

I R R I G A T I O N

(Government Regulation No. 20/2006 dated May 30, 2006)

BY GRACE OF GOD THE ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

That in order to implement the provision in Article 41 of Law No. 7/2004 on Water Resource, it is necessary to stipulate a government regulation on irrigation;

In view of:

1. Article 5 paragraph (2) of the Constitution of 1945;
2. Law No. 7/2004 on Water Resource (Statute Book of 2004 No. 32, Supplement to Statute Book No. 4377);

D E C I D E S :

To stipulate :

THE GOVERNMENT REGULATION ON IRRIGATION

CHAPTER I

GENERAL PROVISION

Article 1

Referred to in this government regulation as:

1. Water is all kinds of water found in, on and below land surface, including surface water, rain water and sea-water on the mainland.
2. Water Source is a natural and/or artificial place or facility of water in, above and below the land surface.
3. Irrigation is an effort to provide, regulate and dispose irrigation water for supporting agriculture with the kinds consisting of surface irrigation, swamp irrigation, under-ground water irrigation, pump irrigation and pond irrigation.
4. Irrigation System covers irrigation infrastructure, irrigation water, irrigation management, institutional affairs of irrigation management and human resources.
5. Provision of Irrigation Water is stipulation of the volume of water per unit of time, which is allocated from a water source to an irrigation area on the basis of the time, quantity, and quality in accordance with the need for supporting agricultural and other purposes.
6. Regulation of Irrigation Water is an activity, covering division, provision and utilization of irrigation water.
7. Division of Irrigation Water is an activity to share water in a distributing structure in primary and/or secondary networks.
8. Provision of Irrigation Water is an activity to channel water in a specified volume from primary or secondary network to tertiary cluster.
9. Utilization of Irrigation Water is an activity to utilize water from a tertiary cluster to water agricultural land if necessary.
10. Disposal of Irrigation Water, hereinafter called drainage is the channeling of the excess of water no longer used in a certain irrigation area.
11. Irrigation Area is an unit of land obtaining water from an irrigation network.
12. Irrigation Network is channel, structure and complementary structures being an integrated unit needed for provision, division, channeling, utilization and disposal of irrigation water.
13. Primary Irrigation Network is part of irrigation network consisting of the main structure, main/primary channel, disposal channel, distributing structure, absorbing distributing-structure, absorbing structure, and complementary structures.
14. Secondary Irrigation Network is a part of irrigation network consisting of secondary channel, disposal

channel, distributing structure, absorbing distributing-structure, absorbing structure, and complementary structures.

15. Groundwater Basin is an area restricted by hydro-geological border, wherein all hydro-geological events, such as affixation, channeling and release of groundwater take place.

16. Groundwater Irrigation Network is an irrigation network whose water comes from groundwater, starting from wells and pump installations to groundwater irrigation network, including structures inside it.

17. Groundwater Irrigation Channel is part of groundwater irrigation network starting after pump structure as far as the watered land.

18. Rural Irrigation Network is irrigation network built and managed by rural communities or rural governments.

19. Tertiary Irrigation Network is an irrigation network functioning as irrigation-water service infrastructure in tertiary cluster, consisting of tertiary channel, quarter channel and disposal channel, tertiary box, quarter box as well as complementary structures.

20. Farmer Community is a group of communities engaged in the agricultural sector, covering farmers already joining in organization of groups of farmers using water and other farmers not yet joining in organization of groups of farmers using water.

21. Group of Farmers Using Water is irrigation management institution becoming a forum of farmers using water in an irrigation sphere, established by the farmers democratically, including local irrigation management institutions.

22. Central Government, hereinafter called the government is the President of the Republic of Indonesia holding the executive power of the Republic of Indonesia as meant in the Constitution of 1945;

23. Provincial Governments are governors and other provincial apparatuses as the executive of regional ad-

ministration.

24. Regental/Municipal Governments are regents/mayors and other regental/municipal apparatuses as the executive of regional administration.

25. Water Utility Right to Irrigation is a right to obtain and use or manage water from water source for agricultural interests.

26. Right To Use Water for Irrigation is a right to obtain and use water from water source for agricultural interests.

27. Right To Manage Water for Irrigation is a right to obtain and exploit water from water source for interests of agricultural business.

28. Regental/Municipal Irrigation Commission is an institution of coordination and communications between representatives of regental/municipal governments, representatives of farmers using water in the irrigation area level and representatives of users of irrigation network in regencies/cities.

29. Provincial Irrigation Commission is an institution of coordination and communications between representatives of provincial government, representatives of farmers using water in the irrigation area level, representatives of users of irrigation network in the province and representatives of the regental/municipal irrigation commissions concerned.

30. Inter-Provincial Irrigation Commission is an institution of coordination and communications between representatives of regental/municipal governments concerned, representatives of provincial irrigation commissions concerned, representatives of groups of farmers using water and representatives of users of irrigation network in an inter-provincial irrigation area.

31. Minister is the Minister in charge of water resource affairs.

32. Service is a provincial or regental/municipal government institution in charge of irrigation affairs.

33. Development of Irrigation Network is the building of new irrigation networks and/or enhancement of the existing irrigation networks.

34. Building of Irrigation Network is all activities of provision of irrigation network in certain regions not yet having irrigation network.

35. Enhancement of Irrigation Network is an activity to enhance the function and condition of the existing irrigation networks or an activity to add the size of sphere of service in the existing irrigation networks by considering changes in environmental condition of irrigation area.

36. Management of Irrigation Network is an activity covering operation, maintenance and rehabilitation of irrigation network in an irrigation area.

37. Operation of Irrigation Network is effort to regulate irrigation water and disposal, including the opening and closing of door of irrigation structure, formulation of planting plan, system of category, water division plan, calibration of door/structure, collection of data, monitoring and evaluation.

38. Maintenance of Irrigation Network is an effort to maintain and safeguard irrigation network so as to remain able to function properly for ensuring the smooth operation and maintaining their conservation.

39. Rehabilitation of Irrigation Network is an activity to improve irrigation network for returning the function and service of irrigation to the original condition.

40. Management of Irrigation Assets is a structured management process for the planning of maintenance and funding of irrigation system to achieve the stipulated and sustainable service standard for users of irrigation water and users of irrigation networks at the most efficient cost of management of irrigation assets.

Article 2

(1) Irrigation functions to support productivity of farm business for increasing the production of agriculture in the framework of ensuring the national food secu-

urity and enhancing welfare of people, mainly farmers, which is realized through the sustainability of irrigation system.

(2) The sustainability of the irrigation system as meant in paragraph (1) is realized by the development and management of irrigation system.

Article 3

(1) The sustainability of the irrigation system as meant in Article 2 paragraph (2) is determined by:

- a. reliability of irrigation water realized through the building of adequate reservoir, square reservoir, dam, embankment, pump and drainage networks, control over water quality as well as utilizing back drainage water;
- b. reliability of irrigation infrastructure realized through activities of enhancement and management of irrigation networks, covering operation, maintenance and rehabilitation of irrigation networks in irrigation areas;
- c. the rising income of farmer community from farm business, realized through activities of development and management of irrigation system encouraging integrity to diversification and modernization of farm business.

(2) The activities as meant in paragraph (1) are realized in accordance with the norms, standards, guidelines and manuals stipulated by the Minister.

CHAPTER II DEVELOPMENT AND MANAGEMENT OF IRRIGATION SYSTEM

Article 4

(1) The development and management of irrigation system aim at realizing the benefit of water in the agriculture sector.

(2) The development and management of irrigation system as meant in paragraph (1) is participatory, integrated, environmentally friendly, transparent, accountable and just.

(3) The development and management of irrigation as meant in paragraph (2) is realized in all irrigation areas.

Article 5

The development and management of irrigation system realized by the government, provincial governments or regental/municipal governments involve all stakeholders by prioritizing interests and role of farmer community.

Article 6

The development and management of irrigation system realized by business entities, social agencies or individuals are realized by observing interests of surrounding communities and encouraging the role of farmer community.

Article 7

(1) The development and management of irrigation system are realized by enhancing the efficiency in the use of water resources, based on the integrated linkage of rain water, surface water to groundwater with the main priority being the enhancement in the efficiency of the use of surface water.

(2) The development and management of irrigation system as meant in paragraph (1) are realized by a principle of one irrigation system for one development and management unit, by observing interests of users of irrigation water and users of irrigation networks in the upstream, middle and downstream areas harmoniously.

Article 8

Guidelines on the participatory development of management of irrigation system are stipulated by a regulation of the Minister after coordinating the institutions concerned.

CHAPTER III

IRRIGATION MANAGEMENT INSTITUTION

Article 9

(1) In order to ensure the orderly management of irrigation networks built by the government, irrigation management institutions are established.

(2) The irrigation management institutions as meant in paragraph (1) cover government institution in charge of irrigation affairs, groups of farmers using water and irrigation commissions.

Article 10

(1) Farmers Using Water are obliged to set up groups of farmers using water democratically in every sphere of service/tertiary cluster or village.

(2) The group of farmers using water as meant in paragraph (1) can set up a federation of groups of farmers using water in secondary sphere of service/block, combination of several secondary blocks or an irrigation area.

(3) The groups of farmers using water as meant in paragraph (2) can set up the principal of groups of farmers using water in primary sphere of service/bloc, combination of primary blocks or an irrigation area.

Article 11

(1) In order to ensure the integrated management of irrigation system, irrigation commission is established in every province and regency/city.

(2) In an inter-provincial irrigation system, inter-provincial irrigation commission can be established.

(3) In a multi-purpose irrigation system, coordination forum of irrigation area can be established.

Article 12

(1) Regental/Municipal Irrigation Commissions are established by regents/mayors.

(2) Members of the irrigation commissions as meant in paragraph (1) consist of representatives of regental/municipal governments and non-government representatives, covering representatives of groups of farmers using water and/or representatives of groups of users of irrigation networks by a principle of proportional membership and representation.

(3) The regental/municipal irrigation commissions help regents/mayors with the tasks as follows:

- a. formulating policies to maintain and enhance condition and function of irrigation;
- b. formulating planting patterns and plans in irrigation area in regencies/cities;
- c. formulating annual plan for provision of irrigation water;

d. formulating

- d. formulating annual plan for division and provision of irrigation water for agricultural and other purposes;
- e. recommending priorities of allocation of irrigation management fund; and
- f. giving recommendations about license to change function of irrigated land.

Article 13

(1) Provincial Irrigation Commissions are established by governors.

(2) Members of the irrigation commissions as meant in paragraph (1) consist of representatives of regental/municipal governments concerned, representatives of groups of farmers using water, representatives of the provincial government and representatives of groups of users of irrigation networks by a principle of proportional membership and representation.

(3) The provincial irrigation commissions help governors with the tasks as follows:

- a. formulating policies to maintain and enhance condition and function of irrigation;
- b. formulating annual plan for provision of irrigation water;
- c. formulating annual plan for division and provision of irrigation water for agricultural and other purposes;
- d. recommending priorities of allocation of irrigation management fund.

Article 14

(1) Inter-Provincial Irrigation Commissions are established by the governors concerned.

(2) Members of the irrigation commissions as meant in paragraph (1) consist of representatives of regental/municipal governments concerned, representatives of groups of farmers using water, representatives of the provincial governments concerned and representatives of groups of users of irrigation networks in an inter-provincial irrigation area by a principle of proportional membership and representation.

(3) The inter-provincial irrigation commissions help governors with the tasks as follows:

- a. formulating policies to maintain and enhance condition and function of irrigation;
- b. formulating annual plan for provision of irrigation water;
- c. formulating annual plan for division and provision of irrigation water for agricultural and other purposes;
- d. recommending priorities of allocation of irrigation management fund in inter-provincial irrigation area.

Article 15

(1) The organizational structures, working arrangements and membership of the irrigation commissions are stipulated by governors and/or regents/mayors in accordance with their respective scopes of authority.

