

Purpose: - Provisional Approval of Puntland Water Resources Act.

The Speaker of the House of Representatives:

HAVING SEEN: - Article 64 of the Puntland Constitution

HAVING SEEN: - The submission **Ref: MW / DPS / 577/2018** of August 16, 2018 which is about the submission of Puntland Water Resources Act.

HAVING CONSIDERED: - The need to have temporary approval of the Act of Puntland Water Resources.

HAVING SEEN: - Discussions and Resolution of the Standing Committee of the House of Representatives temporary approval in a special session on Monday 17/09/2018 Act of Puntland Water Resources.

He chaired: - Temporary approval

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Thanks God

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Md. Ahmed Ali Hashi

Chairman of the House of Representatives D L.



PUNTLAND GOVERNMENT OF SOMALIA

PUNTLAND WATER RESOURCES ACT

GAROOWE

SEPTEMBER 2018

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SECTION 1 GENERAL PROCEDURES

Article 1: Name, and Application of the Act

1. This Act may be called Water Resources Act.
2. This Act shall be enforced after the date of approval by the Puntland Legislative Assembly, signed by the President of Puntland, and published in the official bulletin of Puntland.
3. This Act shall be applicable to all of Puntland.

Article 2 Scope

1. This Act will be used for the management of Puntland water resources.

Article 3: Glossary

In the text of this Act, if other conditions will not emerge, the meaning of following terms are as follows:

- a) "**Urban Areas**" means the lands and neighborhoods of districts classified as grade A at the time of issuance of designation of regions and districts.
- b) "**Designated agency**" means the agency of Puntland Water, Energy and Natural Resources Authority.
- c) (**PSAWEN**) is an abbreviated English name meaning '*Puntland State Authority of Water, Energy and Natural Resources*'
- d) "**Rural Areas**" means districts of grade B, C, and D, as defined by the state law of regions and districts.
- e) "**Water Production Fees**" is the price paid by an individual and given to an agency designated to produce water from a natural water resource.
- f) "**Water use permit**" is a written permit issued by a designated authority which grants an individual the right to produce and use of water while adhering to the provisions under Article 14.
- g) "**Water Storage**" is a ground which stores water under it
- h) "**Pond**" is a natural water holding ground of surface water which captures and stores flood waters, including direct rainwater collection. Ponds (Pools) can be privately owned and public.
- i) "**Berked**" is a cemented shallow cistern for water holding, which holds and stores both flood waters and rain drops. These kind of reservoir can be both private and public.
- c) "**El**" is a hand dug water well
- k) "**Ocean water**" is water from the ocean, starting from the coast to far deep sea, not including fresh water, but salty sea water or underground storage
- 1) "**Water Committee**" is the Water Policy Commission of Puntland
- m) "**An Appointed Officer**" is a coordinator, supervisor, or member of a public body who is formally delegated to the protection, use, and execution of water matters and derives

his or her authority from the government, which declares his or her command, or administrative control on paper.

n) "**Geographic District**" is a designated district with defined borders, within the territory of the Puntland State.

o) "**Local Water Supply**" means the provision of water to meet demands from residential houses, irrigation and livestock watering.

p) "**Official Bulletin**" is the official magazine issued by the Government of Puntland State

q) "**Groundwater**" is the naturally stored underground water, other than the hand-built reservoirs or similar structures such as lakes. It also includes water reserves stored on the coast

r) "**The owner of Water Use Rights**" is a distinct governmental organization/public, like PSAWEN, which is responsible for the management of water with approved usage rights of water resources or control of government systems.

s) "**Inclusion**" means the intentionally or unwittingly inclusion of fluid to stagnant water on the surface or underground, which cause pollution or not, through use of pipes, drains or canals, holes, cisterns or handmade storages.

b) "**Rent Fees**" is the amount of money paid by the service provider as specified in an agreement with a local authority or authorized agency (as specified in Article 42.4 e) for the right to use the water system.

a) "**Quality Standard**" is the level of quality designated for goods or services, which must be achieved to allow for public usage, including water

v) "**Entity**" is understanding designation of a legal entity that refers to a person, a small company, a large corporation, a structured organization, a private group, who are interested with the development and management of a local water supply, such as a village, city, ministry or government subdivision in Puntland at regional, or sub-national level, or to a foreign group or international aid groups or local peer group.

w) "**Pollution**" is introduction into the environment of a substance which has harmful or poisonous effects, which affect directly or indirectly the physical, chemical or biological constituents of the overall area or part, including transfusion, burial or dye toxins from the industry or any other kind that negatively impacts water and other natural resources, or creates a situation that threatens the environment and the health and lives of people, animals and plants. Also, pollution is any change in the composition, or reduction in water quality under the provisions of this Act or the rules of sub-rules related to it this

x) "**Polluter**" is any individual who is responsible for contaminating the environment with harmful substances or causes pollution.

y) "**Region**" is a defined area of territorial limits which is of the regions of Puntland.

z) "**Dam Ownership**" is the act, state, or rights possession by a person or a group on one side or two sides of a river or a water stream.

aa) "**Criteria**" is the standard description of each one of the techniques that is imperative or forced to follow when building public properties/general, including instructions of drilling wells to be allowed to receive a license.

dd) "**Ground Water**" is the surface water which regularly or occasionally follow from time to time or not found in the ground, which are remains from the rains, including streams and lakes.

- cc) *“Special money payment”* is an extra payment charged to anyone who exceed their allotted water quantity for his or her use rights.
- d) *“Water charge”* is any price or fee paid by a water user to another individual who provided water.
- e) *“Water Management Unit”* is the District Water Workers assigned for the management of water supply on behalf of the Ministry of Energy and Water.
- ff) *“Water Management Board”* is an independent board appointed to oversee the Operational Agreement. The Independent Commission comprises local representatives from various stakeholders in the water sector. The board is under the authority of PSAWEN.
- (gg) *“Service provider ”* is a person who serve for water taking in exchange money.
- hh) *“Water Resources”* encompass both groundwater and under groundwater, including boreholes, shallow wells, lakes, rivers, and streams, rainwater, freshwater refined, and recycled water to be used as freshwater, seawater and coastal waters.
- ii) *“Water Right”* is the right to use a specified quantity of water from a specified water source, in a specified period of time.
- (jj) *“Distribution of Water ”* is the provision of water to be used for households, excluding use for agricultural irrigation, livestock, and home gardens etc.
- (kk) *“Water Development”* is a process of developing water resources, word meaning encompasses embankments, canals, handmade water catchments and natural water catchments like natural ponds and reservoirs; water points such as hand dug shallow wells, boreholes, drains, water out, pipes, water tanker, buildings on the waterways to catch water or divert water, large buildings for water storage or refining, each building planned for storage, transmission, diversion, protection, or extraction of water, any reservoir for sewage, anti-septic buildings or water resources contamination, use of water for any purpose and any water building protection. Constructions for water are divided into two types: underground water supplies and surface water supplies.

SECTION 2: Principles and Objectives

Article 4: General Principles

The general principles of the Water Act are:

- (1) Storage, development, promotion of high water quality, and protection of water resources, as well as, regulating the use of these resources.
- (2) Implementing a water-sale system to promote sustainable use of water with a view that water is nonrenewable resource, with public and economic value.
- (3) Promoting increased water quantity through recycling or re-use, and it should be generated specific rules application
- (4) Encouraging seawater refining, and generating water from the air in order to acquire large quantity of water to meet sustainably the growing needs.
- (5) Protecting the quality of water resources and preparing laboratory devised with modern equipment for testing.
- (6) Any use of water resources should be based on the preservation of hope and the right of future generations to find and inherit protected water resources.

- (7) The Government of Puntland will encourage to involve the water resources management to all civil society groups.
- (8) Every citizen has the right to get enough clean water as possible to meet his or her basic needs.
- (9) Every individual living in Puntland and needing water has the right to access water for living.

