constructions or the lands of the water fund in the following circumstances:

- a. drought or water shortage or other emergency situation;
- b. non-compliance with the conditions of the permission;
- c. at the request of the permission holder;
- d. where this is necessary for reason of public interest
- e. where this is necessary to ensure compliance with water quality standards

ARTICLE 55. Renewal of water discharge permission

Water Discharge Permission may be renewed on the application of the permission holder at least one month prior to the expiry of the permission. The list of documents for application is determined by the authorized State Environmental Protection Body.

ARTICLE 56. Diffuse source pollution

1. Each Basin Water Plan must identify areas that by reason of their topography and current or projected land use practices, such as the use of pesticides and fertilizers in agriculture, pose risks of diffuse source pollution to water bodies and water economy constructions and shall propose measures to prevent, reduce or mitigate such pollution. Such measures may include the preparation and dissemination of technical guidelines, training programs and programs of financial assistance.
2. Conditions in water use permissions must address the risk of diffuse pollution as the result of the use of the water and the measures that the permission holder has to undertake measures on prevention, reduction or alleviation of water resource pollution.
3. The State Water Administration may declare Water Protection Zones to address problems of diffuse source pollution and may issue regulations to regulate activities within such zones so as to prevent or minimize diffuse source pollution.

ARTICLE 57. Administrative fees for the issue, variation, and renewal of discharge permission

Administrative fees for consideration for the issue, variation and renewal of Discharge Permissions are levied by the authorized State Environmental Protection Body. The level of such fees are determined the Government of the Kyrgyz Republic taking into account the actual administrative and other costs of the authorized State Environmental Protection Body and other state bodies involved in dealing with the consideration.

ARTICLE 58. Register of discharge permissions

The authorized State Environmental Protection Body maintains a register of Discharge Permissions, which must contain:

- details of all Discharge Permissions that have been issued under this Code together with details of any suspensions, variations, cancellations and renewals;
- details of all applications made to the authorized State Environmental Protection Body in respect of new Discharge Permissions;
- details of any monitoring information required to be filed with the authorized State Environmental Protection Body by the permission holder in accordance with the conditions of the permission;
- details of any enforcement action taken by the authorized State Environmental Protection Body in respect of the permission.

ARTICLE 59. Water pollution charges

1. The Government of the Kyrgyz Republic on the proposal of the National Water Council establishes a system of charges for the discharge of wastes and pollutants to water as charges for the use of nature.
2. The levels of such charges are set at a rate that will seek to discourage or minimize the discharge of wastes and pollutants to water bodies or water economy constructions as well as provide their ecology safety.

ARTICLE 60. Power to carry out water resource protection works

1. In cases where pollutants or waste have been, or are likely to be, discharged to any water body, water economy construction or land of the water fund, the State Environmental Protection Body may:
 - serve a written notice on a responsible person ordering that person to undertake specified water resource protection works;
 - undertake such water protection works itself.
2. Where the State Environmental Protection Body carries out water protection works it shall be entitled to recover its reasonable costs incurred by it in doing so from a responsible person.

ARTICLE 61. Protection of underground water from pollution

1. The plans of zoning identify areas which polluting or potentially threat to the quality of underground waters.
2. The Government of the Kyrgyz Republic issues regulations on the protection of underground water from pollution on the proposal of the State Water Administration and the authorized State Hydro-geological Body.

ARTICLE 62. Protection of Glaciers

It is strictly prohibited to apply coal, dust, oils or any other matter or substance to glaciers to increase the rate at which they melt and activities that may adversely affect the state and integrity of glaciers or the quality of the water that they contain, or which involve the extraction of ice from them.

ARTICLE 63. Promotion of water saving measures

The state stimulate and provide researches or development of new technologies, the establishment of new tools and equipment that reduce water use or prevent or reduce the pollution of water resources.

Article 64. Minimum ecological flow requirements

On the basis of a joint proposal from the authorized State Environmental Protection Body and the State Water Administration the Government of the Kyrgyz Republic specifies minimum ecological flow requirements for specified rivers and water bodies that are necessary to maintain the health of fish stocks and aquatic ecosystems.

CHAPTER TEN – PROTECTION ZONES

ARTICLE 65. Types of protection zones

1. The following types of protection zone may be declared pursuant to this Code:
 - Zones of Sanitary Protection;

- Zones of Stock Formation;
 - Groundwater Protection Zones;
 - Water Protection Zones;
 - Zones of emergency ecological situations and ecological disasters.
2. Each Basin Plan contains a review of existing protection zones and their effectiveness and, as appropriate, makes recommendations regarding the designation of new protection zones or the alteration of the boundaries of existing protection zones.

