

WATER CODE OF THE REPUBLIC OF KAZAKHSTAN.
(31 March, 1993)

PART I. GENERAL PROVISIONS.

Chapter 1. BACKGROUND.

Article 1. Objectives of water legislation.

The Objectives of water legislation of the Republic of Kazakhstan shall be stated as following: regulation of water relations in the purpose of rational water use for the needs of population, branches of economics and environment, protection of water resources from pollution and exhaustion, prevention and liquidation of harmful impact of water, legal strengthening in the sphere of water relations.

Article 2. Water legislation.

1. The water relations in the Republic of Kazakhstan shall be regulated by the present Code and other legislative and normative Acts issued in accordance with this Code.
2. The land and forest relations and also relations on protection and utilization of mineral resources, atmospheric air, fauna and flora shall be regulated by the special legislation of the Republic of Kazakhstan.

Article 3. Water fund.

1. All water resources in the territory of the State constitute the Water Fund of the Republic of Kazakhstan.
2. The Water Fund includes:
 - rivers, lakes, swamps, water reservoirs, other surface water resources, such also canal and water way waters;
 - underground waters;
 - glaciers;
 - Caspian and Aral Seas waters within the state frontiers of the Republic of Kazakhstan.

Article 4. Property on Waters.

1. Waters in the Republic of Kazakhstan are the exclusive property of the State.
2. Actions in direct or hidden forms infringing the rights of property on waters shall be invalid and entail responsibility specified by legislation.
3. The right of property on waters in the whole territory of the State shall effect the Supreme Council of the Republic of Kazakhstan.
4. The water utilization by the other States and also foreign juridical persons and citizens shall be carried out under agreement.

5. The water utilization and other activities upon realization of the right of property on waters shall be fulfilled with obligatory participation of the State management body of water resources of the Republic of Kazakhstan.

Article 5. Priority water utilization.

Waters are given first of all for drinking and domestic needs of the population.

Article 6. Principles of water management.

1. Water management in the Republic of Kazakhstan shall be fulfilled on the ground of combination of basin-water economy and administrative-territorial principles providing for protection and reproduction of the water resources, optimum conditions of water use, preservation of the ecological stability of the environment.

2. Basin-water economy principle shall be realized by distribution of water resources within the bounds of the basin of the rivers, lakes and other reservoirs between administrative-territorial units.

PART II. COMPETENCE OF MANAGEMENT BODIES OF STATE AUTHORITY IN THE SPHERE OF REGULATION OF WATER RELATIONS.

Article 7. Competence of the Supreme Council of the Republic of Kazakhstan.

The following items associated with regulation of water relations shall be under authority of the Supreme Council of the Republic of Kazakhstan:

- disposition of water fund of the Republic;
- determination of the State policy in the sphere of protection and use of water resources;
- establishment of basis rate of payment for water;
- ratification and denouncement of international traits on the matters of regulations of water relations.

Article 8. Competence of regional Soviet of People's Deputies.

The regional Soviet of People's Deputies within the boundaries of the region shall:

- establish the conditions of common water use by interregional water resources;
- control on use and protection of waters.

Article 9. Competence of district, city Soviet of People's deputies.

The district, city Soviet of People's deputies within the boundaries of district, city, town shall:

- establish the terms of common water use;
- control on use and protection of waters.

Article 10. Competence of settlement, aul, village Soviet of People's Deputies.

The settlement, aul, village Soviet of People's Deputies shall:

- establish the conditions of common water use;
- control on use and protection of waters.

Article 11. State management bodies of water resources.

1. State water management shall be carried out in the Republic by the Government of the Republic of Kazakhstan, local executive bodies, State management body of the water resources, and also other special authorized State bodies within their competence.

2. Management of the underground waters shall be exercised in accordance with the geology and mineral resources protection bodies.

Article 12. Competence of the Government of the Republic of Kazakhstan.

In the sphere of management of water fund the following items shall be under authority of the Government of the Republic of Kazakhstan:

- realization of State policy in the sphere of use, reproduction and protection of water resources;
- approval of the main directions of rational use and protection of water resources, development of the water economy;
- approval of the basin schemes of the complex use and protection of water resources and water economy balances;
- ensuring of implementation of the Republican programmes upon preservation and restoration of water resources and sources;
- determination of order of State water accounting and use and also State water cadastre and water monitoring;
- establishment of order of State control over use and protection of waters;
- approval of statutes of water protection zones and regions;
- determination of order of agreement upon siting and putting into operation enterprises, structures and other objects influencing on water condition, and also terms of building and other water works in reservoirs and their water protection zones;
- presenting of water reservoirs for isolated use;
- regulation of water relations between regions of the republic;
- elaboration the basis rates of payment for water;
- exercising of measures in the field of relations between the Republic of Kazakhstan with Foreign States and international organizations on matters of use and protection of waters.

Article 13. Competence of regional executive body.

The regional executive body shall fulfil following;

- distribution of limits of water use between the administrative-territorial units of region, branches and separate water consumers upon the nomination of the State Management body of water resources of the Republic of Kazakhstan;
- presenting of water reservoirs for isolated use to juridical persons and citizens upon agreement with the State Management body of water resources of the Republic of Kazakhstan;

- agreement on siting and putting into operation enterprises, structures and other objects influencing on water condition and also terms of building and other water works in water reservoirs and their water protection zones;
- agreement and approval of schemes of complex use and protection of water resources of the region;
- establishment of water protection zones upon the nomination of the State Management body of water resources;
- control over use and protection of waters;
- cessation of the right of water use.

Article 14. Competence of district, city, town executive body.

District, city, town executive body shall fulfil following:

- distribution of limits of water use between water-consumers of district, city, town upon the nomination of the State Management body of water resources of the Republic of Kazakhstan;
- presenting of water reservoirs for isolation use to juridical persons and citizens upon agreement with State Management body of water resources;
- agreement on siting and putting into operation of enterprises, structures and other objects influencing on water condition and also terms of building and other water works in water reservoirs and their water protection zones;
- establishment of water protection zones upon the nomination of the State Management body of water resources;
- control over use and water protection;
- cessation of the right of water use.

Article 15. Competence of State Management body of water resources of the Republic of Kazakhstan.

1. By a commission of the government of the Republic of Kazakhstan, the management of water resources shall be exercised by the special State body of the Republic of Kazakhstan carrying out its functions directly or through the basin, regional and other subdivisions with participation of nature protection organs and also other specially authorized State bodies.