Article 5: Purpose and Clarification

1. The purpose of this Act is to increase access to water in an equitable and sustainable manner in different forms of utilization, while following the most appropriate environmental protection measures.
2. In essence, the Act:
 - A) Recognizes, authorizes, approves, and legitimizes the traditional laws of Puntland, its implementing agencies, and traditional leaders in regard to the management of finance and judiciary of water resources.
 - b) Defines water management, implementation of water service and compliance with water regulations.
 - c) Facilitate the creation of the Puntland Water Development Strategy, to transform it into clear plans for the Puntland water sector, with the aim of enabling the assessment, coordination, and harmonizing it with plans for other sectors and general public development plans of Puntland, in order to be as appropriate as possible, to benefit from reliefs and cooperation.
 - d) Facilitate the development of multi-component planning, programs and projects, before being implemented or built by PSAWEN and other concerned relevant agencies.
 - e) Promote links between government ministries and independent agencies concerned with the development and management of water resources and their use.
 - f) Defines the rights and obligations of individuals concerned socially and economically with the proper use of water, and in line with the development and well-being of the community.
 - g) Encourage participation of the private sectors through a public private partnership approach between the government and private companies. The role of stakeholder system, management, and development of the partnership system is set out by the statute.

SECTION 3: DUTIES

Article 6: Duties of the Water Supply Authority

The obligations of PSAWEN are:

1. To manage in a responsible manner and develop the public water infrastructure and other properties entrusted to it by the government Puntland.
2. To implement all by-laws, procedures, rules, decisions, structures and procedural systems necessary to achieve the goals, content, and purposes of this Act.
3. Overseeing and enforcing legal and administrative regulations pertaining to the prevention and control of water pollution.

4. Innovation and implementation of procedures, and technical or cultural standards to save water example using appropriate technology and suitable strategies concerning efficient water saving.
5. Establish and implement standards outlining water quality in terms of drinking water, mixing different types of water, recycling of wastewater from agriculture, sewage water, and industrial residues, and preservation of under groundwater reserves, surface water, and offshore water, and other water resources ;
6. Enabling reuse and desalination of seawater and generating water from the air.
7. Preparing laboratories with modern equipment suitable for water quality testing.
8. To maintain registration the water rights owners with all necessary information defining water ownership rights, land, and socio-economic transcripts, rights, duties, and other relevant water use concerns.
9. Protection and monitoring the water resource uses.
10. Enforcing and applying the articles of this Water Act and ensuring the compliance with water use regulations
11. Improving and upgrading the knowledge of the agency staff working in the water sector service.
12. Advocacy and development of water resources services and conducting research on water resources in the country.

Article 7: Duties of Water Users

1. Water resource owners must safeguard and comply with the obligations of this Act.
2. Water should be preserved and use lessened by using appropriate technologies, techniques and systems and to implement structures, and management systems that protect water resources.

SECTION 4: WATER RIGHTS AND LICENCES FOR PRODUCTION

Article 8: The essence and types of water rights

1. The essence of water use rights includes name of the owner, water extraction source, type of water use, amount of water to be extracted, type of water extraction device.
2. The owner who has to be granted a Water Production License could be a government agency, a private individual, or a community group such as a water consumer organization.
3. The Water Act recognizes existing water traditional ownership laws that do not conflict with the provisions of this Act.
4. Any person holding a traditional right of water ownership may register these rights as provided in the provisions of this Act.

Article 9: Public ownership and joint ownership

1. All water resources in the country are public property owned by the Puntland community, held in control by the government and ought to be used equitably.

2. The use of water resources shall be enforced in accordance with the specifications of the management systems laws of Puntland Government laws.

Article 10: Private Ownership and Restrictions

1. It is prohibited the exclusive possession of natural water resources such as groundwater, lakes, springs or streams or drainage unless otherwise specified in this water Act or by any other regulation.
2. It is prohibited water ownership based on land ownership sharing boundaries a water point. The same is true for areas adjacent to lakes and coastal lines.
3. Private Ownership of a water service is only valid after that person or organization finances the production of water in accordance with the provisions of this Water Act.
4. Any entity entitled with water rights who owns its funded water resource can sell the water in accordance with the provisions of this section of Water Act. If these waters are ultimately for sale to the public, the water provider requisites to meet the requirements of the by rules set out for drinking water quality.

Article 11: Registration of Water Rights

1. This Act requires the registration of all water rights including traditional water rights.
2. The designated agency must prepare and also to continuously update the water rights registering. This record should be the basis of reference for resolving disputes over water rights and the use of water resources.
3. The designated agency should appoint for every single district a water officer who should be responsible for the preparation, storage, review of water rights records of the district. The district should forward regularly a copy of the record to the officer of ministry department responsible for the water issues.
4. The registration process, first registration certificate and registration browsing opportunities are free.
5. With exception of the conditions outlined in Clause 4 as above mentioned, any individual who needs browsing of the record for any purpose is obligated to pay a reasonable monetary value to the water officer. The by-rules that will be set for the Water Act will regulate the cost of such services.
6. PSAWEN is preparing by-rules regarding systems of registration and maintaining records. The bylaws outline the right of each individual to review the records and the procedures for objection and amendment to the registry.
7. Each writing entering into the register must contain complete information that defines the specifications for this water right as indicated under Article 9, clause 1, including the date of claiming, registration of rejection and possible corrections made to this specific right.
8. Any person applying for a water right recording, hereby named as an applicant, must comply with the procedures set out in Article 11, Paragraph 6.
9. With exception of Article 11, clause 8 indication, the following procedures must be followed:
 - a) The applicant must submit his /her application to the officer in charge of the District Register, and must complete the application form available at the officer in charge.

- b) The applicant's application must be made public in less than one month and not more than 3 months
- c) During the course of the above mentioned period, each individual who is contesting that application can submit a written paper regarding his objection to the district officer.
- d) The officer must collect and accept the objection submitted and has to counsel the applicant of the request and any other party concerned who could be affected and has to make a decision during the period specified in Article 11.9.b
- e) If no objection is recorded during that period, water rights will be granted to the applicant and be recorded in the register;
- f) The officer in charge of the Register shall issue a registration certificate stating the characteristics of the water rights registered by the applicant.
- g) Any water rights granted may not warrant a change made or right of ownership to change the nature, structure and scope of its use.

Article 12: Transfer, Revocation and Amendment of Water Rights

1. Any change that occurs in the guidelines of registered water rights shall be noted in the register, in accordance with the procedures of correction set by the competent authority. The waterfront owner is obliged to undertake the necessary steps that ensure that the change measures made in the record of the register.
2. Individual owners of water rights can inherit water rights under the laws of inheritance. The new owners must submit their details to the office of the district in order to update the records in the register office.
3. Water rights may be transferred to a third party, but it should be in accordance with the procedures set out in this Law.
4. A water right can be suspended whenever it is deemed necessary for the public interest, or to use or to make improvement, or a private water facilities can be confiscated in order to establish a public water system.
5. In the event of renounce of a private the water right ownership, it should be given an equivalent compensation to a water rights owner, as assessed by a the competent court.

Article 13: Resolving Disputes over Water Rights

1. In case of an event of a dispute over water rights, a community jury should be tasked with resolving this issue in accordance with the social norms.
2. If the attempt to resolve the dispute fails in the manner set out in Article 13.1, the case shall be forwarded to the competent court.

Article 14: Licensing Laws

A license must be obtained for any of the following reasons: -

- (a) The production and service of water resources, except in accordance with the provisions of Article 31
- (b) Any work, which is carried out locally or may have a consequence on water resources, as required by the provisions of this Act, should be licensed one.

Article 15: Activities not required for a License

(1) License is not needed from:

- (a) Any person who has water right use of a water source, although he/she has not invested, when he/she is going to meet his or her home or local needs.
- (b) Use of water in a watercourse within the boundaries of a private land which does not discharge its water into a stream near or beyond the boundary of the land of landowner;
or
- (c) Saving water in there, or under production, water-reservoir established for storage objective, which is not a stream or watercourse as recognized by the Act in paragraph (1)
- (2) Does not apply to any work referred in that paragraph which is required in special circumstances occur, where this Act requires a license to be obtained.
- (3) The provisions of this Act may impose conditions to the use of water in a water resource that was of the kind that does not require a permit, in case special circumstances occur.
- (4) Without interference of the general nature of Clause (3), those rules can
 - (a) Prohibit the use of such water in the event of certain identified circumstances; or
 - (b) Can authorize permission or access to the agency accredited to the water management.