Article 66. Zones of sanitary protection

1. Zones of Sanitary Protection are established around water economy bodies and water economy constructions that are used to abstract water from surface and underground water bodies for drinking and household water supply as well as for medicinal uses. A sanitary protection zones applies to the land around the relevant water economy construction, as well as to the water body itself.
2. The location, size, area and regime of Sanitary Protection Zones are determined by the relevant local state administration body on the basis of the Basin Plan and the developed project agreed with the body of the sanitary-epidemiological supervision.
3. A resolution regarding the size, location and operation regime of Sanitary Protection Zones is developed by the authorized state sanitary-epidemiological bogy and approved by the Government of the Kyrgyz Republic.

Article 67. Zones of Stock Formation

1. The area where rivers are formed shall be zones of stock formation. Zones of stock formation shall be identified by the Government of the Kyrgyz Republic in accordance with the proposals of the State Water Administration and the authorized State Environmental Protection Body.
2. Within every Zone of Stock formation it shall be prohibited to:
 - locate tailings dams, dumps, cemeteries, live-stock burial grounds and other economic objects that might harm the quality of water resources;
 - litter the ice cover of water bodies, glaciers and snow fields with industrial, domestic and other wastes and to pollute them by oil products, chemicals and other harmful matters;
3. The regulations on prohibition or restriction of another types of activity in zones of stock formation shall be identified by the Government of the Kyrgyz Republic.

Article 68. Groundwater Protection Zones

1. The Government on the joint proposal of the State Water Administration and the authorized State Hydro-geological Body declares any area to be a Groundwater Protection Zone where the groundwater is particularly vulnerable to pollution or to protect the groundwater from overdraft.
2. The Government of the Kyrgyz Republic approves regulations on prohibiting or restricting specified activities within a Groundwater Protection Zone including:

- irrigation of lands with waste water;
- abstraction of groundwater;
- operation of industrial or commercial enterprises that use or store particular solvents or chemicals;
- operation of landfill sites and dumps;
- other types of activity identified by the Government of the Kyrgyz Republic on the proposals of the State Water Administration and the authorized State Hydro-geological Body.

ARTICLE 69. Water protection zone

1. In consultation with the authorized State Environmental Protection Body and local state administrations, the State Water Administration, may define Water Protection Zones adjacent or near to water bodies in which specified activities that by their nature have the potential to cause pollution or harm to water resources are restricted or prohibited. Such activities include:
 - location and operation of livestock farms;
 - application and use of pesticides and organic and chemical fertilizers;
 - operation of specified commercial and industrial enterprises;
 - storage, processing or disposal of wastes;
 - construction of structures.
2. State control on following the regime of use and protection of water resources and other economic activity of physical and legal entities in the Water Protection Zone is performed by the State Water Administration, the State Environmental Protection Body, and local state administrations.

ARTICLE 70. Zones of emergency ecological situations and ecological disasters at water bodies

The President of the Kyrgyz Republic may make the decision on announcement of an Emergency Ecological Situation or an Ecological Disaster in respect of any water body in accordance with the Law of the Kyrgyz Republic “On Environmental Protection”.

CHAPTER ELEVEN – EMERGENCY SITUATIONS

Article 71. National Flood, Mud-flood, and Drought Information and Warning System

1. On the proposal of the State Water Administration, the authorized State Emergency Situations Body and the authorized State Hydrometeorology Body the Government of the Kyrgyz Republic establishes a National Flood, Mud Flood, and Drought Information and Warning System to alert state bodies and members of the public to the short and medium threats of floods, mud-floods and droughts of local, Basin and National importance.
2. The National Flood, Mud Flood, and Drought Information and Warning System contains historical information and current forecasts on:
 - floods, mud floods and land slides;
 - droughts;
 - the condition and sustainability of natural water bodies including high mountain lakes;

- the condition and sustainability of the main water economy constructions including dams within water reservoirs and protection dams at the rivers; and
 - threats of floods, droughts, mud-floods and land slides for population.
3. On the proposal of the State Water Administration, the Government of the Kyrgyz Republic issues regulations on the dissemination of information contained in the National Flood, Mud Flood and Drought Information and Warning System.