(2) The organizational structures, working arrangements and membership of inter-provincial irrigation commissions are stipulated by joint decision of the governors concerned.

(3) Guidelines on the provincial, inter-provincial, regental/municipal irrigation commissions and coordination forum of irrigation areas are stipulated by a regulation of the Minister after coordinating with the Minister of Home Affairs.

CHAPTER IV

AUTHORITY AND RESPONSIBILITY

Article 16

The authority and responsibility of the government in the implementation of public administration affairs in the irrigation-system development and management field cover:

- a. stipulating national policies on the development and management of irrigation system;
- b. stipulating status of irrigation area already built by involving regional governments concerned;
- c. developing primary and secondary irrigation system in inter-provincial irrigation area, inter-state irrigation area and national strategic irrigation area;
- d. managing primary and secondary irrigation systems in an irrigation area having a size of over 3,000 hectares or in inter-provincial irrigation area, inter-state irrigation area and national strategic irrigation area;

- e. facilitating the settlement of inter-provincial disputes in the development and management of irrigation system;
 - f. stipulating norms, standards, criteria and guidelines on the development and management of irrigation system;
 - g. maintaining effectiveness, efficiency and order in the implementation of the development of primary and secondary irrigation systems in inter-provincial irrigation area, inter-state irrigation area and national strategic irrigation area;
 - h. maintaining effectiveness, efficiency and order in the implementation of the development of primary and secondary irrigation systems in irrigation area having a size of over 3,000 hectares or in inter-provincial irrigation area, inter-state irrigation area and national strategic irrigation area;
 - i. giving technical recommendations to regental/municipal governments about the use and exploitation of groundwater for irrigation, which is taken from inter-provincial groundwater basin and inter-state groundwater basin;
 - j. giving technical assistance in the development and management of irrigation system to provincial and regental/municipal governments;
 - k. providing assistance to farmer communities in the development and management of irrigation systems becoming responsibility of the farmer community at their request on the basis of the principle of independence; and
 - l. issuing license to build, utilize, change and/or remove irrigation structures and/or channels in primary and secondary irrigation networks in inter-provincial irrigation area, inter-state irrigation area and national strategic irrigation area.
- (2) The Minister stipulates the status of irrigation area as meant in paragraph (1) letter b.

Article 17

The authority and responsibility of provincial governments in the implementation of public administration affairs in the irrigation-system development and management field cover:

- a. stipulating provincial policies on the development and management of irrigation system;

- b. developing primary and secondary irrigation system in inter-regental/municipal irrigation area;
- c. managing primary and secondary irrigation systems in an irrigation area having a size of 1,000 hectares up to 3,000 hectares or in inter-regental/municipal irrigation area;
- d. giving technical recommendations to regental/municipal governments about the use and exploitation of groundwater for irrigation, which is taken from inter-regental/municipal groundwater basin for irrigation;
- e. facilitating the settlement of inter-regental/municipal disputes in the development and management of irrigation system;
- f. maintaining effectiveness, efficiency and order in the implementation of the development of primary and secondary irrigation systems in inter-regental/municipal irrigation area;
- g. maintaining effectiveness, efficiency and order in the implementation of the development of primary and secondary irrigation systems in irrigation area having a size of 1,000 hectares up to 3,000 hectares or in inter-regental/municipal irrigation area;
- h. providing technical assistance in the development and management of irrigation system for regental/municipal governments;
- i. providing assistance to farmer communities in the development and management of irrigation systems becoming responsibility of the farmer community at their request on the basis of the principle of independence;
- j. establishing provincial irrigation commission;
- k. together with provincial governments concerned, being able to establish inter-provincial irrigation commission;
- l. issuing license to build, utilize, change and/or remove irrigation structures and/or channels in primary and secondary irrigation networks in inter-regental/municipal irrigation area.

Article 18

The authority and responsibility of regental/municipal governments in the implementation of public administration affairs in the irrigation-system development and management field cover:

- a. stipulating regental/municipal policies on the development and management of irrigation system on the basis of the national and provincial policies on the development and management of irrigation system by observing interests of surrounding regencies/cities;
- b. developing primary and secondary irrigation system in irrigation area in a province;
- c. managing primary and secondary irrigation systems in an irrigation area in a regency/city with a size of less than 1,000 hectares;
- d. issuing license to use and exploit groundwater in the relevant regency/city for the need of irrigation;
- e. maintaining effectiveness, efficiency and order in the implementation of the development of primary and secondary irrigation systems in the whole irrigation area in a regency/city;
- f. maintaining effectiveness, efficiency and order in the implementation of the development of primary and secondary irrigation systems in irrigation area in a regency/city, having a size of less than 1,000 hectares;
- g. facilitating the settlement of disputes between inter-irrigation areas in a regency/city over the development and management of irrigation system;
- h. providing assistance to farmer communities in the development and management of irrigation systems becoming responsibility of the farmer community at their request on the basis of the principle of independence;
- i. establishing regental/municipal irrigation commission;
- j. empowering groups of farmers using water;
- k. issuing license to build, utilize, change and/or remove irrigation structures and/or channels in primary and secondary irrigation networks in a regency/city.

Article 19

Authority and responsibility of rural governments or mentioned in other names cover:

- a. enhancing and managing irrigation systems built by rural governments;
- b. maintaining effectiveness, efficiency and order in the realization of enhancement of irrigation systems in irrigation area, which are built by rural governments; and
- c. maintaining effectiveness, efficiency and order in the management of irrigation systems in irrigation area built by rural governments.

Article 20

Rights and responsibility of farmer communities in the development and management of irrigation system cover:

- a. developing and managing tertiary irrigation systems;
- b. maintaining effectiveness, efficiency and order in the implementation of development and management of tertiary irrigation systems becoming their responsibility; and
- c. approving the development, utilization, change and/or removal of irrigation structures and/or channels in tertiary irrigation networks on the basis of participatory approach.

Article 21

The government, provincial governments and/or regental/municipal governments can cooperate in the development and management of primary and secondary irrigation networks on the basis of agreement in accordance with legislation.

Article 22

Part of the authority of the government in the implementation of public administration affairs in the development and management of irrigation system as meant in Articles 16, 17 and 18 can be executed by provincial governments, regental/municipal governments or rural governments in accordance with legislation.

Article 23

(1) In the case of a provincial government being not yet able to implement part of the authority as meant in Article 17 letters b and c, the provincial government can give up the authority to the government in accordance with legislation.

(2) The authority, which can be given up, as meant in paragraph (1) only covers the realization of the development, enhancement or rehabilitation of irrigation system.

(3) The delegation of part of the authority as meant in paragraph (1) is realized on the basis of proposal for delegation from the provincial government to the government, accompanied by reasons covering technical and/or financial inability.

- (4) The government evaluates the proposal of delegation as meant in paragraph (3).
- (5) Based on the evaluation as meant in paragraph (4), the government can stipulate to accept partly or wholly the delegation of authority of the provincial government.
- (6) The government and the provincial government make an agreement on delegation of authority of the provincial government to the government.

Article 24

- (1) In the case of a regental/municipal government being not yet able to implement part of the authority as meant in Article 17 letters b and c, the regental/municipal government can give up the authority to the provincial government in accordance with legislation.
- (2) The authority, which can be given up, as meant in paragraph (1) only covers the realization of the development, enhancement or rehabilitation of irrigation system.
- (3) The delegation of part of the authority as meant in paragraph (1) is realized on the basis of proposal for delegation from the regental/municipal government to the provincial government, accompanied by reasons covering technical and/or financial inability.
- (4) The government evaluates the proposal of delegation as meant in paragraph (3).
- (5) Based on the evaluation as meant in paragraph (4), the provincial government can stipulate to accept partly or wholly the delegation of authority of the regental/municipal government.
- (6) In the case of the provincial government accepting the proposal of delegation as meant in paragraph (5), the provincial government and regental/municipal government make an agreement on delegation of part of authority of the regental/municipal government to the provincial government.

- (7) In the case of the provincial government not accepting the proposal of delegation as meant in paragraph (5), the provincial government passes on the proposal of delegation of authority, which is not accepted, to the government.
- (8) Based on the proposal of delegation of authority as meant in paragraph (1), the government, provincial government and regental/municipal government make an agreement on delegation of authority of the regental/municipal government to the government.

Article 25

The implementation of part of authority to develop and manage irrigation system by the provincial and/or regental/municipal governments as meant in Articles 17 and 18 is taken over by the superior government in the case of:

- a. provincial or regental /municipal governments not implementing part of authority to develop and manage irrigation system thus being potential to endanger public interests; and/or
- b. inter-provincial or inter-regental/municipal dispute arising.

CHAPTER V

PARTICIPATION OF FARMER COMMUNITY IN THE DEVELOPMENT AND MANAGEMENT OF IRRIGATION SYSTEM

Article 26

- (1) Participation of farmer communities in the development and management of irrigation system is realized as from initial thinking, decision making and implementation of activities in the development, enhancement, operation, maintenance and rehabilitation.
- (2) The participation of farmer communities as meant in paragraph (1) can be realized in the form of contributions of thoughts, ideas, time, energy, materials and fund.
- (3) The participation of farmer communities as meant in paragraph (1) is realized individually or through groups of farmers using water.

- (4) The participation of farmer communities as meant in paragraph (1) is based on willingness and capability of farmer communities as well as spirits of partnership and independence.
- (5) The participation of farmer communities as meant in paragraph (1) can be channeled through groups of farmers using water in their working areas.

Article 27

The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority encourage participation of farmer communities in the development and management of irrigation system to enhance of sense of belonging and responsibility for the sustainability of irrigation system.

CHAPTER VI EMPOWERMENT

Article 28

- (1) Regental/municipal governments empower groups of farmers using water.
- (2) Regental/municipal governments stipulate strategies and programs for the empowerment of groups of farmer using water as meant in paragraph (1) on the basis of regental/municipal policies in the development and management of irrigation system.
- (3) Provincial governments provide technical assistance for regental/municipal governments in the empowerment of groups of farmers using water as well as in the development and management of irrigation system on the basis of the need of regental/municipal governments.
- (4) The government provides technical assistance for regental/municipal governments in executing the provision as meant in paragraph (1).
- (5) The government provides technical assistance for provincial governments in executing the provision as meant in paragraph (3).
- (6) The government, provincial governments and regental/municipal governments can provide assistance for groups of farmers using water in realizing the

empowerment.

- (7) Further provisions on the empowerment of irrigation management institutions are regulated in a regulation of the Minister after coordinating with the Minister of Home Affairs and minister in charge of agricultural affairs.

Article 29

The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority:

- counsel and disseminate irrigation technology resulting from the research and development to farmer communities;
- encourage farmer communities to apply appropriate technology in accordance with the need, resource and local wisdom;
- facilitate and enhance the implementation of technology research and development in the irrigation field; and
- facilitate the protection of rights of innovators and technology findings in the irrigation field in accordance with legislation.

CHAPTER VII MANAGEMENT OF IRRIGATION WATER

Part One

Recognition to Communal Right

Article 30

The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority in the management of water resource recognize local communal rights and similar rights related to the use of water and water source for irrigation to the extent of the need, as long as they do not contravene national interests and legislation.

Part Two

Water Utility Right To Irrigation

Article 31

- (1) Water utility right to irrigation constitutes water right to use water for irrigation and right to manage water for irrigation.
- (2) The right to use water for irrigation is granted to smallholder agriculture.

- (3) The right to manage water for irrigation is granted to the need of exploitation in the agricultural sector.