Article 16: Construction and Use of Water Supply without Permission

(1) Any entity-

- (a) Not licensed to construct water supply infrastructure or employ persons for purposes that require a license; or having a license for building a water supply structure or employs workers in divergence of the requirements of its permit, is a guilty transgressor.
- (2) Having a license allowing to construct water supplies, without receiving the consent of PSAWEN, and provides water service while using incomplete water supply structures and also unlicensed for its operation is a criminal offense.

Article 17: Procedures Getting a License

- (1) Application for a water service permit is directed to PSAWEN
- (2) The application must be written on a suitable form which is available at PSAWEN office, which is contained:-
 - (a) Other information supporting the application which is specified in the form, and
 - (b) Specified cash value (if it exists).
- (3) The granting of the license must be completed within a period not more than six months after the enrollment of an application that meets the requirements set by PSAWEN
- (4) The permit application must undergo a public consultation, and be evaluated its impact on the environment as stipulated with local environmental regulations.
- (5) Any person who is refusing the grant of the permit may file a written objection within 30 days starting from the presentation date of the request.

(6) The applicant and any individual who has objected the permit of the application must be informed of the decision made, and the reasons based the application approval or its denial.

(7) In the event that an request agrees this section that the decision has not been concluded within six months in accordance with subsection (3), any amount of money paid by the applicant while complying subsection (2) (b) must be returned back to the applicant.

Article 18: License Terms

(1) The permit must be containing:

(a) The requirements set forth in this Act regarding licenses; and

(b) Other requirements not harmonizing the above ones (a) set by the agency in charge through writing attached to the copy of the permit.

(2) Leaving out the general contain of paragraph (1), PSAWEN postulates the requirements of every license allowed for building a water supply structure.

(3) The rules of this law are obligating general requirements for any kind of license.

(4) Leaving out the general contain of paragraph (2) of this Act and its by-laws as indicated

(a) May impose definite conditions within a specified period of time;

(b) May obligate the owner to pay a quantified service money for the license.

They determine whether the transgression of any of the conditions or requirements of this Act constitutes a violation and may be punishable as specified in by-laws.

(5) Execution of a sanction as mandated by Clause (4) (c) does not preclude compensation for any damage or injury caused by a person, as a result of a violation, which imposes a fine.

Article 19: Issues for Consideration When Issuing Licenses

(1) In granting a permit and verifying the applicable conditions, the designated agency, providing water service, must take into account the circumstances surrounding the licenses being provided, including -

(a) Existing regulations governing the use of water;

(b) Preservation and proper utilization of water while protecting public interest;

(c) Water resource management policy that exist at a given water point;

(d) Potential impacts that water supply may inflict to water resources and users;

(e) Types and quality of water resources addressed;

(f) The investment already made and the planned service of the applicant in comparison with its importance to the water source addressed;

(f) The strategic importance of the application for water service requested

(g) The quality of water in the water source for which a license requested;

(h) The allocation of time for continuation of water service delivery works that a permit is applied.

(2) The provision of water service for domestic use is more important than any other water use, and when PSAWEN is granting a license should reserve or allocate sufficient water volume of good quality for the local/home use.

(3) The nature and degree of water service that to be approved or licensed should be suitable and effective in consideration of the interests of other users connected to that water source.

(4) The license, as indicated to this Act, should be operational or planned for a fixed period of time, and can be renewed at subsequent times.

Article 20: Issuance of Permits for Exceptional Circumstances

1. Exceptional conditions for license provision will be determined and give approval by a Council of the Government.

2. The designated agency, if it deems it as a special circumstance, can grant an unconditional or conditional permit, which allows the use of water in a water source and the construction of water supply structure without making a consultation.

3. When consultation is being made about the approval or rejection of a license permitted by this Article, the designated water management commission should consider the impact of such a permit on the local water needs of the population.

Article 21: License related to Land

(1) License issued should identify, as far as possible, the characteristics of the part of the land aimed. Upon issuance the license should specify, consequent to this Article, the time when -

a) The land plot will be attached to the license, and

(2) If the designated agency will withdraw -

(a) Due to occurred change, which cannot be handled by the Authorized Owner, in a way that the owner could benefit from the use of the land portion in compliance with the permit; and

(b) If the transfer does not impact negatively in the public interest or the water supply rights of others, based on the content paragraph, the designated agency can switch a part of the land to a license attached to another piece of land owned by the license holder, and the last piece of land will replace the previous land attached to the permit.

(3) If every land attached to the permit will become distributed.

Article 22: Issuance of a New License

(a) Based on the content of the Act, the designated agency can periodically issue a license valid two years, or more if the designated agency thinks as suitable.

(b) If the designated organization thinks right to provide license in due circumstances

Article 23: Changes of license due to external circumstances, etc.

(1) A permit can be modified whenever the designated agency considers, due to a natural change, an increase in water demand, or otherwise, as a result of the licensed water service.

(a) Inequalities in water resources;

(b) Decline in water quality;

- (c) Lessening of water used for domestic or in the neighborhood;
- (2) A license may not be revoked or altered, while complying the essence of this Article, without informing the License Owner and not giving a reasonable opportunity allowing to submit to the Agency the reasons that caused the shortcoming and reasons why it could not be abolished or altered his/her license.
- (3) Paragraph (2) does not apply to changes triggered by droughts or emergency as stipulated by this Act.

Article 24: Submission of Application or Reapplication Request for License

PSAWEN can issue in a public bulletin a notification order focusing that the water users, including those licensed, to apply or reapply for one or more permits for one or more water uses:

- (1) When the competent authority deems it necessary to evaluate the use of water in one or more water resources, including underground water, containing in a specified land area with the purpose to.
 - (a) Access sustainable water distribution point under pressure;
 - (b) Achieve equal water distribution for all;
 - (c) Encourage useful the use water of available for a common purpose
 - (d) Implement efficient management of water resources; or
 - (e) Monitor the quality of the water resources;
- (2) When new or re-application requests are received, PSAWEN will prepare a timeline for the distribution of water resources mentioned, taking into account the quantity of water contained in it.
- (3) The proposed water distribution schedule should be consulted with the public, and then the competent authority should make dissemination of document showing the times and places where this primary schedule could be obtained.
- (4) Any person who disagrees with the preliminary distribution schedule may file a complaint to the Water Appeals Board within 30 days starting from the introduction of that schedule referred to paragraph (3).
- (5) Preliminary Schedule of water distribution will become a final one
 - (a) If no appeal has been filed within the announced time limit of Clause (4)
 - (b) If a review has been made after any successful appeal; or
 - (c) If an appeal is filed will not be successful
- (6) The competent authority announces in an official publication the preliminary water distribution schedule become final and specifies the times and places copies could be available for the public.
- (7) The designated agency shall immediately, after the distribution schedule become final, issue licenses in accordance with the new distribution, and immediately revoke the previous licenses that are in conflict with the new distribution system.

Article 25: Revocation of License

- (1) PSAWEN can revoke a water license or can change from a water license if needed and becomes necessary to provide water service to additional consumers who have joined an existing water supply source.

(2) A water license cannot be revoked or altered unless the Owner of the License is given prior notice, or not been given a reasonable opportunity, and he/she given sufficient time to submit PSAWEN the reasons why it not eligible for revocation or make change in his/her license.

(3) The owner of a revoked license, as provided in this paragraph, shall be entitled to a reasonable compensation value that has to be agreed between the licensee, actual user or new users, and PSAWEN. Any disagreement arise from the compensation should be presented a court to take a decision.

Revocation or modification of a license as a result of the Owner's failure to comply with the set requirements:

(4) The designated agency may revoke or modify a permit if the owner: -

(a) Not complies in any of the terms of the permit, or

(b) Fails to properly utilize water or follow part of PSAWEN regulations.

(S) A license cannot be canceled or altered as describe in this Clause unless the notice is given to the owner of the license, and not given appropriate opportunity possible enabling to submit explanation of the actual reasons not allowing to withdraw or alter the license.

Article 26: Modification of a License for Water Purpose

The designated agency can make modification of any permit based on results obtained from an assessment of groundwater survey of the water resources of that area.

However, reasonable notice must be given to all groups that this change could affect.