Article 72. Flood and Mud flood protection

1. Each Basin Plan identifies those areas that are at risk from floods, mud floods and land slides and the types of activities that should be prohibited or restricted in such areas to prevent or minimize the risks to human life and property from floods and mud floods.
2. In accordance with the Basin Plan in areas of the type specified in sub-article 1 it is prohibited:
 - To construct of any building or structure in an area that is at risk from flooding, mud flooding and land sliding without the written agreement of the State Water Administration;
 - To undertake specified activities that may cause flooding, mud flooding and land sliding without the written Agreement of the State Water Administration.
3. The State Water Administration together with State Emergency Situations Body prepares annual programs for the construction, operation and maintenance of protection works to protect populated and industrial areas, human lives and property from risk of floods and mud floods. Such programs are submitted to the National Water Council for consideration and decision making on sources of financing.

ARTICLE 73. Planning of measures for emergency situations

In collaboration with the State Emergency Situations Body the State Water Administration prepares and periodically reviews Flood, Mud Flood and Land Slides Emergency Plans in respect of areas identified in the relevant Basin Plans and historical records.

1. Flood, Mud Flood and land slides Emergency Plans identify:
 - emergency warning and information systems to promptly warn populations of the risks of floods, mud-floods and land slides;
 - the responsibilities of state bodies in the event of a mud, mud flood and land-slides;
 - systems for the evacuation of the civilian population; and
 - options regarding the provision of food and shelter for those who have been evacuated, and mechanisms for achieving this.
2. The procedures and the order of removal of emergency situations are identified by the Law of the Kyrgyz Republic ‘On Protection of Population and Territories from Emergency Situations of Natural and Technogenic Character’ and other normative and legal acts of the Kyrgyz Republic.

Article 74. Droughts and Water Shortages

The Government of the Kyrgyz Republic may in times of drought or water shortage shall have the right to:

- introduce restrictions on some or all activities that involve the use of water resources;
- limit or restrict the use of water pursuant to Water Use Permissions and/or Water Discharge Permissions;
- temporarily defines new priorities for the use of water within the area that is subject to the drought and water shortage;

CHAPTER TWELVE – DAM SAFETY

ARTICLE 75. Responsibilities of the owners and operators of dams

The owner and operator of every dam shall be responsible:

- for the safety of the dam;
- for ensuring that the dam is maintained and operated in a safe manner; and
- for any damage within caused as a result of its improper or unlawful operation.

ARTICLE 76. Classification of dams

1. Dams in the Kyrgyz Republic, including hydro-energy purposes, are classified into one the following three categories in accordance with criteria to be approved by the National Water Council on the proposal of the State Water Administration:

- dams of national importance;
- dams of Basin importance;
- dams of rayon importance.

2. Criteria for the classification of a dam are based on:

- the height of the dam;
- the volume of water that it impounds;
- the risk to the public, property and water resource quality that the failure of the dam would pose;
- the extent of potential loss or harm involved that the failure of the dam would cause;
- possible change of water quality;
- the socio-economic impacts of the failure of the dam; and
- the international importance of such a dam.

3. On the proposal of the State Water Administration the Government of the Kyrgyz Republic identifies the order of organization of inspection, monitoring arrangements and operational and maintenance requirements of the dams of national, basin and rayon importance.

ARTICLE 77. The National Dam Safety Commission

1. The Government of the Kyrgyz Republic shall establish the National Dam Safety Commission as an independent technical body.

2. Following receipt of inspection reports, the National Dam Safety Commission makes recommendations to the State Water Administration regarding the need for remedial or construction works. On receipt of such recommendations, the State Water Administration may order the owner or operator of the dam to undertake remedial or construction works where this is necessary for safety reasons.
3. The National Dam Safety Commission prepares proposals on inspection of dams to the Government of the Kyrgyz Republic according to established order.
4. On the base of its inspection, the National Commission on Dam Safety prepares report on dam safety and makes the recommendations on removal of failure for:
 - dams of the national importance at least each five years
 - dams of basin importance at least each ten years
 - dams of rayon importance – at least each fifteen years.

Article 78. Registration of dams

1. The owner or operator of every dam must, within 6 months of the entry into force of this Code, apply to register that dam with the State Water Administration. The registration application shall be in the prescribed form and shall contain details of the owner or operator of the dam, the location of the dam, the size of the dam, details of the construction of the dam and other necessary information.
2. The State Water Administration shall maintain a register of dams within the Kyrgyz Republic containing the information specified in sub-article 1.
3. The owner or operator of each dam must file an annual report to the State Water Administration with details of any changes and bringing out defects in design of dam as well as on operation and maintenance.