2. The State Management body of water resources of the Republic of Kazakhstan shall fulfil following:

- establishment of water use limits in connection with basins, regions and districts;
- State water accounting and use;
- conducting of State water cadastre and water monitoring;
- distribution of permissions for a special utilization in accordance with the nature protection organs;
- distribution of technical terms for all kind of water utilization;
- guaranteeing of interregional, interdistrict, intereconomy distribution of water resources on the ground of their complex use considering of ecological requirements;
- exercising of measures upon protection and improvement of condition of the rivers, lakes and other water reservoir, prevention and liquidation of harmful impact of waters;
- elaboration of the main directs upon use and protection of water resources of the river

- basins;
- exercise of control over use and protection of waters;
- collaboration with the bordered States on the matters of regulation of water relations.

3. Instructions by the State Management body of water resources of the Republic of Kazakhstan on the matters of utilization and protection of waters within its competence shall be obligatory for all citizens, Ministries, State Committees, departments, enterprises and organization regardless of departmental belonging or the forms of ownership.

Article 16. Other specially authorized State Management body in the sphere of use and protection of waters.

Other specially authorized State Management body in the sphere of use and protection of waters shall be the bodies carrying out within their competence the protection of nature, mineral resources, fish stocks, flora and fauna, State seminary and veterinary control.

Article 17. State control over use and protection of waters.

1. The State control over use and protection of waters shall have the objective to provide observance by all Ministries, State Committees, departments, enterprises, organizations and citizens of established order of utilization and accounting of water resources, fulfillment of duties upon protection of waters and liquidation of their harmful impact.

2. The State control over use and protection of waters shall be executed by the State organs of nature protection, water management, local representative and executive bodies, other specially authorized bodies within their competence.

Article 18. Participation of public associations and citizens in accomplishment of control over use and protection of waters.

1. The public associations and citizens shall render assistance the State bodies and take participation in carrying out of the control over use and protection of waters, fulfillment by water consumers of their duties.

2. The State bodies shall be obliged to take into consideration the grounded proposals of public associations and citizens during elaboration and realization of measures on rational use and protection of waters.

PART II. ORDER OF PRODUCTION OF WORKING IN WATER RESERVOIRS AND WATER PROTECTION ZONES.

Article 19. Conditions of siting, projecting, and building of enterprises, constructions and other objects.

1. When siting, projecting and building of enterprises, constructions and other objects influencing on the condition of waters shall be guaranteed following:

- rational utilization of waters;
- carrying out of measures on accounting of waters being withdrawn from water

- reservoirs, protection of surface and underground waters from pollution and exhaustion;
- accomplishment of measures on protection of fish, water birds, animals and water side ecological systems;
- prevention of harmful influence of waters, protection of lakes from flooding, salinization and desiccation;
- preservation of ecological stability of the environment.

2. It shall be not allowed to project and construct unflow systems of water supply of industrial enterprises which under the condition of production can not be transferred to circulating water supply and non-waste technology.

Article 20. Coordination of siting, projecting, constructing and putting into operation of enterprises, structures, and other objects.

The conditions of siting, projecting, constructing and putting into operation of enterprises, constructions, and other objects influencing on water condition shall be coordinated with the State bodies of nature protection, water resources management, local executive bodies, carrying out of the protection of mineral resources, fish stocks, flora and fauna, sanitary and veterinary control, and on muddangerous rivers - with mud protection organs.

Article 21. Water protection zones.

1. Along the sides of rivers, lakes, seas and reservoirs, around the springs, glaciers, swamps and water economy structures shall be set water protection zones with special terms of use.

2. Water protection zones and strips shall be set for prevention of the pollution and exhaustion of waters, preservation of their ecological stability and appropriate sanitary condition. In the basins of mud dangerous rivers water protection zones shall be set with accounting of the boundaries of possible flooding.

3. Water protection zones and strips shall be set by the local executive bodies upon the nomination of the State Management body of water resources. In the decision of establishing of the water protection zones and strips, the special conditions shall be specified for lands and other nature resources use.

4. The Statutes of the water protection zones and strips shall be approved by the Government of the Republic of Kazakhstan.

Article 22. Production of work in water reservoirs and water protection zones and strips.

1. Construction, bottom deepening and explosion, extraction, cable laying, pipelines and other communications, cutting down trees, drilling, agricultural and other works on water objects and water protection zones and regions, influencing on water condition shall be carried out in accordance with the State bodies of nature protection, water management, local executive bodies and other specially authorized organs.

2. Exploitative land scooping works on the navigable water ways shall be executed with

accounting of interests of all water users and requirements of ecological stability of environment.

3. The order of production of the construction, bottom deepening and other works on reservoirs and their water protection zones and stripes shall be specified by the Government of the Republic of Kazakhstan.

Article 23. Prohibition of putting into operation of objects influencing on water condition.

Putting into operation shall be forbidden for the following:

- the new and reconstructed objects, which are not provided with structures and systems, preventing the harmful influence of waters, pollution of water protection zones and stripes of reservoirs and also instruments of water accounting and sewage throw;
- the chinks into water without water regulative instruments and establishment of sanitary protection zones;
- water intake structures without fish protection systems according to those approved by the projects;
- irrigation and water systems, water reservoirs and canals before carrying out the measures provided by the projects preventing flooding, salinization, soil erosion;
- drainage systems before water receivers being reedy and other structures in accordance with those approved by the projects.

PART II. WATER USE.

Chapter 4. BACKGROUND.

Article 24. Right of water use.

1. All juridical persons and citizens of the Republic of Kazakhstan shall have the right of water use.
2. Other organizations and persons shall use the waters in the cases specified by legislation of the Republic of Kazakhstan.

Article 25. Order and conditions of water use.

1. Water use in the Republic of Kazakhstan shall be realized in order and conditions determined by the present Code.
2. The order and conditions of water use from interstate reservoirs shall be determined upon the agreement between interested States.

Article 26. Kinds of water use.

Water use shall be subdivided into following:

- common and specified;

- isolated and joint;
- primary and secondary.

Article 27. Common water use.

1. Common water use is carried out for drinking and other domestic needs of population without attaching of water resources to individual citizens and application of structures and technical systems influencing on water condition.
2. Special permission for realization of common water use is not required.
3. Common water use may be limited or prohibited in purposes of ecological, technical and sanitary security.