Article 27 Amendment of Permit upon Request from Owner

(1) An authorized agency may modify a license by executing a request from the Owner. These amendments include:

(a) Modification of drainage point or water production

(b) Modifications of water use approved for the license; or

(c) Approval of the water distribution allowed to a license or distribution of water twice or more to the area cited in the license;

(d) Approval of combination of water allocated for this license to supply or use, and another water license owned by the same Owner or by another Authorized Owner;

(e) When it is required to remove a defect which makes the license incomplete or its requirements are unclear, or

(f) An amendment to the terms of the permit, if the designated agency is satisfied that the amendment is not in conflict with the public interest or the rights of others.

(2) The relevant amendment:-

(a) Use of approved water for use; or

(b) Specific licensing requirements may not be changed without public consultation

Article 28: Waiver from Approved Activities

(1) The owner who discontinues the water use approved should notify, the designated agency, his/her revocation of all licenses or part of them that could be separated apart.

(2) Upon such waiver, the designated agency could order the Owner to eliminate the license, within a specified time frame, all or part of his built-in structures related to the licenses.

(3) The owner of a license who neglects or fails to eliminate the items discussed above is a criminal, the designated agency can destroy all or part of the materials, and can withdraw from the owner the expenses incurred for the destruction activity through the legal authority.

(4) This article cannot be construed as it authorizes an owner or grants that he/she may relinquish his or her water license as a whole or part of it due to the burden or conditions arising out from debt or money related to the land subject of the permit.

Article 29: Revocation of License

The designated agency may request, by notifying the License Owner, if he has not already done so, to return the Permit.

(1) Whenever -

(a) PSAWEN revoke a water license or amend, in accordance with this Act, or

(b) Issuing a license by accident or unlawfully; or

(c) Grant a license in contravention of the provisions of this Act;

(2) The owner who fails to comply with the notice given is a criminal offender.

Article 30: Water Production License

(1) Any water extraction from any natural water source or being used should be obtained an approval from authority meant. They must also be licensed for production or use

(2) A permit cannot be issued if it poses a threat to the natural environment, including:

a. Excessive use of underground or surface water,

b. Mixing with saline water,

c. Unnecessary deviation that happen to the natural flow of water,

d. If the amount of water requested is likely to result in an increase of livestock or people pressure, causing excessive erosion or endangering forest and pasture resources.

e. If the built-in water facility on the site uses all available water resources and would result the local users in the lower side area loss of their water rights.

f. PSAWEN must define the extent of the water abstraction which the permit is entitled.

That water limit should be indicated by the by-laws

(3) A water supply permit is necessary when:

a. The scope of the supply of water exceeds the licensed standard

b. The water produced, any quantity may it be, are generally regarded as for public interest

c. The water resources in a certain area, which this rule has before excluded or suspended

d. The designated agency responsible for issuing water permits is the Agency responsible for water issues management unless another law indicates that the agency

has delegated that authority to a municipality for special circumstances. These special conditions are set out in the by-law.

e. When registering water rights for mobile goods, the district water official must ensure that the activity required for water supply license as pursuant to Article 30 Paragraph 3 (a). In that case the officer should provide the application form and assist the applicant in the accomplishing of the application process.

f. The applicant must submit an application for decision by the Government designated water agency.

(4) The production of license shall be documented in the register kept by the Agency responsible for water issues

(5) Every change established the patterns of a license requires to be mentioned in the record keeping book as shown in the recording format of that by-laws. The owner of a water-discharge license must take the necessary steps to ensure that this change is recorded.

(6) The designated agency may design the plan and action plan of each water source and water source facility. These plans can show characteristics, including location, number of wells, depth of well, and amount of water produced. It also defines the type of machines allowed in Puntland to be used for water and water points; and any matter relating to permit the use of landmines, energy, and water resources for the common good

(7) The size of the water extraction specified in the permit determines the amount of money owing to be paid if there is a money collection system.

Article 31: Restrictions, Restrictions, Transfer, Revocation

(1) It is a crime the production of amounts of water exceeding what was defined by the by-laws may be used without a license, or exceeding the limits set in the license.

The infringement may result that the designated agency to confiscated the equipment or to take steps to stop the production of water, without giving consideration to the ownership of the site or the ownership of such equipment.

(2) The water production of approved permits may be limited or suspended for public interest when the following circumstances arise:

a. A significant reduction in water resources due to a production permit, or a permit owner who does not use his approved water permit for two consecutive years, as confirmed

b. Deterioration of water quality, or water resource pollution, both of which exceed their prescribed levels,

c. Production causes the impairment of water resources such as water pollution or mixture with seawater;

d. Production serious consequences in soil erosion and desertification caused by overload of animals or settlements.

3) Compensation must be paid when restrictions or suspensions occurs. The amount to be paid is determined by the by-rules issued by the designated agency.

(4) In the event that the owner does use his/her license for five consecutive years, the agency responsible for water permit can abolish/voke the permit without compensation issue

(SJ In the event of Section 30 of Paragraph (b) and Article 31, the designated agency may have authority to allocate the water permit to a new applicant).

SECTION 5: USE AND OWNERSHIP OF IMMOVABLE PROPERTY

Article 32: Ownership of Natural Water and General Water Supplies

- (1) Ownership of natural water cannot be are not transferred
- (2) All general water supplies are national property for the citizens of the country

Article 33: The Right to Use Water Supplies and Immovable Property are given to the Designated Agency

- (1) The designated agency could transfer the right of use of the real water property of a region or a district, which is adapted to an agreement with the designated water agency and local water authority.
- (2) The agreement should be fully transferred the water supply rights to the concerned District level authority.
- (3) Except in the circumstances of Paragraphs 1 and 2, the municipality may not be entitled to the sale, diversion or transfer of a real estate that was entrusted to it t by the central government. Also, the municipality cannot transfer these assets to third party.

Article 34: Restoring the Rights of Water Use

- (1) If the local water authority is unable to properly provide water service, which impedes access of water supply, the designated agency has the right to restore the ownership of the water supplies.
- (2) When the government returns the rights of the use of water supplies, the government must take responsibility for the provision of water services in the areas concerned.

Article 35: Right to Water Resources Use for Common Purpose

- (1) The right to use water supplies in conjunction with general purposes obligates the continuation of the provision of water services, which means:
 - a. Organizing efficient and sustainable water service delivery facilities
 - b. Providing adequate economic resources for the renewal and maintenance of the equipment in accordance with the product life cycle,
 - c. Planning of expansion as required by the increased demand.

Article 36: Investment of Public Water Infrastructure by Charity Agencies

- (1) The investment of non-governmental organizations in the public water infrastructure should be approved in accordance with the provisions of Article 30 of this Act.
- (2) Infrastructure implemented in the content of Article 36, Paragraph 1 should be included, when they completed, into the public assets and reActd in the Registry of the

public assets provided they meet the definition the requirements specified in Article 30, Paragraph 6.

(3) In accordance with Article 36, Paragraph 2, the funded agency should assign the infrastructure/equipment minimum standard appropriate and capable for implementing the rights and responsibilities of service delivery is described in Article 35, Paragraph 1, in accordance with the guidelines established by the Agency responsible for water issues.

(4) When water supply equipment locates within the boundary of one district, the lowest level applicable, with the right to water, will be subject to transfer to the District Water Agency.

(5) If the water supply equipment is located within an area shared by a number of districts, the lowest level applicable, with the rights to water, will be subject to transfer to the Regional Water Agency.

Article 37: Funding of Districts Public Water Infrastructure

(1) Investment of municipal infrastructure for water production for the provision of general water service should be in accordance with the essence of Article 14, and also should be approved by the designated agency which has authority for it.

(2) Utility funded District while using public funds becomes owned by the nation and must be recorded in the national real estate register.

Article 38: Investment of the Central Government in Public Infrastructure

(1) The investment of the central government will align with the development priorities of Puntland as set by the designated Agency for Water.

(2) Infrastructure established in accordance of the content of Article 38, Paragraph 1, will be Public assets and must be recorded in the public property register of the nation and transferred to the lowest level appropriate and capable of taking responsibility for the service provision as defined in Article 35, paragraph 1.