CHAPTER THIRTEEN – IRRIGATION AND OTHER WATER ECONOMY ACTIVITIES

ARTICLE 79. Irrigation and Drainage Commissions

1. Irrigation and Drainage Commissions are established at the National, Basin and local levels to:
 - to review the performance of relevant irrigation and drainage systems during the previous irrigation season and to make recommendations regarding operation and maintenance in the following irrigation season;
 - to supervise the implementation of any recommendations made and the preparations for the forthcoming irrigation season;
 - to act as a forum for information exchange and coordination among irrigation water users concerning irrigation and melioration condition of land;
 - to advise on issues that shall be their competence.
2. The National Irrigation and Drainage Commission is chaired by the Head of the State Water Administration and includes the heads of its territorial bodies, other Bulk Water Suppliers, representatives of irrigation water users. The composition of the National Irrigation and Drainage Commission is approved by the Government of the Kyrgyz

Republic. The National Irrigation and Drainage Commission oversees the performance of specified irrigation systems of national and international importance.

3. Each Basin Irrigation and Drainage Commission is chaired by the Head the relevant basin body of the State Water administration and must include water suppliers and representatives of irrigation water users. The composition of the Basin Irrigation and Drainage Commission is approved by the State Water Administration. The Basin Irrigation and Drainage Commission oversees the performance of specified irrigation systems of Basin importance.
4. Each Local Irrigation and Drainage Commission is chaired by the local territorial body on operation and maintenance of the state irrigation systems and includes the representatives of irrigation water users. The composition of the rayon commission on irrigation and drainage shall be approved by the State Water Administration. Each local irrigation and drainage commission oversees the performance of specified irrigation and local systems of local importance.

ARTICLE 80. Implementation of works on maintenance of irrigation and drainage systems

1. The owner or user of an irrigation and drainage system is responsible for ensuring that it is properly maintained. The owner or user may either undertake such works itself or engage contractors.
2. In the case of state owned irrigation and drainage system contractors are selected on a competitive basis in accordance with relevant procurement rules identified by the legislation of the Kyrgyz Republic.
3. During remedial maintenance and rehabilitation deforestation within easements of canals and water economy constructions as well as sanitarian felling are carrying out without agreement with specially authorized state bodies.

ARTICLE 81. Plans for the operation and maintenance of irrigation systems

1. On the base of defect acts and findings of the irrigation and drainage commissions, Bulk Water Suppliers develops plans on operation, maintenance and reconstruction of irrigation and drainage systems. Plans are developed to be implemented within a year and for prospective.
2. Minimum content of annual plans on operation and maintenance of irrigation and drainage systems includes:
 - identification of the required volume of repairing works in accordance with the their types, irrigation and drainage systems with identification of design cost of their implementation;
 - chosen of executers for implementation of repairing works, preparation of repairing work schedule taking into account the beginning of the irrigation season; and
 - defining needs for operation and maintenance of irrigation systems and financial abilities of water suppliers.

3. Minimum content of prospective plans on reconstruction (rehabilitation) of irrigation and drainage systems includes:
 - identification of the list of irrigation systems with served infrastructure that require reconstruction;
 - establishment of volume of works (in accordance with the type) for reconstruction of irrigation constructions with identification of a design cost of their implementation;
 - identification of economic effectiveness of designed works on reconstruction of irrigation systems;
 - preparation of a schedule on reconstruction of irrigation systems for the nearest 5 years including the current year; and
 - identification of the source of financing for reconstruction of irrigation systems.

ARTICLE 82. Financing of the operation and maintenance of irrigation systems

1. The costs of operating and maintaining state owned irrigation systems is funded from the state budget and from service charges for water supply services.
2. Investment costs for the construction or rehabilitation of state owned irrigation systems are provided from the state budget, charges for water supply and other sources not prohibited by the legislation of the Kyrgyz Republic.

ARTICLE 83. Irrigation and drainage subsidies

On the proposal of the Government of the Kyrgyz Republic the Jogorku Kenesh of the Kyrgyz Republic may approve annual subsidies for irrigation and drainage.