Article 32

- (1) Developers planning to build new irrigation system, or enhance the existing irrigation system must submit application for principal license to allocate water to the Minister, governors, or regents/mayors in accordance with their respective scopes of authority.
- (2) Minister, governors or regents/mayors can approve or turn down the application for principal license to allocate water as meant in paragraph (1) to developments on the basis of results of assessment by observing the availability of water, the need of water for irrigation, environmental aspect and other interests.
- (3) In the case of the application for principal license to allocate water as meant in paragraph (1) being approved, developers can realize the building of new irrigation system or enhancement of the existing irrigation system.
- (4) The principal license to allocate water is stipulated to become a right to use water for irrigation by the Minister, governors or regents/mayors in accordance with their respective scopes of authority by observing availability of water, the need of water for irrigation, environmental aspect and other interests on the basis of request from:
- groups of farmers using water, in the case of irrigation networks being already built completely by the government or by groups of farmers using water;
 - business entities, social agencies or individuals, in the case of irrigation networks being already built completely.

Article 33

- (1) Right to use water for irrigation is granted to farmer communities through groups of farmers using water and smallholder agriculture located in the existing irrigation system obtained without license.
- (2) The right to use water for irrigation as meant in para-

graph (1) is granted to every irrigation area in the intake door in the main structure.

- (3) The right to use water for irrigation as meant in paragraph (1) is granted in the form of a decision from minister, governors or regents/mayors in accordance with their respective scopes of authority, accompanied by details of list of primary clusters, secondary clusters, and tertiary clusters obtaining water.
- (4) Right to use water for irrigation for smallholder agriculture in the new irrigation system and enhanced irrigation system is granted to farmer communities through groups of farmers using water on the basis of application for license to utilize water for irrigation.
- (5) The right to use water for irrigation as meant in paragraph (4) is granted in every irrigation area in the intake door in the main structure.
- (6) The right to use water for irrigation as meant in paragraph (4) is granted in the form of a decision from the minister, governors or regents/mayors in accordance with their respective scopes of authority, accompanied by details of list of primary clusters, secondary clusters, and tertiary clusters obtaining water.
- (7) Right to use water for irrigation is granted in an irrigation system in accordance with the size of the utilized irrigation area.
- (8) Right to use water for irrigation is evaluated every 5 (five) years by the minister, governors or regents/mayors in accordance with their respective scopes of authority, to review the conformance of right to use water for irrigation to the use of water and availability of water in the source.

- (9) Results of the evaluation as meant in paragraph (1) are used by the Minister, governors or regents/mayors as the basis for continuing, adjusting or revoking right to use water for irrigation.

Article 34

- (1) Right to manage water for irrigation is granted to

business entities, social agencies or individuals on the basis of license.

(2) The right to manage water for irrigation as meant in paragraph (1) is granted in the form of a decision by the Minister, governors and regents/mayors in accordance with their respective scopes of authority in the management of water resource on the basis of application for license to manage water for irrigation.

(3) The approval of the application as meant in paragraph (2) is given selectively by prioritizing continuously to the use of water for the fulfillment of daily necessity and irrigation of smallholder agriculture.

(4) The right to manage water for irrigation as meant in paragraph (1) is given to certain sphere of service in the intake door in the main structure.

(5) The right to manage water for irrigation as meant in paragraph (4) is given to certain sphere of service for 10 (ten) years at the maximum and can be extended.

(6) The right to manage water for irrigation is evaluated every 5 (five) years by the Minister, governors and regents/mayors in accordance with their respective scopes of authority to review the conformance of right to manage water for irrigation to the use of water and availability of water in the source.

(7) Results of the evaluation as meant in paragraph (6) are used by the Minister, governors or regents/mayors as the basis for continuing, adjusting or revoking right to manage water for irrigation.

Article 35

Further provisions on procedures for granting license to obtain right to use water for irrigation are regulated by a regulation of the Minister.

Part Three

Provision of Irrigation Water

Article 36

(1) Provision of irrigation water aims at supporting the productivity of land in the framework of increasing agricultural production maximally.

(2) In certain cases, the provision of irrigation water as meant in paragraph (1) can be given in a certain limit for fulfilling other need.

(3) Provision of irrigation water as meant in paragraph (1) is planned on the basis of the estimated availability of water in source and used as the basis for formulation of planting plan.

(4) In the case of provision of irrigation water as meant in paragraph (1), the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority strive to:

- a. optimize the utilization of irrigation water in irrigation area or inter-irrigation area.
- b. Maintain the reliability of availability of irrigation water as well as control and improve the quality of irrigation water in the framework of provision of irrigation water.

Article 37

(1) The planting plan as meant in Article 36 paragraph (3) is formulated by regental/municipal service or provincial service in accordance with their respective scopes of authority on the basis of recommendation from groups of farmers using water.

(2) The formulation of planting plan in irrigation area becomes authority of the government, except inter-provincial irrigation area wherein the authority is delegated to governors.

(3) The planting plan in inter-provincial irrigation area is formulated jointly by provincial service concerned and deliberated through inter-provincial irrigation commission.

(4) The planting plan in all irrigation areas located in a regency/city, either formulated by regental/municipal service and provincial service is deliberated and agreed in regental/municipal irrigation commission as well as stipulated by regents/mayors.

(5) Further provisions on provision of irrigation water for the formulation of planting plan are regulated by

a regulation of the Minister after coordinating the minister in charge of agricultural affairs.

Article 38

(1) Provision of irrigation water as meant in Article 36 is formulated in annual plan for provision of irrigation water in every irrigation area.

(2) The draft annual plan for provision of irrigation water as meant in paragraph (1) is formulated by regental/municipal service or provincial service in accordance with their respective scopes of authority on the basis of recommendation from groups of farmers using water, which is based on draft planting plan.

(3) The draft annual plan for provision of irrigation water as meant in paragraph (2) is deliberated and agreed in regental/municipal irrigation commission or provincial irrigation commission in accordance with their irrigation areas.

(4) The draft annual plan for provision of irrigation water as meant in paragraph (3) is conveyed by regental/municipal irrigation commission or provincial irrigation commission at the meeting of the water resource council to secure allocation of water to irrigation.

(5) The draft annual plan for provision of irrigation water as meant in paragraph (4) is stipulated by regents/mayors or governors in accordance with their respective scopes of authority.

(6) In the case of the availability of water from water source being not sufficient thus changing plan for provision of water and changing allocation of water to irrigation, groups of farmers using water re-adjust draft planting plan in the irrigation areas.

Article 39

(1) The provisions as meant in Article 38 paragraph (2) up to paragraph (6) apply to the formulation of annual plan for provision of irrigation water becoming authority of the government, which is delegated to governors on the basis of the de-concentration principle.

(2) Draft plan for provision of irrigation water becoming authority of the government, which has not been delegated to governors on the basis of the de-concentration principle are formulated by central institution in charge of irrigation affairs and agreed jointly in inter-provincial irrigation commission.

(3) The agreed draft plan for provision of irrigation water as meant in paragraph (2) is conveyed by inter-provincial irrigation commission at the meeting of the water resource council for securing allocation of water to irrigation.

(4) In the case of the inter-provincial irrigation commission being not yet established, the draft plan for provision of irrigation water as meant in paragraphs (2) and (3) is formulated by central institution in charge of irrigation affairs and agreed jointly in the provincial irrigation commission as well as conveyed by inter-provincial irrigation commission at the meeting of the water resource council for securing allocation of water to irrigation.

(5) The draft annual plan for provision of irrigation water as meant in paragraphs (2) and (3) is stipulated by the Minister as annual plan for provision of irrigation water.

Article 40

In the case of drought in water source causing the shortage of irrigation water thus requiring substitution to irrigation water, the government, provincial governments or regental/municipal government in accordance with their respective scopes of authority can make efforts to obtain additional supply of irrigation water from other water sources or adjust provision and regulation of irrigation water after observing input from irrigation commissions in accordance with legislation.

Part Four

Regulation of Irrigation Water

Article 41

(1) Regulation of irrigation water is realized on the basis of annual plan for regulation of irrigation water containing annual for division and channeling of irrigation water.

(2) Draft annual plan for division and channeling of irrigation water is formulated by regental/municipal service or provincial service in accordance with their respective scopes of authority on the basis of annual plan for provision of irrigation water and recommendations of groups of farmers using water about the need for water and planting plan.

(3) The draft annual plan for division and channeling of irrigation water as meant in paragraph (2) is deliberated and agreed by regental/municipal irrigation commission or provincial irrigation commission in accordance with their irrigation areas by observing the need of water for irrigation agreed by groups of farmers using water in every irrigation area.

(4) The draft annual plan for division and channeling of irrigation water as meant in paragraph (3), already agreed by the irrigation commission is stipulated by regents/mayors or governors in accordance with their respective scopes of authority and/or authority assigned to regional governments.

(5) The division and channeling of irrigation water on the basis of the annual plan for division and channeling of irrigation water as meant in paragraph (4) starting from primary clusters, secondary clusters as far as the tertiary clusters are realized by irrigation management executives in accordance with their respective need.

Article 42

(1) Draft annual plan for division and channeling of irrigation water in inter-provincial and nationally strategic irrigation areas not yet assigned to regental/municipal or provincial governments is formulated by central institution in charge of irrigation affairs in the basis of recommendations of groups of farmers using water about the need for water and planting plan as well as recommendations of other water users.

(2) The draft annual plan for division and channeling of irrigation water as meant in paragraph (1) is deliberated and agreed by inter-provincial irrigation commission.

(3) In the case of the inter-provincial irrigation commission being not yet established, the draft annual plan for division and channeling of irrigation water as meant in paragraph (1) is deliberated and agreed by the provincial irrigation commission.

(4) The draft annual plan for division and channeling of irrigation water already agreed as meant in paragraphs (2) and (3) is stipulated by the Minister.

(5) The annual plan for division and channeling of irrigation water already stipulated as meant in paragraph (3) is implemented by the central institution in charge of irrigation affairs, provincial service or regental/municipal service in the framework of executing the assistance task.

(6) The division and channeling of irrigation water on the basis of the annual plan for division and channeling of irrigation water as meant in paragraph (4), starting from primary clusters, secondary clusters as far as the tertiary clusters are realized by irrigation management executives in accordance with their respective need.

Article 43

(1) Division of irrigation water in primary network and/or secondary network is realized through distributing structure or absorbing distributing-structure already stipulated.

(2) Channeling of irrigation water to tertiary clusters must be realized through absorbing structure or absorbing distributing structure already stipulated.

Article 44

(1) The use of irrigation water in the tertiary level becomes right and responsibility of groups of farmers using water.

(2) The use of irrigation water is realized through tertiary channel or quarter channel in intake place already stipulated by groups of farmers using water.

(3) The use of water outside the provision as meant in paragraph (2) is realized by license from the

government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

Article 45

In the case of provision of irrigation water being not sufficient, regulation of irrigation water is done by turns, which is stipulated by regents/mayors or governors in accordance with their responsibility.

Part Five

Drainage

Article 46

- (1) The development of every irrigation network is accompanied by the development of drainage network being an unit integrated with the irrigation network.
- (2) The drainage network as meant in paragraph (1) functions to channel the excess of water in order to prevent it from affecting land productivity.
- (3) The quality of the excess of irrigation water channeled through drainage network must be maintained by means of preventing pollution so as to meet the quality standard on the basis of legislation.
- (4) The government, provincial governments, regental/municipal governments, groups of farmers using water and communities are obliged to maintain the continuity of drainage function.
- (5) Everybody is prohibited from taking action potential to affect the function of drainage.

Part Six

Direct Use of Water from Water Source for Irrigation

Article 47

- (1) The use of water taken directly from source of surface water for irrigation must secure license from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority in the management of water resources.
- (2) The use of water taken directly from groundwater basin for irrigation must secure license from regental/

municipal governments in accordance with legislation.