Article 28. Special water use.

1. Special water use is related to surface and underground waters for satisfaction of drinking and domestic needs of population, agricultural, industry, energy, water transport and other needs, and also for dumping of industrial, communal-domestic, drainage and above is carried out with application of the following structures and technical systems:
 - permanent, movable, floating structures for mechanical and by gravity water withdrawal from surface and sea waters;
 - water intake structures equipped by the pumping systems for withdrawal of the underground waters;
 - mine wells, captation of springs and other small structures for underground water use working without forced fall of the water level;
 - drain structures for dumping into surface and sea waters of industrial, communal-domestic, drainage, rain and other sewage waters being pumped out from the mines, quarries;
 - absorbing chinks and wells for sewage dumping into underground aquifers;
 - structures for sewage draining on agricultural sewage-farms;
 - water-power plants;
 - water economy structures of thermal and atomic power plants, for water supply, dumping of waste waters and also for cooling of waters;
 - irrigation and drainage systems;
 - ship and log chute structures, providing for passing of the ships and floats through the backwater structures;
 - other technical systems influencing on water condition.
2. Special water use is carried out by juridical persons and citizens on the ground of permission being given in order specified by the Article 34 of the present Code.

Article 29. Isolated water use.

1. Water reservoirs or their parts shall be given for isolated use to juridical persons and citizens for realization of activity demanding of isolation of water use.

2. Access of other water users to reservoirs giving in isolated water use shall be allowed on the terms specified by the Article 36 of the present Code.

Article 30. Joint water use.

1. The water reservoirs may be available for the joint water use by different juridical persons and citizens except reservoirs or their parts giving for isolated use.

2. In the case of giving the waters to several users the interests of water users settled bellow shall be satisfied first of all.

3. Water users are obliged to take into consideration mutual interests, not to make difficult for the accomplishment of the right of water use and damage to each other.

Article 31. Primary water use.

Primary water use is water use by juridical persons and citizens carrying out withdrawal of water from reservoirs on the ground of permission for special water use.

Article 32. Secondary water use.

1. Secondary water use is water use by juridical persons and citizens receiving water from primary water users.

2. Presentation of the waters to secondary users is guaranteed by primary users in accordance with the limits specified by permissions for special water use and agreement with accounting of availability of water in the sources.

Article 33. Bodies authorized to present reservoirs for isolated use.

Water reservoirs are presented for isolated use by the following bodies:

1. Government of the Republic of Kazakhstan - any non-flowing reservoirs located in the territory of the Republic;

2. Under the concordance with the State Management body of water resources:

- regional executive body - nonflowing reservoirs located within the administrative boundaries of the region;
- district executive body - nonflowing reservoirs located within administrative boundaries of the district;
- city, town executive body - nonflowing reservoirs located within the bounds of the city, town territory.

Article 34. Bodies which allow special water use.

1. The permission for special water use is presented:

- for surface water use - by the State Management body under the Agreement with the State nature protection body;

- for underground water use - by the State body of geology and mineral resources protection under the Agreement with the State Management body of water resources and nature protection.

2. The order of Agreement and giving of the permissions for special water use is determined by the Government of the Republic of Kazakhstan.

Article 35. Accomplishment of common water use.

1. In the case of common water use it is obligatory to meet the requirements of the State bodies of the nature protection, management of water resources and those carrying out the State sanitary control, protection of mineral resources, fish stocks, regulating of navigation and timber passing, and such rules of protection of people' life in the waters.

2. The local representative and executive bodies in the purposes of protection citizens' life and health, provision of ecological security determine the places where it is prohibition to swim, use the boats, water withdrawal for drinking and domestic needs, animals watering, and also establish other conditions of common water use on reservoirs located within administrative boundaries.

3. The State bodies of nature protection, water resources management, sanitary control and other interested organs introduce the proposals concerning the conditions of common water use.

4. The local representative and executive bodies are obliged to declare in good time about conditions of common water use determined by them.

Article 36. Common water use on reservoirs presented for isolated use.

1. On reservoirs presented for isolated use the common water use is allowed under conditions determined by the State bodies of nature protection and water resources management.

2. A water user which has received the reservoir for isolated use is obliged to declare about conditions or prohibition of common water use.

Article 37. Terms of water use.

1. The reservoirs shall be presented for permanent or temporary use.

2. The permanent water use is recognized as without term determined beforehand.

3. Temporary water use may be short-term - till 3 years and long-term - till 25 years.

4. The terms of water use are calculated from the day of receiving of the appropriate document certifying the right of water use.

5. If it is necessary, the terms of water use may be prolonged.

6. The common water use is not limited by terms.

7. Alteration or cessation of the terms of temporary water use shall be exercised upon solicitation of the interested users by the State body which has gave a permission for special water use or has decided to present the reservoir for isolated use.

Article 38. Water utilization for special purposes.

1. The water reservoirs are given to meet the needs of drinking, domestic, medical, health resorts, water cure and such other needs of population, agricultural, industrial, power engineering, constructional, transport, fishing industry and such other needs.

2. The waters may be presented for one or several purposes.

3. The water users should use the waters only for purposes they have been given.

Article 39. Main rights of water users.

Water users shall have the right:

- to use the waters for the purpose specified by Part I, Article 38 of the present Code;
- to obtain the water for utilization;
- to construct water economy structures and systems;
- to control the quantity and the quality of the given water;
- to demand the compensation for unreceived according to limit water, except the cases specified by Article 40 of the present Code;
- to execute other activity on use of the waters which are not prohibited by law.

Article 40. Restriction of rights of water users.

1. In the cases of lack of water, emergency situation on the basins, threat of epidemics and such other cases, specified by legislation of the Republic of Kazakhstan, the water users' rights may be restricted to the interests of other water users. The restriction of water users' rights should not aggravate conditions of water use for drinking and domestic needs of population.

2. The water users' rights may be restricted on following:

- isolated water use - by the body which has given permission for isolated water use;
- special water use - by the body which has given permission for special water use;
- secondary water use - by the water management body.

Article 41. Protection of Water users' rights.

1. The water users' right are protected by law. Nobody can be deprived of the right of water use except on the ground stipulated by law.

2. The violated rights of water users should be restored in the procedure specified by the legislation of the Republic of Kazakhstan.