CHAPTER FOURTEEN - THE OWNERSHIP AND USE OF WATER ECONOMY CONSTRUCTIONS AND THE LAND OF THE WATER FUND

ARTICLE 84. Ownership of irrigation and drainage systems and water economy constructions

1. Irrigation and drainage systems and water economy constructions may be in state or private ownership.
2. The Government of the Kyrgyz Republic on the proposal of the State Water Administration approves and periodically reviews a list of state owned irrigation and drainage systems and water economy constructions.
3. Irrigation and drainage systems and water economy constructions of inter-rayon, inter-oblast or inter-state importance or which are used, or which can be used, to provide service to more than one water user are in the exclusive ownership of the state.
4. An irrigation and drainage systems or parts thereof (a canal, drain, collector or reservoir) and lands of water fund occupied by them that are operated or maintained by the State Water Economy Body and which serve only one Water Users' Association may be transferred in ownership to that association in accordance with the order identified by the Government of the Kyrgyz Republic.

ARTICLE 85. Use of lands of the water fund

1. Lands of the Water Fund except land occupied by irrigation, drainage systems and water economy constructions, may be given in use for needs of agriculture, fishery, hunting and other purposes on the base of the decision of the Government of the Kyrgyz Republic.
2. The State Water Administration may limit the use of banks in defined areas or throughout the Kyrgyz Republic in the interests of environmental protection, water resource management or for such other reasons as may be determined by a decision of the Government of the Kyrgyz Republic.
3. In connection with issuing Water Use Permission, including Special Water Use Permission, lands of the water fund may be given in use for purposes of construction of water economy facility in accordance with the decision of the Government of the Kyrgyz Republic that takes into consideration:
 - terms of water fund lands use that can't exceed the terms of water use permission
 - obligations of the user on removal of constructed by him water economy construction because of the deadline of the terms of the Water Use Permission or the conditions of transfer of the water economy facility to the state ownership and payment of compensation to the user.
4. In the event of the expiry of the right to water funds lands use, the Water Use Permission and the Special Water Use Permission, the water economy construction shall be transferred to the state ownership with payment of compensation in accordance with legislation of the Kyrgyz Republic.

ARTICLE 86. Extraction of gravel and other materials from water bodies and water fund lands

1. The extraction of gravel and other materials from river beds, their banks and related protection zones is prohibited except under the authority of a Water User Permission issued by the State Water Administration in accordance with Chapter 4 of this Code.
2. A permission issued under this article shall last for a period of up to five years and shall be subject to conditions that specify:
 - the quantity and type of gravel or other material that may be extracted;
 - the means by which gravel or other material may be extracted;
 - the area, by reference to a plan, from which the gravel or other material may be extracted;and
 - requirements to the permission holder regarding data collection, monitoring and reporting relating to the permission.
3. Permissions shall not be issued under this section in cases where the extraction of gravel is likely to cause harm to:
 - public water works;
 - the stability of water object banks;
 - aquatic fauna;
 - the use of water by existing water users;
 - safety to the water economy constructions.

4. The issue of Gravel and other Materials Extraction Permission is a subject to the payment. The amount of payment and the procedures for issuing Gravel Extraction Permission are specified by the Government of the Kyrgyz Republic.

ARTICLE 87. Servitudes

1. Servitudes may be established in accordance with the agreement of the parties (voluntary servitudes) or, in case of the necessity on the base of the decision of the authorized state body (forced servitude) for the purposes of water resource management, operation, maintenance and construction of irrigation, drainage systems and water economy constructions.
2. The agreement on the servitude establishment (voluntary servitude) includes:
 - purposes of servitude establishment;
 - description of the parcel encumbered by servitude;
 - conditions and terms of servitude establishment;
 - a plan or a map of the parcel with identification of the place of servitude location.
3. The forced servitude may occur on the base of the decision of the authorised state body for provision of the excess to the land parcel when another excess necessary for the purposes of sub-article-1 is impossible or require disproportionate expenses.
4. The decision of the authorised state body that takes into consideration the establishment of the servitude or the refusal of the land parcel owner or land user in servitude establishment may be disputed in court.
5. Damages inflicted upon a landowner by establishment of servitude shall be subject to indemnification by the person in whose advantage the servitude is established. The amount of damages shall be defined by the State Water Agency and, in cases where the landowner disagrees, by the court.
6. The servitude shall be kept in the case of transfer, change of the rights to the land parcel.
7. The servitude occurred in accordance with the agreement may be established for uncertain term or the term taken into consideration by the agreement. The forced servitude may be terminated because of the termination of the grounds in accordance with which the servitude has been established due to the decision of the authorized state body or the court.
8. The establishment of the servitude must be obligatory registered in accordance with the order identified in the legislation of the Kyrgyz Republic.