CHAPTER VIII

DEVELOPMENT OF IRRIGATION NETWORK

Part One

Development of Irrigation Network

Article 48

- (1) Development of irrigation networks is realized on the basis of the master plan for water resource management in river area by observing agricultural development plan and in accordance with norms, standards, guidelines and manuals stipulated by the Minister.
- (2) The development of irrigation networks as meant in paragraph (1) must secure license and approval of design from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.
- (3) The government, provincial governments or regental/municipal governments supervise the development of irrigation networks in accordance with their respective scopes of authority.

Article 49

- (1) The government, provincial governments or regental/municipal governments are responsible for the development of primary and secondary irrigation networks in accordance with their respective scopes of authority.
- (2) The development of primary and secondary irrigation networks can be realized by groups of farmers using water in accordance with their respective need and capability on the basis of license from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority in the management of water resources.
- (3) The development of tertiary irrigation networks becomes right and responsibility of groups of farmers using water.
- (4) Unless groups of farmers using water are incapable

of realizing the development of tertiary irrigation networks becoming their right and responsibility, the government, provincial governments or regental/municipal governments can assist the development of the tertiary irrigation networks on the basis of request from groups of farmers using by observing the principle of independence.

- (5) Business entities, social agencies or individuals utilizing water from water source through irrigation networks built by the government can build their own networks after securing license and approval of design from the Minister, governors or regents/mayors in accordance with their respective scopes of authority.

Article 50

Guidelines on procedures for granting license to build irrigation networks are stipulated by a regulation of the Minister.

Part Two

Enhancement of Irrigation Networks

Article 51

- (1) Enhancement of irrigation networks is realized on the basis of the master plan for water resource management in river area by observing agricultural development plan and in accordance with norms, standards, guidelines and manuals stipulated by the Minister.

- 2) The enhancement of irrigation networks as meant in paragraph (1) must secure license and approval of design from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

- (3) The government, provincial governments or regental/municipal governments supervise the enhancement of irrigation networks in accordance with their respective scopes of authority.

Article 52

- (1) The government, provincial governments or regental/municipal governments are responsible for the enhancement of primary and secondary irrigation networks in accordance with their respective scopes of authority.

- (2) The enhancement of primary and secondary irrigation networks can be realized by groups of farmers using water in accordance with their respective need and capability on the basis of license from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority in the management of water resources.

- (3) The enhancement of tertiary irrigation networks becomes right and responsibility of groups of farmers using water.

- (4) Unless groups of farmers using water are incapable of realizing the enhancement of tertiary irrigation networks becoming their right and responsibility, the government, provincial governments or regental/municipal governments can assist the enhancement of the tertiary irrigation networks on the basis of request from groups of farmers using by observing the principle of independence.

- (5) Business entities, social agencies or individuals utilizing water from water source through irrigation networks built by the government can enhance their own networks after securing license and approval of design from the Minister, governors or regents/mayors in accordance with their respective scopes of authority.

Article 53

- (1) Modification and/or removal of primary and secondary irrigation networks causing change in the model and function of the primary and secondary irrigation networks must secure license from the Minister, governors or regents/mayors in accordance with their respective scopes of authority.

- (2) Modification and/or removal of tertiary irrigation networks must secure approval from groups of farmers using water.

Article 54

- (1) The development and/or enhancement of irrigation networks are realized simultaneously with the development of irrigated agricultural land in accordance with the agricultural development plan and program by observing readiness of local farmers.

(2) Further

- (2) Further provisions on the realization of the irrigated agricultural-land development are regulated by a regulation of the Minister in charge of agricultural affairs after coordinating with the Minister.

CHAPTER IX

MANAGEMENT OF IRRIGATION NETWORK

Part One

Operation and Maintenance of Irrigation Network

Article 55

Operation and maintenance of irrigation network are realized in accordance with norms, standards, guidelines and manuals stipulated by the Minister.

Article 56

- (1) Operation and maintenance of primary and secondary irrigation networks become authority and responsibility of the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.
- (2) Groups of farmers using water can participate in the operation and maintenance of primary and secondary irrigation networks in accordance with their need and capability.
- (3) Groups of farmers using water can supervise the realization of operation and maintenance of primary and secondary irrigation networks.
- (4) Operation and maintenance of primary and secondary irrigation networks are realized on the basis of annual plan for operation and maintenance agreed jointly in writing by the government, groups of farmers using water and users of irrigation networks in every irrigation area.
- (5) Operation and maintenance of tertiary irrigation networks become right and responsibility of groups of farmers using water.
- (6) Operation and maintenance of irrigation networks belonging to business entities, social agencies or individuals become responsibility of the parties.

Article 57

Unless groups of farmers using water are inca-

pable of operating and maintaining irrigation networks becoming their rights and responsibility, the government, provincial governments or regental/municipal governments can provide assistance and/or support of facility on the basis of request from the groups by observing principle of independence.

Article 58

- (1) The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority stipulate the drying time and part of irrigation networks which must be dried after consulting with groups of farmers using water.

- (2) The drying as meant in paragraph (1) is executed for the need of examination or maintenance of irrigation network.

Article 59

- (1) In the framework of the operation and maintenance of irrigation networks, security for irrigation networks is executed with a view of preventing the irrigation networks from damaging.
- (2) Security for irrigation networks as meant in paragraph (1) is executed by government institution, groups of farmers using water and other parties in accordance with their respective scopes of responsibility.

Article 60

- (1) In the framework of securing irrigation networks, it is necessary to stipulate demarcation line in the irrigation networks.
- (2) The government, provincial governments and regental/municipal governments stipulate demarcation line in irrigation networks becoming their authority.
- (3) In order to prevent irrigation water from losing and irrigation networks from damaging, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority stipulate prohibition from digging at certain distance outside the demarcation line.
- (4) For the need of security for irrigation networks, it's prohibited from changing and/or removing irrigation

structure as well as other structures, establishing other structures inside, above or passing irrigation channel, unless otherwise securing license from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

Article 61

Guidelines on operation and maintenance of irrigation networks, stipulation of demarcation line of irrigation networks and security for irrigation networks are regulated by a regulation of the Minister.

Part Two

Rehabilitation of Irrigation Network

Article 62

- (1) Rehabilitation of irrigation networks is executed on the basis of sequence of priority of the need for improving irrigation stipulated by the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority after observing considerations of irrigation commission and in accordance with norms, standards, guidelines and manuals stipulated by the Minister.
- (2) Rehabilitation of irrigation networks as meant in paragraph (1) must secure license and approval of design from the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.
- (3) Supervision over rehabilitation of irrigation networks is executed by the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

Article 63

- (1) The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority are responsible for rehabilitation of primary and secondary irrigation networks.
- (2) Groups of farmers using water can participate in the rehabilitation of primary and secondary irrigation networks in accordance with their need and capability on the basis of approval from the government, provincial governments or regental/municipal gov-

ernments in accordance with their respective scopes of authority in the management of water resources.

- (3) Rehabilitation of tertiary irrigation networks becomes right and responsibility of groups of farmers using water.
- (4) Unless groups of farmers using water are incapable of realizing the rehabilitation of tertiary irrigation networks becoming their right and responsibility, the government, provincial governments or regental/municipal governments can help rehabilitate the tertiary irrigation networks on the basis of request from groups of farmers using by observing the principle of independence.
- (5) Business entities, social agencies, individuals or groups of farmers using water are responsible for rehabilitation of irrigation networks that they build.

Article 64

- (1) Rehabilitation of irrigation networks changing and/or removing primary and secondary irrigation networks must secure license from the minister, governors or regents/mayors in accordance with their respective scopes of authority.
- (2) The change and/or removal of tertiary irrigation networks must secure approval from groups of farmers using water.
- (3) The drying time needed for rehabilitation and enhancement of irrigation networks must be scheduled in planting plan.
- (4) The drying time needed for the planned rehabilitation, rehabilitation due to emergency condition or enhancement of irrigation networks can be realized in not later than 6 (six) months.
- (5) The drying needing time longer than the provision as meant in paragraph (4) is stipulated by the minister, governors or regents/mayors in accordance with their respective scopes of authority.

CHAPTER X (TO BE CONTINUED)

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I R R I G A T I O N

(Government Regulation No. 20/2006 dated May 30, 2006)

[Continued from Business News No. 7394 - 7395 pages 3A - 19A]

CHAPTER X

MANAGEMENT OF IRRIGATION ASSETS

Part One

General

Article 65

Management of irrigation assets covers the inventorying, planning of management, implementation of management and evaluation of realization of the management of irrigation assets as well as updating results of inventorying of irrigation assets.

Part Two

Inventorying of Irrigation Assets

Article 66

- (1) Irrigation assets consist of irrigation networks and support of irrigation management.
- (2) Inventorying of irrigation networks aims at obtaining data about the quantity, dimension, kind, condition and function of all irrigation assets as well as data about the availability of water, value of assets and sphere of service in every irrigation area in the framework of the sustainability of irrigation system.
- (3) Inventorying of support of irrigation management aims at obtaining data about the quantity, specification, condition and function of support of irrigation management.
- (4) The government, provincial governments, regental/municipal governments or rural governments undertake the inventorying of irrigation assets in accordance with their respective scopes of authority in the management of irrigation system.
- (5) The regental/municipal governments undertake compilation of results of inventorying of irrigation assets carried out by rural governments and regental/municipal governments.
- (6) The provincial governments undertake compilation

of results of inventorying of irrigation assets carried out by regental/municipal governments and provincial governments.

- (7) The government undertakes compilation of results of the inventorying of irrigation assets as meant in paragraph (6) and results of inventorying of irrigation assets carried out by the government.
- (8) Business entities, social agencies, individuals, groups of farmers using water and rural governments undertake the inventorying of irrigation assets becoming their responsibility in a sustainable manner to help the government, provincial governments or regental/municipal governments to compile results of the inventorying.

- (9) The government compiles results of the inventorying as meant in paragraphs (7) and (8) as document of inventorying of national irrigation assets.

Article 67

- (1) The inventorying of the irrigation networks as meant in Article 66 paragraph (2) is executed every year in every irrigation area.
- (2) The inventorying of the support of irrigation management as meant in Article 66 paragraph (3) is executed every 5 (five) years in every irrigation area.
- (3) The government develops irrigation information system on the basis of the document of inventorying of irrigation assets as meant in Article 66 paragraph (1).
- (4) The irrigation information system as meant in paragraph (3) constitutes a water-resource information sub-system.

Part Three

Planning of Irrigation Asset Management

Article 68

- (1) Planning of irrigation asset management covers activity of analysis of data about results of the inventorying of irrigation assets and formulation of follow-up plan to optimize the utilization of irrigation assets in every irrigation area.
- (2) The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority formulate and stipulate irrigation-asset management plan every 5 (five) years.
- (3) Formulation of the irrigation-asset management plan is executed in an integrated manner, transparently and accountably by involving all users of irrigation water and users of irrigation network.
- (4) Business entities, social agencies, individuals or groups of farmers using water formulate the management plan of irrigation-assets becoming their responsibility in a sustainable manner.

Part Four

Implementation of Irrigation Asset Management

Article 69

- (1) The central institution in charge of irrigation affairs, provincial service or regental/municipal service in accordance with their respective scopes of responsibility manage irrigation assets in a sustainable manner on the basis of the management plan of irrigation assets already stipulated.
- (2) Business entities, social agencies, individuals or groups of farmers using water manage irrigation-assets becoming their responsibility in a sustainable manner.

Article 70

Irrigation networks whose assets and/or management are given up provisionally to groups of farmers using water are further regulated by a regulation of the Minister.

Part Five

Evaluation of

Realization of Irrigation Asset Management

Article 71

- (1) The Minister, governors or regents/mayors in accordance with their respective scopes of authority evaluate the realization of irrigation asset management every year.
- (2) Business entities, social agencies, individuals or groups of farmers using water help the Minister, governors or regents/mayors to evaluate the realization of management of irrigation assets becoming their responsibility in a sustainable manner.
- (3) The realization of the irrigation asset management as meant in paragraph (1) is evaluated to review conformance of plan to the realization of irrigation asset management.