(3) The lowest level eligible for water service delivery is the District Water Agency

Article 39: Investments by Private Organizations in New System of Commercial Service

(1) The funding of private agencies in water infrastructure through the new systems of the public serve from interest should be complied with the development priorities established by the by the designated Agency for water.

(2) Water infrastructures that are fully funded by one or more investors are privately owned even if the concerned infrastructures cover provision of water to the general public.

(3) If such private infrastructures are confiscated to be integrated into the public infrastructure systems, compensation must be paid to the private property owners. Compensation should be based on international principles of depreciation that are used to evaluate water infrastructures, unless specified rules are by the authority of the designated Agency.

Article 40: Funding of Special Institutions to Existing Public Service System

(1) In cases where private individuals finance a public water system with the intention of expanding or renewing such a public water system, the investment agreement should be set should specify the way to integrate it with other public-private partnerships, including:

- a. Defining the merger date,
- b. By-rules to apply when evaluating the private investment residues.
- c. Methods of compensation for loss in the ownership personal
- d. Register of the supplies and infrastructures under discussion

(2) Investments made by a private individual in a public water system can be classified as follows:

Type 1: Operationalizing, repairing and replacing parts necessary to maintain the system in a sustainable way as the previous production level.

Type 2: servicing, maintaining, modifying and expanding the system which will enable the development of a water supply service process:

The expenditures of only Type 2 are recognized as a worthy investment predisposed to compensation as specified in Article 35. 1

SECTION 6: WATER SUPPLY OF CITIES

Article 41: Responsibility of Municipalities in Urban Water Supply

(1) The responsibility of organizing and monitoring the efficiency of the working process of an appointed site lies entirely with the designated water agency.

(2) The City Water Agency is an agency responsible for water issues

(3) To monitor the efficient service of the provision of services and making operational the agreement, the designated Agency for water may appoint independent Water Committee which comprises members representing local representatives of different stakeholders.

Article 42: Urban Water Supply Operation

(1) Through the responsibility defined under Article 41.1, the designated agency should delegate the operation and management of the water service to an agency which has capacity (in the future we will call it "Service provider")

(2) The service provider could be:

- a. A public water agency that is local and with independent authority,
- b. An independent national water agency which is independent
- c. Independent private service provider (a person or a small company or a large private company)
- d. common service water shared by national and private companies (Public Private Partnership (PPP)).
- e. Establishment of a separate Private Regulatory for cooperation of the agencies involved in Public Private Partnership (PPP) and Puntland Water and Energy Agency.

(3) The agreement in place between the designated agency and the service provider is called the 'Operating Agreement '. It defines the service provider's responsibilities and must be signed by the PSAWEN Chair and an authorized representative of the service provider.

(4) The Operating Agreement shall specify the following points:

- a. determines the total area that service provider has to provide water
- b. The levels of the types of service which the service provider has to deliver to the users
- c. The technical standard that the service provider must maintain when performing the tasks (repair, rehabilitation and development) which include the pump stations and connecting water supply systems to the users.
- d. The rate at which the supplier will have to receive from the service and the by-laws regulating the setting of price and price changes during the contract period
- e. Rental fees paid by the water service provider to the designated organization based on the compensation for the use of public goods
- f. Provided that the service provider pays to the agency responsible of the water issues, the rental fee for water resource production and water resources use
- g. A complete record of the overall materials being transferred to the service provider to provide the service, in which is fully defined the actual value of the materials on the date that was set the agreements, signatures, and bylaws indicating the calculation of future value the materials by taking into account the prices of goods.
- h. The requirement, to ensure transparency and accountability, is the service provider should provide to the designated agency and water committee reports regarding to its operational and financial activities to ensure monitoring of its performance.
- i. The standard of the activity required that the service provider must reach when providing water service.
- j. A complete description of the nature of the services to be undertaken and funded by the service provider
- k. Term of contract and renewal conditions
- l. The circumstances under which the agreement may be breached by either party already in agreement.
- m. Water supply service agreements are registered within the Governmental Courts.
- n. Where in place, the Water Commission should be the mediator of the dispute that arise between the designated agency and the service provider regarding the interpretation or content of the agreement.

Article 43: Management of funds for Renewal of Water Infrastructure

(1) Each service provider must allocate from its budget to a specific fund for the renewal and expansion of the water system.

(2) The amount of the estimated fund contribution, measured as a percentage, shall be specified in the Operating Agreement.

(3) The use of the above funds is based on an annual financing program agreed upon by the parties partaking the agreement.

Article 44: Monitoring of PSAWEN in Urban Services

(1) As required by the responsibility of ensuring appropriate water service process, the responsible agency for monitoring water service, should confirm if the water service provider performing the responsibility entrusted.

(2) Agency monitoring is based on the use of a performance indicator and comparison with the performance of other districts.

SECTION7: MONITORING WATER

Article 45: Responsibility of the Agency for Rural Water Supply

(1) Responsibility of formation, inspection and maintenance of general water distribution service in a place or definite area is made responsible to the organization meant there

(2) The designated agency in a place or definite area is responsible for:

- a. Planning for funding water supply of the area which comes through a priority definition and selection of needs
- b. Implementation of selected water infrastructure funding
- c. Advocacy of funding for selected needs
- d. Organizing water service delivery management

Article 46: Managing General Water Infrastructure for Users

(1) The designated agency, in collaboration with the traditional elders, can select user-selected groups, and encourage them the creation of representative organizations for water users as specified in Article 73.

(2) Water user organizations, with the help of the designated agency, must run the general water infrastructure.

Article 47: Management of Public Infrastructure by a Private Service Provider

(1) By fulfilling its responsibilities under Article 45, Paragraph 2, the service provider has the authority to delegate the operation and management of a public water service to another competent entity that could be a privately owned agency.

(2) The agreement of this delegation these agencies to provide water services in rural areas should be organized in accordance with the content of Article 87.

Article 48: Management of District Public Water Infrastructure

(1) Where it is not possible to find a specific rural area for groups of users or private service providers that can provide water service, the designated agency of the district should create a designated Water Management Unit of the district that undertakes the management of these water infrastructure

(2) The responsibilities and duties of the Water Management Unit should be defined in sub-level rules

Article 49: Private Rural Water Infrastructure

(1) Private water infrastructure located in rural areas exclusively used as private, may be managed by their owners, but they must comply with the rules for the use and supply of water as required by this Water Act.

SECTION 8: LIVESTOCK WATER SUPPLY RULES

Article 50: Rural Water Source Rights

(1) Rural water points means any kind of standing water point which is used predominantly by livestock raisers such as, livestock watering and domestic water use of mobile pastoral communities

(2) The provisions of this do not apply to water tankers carried water for livestock or by other means not this water-setting

(3) This Act recognizes, legitimizes, authorizes, and approves the traditional rural water rules of use, except in the detailed areas specified by this Act.

Article 51: Plan and Management of Animal Water Source

(1) Generally planning and regulating water resources is the responsibility of the Agency responsible for Water Affairs. In the case of livestock water source points which may have a negative impact on the environment, the responsible Agency will consult with the Ministry of Rural Development and Environment, and the Ministry of Animal husbandry, to prevent desertification and problems which impact negatively the environment.

(2) In exception of the circumstances specified in Section 4, the creation of new water source in rural areas (shallow wells, drilled wells, ponds and reservoirs...) requires to get permit, before proceeding, the authorized representatives of the Ministry of the Environment and the Ministry of Livestock, following the advice of the District Water Agency.

Article 52: Protection of Rural Water Source Environment

(1) The agency responsible for the development and protection of the rural environment, in consultation with District level representatives of the ministries of water and livestock, may declare the closure of a specific area, which it considers to be endangered by conditions of desertification, because of the proliferation of rural water points

(2) In implementing the Article 52, Paragraph 1, District level representatives of ministries responsible for rural, environmental, water, agriculture and animal resources shall take appropriate measures to reverse unforeseen circumstances of desertification, which may include stopping drilling of new wells, and in presence of extreme cases, limiting existing uses of old sources and water rights in that area.

Article 53: Animal Rights in Rural Water Source

(1) The right of livestock to access a water source is indicated by the traditional laws in the area where the water source occurs. This rule mandates that the community elders

in that area are the authorities that have the authority to regulate the use of specific rural water supplies.