Article 42. Main duties of Water users.

The water users shall:

- use waters in accordance with the purposes and not to damage the environment and economic objects;
- spend water economically;
- carry out the complex of measures on improving the quality of the thrown waters;
- not violated the rights of the other water users;
- keep in order and improve reservoirs being used;
- not allow the throw of the sewage waters containing polluting substances into reservoirs;
- maintain the cleaning and other water economy structures and technical devices influencing on the water condition, improve their operational quality;
- equip the water intake structures by calculation means and conduct water utilization in the established order;
- effect other requirements stipulated by the legislation of the Republic of Kazakhstan.

Article 43. Grounds of cessation of water use right.

1. The right of water use of the juridical persons and citizens can be ceased completely or partly in the following cases:

- passing by necessity of the water use or refusal of it;
- expiration of the term of the water use;
- liquidation of a juridical entity, citizen's death;
- transference of reservoirs in established order to other juridical persons and citizens;
- violation of the conditions of the water use and their protection;
- utilization of waters out of the purposes.

2. Other grounds of cessation of the water use right of the juridical persons and citizens can be stipulated by the legislation of the Republic of Kazakhstan.

Article 44. Procedure of cessation of water use right.

1. The right of water use shall be ceased by cancelling permission on special or isolated use.

2. The cessation of the right of water use shall be executed:

- for special-by body's decision presented the permission on it;
- for secondary-by the decision of the State Management body of the water resources.

3. The confiscation of reservoir fully or partly from isolated use shall be executed by the decision of the body presented a reservoir for isolated use.

Article 45. Limitation or prohibition of reservoirs utilization.

1. Presenting reservoirs for use having special State or scientific meaning, and also being potentially mud dangerous can be partly limited or fully prohibited.

The list of such reservoirs shall be approved by the Government of the Republic of Kazakhstan.

2. The utilization of reservoirs or their parts for testing the nuclear arms, construction and functioning of the test range for other kinds of arms of mass destruction (chemical, bacteriological, biological, etc.) and burying their wastes are prohibited.

Article 46. Compensation for losses caused by implementation of water economic measures.

The losses caused to the juridical persons and citizens by implementation of water economic measures shall be compensated in the procedure and rate specified by the Government of the Republic of Kazakhstan.

Chapter V. PAYMENT FOR UTILIZATION OF WATER RESOURCES.

Article 47. Payment for water use.

1. The common water use in the Republic of Kazakhstan is carried out free.
2. The special water use in the Republic of Kazakhstan is paid.
3. The payment for utilization of water resources except common water use shall be collected regardless to the form of ownership and economy, except the cases stipulated by the legislation of the Republic of Kazakhstan.
4. Payment for utilization of water resources shall be collected with regard to the quality of water, location of the reservoirs and condition of water use.
5. The procedure and conditions of establishment and collection of the payment for utilization of the water resources shall be specified by the special legislation of the Republic of Kazakhstan.

Article 48. Use of means receiving as payment for utilization of water resources.

The means receiving as payment for utilization of water resources shall be sent for:

- measures on protection and improvement of the conditions and restoration of reservoirs, deposits and the regions of feeding underground waters;
- works by water provision of the population and economics branches;
- measures on prevention and liquidation of the harmful impact of waters;
- reconstruction, construction and exploitation of the water economy structures and devices, maintaining on account of the Republican budget;
- measures on rendering an assistance victims of the extraordinary situations on the reservoirs.

Article 49. Payment for services rendered water users.

1. The payment shall be collected for the services rendered water users by water withdrawal and supply.

2. The payment for services includes the expenditures on water withdrawal and supply, carrying out of repair-reconstruction works.

3. The procedure and conditions of collection of the payment for services being rendered water users shall be specified by the Government of the Republic of Kazakhstan.

Chapter VI. Utilization of reservoirs for drinking, domestic and other needs of population.

Article 50. Utilization of reservoirs presented for drinking, domestic and other needs of population.

For drinking, domestic and also for other needs of population the reservoirs should be presented with the water quality confirming to the established State standards.

Article 51. Central water supply of population.

1. During the utilization of reservoirs of drinking, domestic and other needs of population in order of the central water supply, juridical persons which own or use the drinking-economic water-supply shall have the right to withdraw water out from the sources of water supply in conformity with approved according to order projects of water intake structures and permissions on a special water use.

2. The juridical persons pointed out above shall be obliged to organize calculation of withdrawn water, conduct regular observation over the water condition in the sources of water supply and inform the local representative and executive bodies, state organs of nature protection, management of the water resources, sanitary control, geology and mineral resources protection about deflexion of the water quality in the sources from the established State standards.

Article 52. Non central water supply of population.

1. During the utilization of reservoirs for drinking, domestic and other needs of population in the order of non central water supply, the juridical persons and citizens shall have the right to withdraw water directly from surface or underground water sources meeting the requirements of the common and special water use.

2. Water intake structures use intended for these purposes is carried out according to rules set by the local Soviets of Peoples' Deputies in the territory of which water intake structures are located, under Agreement with the State Management body of the water resources.

Article 53. Underground water use of drinkable water for needs not related with drinking and domestic supply.

1. Underground water use of drinkable quality for the needs not related with drinking and domestic needs is not allowed, except the cases stipulated by part 2 of the present Article.

2. In the regions necessary surface water sources are not available, and where there is enough underground water sources of drinkable quality, the State Management body of the water resources under agreement with nature and mineral resources protection body may allow temporary use of these waters for the needs not related with drinking and domestic water supply.

Chapter VII. Utilization of reservoirs for health improving and recreational purposes.

Article 54. Reservoirs for health improving purpose.

1. The reservoirs having natural medical factors and also good for organization of prophylactic measures and treatment, belong to the type of health improving.

2. The list of such reservoirs under the nomination of the State bodies of public health, nature protection, management of water resources, geology and mineral resources protection shall be approved:

- Republican importance - by the Government of the Republic of Kazakhstan;
- local importance - by the regional Soviets of People's Duties.

Article 55. Use of reservoirs for health improving purpose.

1. The reservoirs referred to health improving category, are used first of all for medical and resort cure purposes.

2. In exceptional cases the Government of the Republic of Kazakhstan or the local Soviets of People's Duties upon the Agreement with the State organs of the public health, nature protection, water resources management, geology and mineral resources protection may allow utilization of reservoirs referred to category of health improving for other needs on the ground of special water use.