Part Six

Updating of Irrigation-Asset Inventorying Results

Article 72

Results of the inventorying of irrigation assets are updated by the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

Article 73

Guidelines on the management of irrigation assets are stipulated by a regulation of the Minister.

CHAPTER XI

FINANCING

Part One

Financing of Irrigation Network Development

Article 74

- (1) The financing of development of primary and secondary irrigation networks becomes responsibility of the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.
- (2) The financing of development of tertiary irrigation networks becomes responsibility of groups of farmers using water.
- (3) The financing of the development of absorbing structure, channel as long as 50 meters and absorbing structure, tertiary box and other tertiary complementary

structures becomes responsibility of the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

(4) If groups of farmers using water are unable to finance the development of tertiary irrigation networks becoming their responsibility, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority can help finance the development of the tertiary irrigation networks on the basis of request from the groups of farmers using water by observing the principle of independence.

(5) Development of irrigation networks organized by business entities, social agencies or individuals is financed by the respective parties.

(6) In the case of a region having urgent interest in the development of irrigation network in inter-provincial or nationally strategic irrigation area, but the development has not become national priority, the government, provincial governments and/or regental/municipal governments can cooperate in the financing.

(7) In the case of regental/municipal government having urgent interest in the development of irrigation network in inter-regental/municipal irrigation area but the development has not become provincial priority, the regental/municipal government and provincial government can cooperate in the financing.

Part Two

Financing of Irrigation Network Management

Article 75

(1) The financing of management of primary and secondary irrigation networks becomes responsibility of the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

(2) The financing of management of primary and secondary irrigation networks is based on the real need figure of irrigation management in every irrigation area.

(3) The calculation of the real need figure of irrigation management in every irrigation area is done by the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority on the basis of network surveillance by observing contribution of groups of farmer using water.

(4) Priority of the use of management cost of irrigation network in every irrigation area is agreed jointly by the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority and groups of farmers using water.

Article 76

(1) The financing of the management of primary and secondary irrigation networks as meant in Article 75 constitutes the irrigation management fund whose management becomes responsibility of the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

(2) The irrigation management fund as meant in paragraph (1) is used in accordance with legislation.

(3) Further provisions on the irrigation management fund whose management becomes responsibility of provincial and regental/municipal governments are regulated by a regional regulation.

Article 77

(1) In the case of a region having urgent interest in the rehabilitation of irrigation network in inter-provincial or nationally strategic irrigation area, but the development has not become national priority, the government, provincial governments and/or regental/municipal governments can cooperate in the financing.

(2) In the case of regental/municipal government having urgent interest in the rehabilitation of irrigation network in inter-regental/municipal irrigation area but the development has not become provincial priority, the regental/municipal government and provincial government can cooperate in the financing.

Article 78

- (1) The financing of the management of tertiary irrigation networks becomes responsibility of groups of farmers using water in their respective working areas.
- (2) If groups of farmers using water are unable to finance the management of tertiary irrigation networks becoming their responsibility, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority can help finance the management of the tertiary irrigation networks on the basis of request from the groups of farmers using water by observing the principle of independence.
- (3) The financing of the management of irrigation networks built by business entities, social agencies or individuals is borne by the respective parties.
- (4) Users of irrigation networks are obliged to take part in the financing of the management of irrigation networks built by the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority.

Article 79

- (1) The financing of operational activities of regental/municipal irrigation commissions and irrigation-area coordination forums becomes responsibility of regencies/cities in accordance with their respective scopes of authority.
- (2) The financing of operational activities of provincial irrigation commissions and inter-provincial irrigation commissions becomes responsibility of the respective provincial governments.

Part Three

Integration of Financing of Irrigation Network Management

Article 80

- (1) Provincial irrigation commissions coordinate and integrate the planning for financing the management of irrigation networks becoming responsibility of the

government, provincial governments or regental/municipal governments as meant in Article 75 paragraph (1) located in a province.

- (2) Inter-provincial irrigation commissions coordinate and integrate the planning for financing the management of inter-provincial irrigation networks.
- (3) The coordination and integration of the planning for financing as meant in paragraph (1) refer to recommendation of priority to allocation of the financing of irrigation network management conveyed by regental/municipal irrigation commissions.
- (4) The coordination and integration of the planning for financing as meant in paragraph (2) refer to recommendation of priority to allocation of the financing of irrigation network management conveyed by inter-provincial commissions.

Part Four

Financing Mechanism of Irrigation-Network Development and Management

Article 81

Provisions on the financing mechanism of irrigation-network development and management are stipulated by a regulation of the Minister in charge of financial affairs on the basis of recommendation from the Minister.

CHAPTER XII

CHANGE IN FUNCTION OF IRRIGATED LAND

Article 82

- (1) In order to guarantee the conservation of the function and benefit of irrigation networks, the Minister, governors or regents/mayors in accordance with their respective scopes of authority strive to ensure the availability of irrigated land and/or control change in the function of irrigated land in their respective regions.
- (2) The institution authorized and responsible for irrigation affairs plays role in controlling change in the function of irrigated land for non-agricultural purpose.

- (3) The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority stipulate in an integrated manner potential areas of irrigation in regional layout plan to support national food security.

Article 83

- (1) Change in function of irrigated land cannot be realized unless otherwise attributed to:
- change in regional layout plan; or
 - natural disaster causing the function of land and irrigation network to loose.
- (3) The government, provincial governments and/or regental/municipal governments in accordance with their respective scopes of authority strive to substitute irrigated land and networks attributable to change in the regional layout plan.
- (4) The government, provincial governments and/or regental/municipal governments in accordance with their respective scopes of authority are responsible for re-arranging irrigation system in the case of:
- irrigation network changing in function partly; or
 - irrigated land changing in function partly.
- (5) Business entities, social agencies or institutions undertaking activities potential to change function of irrigated land, which violate the regional layout plan as meant in paragraph (1) letter a are obliged to substitute the irrigated land and its networks.

CHAPTER XIII COORDINATION IN THE MANAGEMENT OF IRRIGATION SYSTEM

Article 84

- (1) The management of irrigation system is coordinated through inter-regental/municipal irrigation commissions, provincial irrigation commissions, inter-provincial irrigation commissions and/or irrigation area coordination forums.
- (2) In coordinating the management of irrigation system, irrigation commissions can invite other stakeholders to attend commission meetings for obtaining necessary information.

- (3) Working relations between irrigation commissions and working relations between irrigation commissions and water resource council are consultative and coordinative.

- (4) Coordination in the management of irrigation system in irrigation areas becoming authority of regencies/cities and irrigation areas already assigned by the government and/or provincial governments to regencies/cities is executed through regental/municipal irrigation commissions.

- (5) Coordination in the management of irrigation system in irrigation areas becoming authority of provinces, nationally strategic irrigation areas and irrigation areas already assigned or not assigned by the government to provinces is executed through provincial irrigation commissions.

- (6) Provincial irrigation commissions coordinate the management of irrigation system with all regental/municipal irrigation commissions and inter-provincial irrigation commissions.

- (7) Coordination in the management of irrigation system in inter-provincial irrigation areas and irrigation areas, already assigned or not yet assigned by the government to the respective provinces can be executed through inter-provincial irrigation commissions.

- (8) Coordination in the management of irrigation system whose network has multi-functions in an irrigation area can be executed through irrigation-area coordination forum.

CHAPTER XIV SUPERVISION

Article 85

- (1) In the development and management of irrigation system in every irrigation area, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority supervise by involving public participation.
- (2) The supervision as meant in paragraph (1) covers activities of:

- a. monitoring and evaluation so as to be suitable to the norms, standards, guidelines and manuals;
- b. reporting;
- c. recommending; and
- d. disciplining.

(3) Public participation in the supervision as meant in paragraph (1) is realized by conveying reports and/or complaints to the authorized party.

(4) Groups of farmers using water, business entities, social agencies and individuals report information about the development and management of irrigation system becoming their responsibility to the government, provincial governments or regental/municipal governments.

(5) In the framework of the supervision as meant in paragraph (1), the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority provide information on the development and management of irrigation system publicly.

(6) Further provisions on guidelines on the supervision over the development and management of irrigation system are regulated by a regulation of the Minister.

(7) Further provisions on supervision over the development and management of irrigation system by regental/municipal governments and provincial governments are regulated by a regional regulation.

CHAPTER XV TRANSITIONAL PROVISION

Article 86

With the enforcement of this government regulations:

- a. all technical regulations related to irrigation are declared to remain effective as long as they do not contravene or have not been replaced by new technical regulations on the basis of this government regulation.
- b. Licenses related to the development and management of irrigation system already issued before the

stipulation of this regulation are declared to remain effective until their validity period ends.

CHAPTER XVI CONCLUSION

With the enforcement of this government regulation, Government Regulation No. 77/2001 on Irrigation (Statute Book of 2001 No. 143, Supplement to Statute Book No. 4156) is declared null and void.

Article 68

This government regulation comes into force as from the date of promulgation.

For public cognizance, the regulation shall be published by placing it in Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

On may 30,2006

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Sgd

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On May 30,2006

THE MINISTER OF LAW AND HUMAN RIGHTS

Sgd

HAMID AWALUDDIN

STATUTE BOOK OF THE REPUBLIC OF INDONESIA
YEAR 2006 NO. 46

ELUCIDATION ON

GOVERNMENT REGULATION NO. 20/2006 REGARDING IRRIGATION

I. GENERAL

1. Law No. 7/2004 on Water Resource regulates issued related to water resource, among others, the development and management of irrigation. The provision needs further elaboration by a government regulation as required by Article 41. In a bid to meet the provision, this government regulation contains

detailed and comprehensive provisions on irrigation on the basis of considerations and thoughts below.

2. The role of the agricultural sector is very strategic in the national economy and agricultural activities are inseparable from water. In relation thereto, irrigation as a component support the success of agricultural development plays a very important role. Since the objective of the agricultural development changes from increasing production to realize self-sufficiency in rice to preserving food security, raising farmers' income, expanding job opportunities in rural areas and enhancement of family nutrition as well as in line with spirits of democracy, decentralization and transparency in the social life, it is necessary to stipulate a policy on the development and management of irrigation system.
3. Law No. 7/2004 on Water Resource stipulates that control over water resource by the state is realized by the government, provincial governments and/or regental/municipal governments and used maximally for the people's welfare. In the implementation, the law still recognizes and respects units of traditional communities and their traditional rights, such as communal rights of local traditional communities and rights of the same kind, as long as they do not contravene national interests and legislation. In realizing the management of water resource, the government, provincial governments and/or regental/municipal governments are responsible for providing water for all kinds of the need by prioritizing mainly to daily basic need and smallholder agriculture in the existing irrigation system above all kinds of the need.
4. Law No. 32/2004 on Regional Administration mandates that regional administration is executed on the basis of the principles of decentralization, de-concentration and assisting tasks. IN the implementation of the decentralization, regions are given freedom to implement regional autonomy by principles of public service approach in various fields, including the irrigation. In order to guarantee the effective and efficient development and management of irri-

gation system, authority and responsibility for the development and management of the irrigation system between the government, provincial governments and/or regental/municipal governments are divided. Subsequently, Law No. 33/2004 on Financial Sharing between the Central Government and Regional Governments basically has objectives, among other, to empower and enhance capability of regional economy, including the financing of the development and management of irrigation system. In relation thereto, the financing of the development and management of irrigation system becomes responsibility of the government, provincial governments, regental/municipal governments and communities.