CHAPTER FIFTEEN - THE STATE WATER INSPECTORATE

ARTICLE 88. The state water inspectorate

1. The State Water Inspectorate is a structural division of the State Water Administration that implements functions of state supervision on use of water bodies and water resources in the Kyrgyz Republic.

2. The Head of the State Water Administration is also the Chief State Water Inspector of the Kyrgyz Republic.

ARTICLE 89. Rights and duties of state water inspectors

1. The State Water Inspection has the right to:
 - receive from the state bodies, enterprises, organization, institutions irrespectively from the form of property and departmental belonging and also from physical persons free of charge information necessary for implementation of the duties except cases when the governing legislation establishes the special order of obtaining such information;
 - implement annual control of persons that have permissions for water use and water discharge in accordance with the identified schedule;
 - apply to the court in connection with violators of the water legislation.
2. Within implementation of the duties the State Water Inspector must follow provisions and rules approved by the Government of the Kyrgyz Republic or the State Water Administration.

CHAPTER SIXTEEN - RESPONSIBILITY FOR VIOLATION OF THE WATER LEGISLATION IN THE KYRGYZ REPUBLIC

ARTICLE 90. Responsibility for violation of the water legislation in the Kyrgyz Republic.

1. The violations of the water legislation are as follows:
 - use of water contrary to the terms of an order issued by the State Water Administration;
 - undertaking of activities or actions without a Water Use Permission or a Special Water use Permission;
 - failure to comply with the conditions of a Water Use Permission or a Special Water Use Permission;
 - transfer a Water Use Permission or a Special Water Use Permission without the written approval of the State Water Administration;
 - uses of water from an artesian well or a well that is more than thirty metres deep without a Water Use Permission or Special Water Use Permission or use of groundwater from artesian (self-pouring out) well contrary without use of the special equipment that allows fully recover water entry from the well;
 - drilling of a well without a well drilling permission, or breach of the conditions of such a permission or fail to provide drilling report;
 - drilling of the well without holding a professional well drillers licence;
 - discharge of wastes or pollutants to a water body, water economy construction or the lands of the water fund otherwise than in accordance with a Discharge Permission contrary to it;
 - discharge of a banned substance to a water body, water economy construction or the lands of the water fund;
 - transfer of Discharge Permission to another person contrary;
 - contravene of rules or regulations to prevent diffuse source pollution;
 - unlawfully failure to comply with an order to under Water Protection Works;
 - contravene of underground water protection rules;
 - damage or other harms to glaciers;
 - breach of applicable rules in a Zones of Sanitary Protection;
 - breach of applicable rules within a Stock Formation Zones;
 - breach of applicable rules within a Groundwater Protection Zones;
 - breach of applicable rules within a Water Protection Zones;

- contravene of rules relating to mud-flood protection;
 - contravene of the terms of a drought order;
 - unlawfully failure of rules on dam safety;
 - failure to comply with a conditions of a permission to extract gravel and other materials;
 - contravene of rules relating to the use of the lands of water fund;
 - hinder to a State Water Inspector acting in the course of his duties or unlawfully refuse to provide information required.
2. Persons violated water legislation of the Kyrgyz Republic bear criminal, administrative and other liability in accordance with the legislation of the Kyrgyz Republic.
 3. Legislation of the Kyrgyz Republic may establish responsibility for other kinds of water law violation.

ARTICLE 91. Liability of citizens and legal entities for damage to water bodies.

1. Citizens and legal entities that cause damage to water bodies recover it voluntary or in accordance with court or arbitrage decision in accordance with methods of calculation of damage caused to water bodies and if there are no such on factual expenses for rehabilitation of water bodies taking into account loses including lost benefits.
2. Suits on recovery of damage caused to water bodies by violation of water legislation of the Kyrgyz Republic shall be mounted by the State Water Inspectorate, and the authorized State Environmental Protection Body.
3. Damage recover amount levied by the decision of court and arbitrage transfers to the national or local budget of the Kyrgyz Republic.
4. Conditions and order of damage recover caused to the water objects in case of violation of water legislation of the Kyrgyz Republic are regulated by this Code and other normative legal acts of the Kyrgyz Republic approved in accordance therewith.