Article 56. Utilization of reservoirs for recreational purposes.

1. The use of reservoirs for recreational purposes is allowed without special permission except the rivers located in the mud dangerous zones.

2. The use of reservoirs for mass resting, tourism and sport purposes is effected at the places established by the local Soviets of People's Deputies upon Agreement with the State bodies of nature protection, water resources management, sanitary control.

Chapter VIII. Utilization of reservoirs for agricultural needs.

Article 57. Agricultural water use.

1. The water use for agricultural needs is carried out in the order of the common and special water use.

2. The irrigation, water supply, drainage and such other water economic structures and devices are used for special water use.

Article 58. Duties of agricultural water users.

1. The legal entities and citizens using reservoirs for agricultural needs shall:

- observe the established limits, rules, norms and regime of water use;
- take the measures on legislation and reduction of the water losses in water economic systems;
- equip the water intake structures with the means of water calculation;
- not allow the water pollution.

2. The legal persons and citizens using reservoirs for agricultural needs are not permitted independently to fulfil:

- regulation of water intake structures on reservoirs;
- temporary coffer-dam, pumping station and such other constructions on reservoirs;
- drilling of water economy wells;
- transmission cattle and passage of the transport means, self-propelled cars and mechanisms across the canals and other water economy structures at the places not intended for these purposes;
- other activities, infringing the interests of other water users.

Article 59. Agricultural water use with temporary drainage.

1. The juridical persons and citizens shall have the right to use melted, rain and spring floods water for flooding of the haymaking lands, pastures, plots of estuary irrigation and other needs of agricultural economic.

2. The detention of the melted, rain and spring floods water is carried out in the order of special water use.

Article 60. Water use for irrigation of pastures.

1. The juridical persons and citizens shall use the surface and underground waters for irrigation of pastures in order to provide water feeding of the cattle.

2. The water utilization for irrigation of pastures is carried out by construction of the drop inlet and tube wells, ponds, diggings, irrigative canals and other structures.

3. The water utilization for watering of the cattle is allowed with special watering sites and other devices.

Article 61. Water utilization for needs of personal subsidiary farm, gardening and market-gardening.

1. The citizens conducting personal subsidiary farms, occupied with gardening and market-gardening shall be supplied with water according to established limits.

2. When it is lack of enough water resources, the water for watering may be allotted at the expense of redistribution of limits of the existing water users.

Article 62. Sewage water irrigation.

Sewage water irrigation for agricultural production is carried out in accordance with requirements of the State organs of sanitary and veterinary management.

Chapter IX. Water utilization for industrial purposes.

Article 63. Water use for industrial purposes.

The water use for industrial purposes is carried out in the order of special water use.

Article 64. Water users' duties using reservoirs for industrial purposes.

1. The water users using reservoirs for the industrial purposes are obliged to observe the established limits, technological norms and rules of water use.

2. Projecting and putting into operation industrial objects with uniflow systems of water supply are prohibited, except the enterprises, which, because of industrial conditions can not be transferred to turning water supply and non waste technology.

3. For enterprise in force not having the turning water supply system, under Agreement with the State bodies of nature protection and water resources management, it is established the terms of transition into returning water supply.

Article 65. Limited utilization of drinking water for industrial purposes.

1. The use of drinking water for industrial purposes with availability of water sources of different quality is not allowed, except those enterprises in which it is intended by the technological process.

2. In the cases of natural calamities, accidents and such other exceptional circumstances, the local executive organs shall have right temporarily to allowed the use of drinking water for industrial purposes taking into consideration the immediate satisfaction of the drinking and domestic needs of population. The terms of drinking water use for industrial purposes are established under Agreement with the State bodies of nature protection and management of water resources.

Article 66. Underground water utilization for industrial purposes.

The underground waters referred to the category of drinking and medical waters may be used for technical water supply, extraction of the chemical element containing in them, obtaining of the terminal energy and other industrial needs on the ground of special water use.

Chapter X. Use of reservoirs hydropower engineering needs.

Article 67. The use of reservoirs for hydropower engineering needs is carried out taking into account interests of other fields of economics, and also with observation of requirements of complex use of waters upon Agreement with the State organs of nature protection, water resources management, and in mud dangerous regions - with mud protection organs.

Article 68. Rights and duties of hydropower engineering enterprises on water use.

1. Hydropower engineering enterprises shall have the right:

- to use waters for energy production in conformity with approved projects;
- to execute measures allowing to improve the use of reservoirs for hydropower engineering purposes, if it does not violate the requirements of the complex water use and protection;
- to demand from juridical persons and citizens the observation of the rules providing normal exploitation of reservoirs for hydropower engineering needs.

2. Hydropower engineering enterprises shall be obliged:

- to observe established regime of filling and working of reservoirs, transition from them and fluctuation of water level in upper and lower waters;
- to provide free and safe passing of the ships and floats, implementation of sanitary and nature protection measures in conformity with the projects;
- to maintain in proper technical condition fish protection structures and fish passing ways to the places of spawning;
- to provide the strengthening of stability of the backwater structures and non accident technical exploitation in the conditions of possible mud flows, spring floods and other natural calamities.

Chapter XI. Use of reservoirs for transport needs.

Article 69. Navigable water ways.

The rivers, lakes, reservoirs and sea waters of the Republic of Kazakhstan referred to the category of navigable are the water ways of common use, except cases, when their use is these purposes fully or partly is prohibited, or they are presented for isolation use.

Article 70. Attribution of water ways to navigable category.

The procedure of attribution of water ways to navigable category, specification of list of water ways free for navigation, and rules of their exploitation shall be determined by the Government of the Republic of Kazakhstan.

Article 71. Duties of water users on navigable water ways.

1. The water users are obliged:

- to provide rational use and protection of waters;
- to meet requirement of organs regulating the navigation;
- not to allow destruction of the beds and sides of reservoirs, hydrotechnical and other

- structures;
- not to violate the rights of juridical persons and citizens.

2. The juridical persons and citizens using navigable water ways for other purposes are obliged to meet requirement of organs regulating the navigation.

Article 72. Navigable water ways use for sailing on small-size ships.

1. The citizens using navigable water ways for sailing on small-size ships are obliged to observe established rules.

2. Navigable water ways use for sailing on small-size ships can be limited or prohibited by the local representative and executive bodies.