Article 54: Management of Disputes Regarding Rural Water Resources Sharing

(1). In case of conflict between different types of groups of water-users of a water source, the traditional methods of conflict resolution should be applied to resolve the issue on the basis of the traditional law.

(2). If agreement is not reached, the dispute will be referred to the District level courts

SECTION 9: RULES IRRIGATION WATER

Article 55: Irrigation Water Rights

(1) Irrigation water source means any type of water source commonly used for purposes of irrigation and gardening which is beyond the basic needs level.

(2) The law recognizes, legalizes, empowers, and allows traditional rules of the traditional culture used to solve the dispute problems relating to water for irrigation, except where special places that concern this Act.

(3) In the event of a severe water shortage, or impossibility of sharing available water, then it will be followed the coming priorities:

- a. First priority is given to people
- b. The second priority is given to livestock
- c. The third priority is given to agriculture

Article 56: Planning and Management of New Irrigation Water Source

(1) The agency responsible for water issues is responsible for planning and managing the water resources needed for irrigation, in consultation with the Ministry of Agriculture and the Ministry of Rural and Environmental Development.

(2) Exception of the laws for rights of new water source, allocated for agriculture irrigation, shallow wells, boreholes, reservoirs, ponds etc. should be recognized local community as the leader of the area.

SECTION 10: WATER QUALITY PROTECTION PROCEDURES

Article 57: Responsibility of Water Quality Protection

(1) The agency responsible for water is in charge defining hygiene standards around drinking water points and personnel hygiene in consultation with the Health Authority.

(2) The agency responsible for water should define and disseminate drinking water standards and procedures for monitoring water quality, water testing methods, and recording laboratories knowledgeable to perform such activities on behalf of the agency water.

(3) Districts must implement water quality protection programs outlined in the operating agreement defined in Article 42.3.

Article 58: District Responsibilities in respect to Water Quality Protection

- (1) The district is responsible for ensuring compliance with water quality standards
- (2) If it happens that the water distributed is below the standards of Puntland state, the district agency has authority and can order the service – provider to stop the water service until he/she performs the specified practice.
- 3) In addition to the content specified in Article 58. 2, The District Water Authority, in consultation with the designated agency, in extreme cases, may allow the service provider to continue the water distribution that is not at the level of the required levels, and in case of:
 - a. Not preserving water with higher quality
 - b. The permit is limited to a short period
 - c. Clients should be fully informed about the resultant potential health hazards and preventive measures that can be taken
 - d. At the end of the limited period, the District Water Agency will have to ensure the water quality. If water satisfies the requirements, the service providers will be allowed to re-start his/her normal of activities.

Article 59: Water Provider Responsibilities Related to Water Quality

- (1) The service provider is responsible for ensuring if the drinking water, bottles used for drinking, food used for cooking and those added in the beverages are compatible with the water quality standards defined in Article 57.1
- (2) Each water distributed by the service provider for general use should be compatible to drinking water standards as defined for Puntland drinking water
- (3) All costs for water quality testing as provided in the Article 43.3 should be paid d by the service provider.
- (4) In addition to the conditions defined in Article 59.1, and followed Article 58.3, the service provider must resolve the problems related to his/her water quality, in a reasonable time as set up by the delegated Agency for water issues.
- (5) In pursuance to Article 59.2, all users, affected by the unsanitary water, shall be entitled to reasonable reimbursement from the service provider.

SECTION 11: PROTECTION OF UNDERGROUND WATER

Article 60: General Instructions and Definitions

- (1) The use of groundwater shall be governed with the special rules set out in the provisions of this Section 11, and any provision of any of the rules and regulations and any bylaw of Puntland relating to this matter.
- (2) The use of groundwater means production, and water facilities, operations and buildings relating to water production, adding some substances and increase, and any action that may affect diarrhea / natural liquid of underground water and their quality
- (3) Groundwater facilities means facilities and equipment used for the production of water under the ground, such as shallow wells, boreholes, bunds, sewage workers, or

any ditch dug for this purpose, water pumping equipment and equipment and construction aspects relating to this issues, and the constructions of any structure necessary for it.

Article 61: Delegated Agency

(1) The agency responsible for water issues will be the delegated agency in terms of the provisions of this Section 11.

(2) The agency responsible for water issues will be the Agency considered in the case of collection, testing, and storage of water data, underground water exploration activities, and carrying out other duties as assigned or deemed to be involved.

Article 62: Permits and Information Required

(1) Licenses allowing production of water should define the obligation of the service supplier to submit to the designated agency the amount of water produced annually and the maximum capacity for its production.

(2) Everyone who uses underground water is required, pursuant to the by-laws and special requests, to provide the technical data and any information concerning their activities and the new or old facilities attained by the squad.

Article 63: Land and Underground Water Survey

(1) Every individual involved in surveys or drilling activities intended to search groundwater or running, or oil and minerals, or carrying out activities in the earth whatever the purpose have to be, it should be notified to, as soon as possible, the delegated agency for water when he/she discovers water in the underground, and submit technical data and information about the level of activities and results through

(2) Any person who encounters underground water or running water, during drilling, or activities on or below ground level, which may affect surface or groundwater contents, shall not; do not affect, or endanger this water resource

(3) The agency authorized to provide licenses for exploration activities, tests not subject to groundwater, should ensure compliance with the provisions of this water law.

Specifically the rules applicable to water resource conservation and its quality, and the delivery of data and information as soon as possible.

Article 64: Contamination and increase of ground water

(1) Any contamination and increase of ground water is prohibited except shallow water projects concerning underground water reservoir tending towards extinction. In such cases, the Water Resources Authority should closely monitor the water addition program to protect underground water resources from the risks of contamination and reduction.

Article 65: Land Conservation around the Boreholes

(1) Lands that occur around the borehole wells for drinking purposes should be recognized as protected/enclosed land in accordance with the provisions of other by-laws related to this Water Act.

(2) The administrative system, frameworks, and demarcation of protected land/enclosure and the prohibited activities or prohibited by such enclosed land are defined by other by-laws set out under this Act.

Article 66: Rules Applicable to Water Well

(1) The designated Agency for water has to legislate by-laws that are applicable to activities related to production of ground water and contractors drilling boreholes. Any work involving the delegated Agency Water of a district is prohibited to the guidelines of the above mentioned bylaws.

Article 67: Monitoring and Information System of Puntland

(1) PSAWEN should develop and implement a monitoring and information system for the water resources of Puntland.

(2) In order to establish any procedures in accordance with this Article, PSAWEN should be able to request an individual, within a reasonable period of time or continuously, to submit specific information, documents, samples or materials

(3) The provisions of this Act may specify the requirements for storage and transfer of information to PSAWEN Agency.

(4) When any citizen paying a defined service fee:

a. has the right to receive any information contained in the Puntland information network, and

b. be submitted a copy of any document open for the public included in the database network.

Article 68: Protection of Water Catchment lands

(1) When PSAWEN is satisfied that a water resource is vulnerable, it may take necessary steps to protect that area of water catchments or any part of it, by broadcasting an order through an Official Bulletin that such water catchment area is protected.

(2) PSAWEN may impose conditions, and restrictions or limit movement, in or around the surrounding land, as PSAWEN considers necessary to protect that land and its water resources.

SECTION 12: PROTECTION OF GROUND WATER

Article 69: General Instructions and Definitions

(1) The use of water resource catchment is delimited by the provisions of this Section 12 and any other provisions of the law and bylaws of Puntland including those for irrigation.

(2) The use of ground water, referred in this section, is water withdrawal, appropriation by force, solubilizing, and diversion of surface water, pouring solid objects into water, materials extracted from under bunds, or reservoirs including water- catchments.

Article 70: Delegated Agency or Agencies

(1) The agency responsible for water affairs shall be the designated agency referred in to the provisions of the article of this Section with respect to natural ground water, including specifically water use for irrigation purposes.

(2) The Agency or the designees shall issue bylaws supporting the provisions of the article of this Section on water resources. Those are outlined in the administrative procedures and how to implement them

Article 71: General Use of Contaminated Ground Water and Restrictions

(1) There is no authorization required for the use of natural water on the surface, if the use of that water is limited to domestic use, and no actions to cause changes in the natural flow of that available water.