ARTICLE 92. Invalidity of transactions made with violation of water legislation of the Kyrgyz Republic

Transactions made with violation of the legislation of the Kyrgyz Republic are regarded as invalid.

CHAPTER SEVENTEEN – THE SINGLE WATER INFORMATION SYSTEM

ARTICLE 93. Content of the single water information system

The Single Water Information System comprise:

- the Register of Water User Permissions and Special Water Use Permissions;
- the Register Permissions on discharge of wastes and polluted matters to water bodies, water economy constructions and lands of water funds;
- the State Water Cadastre;
- other information identified by the Government of the Kyrgyz Republic.

Article 94. The state water cadastre

1. The State Water Cadastre includes information on:

- the quantity and quality of surface waters;
 - the quantity and quality of underground waters;
 - the lands of the water fund; and
 - the status, condition and location of state owned water economy constructions and irrigation systems.
2. Information the state monitoring of water resource is included in the State Water Cadastre, which is maintained to provide the necessary information for the purposes of water resources management, the planning of water economy development activities and the rational use and protection of the water fund.
 3. The State Water Cadastre is maintained by the State Water Administration, the authorized State Hydro-Meteorology Body and the authorized State Hydro geological Body in accordance with the Resolution approved by the Government of the Kyrgyz Republic.
 4. The State Water Administration, the authorized State Hydro-Meteorology Body, the authorized State Hydro geological Body have the right to receive without difficulty and free of charge from enterprises, institutions, organization and citizens-water users information necessary for maintenance of the State Water Cadastre.

ARTICLE 95. State ameliorative cadastre

1. State ameliorative cadastre constitutes integrated data on ameliorative condition of irrigated lands in the context of water bodies and administrative and territorial division and establishes on the base of:
 - data on mineralization of ground waters in all existing observation wells;
 - data on soil survey of irrigated lands for financial and preceded years;
 - data fluctuations of level of ground waters taking into account seasonal fluctuations and statistics for preceded years.
2. The State Ameliorative Cadastre is maintained by the State Water Administration according to the Provision of the Government of the Kyrgyz Republic.
3. The State Water Administration has the right to receive without difficulty and free of charge from enterprises, institutions, organization and citizens-water users information necessary for maintenance of the State Ameliorative Cadastre.

ARTICLE 96. Public access to information systems

The representatives of public shall have excess to the Single Information System except cases identified in item 2 of Article 97.

ARTICLE 97. Restriction of access to information contained in the Single Information system

1. The information that is regarded as the national secret in accordance with the legislation of the Kyrgyz Republic can't be included in the Single Information System.
2. A legal or a physical person may apply to the state body that operates the register for a ruling that information concerning a permission or an application for a permission that

would otherwise be included in a register be excluded on the grounds that the information is commercially confidential and the availability of such information on the register would cause that person economic harm or loss. In support of such an application the applicant must provide evidence of the harm or economic loss, which he/she claims would otherwise be caused.

CHAPTER EIGHTEEN – INTERNATIONAL CO-OPERATION IN THE FIELD OF WATER RELATIONS

ARTICLE 98. Inter-country use of water bodies, water resources and water economy constructions of the Kyrgyz Republic

Issues of inter-country use of water resources, water bodies, and water economy constructions as well as the protection of water resources of the Kyrgyz Republic are regulated by the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, international agreements of the Kyrgyz Republic as well as the applicable provisions of international law.

CHAPTER NINETEEN – FINAL PROVISIONS

ARTICLE 99. Enactment of This Code

1. This Code shall come into force after the day of the official publication thereof.
2. Before bringing to conformity normative and legal acts governing at the territory of the Kyrgyz Republic in accordance with this Code, normative and legal acts of the Kyrgyz Republic shall be used in accordance within the limits and order that are taken into consideration by the Constitution of the Kyrgyz Republic and shall not contradict of this Code.
3. To suggest the Government of the Kyrgyz Republic within 6 month after approval of this Code to:
 - approve normative and legal acts that provide the implementation of this Code;
 - develop and present to the Jogorky Kenesh of the Kyrgyz Republic in accordance with the established order the proposals on amendments to the legislation of the Kyrgyz Republic because of the approval of this Code.

President of the Kyrgyz Republic

A. Akaev

Approved by the Legislative Assembly
of the Jogorku Kenesh of the Kyrgyz Republic on 9th of Dec 2004.