Article 73. Reservoirs use for air transport needs.

The use of reservoirs for take-off and landing of the air ships, and also for other needs of air transport is carried out in procedure and on the ground specified by Government of the Republic of Kazakhstan.

Article 74. Prohibition of pier timber floating, and also floating of wood in bunches and purses.

The pier timber floating and also floating of wood in the bunches and purses without ship draught prohibited on:

- navigable ways;
- reservoirs, the list of which is approved by the Government of the Republic of Kazakhstan.

Article 75. Duties of timber floating organizations on cleaning of floating ways.

1. The timber floating enterprises shall be obliged to implement regularly cleaning of the floating ways from the wood being submerged.

2. The list of navigable ways and procedure of use them shall be determined by the local executive organs upon Agreement with the State bodies of nature protection and water resources management.

Chapter XII. Reservoirs use for fish economy needs.

Article 76. Presenting reservoirs for fish economy needs.

1. The reservoirs or their parts, located in the territory of the Republic, can be used for fish economy needs without infringement of other water users' rights.
2. The separate reservoirs or their parts are allotted on special use for fish economy needs by decision of the local executive bodies upon Agreement with the State organs of nature protection and water resources management.
3. The local executive organs upon the Agreement with the State bodies of nature protection and water resources management shall present on temporarily use the plots of land of water protection zones fish economy enterprises for fishery needs.

Article 77. Rights and duties of fish economy enterprises and organizations on water use.

1. The juridical persons and citizens using reservoirs or their parts for fish economy needs, shall execute on them necessary works for conducting fish economy, and also for fishing and breeding fish, and such other water animals and plants.
2. The water users who are presented by reservoirs or their parts for fish economy needs shall be obliged:
 - to execute upon agreement with the state bodies of nature and fish stock protection, and water resources management the fish-breeding and reclamative-technical measures, providing the improvement of reservoirs' condition and conditions for fish stocks reproduction;
 - to keep in proper sanitary condition the coastal parts at the fishing places.

Article 78. Limitation of water use to the interests of fish economy.

1. On the reservoirs or their separate parts, which have important significance for preservation and reproduction of valuable kinds of fish and other objects of water trade, water users' rights may be limited to the interests of fish economy.
2. The list of such reservoirs or their parts and kinds of restrictions shall be defined by the local executive organs upon Agreement with the State bodies of nature and fish stock protection, water resources management.

Article 78. Reservoirs use for sport and amateur fishery.

1. All reservoirs, except located in the territory of nature reserve, fish nursery, pond, lake and other fish economies, may be used by citizens for sport and amateur fishery, carrying out with observation of established fishery rules.
2. The order of reservoirs use for sport and amateur fishery shall be determined by the Government of the Republic of Kazakhstan and local executive bodies.

Chapter XIII. Reservoirs use for hunting economy needs.

Article 80. Reservoirs use for hunting economy needs.

1. The local executive bodies under Agreement with the State organs of nature protection and water resources management shall present the reservoirs or their parts which are the places of inhabitation of wild water-fowl birds and valuable fur-bearing animals for use by hunting economies with regard for requirements of use and protection of waters.
2. During exploitation of reservoirs the use regime of which influences on the places of inhabitation of birds and fur-bearing animals, the interests of conduct of hunting economies must be taken into consideration.

Article 81. Restriction of water use on reservoirs presented for hunting economies needs.

1. At the places of inhabitation of rare, valuable water-fowl and swampy birds, musk-rats and other fur-bearing animals, in organized hunting economies, and also on the parts, where the measures on reproduction and protection of fauna are carried out, stay of citizens, amateur and trade hunting, building of bank line and other activity aggravating the condition of reservoirs and conduct of hunting economies may be restricted by the local executive bodies under Agreement with the State organs of nature protection and water resources management.
2. The implementation of hydro-reclamative works and fishing, cultivation of plans on reservoirs useful for conduct of hunting economies at the places of inhabitation of rare, valuable water-fowl and swampy birds, musk-rats and other fur-bearing animals are carried out under Agreement with the State organs of nature protection and water resources management.

Chapter XIV. Use of reservoirs of national parks.

Article 82. Protected reservoirs.

The reservoirs having special scientific and cultural value are declared as protected and presented for permanent isolated use to national parks in purposes of protection of the whole complex of nature resources and conducting scientific researches.

Article 83. Order of use of waters of national parks.

The order of use of waters of national parks is determined by the regulations of natural parks.

Article 84. Water-swampy plots of land having an international significance.

1. The water-swampy plots of land having an international significance as places of inhabitation of water-fowl birds of passage are excluded fully or partly from economic exploitation and passed under the strict protection of the corresponding State nature protection organs on the right of isolated water use.
2. The legal regime of use and protection of the pointed water-swampy plots of land is

determined by the Government of the Republic of Kazakhstan with regard for international agreements.

Chapter XV. Restriction of reservoirs use for dumping of sewage.

Article 85. Inadmissibility of reservoirs use for dumping of sewage.

The use of reservoirs for dumping of sewage is prohibited except cases stipulated by the Article 86 of the present Code.

Article 86. Conditions of permissibility of dumping of sewage into reservoirs.

1. The dumping of sewage into reservoirs is allowed with a term of their cleaning till limits established by nature protection organs.
2. In case of non execution of the requirement pointed in the first part of the present Article, the dumping of sewage is prohibited by the State nature protection organs.

Chapter XVI. Water use for anti-fire needs.

Article 87. Water use for anti-fire needs.

Water intake for anti-fire needs is allowed from any reservoirs.

Article 88. Order of reservoirs use for anti-fire needs.

The order of water use for anti-fire needs is set by the Government of the Republic of Kazakhstan.

Chapter XVII. Exploitation of reservoirs.

Article 89. Reservoirs and use of them.

1. The reservoirs are created in order to regulate surface flow for satisfaction of needs of different water users in water.
2. The reservoirs may be presented for use with the observation of requirement and conditions specified by the present Code and providing preservation of ecological stability and satisfaction of the interests of population and economic branches.

Article 90. Regime of filling and draw-off of reservoirs.

Enterprises, organizations and institutions exploiting water supply, water realising and water intake structures on reservoirs are obliged to observe regime of filling and working of reservoirs established taking into account the water users' and landusers' interests located in zones which are being influenced by reservoirs.