(2) The right of livestock drinking water obligates that livestock should have access to land without being asked rent or blocked, according to customary law in effect there

Article 72: Actions of Water Contamination Development

(1) The designated agency identifies the operation of the water storage system in particular at the highest and minimum water quantities that can be supplied and release schedules, and water that can be diverted. The minimum amount of water that can be provided and other indications of water storages management guidelines can be defined upon request, in order to protect the rights of citizens.

(2) The ownership of land and special water rights may be waived to carry out general/ public water services if deemed necessary for the public interest.

(3) The owner of the confiscated land or water should be provided an equivalent compensation. The degree and extent of compensation are determined and approved by the Water Resources Authority and the designated agency for the evaluation of private property.

Article 73: Treatment of Stored Sewage Water

(1) An owner of stored water should obtain approval from the designated agency for their use and operation.

(2) No approval should be made if it is confirmed that the application for the water use results a violation of the provisions of this Water Act.

(3) The designate organization shall determine the technical measures needed to be taken to protect the rights of the people negatively impacted by reduction, diversion or stopping the flow of the confiscated water.

(4) In the event that a comparable technical solutions not be found by the community or could not find, the District Court will determine the compensation to be provided to local users who are affected by the damaged underground water.

(5) Any person who is applying for a license for a water intake point of surface water, has to submit the necessary data and information as indicated in Article 14, the other articles and bylaws of the Water Act. These include plans, land, pictures, documents, and accounts proving the purposes and technical characteristics.

(6) In evaluating the application, the designated Agency may request studies on the economic benefits and environmental impacts caused by the requested activities.

Article 74: Rights of Urban Water Users

(1) Water rights of users living in the lower lying grounds should be protected when granting a water permit with a specific activities and interest.

(2) No permit may be granted to authorize the use of water for the purpose of certain activities, if it impairs the water rights of the underground water users.

(3) All the users have equal rights to use every water point of the surface whether they are living in the downstream or upper stream drainage of the channel. The users in the upper stream area cannot prevent the natural water flow from upper land and flood and excess water which is more than the amount allowed for a license of production.

(4) Except under the conditions specified in Article 74.3, a resident living in the downstream area is not responsible for and cannot be liable for damage caused by debris, waste or other material sediment in the course flow which has come through the slope flow of the natural water drainage.

Article 75: Water Pollution

(1) Pouring or mixing a contaminated water and any other fluid in the surface water, directly or indirectly, must be obtained a permit prior to loading. The designated authority must issue bylaws that limits, among other things, the amount and level of contaminants that may not be added to the water.

(2) No addition should be allowed if it causes a change in the physical, chemical, biological elements, and bacterial ground water content, which may cause harm to people, animals, plants, and the environment.

(3) Specific by-laws should be produced exclusively for water streams contamination, and reservoirs and streams which flow normally or seasonally.

(4) Any agreement enacted with certain groups concerning water contamination or pollution of a drainage or drainage of channels is void unless it is contrary to the provisions of this article of the Act.

Article 76: Solid Material Addition in Water

(1) It is unlawful to pour or add in surface water, or streams, any material that may cause pollution or change in water level, which can prevent flow and distribution, or endanger water and users.

(2) Any building not related to water resource cannot be developed or constructed within a dry-waterway, its bed, a drainage basin, which may prevent flow of water without a prior authorization from a designated agency.

Article 77: Permit of Streambed Digging

(1) Production or drilling of a stream bed, reservoir or lake, except for repair activities, which may cause changes or diversion in the water flow, or alter the level of water table of groundwater or water quality, is prohibited unless a prior consent from the designated agency.

(2) When the Agency designated is evaluating for this type of application it should look at the benefits of this drill compared to the social value, and the potential negative impact on the surface water and the environment.

(3) When the delegated authority is exercising the powers conferred it should:

a. request the applicant, whenever necessary, the implementation of measures and technical resolution necessary for the approval of his/her application. With this it is meant to preventing or reducing the effects of the negative consequences.

SECTION 13: WATER FEE, RENT FEE, AND PRODUCTION FEE / USE

Article 78: Delegated Agency

(1) Delegated Agency for water is responsible for setting general guidelines which limit water fees collected from customers and establishing bylaws and notifications about payments for production/consumption of water and special fees and other private charges.

(2) The bylaws define the terms and systems of fees and payments collection. The notices set out the procedures and standards that will be used when determining the amount of fees and their payment. These can be updated to adjust with inflation and any changes in pricing and pricing policies.

(3) The water agency in the district will apply the bylaws and notifications issued by the delegated Agency regarding the water charges that to be used by the service provider which could be a particular one or general (public).

Article 79: Principles and Procedures of Defining Specific Water Fees and Payment

(1) The major purposes of mandating water fees and specific money payment; include the need for limiting water use, to raise money for covering the cost of distribution, sustainability and service development; and to protect the rights of low-income individuals of the community to achieve public justice. For poor people it can be done a discounted rate or in exceptional cases, water may be provided free of charge.

(2) The service provider must clearly register total account fees and payments made.

(3) Notwithstanding the provisions of Article 79, Paragraph 2, the water charges should, at a minimum, cover the annual cost of production, and the maintenance and improvement of water supplies for each distribution system. Water charges can vary

from city to city, depending on the unique circumstances of each water system. The fees charges must be negotiated by the District and the service provider, in accordance with the guidelines set by the Designated Agency for water.

(4) Leaving out Article 79.3, the government can impose any kind of appropriate amendment in order to give opportunities to poor consumer groups who cannot afford to pay the full fee for the service water that to be paid.

(5) To protect the financial situation of the service provider, the government must participate in any subsidy deemed necessary.

(6) Utility collection laws that determine water prices may vary in terms of use, between consumers groups and sub-groups, subject to varying cost payments to promote conservation and how the water use be more beneficial for the community, and to display the economic value of water.

Article 80: Effects of Fees and Money Payments Regulated

1. The service provider must not supply water, or provide special services associated with water supply which is not compliant with the payment of services and specific money payment defined in the indicators set by the delegated Agency.

Article 81: Rent Fee

1. Pursuant to the content of Article 41.3, the service provider administering the water system that holds the Operating Contract shall provide the owner with the service right of water rental fee. The rent must be agreed upon by both parties, in accordance with the guidelines set by the designate agency and the directives of PSAWEN.

2. If the priority for water rights is a government agency, the fee must then consists of the full cost of the service delivery and replacement/ renewal of the supplies as needed. Valuation laws for goods and depreciation must be part of the contract mentioned under Article 42. 4.

3. The provider should regularly pay the fees in accordance with the rules outlined in the Operating Contract. The amount of payment will be based on the volume of water purchased by the customers.

4. Large portions of the service, including rent charges that must be made public every year by the consumers to inform the public.

Article 82: Production Fee

1. Any person whose use of water enacts ownership of a license for water production, as referred in Article 30, has to pay the fees allocated for the production of the water.

2. Pursuant to a special agreement of trustees provided by the Financial Institution, the production fee may be collected by the Agency responsible for water issues, using its representatives at district and region levels.

3. The purpose of collecting fees production is consistent investment in water resources management of Puntland, which includes the expansion, maintenance and data storage of the borehole wells of Puntland and protection system of water resources in the ground.

4. The cost value of production, the volume of water produced, the suspension of compliance with the general laws, are set out in the other bylaws of this Water Act.
5. Production fees are based on the volume of water extracted from the resource or used
6. Large part of collected water charges including water production charges must be made public each year and displayed on customer information so the public can follow.

Article 83: Sales Tax

1. In consultation with the Delegated Agency for Water Resources, the Ministry of Finance may impose a sales tax on the purchase of water in urban areas. The collection procedure and the amount of sales tax are set out by special rules.

Article 84: Special Money Payment

1. The agency responsible for water issues is subject to impose a special payment to a person with a license, who has violated the terms of his license, or other provisions of bylaws, produced or used water more than permitted volume.
2. Limit of the special payment is defined by by-laws.
3. An individual can make a complaint of rejection his/her objection will remain valid until the court will takes a decision. During this period, the verdict of the offense cannot be undertaken against that person, and his license cannot be changed, if that person will not make any fault that makes him/her subject to be fined.
4. When a denial is filed, that argument is in effect until the Court makes its decision. During that time, no criminal proceedings can be brought against that individual, and his license cannot can be changed, unless that individual commits a violation that could make eligible to a fine.