5. The development and management of irrigation system are realized by involving all stakeholders by prioritizing to interests and participation of farmers in all processes of decision making as well as implementation of the development and management of irrigation system. In order to execute the activities, groups of farmers using water and regental/municipal or provincial service or institutions concerned in the irrigation sector are empowered in a sustainable manner. Subsequently, in order to realize participatory development and management of irrigation system as well as to enable it to contribute benefits maximally to farmers, the development and management of irrigation system are realized by enhancing efficiency in the use of water resource on the basis of linkage between rain water, surface water and groundwater in an integrated manner by prioritizing to the enhancement of efficiency in the use of surface water. The development and management of the irrigation system are realized by a principle "one irrigation system for one unit of development and management" by observing interests of users of irrigation water and users of irrigation networks in upstream, middle and downstream areas harmoniously. The development and management of the irrigation system are executed by irrigation management institutions covering government institutions, groups of farmers using water and irrigation commissions.

6. In the framework of stipulating policy on the development and management of the irrigation system by principle "one irrigation system for one unit of development and management", the irrigation system is developed and managed participatorily with the support of re-arrangement of tasks, authority and responsibility of irrigation management institutions, empowerment of groups of farmers using water, improvement of the financing system of development and management of irrigation networks for realizing the sustainability of the irrigation system. The participatory development and management of the irrigation system are executed in all processes of the development and management of the irrigation system, starting from initial thinking, decision making, and implementation of activities in the phases of planning, development, enhancement, operation, maintenance and rehabilitation. The government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority facilitate and provide assistance in accordance with requests from groups of farmers using water by observing the principles of independence.

7. The policy on the effective and efficient development and management of the irrigation system is needed for ensuring the sustainability of the irrigation system and right to use water for irrigation purpose. It is based on realities:

- a. shift in the value of water, from water resources owned collectively, which is abundant and usable without cost to resource having economic value and social function;
- b. vulnerability to the availability of water nationally;
- c. tighter competition in the utilization of water between irrigation and the use by other sectors;
- d. widening change in function of irrigated land for other interests.

In accordance with the above mentioned realities, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority provide financing of the development and management

of primary and secondary irrigation systems, while groups of farmers using water can participate.

Groups of farmers using water provide financing for the development and management of irrigation system becoming their responsibility, while the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority can help in accordance with requests from the groups of farmers using water by observing the principles of independence.

8. Regulation of rights to use water is realized through right to use water for irrigation, consisting of right to use water and right to manage water for irrigation. Rights to use water for irrigation purpose for smallholder agriculture inside the existing irrigation system are obtained without license, while those for smallholder agriculture in new and enhanced irrigation systems are obtained on the basis of applications for license to utilize water for irrigation. The rights to manage water are granted for the need of exploitation in the agricultural sector and obtained on the basis of applications for license to manage water for irrigation. In the case of draught in water source causing the shortage of irrigation water thus requiring substitution to irrigation water, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority can strive to obtain additional supply of irrigation water from other sources or adjust the supply and regulation of irrigation water. In order to ensure the utilization of water to achieve the maximal result, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority regulate the provision, division, distribution, use of irrigation water and drainage in their respective regions.

9. The development of irrigation networks covers activities of the development and enhancement of irrigation networks, realized on the basis of master plan for the management of water resource. The government,

provincial governments or regental/municipal governments are responsible for the development and enhancement of primary and secondary irrigation networks, while groups of farmers using water can participate. Groups of farmers using water are responsible for the development and management of tertiary irrigation networks.

In addition, the development of irrigation networks is realized simultaneously with the development of irrigated agricultural land in accordance with the agricultural development plan and development by observing readiness of local farmers.

10. The management of irrigation networks covers activities of operation, maintenance, and rehabilitation of irrigation networks. The government, provincial government or regental/municipal governments are responsible for the operation, maintenance, and rehabilitation of primary and secondary irrigation networks becoming their authority, while groups of farmers using water can participate. The management of tertiary irrigation networks becomes the responsibility of groups of farmers using water.

11. In a bid to achieve the integrated and sustainable function of irrigation and the use of irrigation networks at the most efficient cost of management of irrigation assets, it's necessary to undertake the management of irrigation assets, namely the structured management for planning the maintenance and funding of the irrigation system.

The management of irrigation assets covers activities of inventorying, planning, implementation, evaluation of irrigation assets and updating results of inventorying of irrigation assets. The government, provincial governments, regental/municipal governments or rural governments are responsible for the management of irrigation assets becoming their authority.

12. Given that irrigation deals with various users of irrigation water and various kinds of the use of irrigation networks and its area encompasses borders of administrative regions of administration, the govern-

ment regulation stipulates the need for establishing coordination and communication institution called irrigation commission. The regental/municipal irrigation commissions are established by regents/mayors, provincial irrigation commissions are set up by governors, inter-provincial irrigation commissions can be established by the relevant governors to realize coordination in the management of irrigation system. In addition, in order to realize coordination in the management of irrigation system, irrigation-area coordination forum facilitated by regents/mayors can be established.

13. The government, provincial governments, regental/municipal governments in accordance with their respective scopes of authority supervise the development and management of irrigation system. In the framework of the supervision, the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority provide information about the development and management of irrigation system publicly. Communities participate in the supervision over the development and management of irrigation system by means of conveying reports and/or complaints to the authorized party.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear

Article 2

Paragraph (1)

Farming business includes mainland fishery.

Paragraph (2)

Sufficiently clear

Article 3

Paragraph (1)

Letter a

Reliability of irrigation water means a condition wherein irrigation water can be available in the volume,

time, place and quality suitable to the need of plants for supporting productivity of farming business maximally. Reservoir means water collecting basin/place in river so as to be usable for irrigation or other purposes.

Square reservoir means a collecting basin/place of water when water in river is surplus or basin/place to collect rain water.

Letter b

Reliability of irrigation infrastructure means a condition and function of irrigation network able to provide irrigation service optimally.

Operation and maintenance of primary, secondary and tertiary irrigation networks include:

- activity of security for irrigation networks in the form of efforts to prevent and overcome damage of irrigation networks attributable to animals, human, or natural forces for maintaining the function of the irrigation networks; and
- conservation of water in irrigation area in the form of efforts to economize in the use of water in the irrigation area and maintain the quality of irrigation water in irrigation networks as well as maintain the quality of the excess of irrigation water not used anymore.

Letter c

Sufficiently clear

Paragraph (2)

Sufficiently clear

Article 4

Paragraph (1)

Sufficiently clear

Paragraph (2)

Participatory means the development and management of irrigation system based on participation of farmers.

Integrated means that the development and management of irrigation system are realized by integrating interests of sectors concerned.

Transparent and accountable means that the development and management of irrigation system are realized transparently and accountably.

Just means that the irrigation system is developed and managed proportionally in accordance with the need of communities using irrigation water from the upstream to the downstream.

Environmentally friendly means that the irrigation system is developed and managed by observing equilibrium of ecosystem and supporting potential of the environment.

Paragraph (3)

Participatory development and management of irrigation system throughout irrigation areas are realized by groups of farmers using water or the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority to enhance the sense of belonging, sense of responsibility and capability of groups of farmers using water in the framework of enhancing efficiency, effectiveness and sustainability of the irrigation system.

In the case of the development of new irrigation system being executed in region potential to stipulate as an irrigation area, participation in the development and management of irrigation system is in the form of, among others, ideas, thoughts, contribution of time, energy, material and fund.

Article 5

Stakeholders mean, among others, farmers, irrigation water beneficiaries or users of irrigation network.

Article 6

Sufficiently clear

Article 7

Paragraph (1)

Rain water falling on ground surface includes surface water having prioritized in the enhancement of efficiency in the use.

Paragraph (2)

The principle "one irrigation system for one unit of development and management" means that a system of planning, execution, monitoring and evaluation is applied to an irrigation area obtaining irrigation service from

an irrigation system consisting of primary, secondary and tertiary networks.

Article 8

In the provision, the institutions concerned include the Minister in charge of agricultural affairs, Minister of Home Affairs and minister in charge of financial affairs.

Articles 9 and 10

Sufficiently clear

Article 11

Paragraphs (1) and (2)

Sufficiently clear

Paragraph (3)

The irrigation-area coordination forum functions as a forum of consultation and communications between representatives of groups of farmers using water, users of irrigation networks, and governments in the framework of the management of irrigation having multi-functions in an irrigation area.

The provincial and/or regental/municipal governments facilitate the realization of the irrigation area coordination forum.

Article 12

Paragraph (1)

Sufficiently clear

Paragraph (2)

Users of irrigation networks are user of irrigation networks other than farmers, securing right to use water specifically.

Paragraph (3)

The tasks of the regental/municipal irrigation commissions as meant in letters a, b, c, d, e and f cover irrigation areas becoming authority and responsibility of regents/mayors as well as irrigation areas already assigned to regental/municipal governments by the government or provincial governments.

Article 13

Paragraph (1)

Sufficiently clear

Paragraph (2)

Regencies/cities concerned means regencies/cities whose territory has irrigation networks under the responsibility of provincial governments or the government.

Given that the responsibility for the management of irrigation system lays on the government, the definition proportional in the provision means that the number of representatives of the government is bigger than the number of non-government representatives.

Representation means that members of the irrigation commission represent institutions related to the management of irrigation system, groups of farmers using water or groups of users of irrigation network.

Paragraph (3)

The tasks of the provincial irrigation commissions cover irrigation areas becoming authority and responsibility of governors as well as irrigation areas already assigned to provincial governments by the government.

Article 14

Paragraph (1)

Sufficiently clear

Paragraph (2)

In order to integrate the management of irrigation in an inter-provincial irrigation area, it needs inter-provincial cooperation realized by an inter-provincial irrigation commission.

Paragraph (3)

In order to integrate the management of irrigation in an inter-provincial irrigation area, it needs inter-provincial cooperation realized by an inter-provincial irrigation commission.

Article 15

Sufficiently clear

Article 16

Paragraph (1)

Letter a

Sufficiently clear

Letter b

Stipulation of status of irrigation area aims at affirming irrigation area becoming the authority and responsibility of the government, provincial governments and regental/municipal governments, namely:

1. Irrigation area wholly located in a regency/city is an irrigation area obtaining irrigation water from irrigation network whose structure and channel as well as size are wholly located the territory of the regency/city.
2. Inter-regental/municipal irrigation area is an irrigation area obtaining irrigation water from irrigation network whose structure and channel as well as coverage are located in more than a territory of regency/city but still located in a provincial territory.
3. Inter-provincial irrigation area is an irrigation area obtaining irrigation water from irrigation network whose structure and channel as well as coverage are located in more than a territory of province but still located in a country.
4. Inter-state irrigation area is an irrigation area obtaining irrigation water from irrigation network whose structure and channel as well as coverage are located in more than one country.
5. Nationally strategic irrigation area is an irrigation area with a size of over 10,000 hectares, having important benefit for the fulfillment of the national need for food.

Letter c

Sufficiently clear

Letter d

The responsibility of the government in the provision is rather prioritized to provision of the financing, while the implementation can be done by provincial governments, regental/municipal governments or rural governments.

Letters e and f

Sufficiently clear

Letter g

The responsibility of the government in the provision is rather prioritized to provision of the financing and technical fostering, while the implementation can

be done by provincial governments, regental/municipal governments or rural governments.

Letter h

The responsibility of the government in the provision is rather prioritized to provision of the financing and technical fostering, while the implementation can be done by provincial governments, regental/municipal governments or rural governments.

Letter I

Sufficiently clear

Letter j

Technical assistance means, among others, technical counseling, personnel and/or equipment.

The technical assistance is provided for provincial and regental/municipal governments through a process of consultation by prioritizing to the principle of independence.

Letters k and l

Sufficiently clear

Paragraph (2)

Sufficiently clear

Article 17 (TO BE CONTINUED)

====(AL)====

RECTIFICATION

Due to misadventent mistake in Business News No. 7396 we need to rectify as follows:

Editorial II page 3, the third line of the second last paragraph should read "In the State Budget of 2006, the international oil price is estimated at at US\$57 per barrel, **under** 25% the prevailing price.

