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Readers are consequently advised to consult qualified professional counsel before making any decision in connection with the enactment, which is here presented in translation for their general information only.

Streams and Springs Authorities Law 5725- 1965

Definitions

1. In this Law --

"The Minister" – the Minister of Environmental Protection; (Amendment 2002)

"The Drainage Law" – the Drainage and Flood Control Law 5718-1957;

"The Water Law" – the Water Law 5719-1959;

"Local authority" – a local authority of any kind – municipality, local council, regional council under section 5 (3) of the Local Councils Ordinance, 1941 – or an association of towns in which a stream or water source plays a part in the fulfillment of their function.

Establishment of stream authority or imposition of functions on a drainage authority (Amendment 2002)

2. The Minister may, by order, after consultation with the local authorities concerned, establish an authority for a particular stream or part thereof, a spring or any other water resource (hereinafter "stream authority") and define its area, with the agreement of the Minister of the Interior and the Minister of Agriculture, or impose on a drainage authority, within its meaning in the Drainage Law, the functions of a stream authority under this Law, in whole or in part; however a stream authority shall only be established if, in the opinion of the Minister, there is no justification for imposing its functions on an existing drainage authority.

Functions of stream authority

3. (a) The function of a stream authority is to plan and implement the operations specified below, in whole or in part, as shall be prescribed in an order under section 2:

(1) the regulation of the flow of water in the stream, with a view to maintaining a suitable water level throughout the year;

(2) the regular drainage of the area of the authority;

(3) the determination of an alignment for the stream, or the transfer of the water of the stream or water resource to other channels;

(4) the abatement of sanitary nuisances connected with pollution of the stream or water resource or with the changing flow of its water;

(5) the preservation of the landscape and natural treasures along the stream, on both banks, or around the spring, except a stream or spring in a national park or nature reserve, within their meaning in the National Parks and, Nature Reserves Law, 1963, and the preparation of those areas for the purposes of parks, recreation and sports;

(6) the regulation of the distribution of the water among those interested in it;

(7) the regulation of the manner in which the stream or water resource is used by interested factors.

(b) Drainage functions shall not be imposed on a stream authority except with another function.

Subordination to other laws

4. A stream authority shall act subject to the Water Law, the regulations and determinations thereunder and the powers of a national or regional water authority established thereunder, and subject to the provisions of any other enactment, if there is no other explicit provision in this Law.

Composition of stream authority

5. Members of a stream authority shall be –

(1) representatives of the Government;

(2) representatives of local authorities whose area or part of whose area is within the area of the stream authority, as long as each kind of local authority shall have at least one representative;

(3) representatives of corporations in which the stream or water resource plays a part in the fulfillment of their functions or the exercise of their powers;

(4) representatives of the owners and holders of lands adjacent to the stream or water resource and of the users of the stream or water resource for their occupation, where the lands or occupations are not within the area of a local authority and the owners, holders or those occupied are not a corporation under paragraph (3).

(5) Three public representatives with education or experience in one of the fields related to the functions and activities for which the stream authority is responsible

under the provisions of the Law, including a representative of public organizations that are concerned with environmental quality, from the list of candidates that these organizations shall submit to the Minister; for this purpose, "public environmental protection organizations" – the organizations specified in part A of the Schedule to the Law for the Representation of Public Organizations Concerned with the Quality of the Environment (Legislative Amendments) 5762-2002; (Amendment 2002)

(6) Representative of the Jewish National Fund – Keren Kayemeth Lelsrael;

However, where the only function of a stream authority is the regulation of the distribution of water among those interested in it and the regulation of the manner of use of the stream or water resource, the authority may consist of representatives of the Government and representatives of the interested persons only.

Appointment of members of stream authority (Amendment 2002)

6. (a) The members of a stream authority shall be appointed by the Minister in a manner to be determined by him.