Article 91. Order of exploitation of reservoirs.

1. Order of exploitation of reservoirs is determined by the rules approved by the State body of water resources management under Agreement with the State organs of nature and fish stocks protection, sanitary control and other interested organs.

2. The control on observation of reservoirs exploitation rules is executed by the State organ of water resources management.

Article 92. Exploitation of lakes and other reservoirs which are used as reservoirs.

The Statutes of the Articles 89-91 of the present Code are extended on exploitation of lakes and other water bodies, which are used as reservoirs.

Chapter XVIII. Exploitation of back water and other hydro-technical structures on rivers and canals.

Article 93. Order of exploitation of back water and other hydro-technical structures on rivers and canals.

Exploitation of back water and other hydro-technical structures on rivers and canals is carried out in accordance with norms, elaborated during projection of these structures.

Article 94. Regulation of surface runoff with help of temporary-hydro-technical structures.

Regulation of surface runoff with help of temporary hydro-technical structures is carried out by water users with regard for complex use and protection of water reservoirs of the given river basin under Agreement with State organs of nature protection, water resources management, sanitary control, the local executive bodies and other interested organs.

Chapter XIX. Use of reservoirs located in the territory of several States, and frontier waters.

Article 95. Use of reservoirs located in the territory of several States.

Use of reservoirs located partly in territory of the Republic of Kazakhstan and neighbouring States, or the States connected by the unity of water basins is carried out in accordance with Agreements being concluded by the States concerned.

Article 96. Water use on frontier waters.

The use, conduct of water economic and water protection measures and order of solution of disputes on frontier waters are carried out on basis of international treaties.

PART 3. WATER PROTECTION AND PREVENTION OF THEIR HARMFUL IMPACT.

Chapter XX. General provisions.

Article 97. Tasks of water protection.

1. All waters are to be protected from pollution and exhaustion which can violate the ecological stability of nature systems, cause damage of population's health, and also lead the decrease of fish stocks, aggravation water supply condition and other unfavourable phenomenous because of changing of physical, chemical, biological features of water, lowering of their ability of nature reproduction and cleaning, violation of hydrological and hydrogeological water regime.
2. The protection of water includes system of organized, economic, legal and other measures, directed on prevention from pollution and exhaustion of waters.

Article 98. Duties on water protection.

All juridical persons and citizens in the territory of the Republic of Kazakhstan whose activities influence on water condition shall be obliged to carry out technological, agrotechnical, hydrotechnical, forest-reclamative, sanitary and other measures providing water protection from pollution and exhaustion, and also improvement of condition and regime of waters.

Article 99. Carrying out measures on prevention and liquidation of harmful impact of waters.

Carrying out measures on prevention and liquidation of harmful impact of waters shall be fulfilled in order specified by the Government of the Republic of Kazakhstan.

Chapter XXI. Water protection from pollution and contamination.

Article 100. Organs, which determine pollution and obstruction of waters.

1. Pollution and contamination of waters shall be determined by the State organs of nature and mineral resources protection, water resources management, public health and hydrometeorology.
2. Such changing of physical, chemical and biological character shall be recognized as pollution, in the result of which, waters become unfit for normal use in communal, industrial, agricultural, fish economy and other purposes.
3. Water contamination means dumping into water hard, industrial, domestic wastes, in the result of which the hydrological condition of water volume changes for the worse, that makes obstacles for water use.

Article 101. Water protection from pollution by sewage waters.

Water protection from pollution with sewage waters is carried out in procedure and on conditions specified by Articles 85-86 of the present Code.

Article 102. Water protection from pollution and contamination with losses of oil, wood, chemical, oil and other products.

Owners of water transport means, pipelines, floating and other structures on reservoirs timber carrying organization and such other juridical persons and citizens are obliged not to allow pollution and contamination of waters as a result of losses of oil, wood, chemical, oil and other products.

Article 103. Protection of surface of water collectors, ice cover of reservoirs and glaciers.

It is not allowed pollution and contamination of surface of spillways, ice cover reservoirs and glaciers with industrial, domestic and other wastes, and also with fertilizers, oil and other poisonous chemical products, washing away of which leads to aggravation of quality of surface and underground waters.

Article 104. Water sanitary protection zones.

In order to protect waters used for drinking and domestic water supply, medical, resort and other health improving needs of population, sanitary control zones are established. The procedure of their establishment shall be specified by the Government of the Republic of Kazakhstan.

Chapter XXII. Water protection from exhaustion.

Article 105. Determination of water exhaustion.

1. Water exhaustion means decrease of minimum permissible floating of surface waters or reducing of underground water stocks within the limits of certain region.
2. Water body exhaustion is determined by the State organs of water resources management, geology and mineral resources protection.

Article 106. Measures on preservation of favourable regime of reservoirs.

1. In order to protect favourable regime of reservoirs, present from siltation and overgrowing, water erosion of soils, aggravation of conditions of inhabitation of water animals and birds, decrease of runoff fluctuation the water protection zones are established and forest-reclamative, anti-erosion, hydrotechnical and other measures are fulfilled.
2. In the territory of water protection zones and strips it is prohibited ploughing up the lands, bathing and treatment of cattle, building and other kind of economic activity aggravating regime of reservoirs.

3. Measures on preventing reservoirs exhaustion is carried out under Agreement with the State organs of water resources management in accordance with the scheme of complex use and protection of water resources.

Article 107. Underground water protection.

1. Operational regime of water intake structures for underground waters must eliminate exhaustion of their stocks.

2. During executing the works related with searching, prospecting and exploitation of coalfield, oilfield, gas deposits and other natural resources, the opened underground aquifers should be provided with safe isolation preventing their contamination.

3. Selfsinking wells and also wells unfit for exploitation or use of which are stopped should be equipped by regulation devices of preservation or liquidation.

4. Drilling of absorbable bore wells for dumping of industrial sewage is forbidden in cases, when these bore-wells for drinking and domestic water supply.

5. Drilling of absorbable bore-wells is allowed with positive conclusions of the State bodies of nature protection, water resources management, geology and mineral resources protection, mountain and sanitary control, being presented after special inspection in the district of these bore-wells drilling.

6. In the regions of feeding and bed of underground waters, which can be used for water supply, it is not allowed arrangement of accumulations of hard and liquid wastes, dumps, such also construction of other objects, which are sources of underground water pollution.