Index in pages 5 - 7, appeared in the front page of the same publication should read An Exclusive Interview With : **Luigi Carlo Gastel**.

We apologize for the mistakes.

The Editor

I R R I G A T I O N

(Government Regulation No. 20/2006 dated May 30, 2006)

[Continued from Business News No. 7397 - 7398 pages 19A - 30A]

Article 17

Letters a and b

Sufficiently clear

Letter c

The responsibility of the government in the provision is rather prioritized to provision of the financing, while the implementation can be done by provincial governments, regental/municipal governments or rural governments.

Letters d and e

Sufficiently clear

Letter f

The responsibility of the government in the provision is rather prioritized to provision of the financing and technical fostering, while the implementation can be done by provincial governments, regental/municipal governments or rural governments.

Letter g

The responsibility of the government in the provision is rather prioritized to provision of the financing and technical fostering, while the implementation can be done by provincial governments, regental/municipal governments or rural governments.

Letter h

Technical assistance means, among others, technical counseling, personnel and/or equipment.

The technical assistance is provided for provincial and regental/municipal governments through a process of consultation by prioritizing to the principle of independence.

Letter I up to letter l

Sufficiently clear

Article 18

Sufficiently clear

Article 19

Letter a

Although the authority of rural governments is only limited to the enhancement and management of irrigation system, rural governments have opportunity to take initiative to build rural irrigation networks after securing approval from regental/municipal governments.

Letters b and c

Sufficiently clear

Article 20

Letters a and b

Sufficiently clear

Letter c

Approval is only given by groups of farmers using water.

If group of farmers using water has not been established, approval is granted by regental/municipal governments on the basis of consensus of farmers.

Article 21

The agreeable cooperation is, among others, research and development of science and technology in the irrigation field, as well as building, enhancement and rehabilitation of irrigation system.

Article 22

Part of the government authority means the authority as meant in Article 16 letters c, d, h, I and l, Article 17 letters b, c, d, g and 8 and Article 18 letters b, c, f and k.

Article 23

Paragraph (1)

Delegation of authority of provincial governments to the government in this provision is based on Article 19 paragraph (1) of Law No. 7/2004 on Water Resource.

Paragraph (2)

Authority not delegated in this provision is operation and maintenance of irrigation system. Activities of study, investigation and detail planning remain in provincial governments.

Paragraph (3) up to paragraph (5)

Sufficiently clear

Paragraph (6)

Delegation of part of authority in this provision is temporary and can be returned to provincial governments.

The agreement on delegation of part of authority minimally contains matters related to kind of the delegated authority, period of delegation and requirements, which must be fulfilled for returning back.

Article 24

Paragraph (1)

Delegation of authority of provincial governments to the government in this provision is based on Article 19 paragraph (1) of Law No. 7/2004 on Water Resource.

Paragraph (2)

Authority not delegated in this provision is operation and maintenance of irrigation system. Activities of study, investigation and detail planning remain in provincial governments.

Paragraph (3) up to paragraph (5)

Sufficiently clear

Paragraph (6)

Delegation of part of authority in this provision is temporary and can be returned to provincial governments.

The agreement on delegation of part of authority minimally contains matters related to kind of the delegated authority, period of delegation and requirements, which must be fulfilled for returning back.

Paragraphs (7) and (8)

Sufficiently clear

Article 25

Letter a

Acquisition of the exercise of part of the authority is provisional until the condition endangering public interests can be restored.

Endangering public interest means disconnected irrigation channel or landslide stopping supply of water in the primary channel thus affecting the life of the public at large.

Letter b

Sufficiently clear

Article 26

Paragraph (1)

Realization of activities of development, enhancement, operation, maintenance, and rehabilitation also includes activity of planning.

Paragraph (2)

Sufficiently clear

Paragraph (3)

Individual participation of farmers in the development and management of irrigation system is limited to issues not having collective impact, such as formulation of planting plan, distribution of water.

Individual means non-business entity subject needing water for agricultural business.

Public participation can be realized in phases, in accordance with their capability, covering institutional, technical and financial capability.

The institutional capability can be reflected from, among others, legal status of organization, managerial capability, activity of executives and number of active organization members.

The technical capability can be reflected by, among others, the number of ulu-ulu (water distributors) capable of distributing water fairly and equitably, properly maintained irrigation networks and better farming business.

The financial capability can be reflected by, among others, capability of financing irrigation system and capability of managing the system.

Paragraph (4)

Sufficiently clear

Paragraph (5)

If group of farmers using water has been established, participation of farmers must be channeled through the group.

Article 27

Sufficiently clear

Article 28

Paragraph (1)

Empowerment of groups of farmers using water aims at strengthening and enhancing the independence of the groups in activities of development, enhancement, operation, maintenance and rehabilitation of irrigation networks.

Paragraph (2) up to paragraph (6)

Sufficiently clear

Paragraph (7)

The regulation of the minister contains, among others:

- guidelines on regulation of authority, rights and responsibility of irrigation management institutions;
- guidelines on empowerment of groups of farmers using water.

Article 29

Sufficiently clear

Article 30

Traditional law community is a community still existing in the fact and their existence is validated by local regional regulation.

Article 31

Paragraph (1)

Sufficiently clear

Paragraph (2)

Smallholder agriculture is agricultural cultivation covering various commodities, namely agriculture of food

crop, fishery, animal husbandry, plantation and forestry, which is managed by people with certain size, whose needs for water does not exceed two liter per second per family.

Paragraph (3)

The right to use water for irrigation is only designated to meet need of water for their agricultural land outside the smallholder agriculture.

Article 32

Paragraph (1)

Developers are, among others, the government, provincial governments, regental/municipal governments, business entities, social agencies, groups of communities or individuals building or enhancing irrigation system in a certain irrigation area.

Principle license to allocate water is provisional stipulation given to developers as guarantee for obtaining a certain volume of water from certain water sources after irrigation is ready for functioning.

The principle license to allocate water contains requirements, among others, designation, debit of water and time of provision.

The enhancement of the existing irrigation system includes expansion of irrigation system.

Paragraph (2)

The need of irrigation for water means the need of water for agriculture.

Other interests are interests outside the agricultural sector.

Paragraph (3)

Sufficiently clear

Paragraph (4)

Irrigation network already built completely is for the development of new irrigation network or enhancement of the existing irrigation networks.

Article 33

Paragraph (1)

Obtained without license means that the right to use water for irrigation is obtained by farmers in free

of charge through validation in the form of document that the government is active to issue collectively through groups of farmers using water.

The need of water for smallholder agriculture means the need of water for agricultural cultivation covering various commodities, namely food crop, horticulture, fishery, animal husbandry, plantation and forestry managed by people with certain size, whose needs for water does not exceed two liter per second per family.

The existing irrigation system is irrigation system already built wholly or partly by the government in the irrigation system whose plan has been stipulated by the government upon the enforcement of Law No. 7/2004 on Water Resource.

Paragraph (2)

The right to use water for irrigation obtained by groups of farmers using water is a right to use water being a totality in an irrigation area.

Paragraph (3)

Inclusion of lists of primary, secondary and tertiary clusters as well as their need for water in the letter of stipulation aims at further strengthening guaranty for farmers.

Paragraph (4)

The provision applies to new irrigation system and irrigation enhanced on the basis of initiative of farmers.

Paragraph (5) up to paragraph (7)

Sufficiently clear

Paragraph (8)

Evaluation is executed on the basis of among others, change in the availability of water and the use of water, e.g. as a result of natural condition, change in the size of area watered by irrigation network, change in kind of plants and planting season.

Evaluation starts from the date of stipulation of this government regulation.

Paragraph (9)

Sufficiently clear

Article 34

Paragraph (1) up to paragraph (5)

Sufficiently clear

Paragraph (6)

Evaluation is executed on the basis of among others, change in the availability of water and the use of water, e.g. as a result of natural condition, change in the size of area watered by irrigation network, change in kind of plants and planting season.

Evaluation starts from the date of stipulation of this government regulation.

Paragraph (7)

Sufficiently clear

Article 35

Sufficiently clear

Article 36

Paragraph (1)

Sufficiently clear

Paragraph (1)

Certain cases are, among others, drought, fire. Other need is:

- a. minimal daily basic need;
- b. need for overcoming shortage of standard water for drinking water of household;
- c. need of water for fire extinguisher;
- d. need for overcoming impacts of water pollution.

Paragraph (3)

Planting plan contains kinds of plant, planting location, planting schedule and size of planting area.

Paragraph (4)

Letter a

The utilization of irrigation water in an irrigation area can be optimized by means of, among others, dividing an irrigation area into several categories of groups of irrigated rice fields on the basis of planting pattern and order.

The utilization of irrigation water between irrigation areas can be optimized by regulating moment of commencement of planting between upstream and

downstream irrigation areas obtaining water from the same source.

Letter b

Sufficiently clear

Article 37

Paragraph (1)

The planting plan in a regency/city consists of planting plan formulated by regental/municipal service for irrigation area becoming their authority and planting plan formulated by provincial service for irrigation area located in the regency/city, which becomes authority of the province.

Paragraph (2)

The government authority delegated to governors is executed by provincial service.

Paragraph (3) up to paragraph (5)

Sufficiently clear

Article 38

Paragraph (1) up to paragraph (3)

Sufficiently clear

Paragraph (4)

Water resource council constitutes a coordinating forum of water resource stakeholders in accordance with their working areas (national, provincial, regental/municipal or river area).

Paragraphs (5) and (6)

Sufficiently clear

Article 39

Paragraph (1)

Delegation of authority to governors aims at ensuring the efficient and effective service for users of irrigation water.

Paragraph (2) up to paragraph (5)

Sufficiently clear

Article 40

Sufficiently clear

Article 41

Paragraphs (1) and (2)

Sufficiently clear

Paragraph (3)

Observing the need of water for irrigation means observing recommendations of groups of farmers using water about the need for water not yet accommodated through dialogue between groups of farmers using water and irrigation commissions.

Paragraph (4)

Sufficiently clear

Paragraph (5)

Irrigation management executors are site officers dividing and distributing irrigation water in an irrigation area, such as water gate guardian, reservoir gate guardian, irrigation officer and irrigation observers.

Article 42

Paragraph (1) up to paragraph (5)

Sufficiently clear

Paragraph (6)

Primary cluster means a cluster consisting of several secondary clusters whose water is channeled directly from the primary cluster.

Secondary cluster is a cluster consisting of tertiary clusters wholly served by one secondary channel.

Tertiary cluster is a collection of irrigated rice-field clusters being a totality and obtaining irrigation water through a tertiary irrigation network.

Measurable means that the irrigation water is divided and channeled by using debit regulator and measuring appliance as well as recorded.

Article 43

Paragraph (1)

Distributing structure is a structure functioning to distribute water.

Absorbing-distribution structure is a structure function to divide water and concurrently channel the water to tertiary cluster.

Paragraph (2)

Absorbing-structure is a structure functioning to channel water to tertiary clusters whose location is stipulated on the basis of agreement of farmers and mentioned in technical plan stipulated by the government.

Technical plan means a plan containing detailed layout and technical pictures in an irrigation area mentioned in the form of a document.

Technical plans for irrigation networks becoming responsibility of the government, provincial governments or regental/municipal governments in accordance with their respective scopes of authority are stipulated by the central institution in charge of irrigation affairs, provincial service or regental/municipal service.

Technical plans for irrigation networks built by farmers and position of their absorbing structures are stipulated by the farmers.

Article 44

Sufficiently clear

Article 45

Insufficient supply of irrigation water is attributable to shortage of water in the source thus making annual plan for provision of irrigation water unable to fulfill.

Article 46

Sufficiently clear

Article 47

Using water for irrigation directly taken from source of surface water is, for example, taking water from river, reservoir, lake which is used directly for watering land.