Article 85: Rejection of Liability Money and its Payment

1. The designated agency, before deciding the imposition of an anonymous money and its payment, the concerned individual must be given an opportunity to submit his / her proposal and objection in accordance with the procedures laid down by bylaws or notices.

SECTION 14: DISTRIBUTION AND PROCESSING RESPONSIBILITIES

Article 86: Ministries and Government Agencies

1. The agency responsible for water affairs is agency meant as defined in the previous Article of the Act, except for the fact that some ministries and agencies, can also be organizations delegated for specific factors, as mentioned in Water Regulations whenever considered necessary.

2. Water agency responsibilities include assessment, planning, policy development, implementation of regulations, and harmonization of the goals and projects of the various components of the water sector.

3. The Authority, if it's the delegated one, its competence and responsibilities could be found in the provisions of Puntland Constitution and this Water Act.

4. The various ministries, agencies, and other similar bodies, since they are entities designated in the time of execution, they will get exercise their duties and responsibilities in the laws laid down in the foundation document their ministries, institutions, and the provisions of this Act.

Article 87: Water Users' Association

1. The water customer organization is an "individual" or any individual, group of persons, user organizations, or a cultural or acquired interest in the management and use of water resources

2. This is especially the case with those responsible for supporting and implementing the Puntland Water and Customs Act.

3. Cells and stations of groups can be human settlements whether nomads or really settled, pastoralists or farmers or industrialists or business people or others with local interests, or any groups of lawyers, representative the voice of user community Of the water.

4. Public water management should recognize the role of water users, facilitate and encourage their ideas, and give a positive role to play in water resource management.

5. Water management entity should prepare, in consultation with representatives of water users, procedures and bylaws that define the legal purpose of water user organizations.

SECTION 1 5: Water Rights, Registration and Land Ownership

Article 88: Land and Water Relations

(1) Ownership of any land owned by an individual or group does not entitle that individual or that group to own water resources located on the surface, underground or adjacent to that land. Except in this section, this does not deny that the individual or group having the right to use such water under this Act.

Article 89: Protection of Land around Water Sources, and Rights of Access and Monitoring

(1) The designated authority may order, if necessary, protected land surrounding and around a water source or water facilities, called Reserve. The purpose of Reserve is to protect any water source and any water supply facility built for the production, transmission, or storage of water

(2) The extent of protected territory shall be determined by the guidelines of the regulations, and shall not exceed or go beyond the requirements of this specific purpose.

(3) No entry to or access shall be permitted into the premises unless permission has been obtained in accordance with the requirements.

(4) The person who sees the implementation of Reserve as a damage, or refusal of the Agency designated the permit of water application/production according to Article 14, or the conditions of that permit, can submit a charge to the Court of the District.

(5) An official with full authorization, and has previously given a notice to the occupant of the land, he has the right to enter that protected area. The purpose of such intervention may be whenever a search, inspection, or protection of a water source is required; to explore water resources or to measure the magnitude of water production or water characteristics; to focus on land, plants, and other conditions that affect water and land science.

Article 90: Implementation of Developmental Water Supply

(1) A delegated official, after giving a notice in accordance with the by rules, can take over permanently any piece of land or to prevent to be privately, with a view to develop water sources for public interest. The designated Officer can also enter into any territory or location, drill, put a rig, build or destroy any developmental water source, can destroy crops and gardens, to the extent that the job to be implemented needs.

(2) The designated Agency can order emptying any building or real estate when it is necessary to be permanently taken in order to implement a water source development, but after it is given an early notice to those who are already residing in the site as stated in the by rules and other regulations concerning this issue.

(3) For the location that to be emptied or cleared for approved developmental water supplies, as defined in this Article, should be obtained a court order granting such clearance with no appeal. The district court, under which the jurisdiction of the proposed development water resources take place, can enforce such clearance.

(4) If the building or property that to be destroyed is where people are living or commercial areas, the occupiers cannot be removed unless they are given a change of residence or other business areas or compensated.

(5) The court should determine the terms and conditions of compensation in the absence of an agreement between the occupants who should be removed and the designated water agency. The occupants of the building cannot be evicted until the Tribunal decides when they will leave, which can be either a timely evacuation or an urgent eviction. In the latter case, the Court must consider when determining the amount of compensation that the withdrawal is/was fast.

(6) The designated agency, without consideration of the compensation rights required by this Act, can permanently acquire, or lease, any land needed for water activities, without being subject to pay any money, conditions or other rights. Land acquired or leased shall be registered in the name of the State with a certificate issued by the designated Agency.

(7) When an appointed officer or contractor designated is completing temporary duties, such as a hole dug or similar work that he has been conducting in unofficial land, the designated agency after termination of employment, should return the ground to its original condition as early as possible not more than six months.

(8) The owner or tenant of the land may, after giving written notice to the Designated Authority, undertake any necessary work, not undertaken by the designated Agency, to return the property to its earlier condition. The landlord or the user must apply a request to the delegated agency for the payment of the work costs.

Article 91: Compensation of Water Supply Implemented Land

(1) The following shall be entitled to compensation if water-development facilities are constructed on their land as provided in Article 90.1:

a. Landlords and tenants permanently confiscated by the designated Agency, and any individual who had an outstanding money, similar property, or other rights to the property before the foreclosure, an individual who suffered damage caused by the building or water supplies built in that land or defects and damage that occurred during the implementation process of the water source; and a person impaired after losing interest in the occupied territory which was taken over, or devaluation inflicted in his land value due to the water activity implemented by the delegated organization in the foreclosed territory.

b. The designated agency shall issue bylaws on such defined matters, or not spoken, the Bill concerning the implementation of water activities, when undertaking their development permanently or temporarily in a foreclosed land or property, by providing compensation money or other property, the rules base to standardize compensation the terms and related conditions, and the procedures used when filing a complaint to the court in the event of disputes concerning the issue.

Article 92: Heavy Obligations

1. For the purpose of constructing, maintaining or monitoring the public water supply or finding access sites, additional burdens can be imposed on any piece of owned land.

2. If an agreement would not be reached with the landowner, the designated agency has the authority to legitimize or enforce independently such additional burdens for the public interest.

3. The designated authority shall establish by-laws defining the implementation system, transmission and modification of such burdens and compensation laws.

4. These weights will be documented and certificate will be given to the beneficiary of this burden.

SECTION 16: Overall

Article 93: Responsibility for Damage

1. The designated agency will compensate the lost or damaged property, as well as personal injury to persons working in the administration. That will remove from the above mentioned persons the billing and reimbursement for injuries and property damage requested, if that occurs during administrative proceedings, except for circumstances of neglect such as non-compliance with safety rules.

2. An individual who fails to comply with safety rules shall be liable for personal injury and property damage compensation caused by his/her fault.
3. An individual who violates any legal or administrative provisions of this Water Act shall be subject to pay compensation, which is properly assessed, the damages caused by his action and the unlawful benefits he has received.
4. The owner or his agent should give compensation to the third party for any loss or damage caused, directly or indirectly, when undertaking water resources development activities or performing his legal responsibilities.

Article 94: Fines

1. Person who violates any article of the water act, or order, or any circular in accordance with the by rules accompanying this Water Act, or hinders an officer, or a representative person, who is conducting a function defined by this Act, after warning was submitted to that individual by that delegated officer, will be fined, and additional charges imposed on each day that individual continues committing such crime or action
2. The individual, after being convicted a violation under Article 93.1, who again violates, will be entitled to pay a double of the previous fine and the additional penalty as set out in Article 93.1.
3. An individual who violates any one of the provisions of this Water Act, in view of the seriousness of the offense and its frequency, will be eligible to twelve months of imprisonment and the penalties set out in Article 93.2.
4. The designated agency shall issue bylaws, notices, in the Official Bulletin, defining those penalties and incarceration for violating some of the provisions of this Water Act.

Article 95: Implementation of the Water Act

1. All the traditional customs and other existing laws and by laws that are contrary to this Water Act will be repealed or suspended.