7. Enterprises, which use underground water, should carry out measures on their protection.

Chapter XXIII. Protection of small rivers.

Article 108. Small rivers.

1. Small rivers include those, which have extent up two hundred kilometres.

2. Under nomination of State organ of water resources management it is approved the list of small rivers:

- flowing through the territory of two or more regions - by the Government of the Republic of Kazakhstan;
- located within the territory of one region - by the region executive organ.

Article 109.

1. Juridical persons and citizens, activity of which has negative influence on condition and regime of small rivers, must carry out jointly with the State organ of water resources management, measures on restoration of water supply of small rivers and preservation of clearness of their waters.

2. Regime of economy activity within zones and strips of water protection, such also measures on prevention and liquidation of pollution, contamination and exhaustion of small rivers, arrangements on preservation of favourable water regime and proper sanitary condition of rivers are established by the local executive organs upon nomination of the State organ of water resources management, and in mud dangerous district - in Agreement with mud protection organs.

PART 4. STATE ACCOUNT AND WATER USE PLANNING.

Chapter XXIV. State account and water use planning.

Article 110. Tasks of State water account.

1. State water account has the aim of determination of quantity and quality of waters, used for needs of population, economic branches and preservation of ecological stability of environment.
2. State water account must provide for obtaining of data, useful for:
 - implementation of the main directions of social-economic development and allocation of productive capacity in the territory of the Republic, utilization and reproduction of waters, such also for carrying out of water protection measures.
 - design of schemes of complex use and protection of waters, water economy balances for conduct of State water cadastre;
 - protection of water economy, transport, industrial and other objects related with water use;
 - prognostication of changes of hydrological conditions, water supply of rivers and nature quality;
 - operational management of water economy systems and working out of measures on rising of efficiency of their work;
 - regulation of mutual relations between water users, such other interested organisations and institutions;
 - other needs, specified by legislation of the Republic of Kazakhstan.

Article 111. State water cadastre.

1. State water cadastre is totality of data on condition, use and protection of waters.
2. State water cadastre includes data of water account according to quantity and quality standards, water use registrations, and also data on water use.

Article 112. Water monitoring.

Water monitoring is a system airspace and ground observation of water conditions for timely revelation of changes, their appeasement prevention and elimination of negative processes.

Article 113. Water economy balances.

Water economy balances are worked out upon basins, economic regions and the Republic on the whole for appeasement of availability and possible level of water use.

Article 114. Schemes of complex use and protection of waters.

1. General and basin schemes of complex use and protection of waters determine main water economy and other measures on preservation of waters for meeting perspective demands in water of population, economic branches and providing ecological stability of environment.

2. Schemes of complex use and protection of waters serve for providing most effective and rational use and protection of waters by regulation water runoff, arrangement of measures of economical expenditure, cessation of sewage waters dumping and improvement of condition of reservoirs.

3. Scheme of complex use and protection of waters shall be approved in established order after ecological expertise, by organs of nature and mineral resources protection.

Article 115. Financing of work on State account and water use planning.

1. State water account, conducting State water cadastre and water monitoring, design of water economy balances, working out schemes of complex use and water protection shall be executed at the account of Republican budget.

2. Order of State water account, conducting State water cadastre and water monitoring, design of water economy balances, working out and approving schemes of complex use and protection of waters shall be established by the Government of the Republic of Kazakhstan.

PART 5. SOLUTION OF WATER DISPUTE AND RESPONSIBILITY FOR VIOLATION OF WATER LEGISLATION.

Chapter XXV. Solution of water dispute.

Article 116. Water dispute.

Disputes shall be recognized as water dispute, arising during presentation, withdrawal, use and protection of waters.

Article 117. Bodies, which settle water disputes.

Water disputes shall be settled by courts of the Republic of Kazakhstan.

Article 118. Solution of property disputes related with water relations.

Property disputes related with water relations shall be settled by courts of Republic of Kazakhstan.

Article 119. Water disputes between the Republic of Kazakhstan and other States.

Water disputes between the Republic of Kazakhstan and other States shall be settled in order, specified by international agreements.

Chapter XXVI. Responsibility for violation of water legislation.

Article 120. Violation of water legislation and responsibility for them.

1. Persons, guilty for accomplishing activities violating the right of property of waters and also in :

- self-willed water use;
- water intake with violation of limits of water use;
- pollution and contamination of waters;
- use of reservoirs for burying wastes of nuclear, chemical, bacteriological, biological, or other kind of weapons of mass termination;
- pollution of reservoirs by unrefined and not rendered harmless sewage waters and wastes;
- not timely made payments for water;
- putting into operation enterprises, communal and other objects without structures and devices, preventing pollution and contamination of waters or their harmful impact;
- self-willed drilling of wells and construction of water intake structures of underground waters;
- violation of water protection regime on water sheds causing water erosion of soils and other harmful effects;
- self-willed accomplishment of hydrotechnical works;
- damage of water economy structures and devices;
- misrepresentation of data on accounts and water cadastre;
- violation of rules of water economy structures and devices exploitation;
- creation of obstacles to water resources regulation to the interests of their complex use and nature protection;
- not executing of instructions of State organs carrying out water resources management;
- not carrying out hydrotechnical, technological, forest-reclamative, sanitary and other measures, which provide water protection from pollution, contamination and exhaustion and also improvement of conditions of water regime, shall bear disciplinary, administrative, civil or criminal responsibility according to legislation of the Republic of Kazakhstan.

2. Legislation of Republic of Kazakhstan may determine responsibility for other kinds of violation of water legislation.

Article 121. Compensation of losses, caused by violation of water legislation.

Juridical persons and citizens must compensate losses, caused by violation of water legislation in order and rates specified by legislation of Republic of Kazakhstan.

Article 122. Return of self-willed captured reservoirs.

1. Self-willed captured reservoirs should be returned according to their belonging with compensation of losses, caused by violation of water legislation during their illegal use.
2. Return of self-willed captured reservoirs is executed by the sentence of a court.

PART 6. INTERNATIONAL AGREEMENTS.

Article 123. International agreements in field of regulation of water relating.

If by an international agreement which member is the Republic of Kazakhstan, different rules are established, then those contained in the present Code, then rules of international agreement are replied.

President of Republic of Kazakhstan

N. Nazarbaev