Paragraph (2)

Sufficiently clear

Article 48

Paragraph (1)

The development of irrigation network means new development in land where irrigation network has not existed, covering the development of irrigation networks of surface water and groundwater.

Paragraph (2)

License to develop irrigation network constitutes an unit integrated with license to use water from water source.

Design for the development of irrigation networks must guidance for operation and maintenance of irrigation networks.

Paragraph (3)

Sufficiently clear

Article 49

Paragraph (1)

Including primary and secondary irrigation networks is irrigation networks of groundwater along with wells and pump installation or main structure and distribution networks in micro-irrigation, consisting of drop and bulk irrigation.

Paragraphs (2) and (3)

Sufficiently clear

Paragraph (4)

Assistance from the government, provincial governments or regental/municipal governments to groups of farmers using water is provided on the basis of evaluation of requests from the groups of farmers using water by referring to the criteria stipulated by the Minister, governors or regents/mayors in accordance with their respective scopes of authority and observing the principles of independence to breeding the capability of the farmers in managing irrigation networks becoming their responsibility.

Paragraph (5)

The license is needed because irrigation networks built by business entities, social agencies or individuals are linked to the existing irrigation networks.

Article 50

Sufficiently clear

Article 51

Paragraph (1)

Enhancement of irrigation networks covers enhancement of irrigation networks of surface water and groundwater.

Enhancement of irrigation networks is designed to expand the sphere of service, enhance capacity of channel or enhance the irrigation system, among others, from simple irrigation system to semi-technical, from semi-technical irrigation system and simple irrigation system to technical, e.g. by means of replacing door and making channel lining.

Irrigation networks can be enhanced partially and gradually in accordance with the need.

Paragraph (2)

Design for enhancement of irrigation networks must cover guidance for operation and maintenance of the irrigation networks.

Paragraph (3)

Sufficiently clear

Article 52

Paragraph (1) up to paragraph (4)

Sufficiently clear

Paragraph (5)

The license is needed because irrigation networks built by business entities, social agencies or individuals are linked to the existing irrigation networks.

Article 53

Paragraph (1)

Modification and/or removal of irrigation networks are attributable to both the enhancement of irrigation networks and impact of other activities, such as the development of drinking-water pipeline, gas pipeline or the building of bridge encompassing primary and secondary irrigation networks.

Paragraph (2)

Sufficiently clear

Article 54

Paragraph (1)

Executed simultaneously aims at ensuring the realization of the development and/or enhancement of irrigation networks suitable to the agricultural development plan and program.

The development of irrigated agricultural-land is among others the creation of irrigated rice field, pond, horticultural land, plantation and/or animal husbandry.

Readiness of local farmers aims at ensuring the settlement of development and/or enhancement of irrigation networks in accordance with the moment when farmers need water and are ready for undertaking cultivation and processing of agricultural commodities.

Paragraph (2)

Sufficiently clear

Article 55

Sufficiently clear

Article 56

Paragraph (1)

Operation and maintenance of primary, secondary and tertiary irrigation networks include activity of security for irrigation networks and conservation of water in irrigation area.

Paragraph (2)

Sufficiently clear

Paragraph (3)

Executing supervision means that in the case of the operation and maintenance being not suitable to the agreed in irrigation commission, groups of farmers using water can convey reports and/or complaints to the authorized officers/officials.

Paragraph (4)

The agreement made by the government, groups of farmers using water and users of irrigation networks contains annual plan for operation and maintenance, among others, regulation of irrigation water, parts of networks securing priority of maintenance and duration of maintenance.

Paragraphs (5) and (6)

Sufficiently clear

Article 57

Responsibility of groups of farmers using water

includes tertiary irrigation networks, rural irrigation networks, groundwater irrigation networks, supplying network in micro-irrigation and parts of irrigation networks built by groups of farmers using water.

Article 59

Paragraph (1)

Sufficiently clear

Paragraph (2)

Drying can be realized part by part in accordance with the timetable of the need for water in order to prevent the activity from affecting plants needing water.

Rescheduling of provision of irrigation water is based on agreement between the government and groups of farmers using water as well as notified first to the groups of farmers using water and users of irrigation networks in not later than 30 (thirty) calendar days before the drying is executed.

Article 59

Paragraph (1)

Security for irrigation networks means efforts to prevent human or animal actions potential to damage irrigation networks.

Paragraph (2)

Other party means individuals, business entities or groups of communities outside the groups of farmers using water.

Article 60

Paragraph (1)

The demarcation line is security borders of channels and/or structure of irrigation networks at a certain distance along the channel and around the structure.

Paragraph (2)

Sufficiently clear

Paragraph (3)

Dug means land hole not refilled, which is potential to affect security of the existing irrigation networks, such as causing leakage, fracture or rupture in the structure.

Paragraph (4)

Kinds of permitted buildings are buildings technically not affecting the function of irrigation networks.

Article 61

The guideline contains, among others, method, criteria and procedures.

Article 62

Paragraph (1)

Stipulation of sequence of priority of the need for rehabilitation is based on the level of damage of irrigation networks, sphere of service affected by the damage, limitation of financing, and impact arising from the postponement of improvement of the damage. The data are obtained from results of surveillance of irrigation networks.

Paragraphs (2) and (3)

Sufficiently clear

Article 63

Sufficiently clear

Article 64

Paragraph (1) up to paragraph (3)

Sufficiently clear

Paragraph (4)

Emergency condition means damage occurring instantaneously and unpredicted previously, such as impact of natural disaster and/or rupture of embankment channel.

Paragraph (5)

Sufficiently clear

Article 65

Sufficiently clear

Article 66

Paragraph (1)

Irrigation management support is, among others, institutions managing irrigation, human resources and supporting facilities, such as office building, telephone, guarding house, equipment warehouse, land and vehicle.

Paragraph (2) up to paragraph (9)

Sufficiently clear

Article 67

Paragraph (1)

Inventorying of irrigation networks constitutes part of the irrigation asset management carried out every year in the form of updating of irrigation network data. Results of the data collection constitute substances of annual evaluation of the development and management of irrigation.

Paragraph (2)

Inventorying of all irrigation assets is executed every 5 (five) years nationally, starting from the date of stipulation of this government regulation. Data resulting from the complete inventorying are used as substances in the formulation or evaluation of medium and long-term plan for management of irrigation assets.

Paragraphs (3) and (4)

Sufficiently clear

Article 68

Paragraph (1)

Besides being utilizable for the planning of operational activities of irrigation networks, the planning of irrigation asset management also can be utilized for other planning interests, such as plan for channeling standard water, provide water for fishery and other land utilization plans.

Paragraph (2)

The planning of irrigation asset management is done throughout Indonesia, as from the date of stipulation of this government regulation.

Paragraphs (3) and (4)

Sufficiently clear

Article 69 and Article 70

Sufficiently clear

Article 71

Paragraph (1)

Evaluation of the realization of irrigation asset

management is executed on the basis of results of updating of data about irrigation networks and other irrigation assets as well as analysis of progress of data resulting from the updating towards the asset management plan already stipulated.

Paragraph (2)

Sufficiently clear

Paragraph (3)

Results of evaluation of the irrigation asset management are used input to the management of irrigation assets in the next year.

Article 72

The updating of results of inventorying of irrigation assets is in the form of change in assets of irrigation networks and/or irrigation management support.

The updating aims at calculating again the allocation of the real need figure of operation and maintenance of irrigation system and ascertaining the value of state goods/property.

The updating of results of inventorying of irrigation assets in the form of recording of irrigation networks not functioning anymore can be done on the basis of recommendations already deliberated by involving parties concerned and accompanied by comprehensive study and analysis of technical, economic and social aspects. In order to follow up the updating of results of the inventorying, the existence of irrigation management support needs to be re-arranged.

Article 73

Sufficiently clear

Article 74

Paragraph (1)

The financing of irrigation network development covers costs of planning and realization of irrigation network construction.

Paragraphs (2) and (3)

Sufficiently clear

Paragraph (4)

Financial assistance to the development of

tertiary irrigation networks from the government, provincial governments and/or regental/municipal governments is coordinated so as to be able to avoid double financial assistance.

The principle of independence covers independence in the financing, technical capability and institutional affairs.

Paragraph (5) up to paragraph (7)
Sufficiently clear

Article 75
Paragraph (1)
Sufficiently clear

Paragraph (2)
The real need figure is the amount of cost counted on the basis of the actual need for financing operation, maintenance and rehabilitation of every structure and every segment of channel to maintain the condition and function of irrigation networks.

Paragraph (3)
Surveillance of networks is an activity of direct inspection of condition and function of irrigation networks.
Contribution means part of financing, which can be given by groups of farmers using water, in the form of fund, personnel and material.

Paragraph (4)
Sufficiently clear

Articles 76 and 77
Sufficiently clear

Article 78
Paragraph (1)
Sufficiently clear

Paragraph (2)
Financial assistance to the development of tertiary irrigation networks from the government, provincial governments and/or regental/municipal governments is coordinated so as to be able to avoid double financial assistance.

The principle of independence covers independence in the financing, technical capability and institutional affairs.

Paragraph (3)
Sufficiently clear

Paragraph (4)
Users of irrigation networks are user of irrigation inspection roads and users of irrigation networks as meant in Article 12 paragraph (2) and its elucidation:

Article 79
Sufficiently clear

Article 80
Paragraph (1)
Coordinating and integrating the planning aims at preventing overlapping or disparity in inter-irrigation area financing.

In executing the coordination and integration of the planning for financing the management of irrigation networks, provincial irrigation commissions can involve the government, provincial governments, regental/municipal governments and other parties concerned in the realization of the financing of the irrigation network management.

Paragraph (2)
Sufficiently clear

Paragraph (3)
The financing of irrigation network management in every irrigation area is executed in accordance with results of coordination in stipulation of priority of allocation of irrigation management fund.

Paragraph (4)
Sufficiently clear

Article 81
Sufficiently clear

Article 82
Paragraph (1)
The government, provincial governments or

regental/municipal governments in accordance with their respective scopes of authority in an integrated manner strive to ensure the availability of irrigation area with a minimal size.

The minimal size is that the ratio of the size of one hectare of irrigated agricultural-land to the need of rice for 25 (twenty five) people. Nationally, the scale can be applied in Indonesia. The ratio can be increased in regions where the availability of land and water is possible. However, preservation is applied to regions already reaching a larger scale.

Paragraphs (2) and (3)
Sufficiently clear

Article 83

Paragraph (1)

Letter a

In the case of regional layout plan changing, efforts to replace irrigated land in other location are made.

Letter b

Sufficiently clear

Paragraph (2)

Sufficiently clear

Paragraph (3)

Re-arrangement of irrigation system is re-regulation of irrigation system related to technical and administrative aspects, such as position of channel, dimension of channel, updating of results of irrigation asset inventorying and write-off of the financing.

Paragraph (4)

Sufficiently clear

Article 84

Paragraphs (1) and (2)

Sufficiently clear

Paragraph (3)

Consultative and coordinative means equitable relations.

Paragraph (4)

Sufficiently clear

Paragraph (5)

In the coordination, the provincial irrigation commissions can involve the regental/municipal governments.

Paragraph (6) up to paragraph (8)

Sufficiently clear

Article 85

Paragraph (1)

The supervision covers supervision over state-owned irrigation systems and irrigation systems built by communities.

Paragraph (2)

Disciplining means an activity to secure and improve irrigation networks to ensure their conditions and functions to remain well-maintained as well as prevent deviations in the development and management of irrigation system.

Paragraphs (3) and (4)

Sufficiently clear

Paragraph (5)

The provided information about the development and management of irrigation system includes irrigation systems built by the government, provincial governments, regental/municipal governments, groups of farmers using water, business entities, social agencies and individuals.

Paragraphs (6) and (7)

Sufficiently clear

Article 86 up to article 88

Sufficiently clear

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