(b) The Minister shall determine the number of the representatives of each kind of local authority and of each local authority of a particular kind and the number of the representatives of each of the other groups enumerated in section 5, except the public representatives under section 5 (5), but provided that the representatives of the Government shall not form a majority of the members of the authority, save with the approval of the Internal Affairs Committee of the Knesset; however -

(1) the appointment of the representatives of local authorities shall be according to the recommendation of those local authorities; where the latter fail to notify the Minister of their recommendation, the appointment shall be made without such recommendation;

(2) the appointment of the representatives of corporations as said in section 5(3) shall be in consultation with those corporations;

(3) the appointment of the groups of people enumerated in section 5 (4) shall be in consultation with the organization that represents, in the Minister's opinion, the largest number of people from each group as aforesaid; in the absence of an organization, the appointment shall be as deemed fit by the Minister. (Amendment 2002)

(c) The Minister may from time to time replace all or part of the representatives of the local authorities, with a view to giving representation, in the course of time, to all the local authorities in the area of the stream authority. (Amendment 2002)

Enlargement of membership of drainage authority (Amendment 2002)

7. Where, under section 2, functions of a stream authority have been imposed on a drainage authority, the Minister may, to such extent and in such manner as shall be

determined by order under section 2, add to its members. from the groups enumerated in section 5, for the purpose of carrying out those functions.

Vacating of a place does not disqualify

8. No action of a stream authority or of a drainage authority on which the functions of a stream authority have been imposed under section 2 shall be disqualified for the sole reason that at the time of the action, the place of one of the members of the authority was vacant for whatever reason.

Management and work procedures of stream authority

9. The Minister may prescribe the management and work procedures of a stream authority, including the manner of approving plans for projects, the division of powers among its bodies and employees and the quorums in the different bodies; in so far as the management and work procedures have not been prescribed as aforesaid, the stream authority may prescribe them on its own.

Appointment of employees (Amendment 2002)

10. A stream authority shall appoint its employees according to the principles established in the Civil Service Law (Appointment) 5719-1959 with the changes and adjustments that the Minister shall see fit to determine in consideration of the authority's character.

Special instructions to drainage authority

11. The provisions of sections 9 and 10 shall not apply to a drainage authority on which the functions of a stream authority are imposed under section 2 and it shall carry out these functions in the manner that it carries out its functions under the Drainage Law; however, the manner of approving plans for projects and the manner of their implementation will be according to provisions which will be included in an order under section 2.

Additional powers

12. (a) The Minister may, after consultation with the local authorities and drainage authorities whose area or part of whose area is within the area of a stream authority, grant to that stream authority, in respect of the whole or part of its area and to the extent required for the carrying out of its functions, the powers of a local authority under any enactment, provided that –

(1) a stream authority shall not be granted power to impose compulsory payments in addition to the powers granted to it for that purpose under other provisions of this Law;

(2) a power or function granted to a local authority under an enactment whose implementation is under the responsibility of another Minister shall not be granted save after consultation with that Minister.

(b) A stream authority may exercise the powers granted to it under this section even outside the area of a local authority, if not otherwise determined at the time the power was granted.

Powers of authorities in the area of a stream authority

13. Once powers are granted under section 12 and functions are imposed under section 3, local authorities and drainage authorities shall no longer have the same powers in the area of the stream authority and the same functions shall not apply to them, unless so determined at the time of granting the powers or imposing the functions or in a later order.

The stream authority – a corporation

14. A stream authority is a corporation, competent to acquire any right and enter into any obligation, including a promissory note, and to be a party to any legal proceeding and to any contract.

Financing

15. The budget of a stream authority shall be covered by --

(1) drainage taxes or their equivalents, under section 16;

(2) quotas imposed under section 18;

(3) participation fees under section 19;

(4) allocations by the Government, grants and other receipts.

Establishment of drainage projects and imposition of property taxes

16. Where a stream authority has been required to drain its area, it may for that purpose establish drainage projects and impose taxes or quotas, and the provisions of sections 17 to 43C, 49 and 52 of the Drainage Law shall apply for that purpose as if the stream authority were a drainage authority established under the said Law, but provided that every power granted in the Drainage Law to the Minister of Agriculture or the director of the National Authority shall be vested with the Minister, for this purpose "Director of the National Authority" – the director of the National Authority for Water and Sewage, that was appointed under section 124s to the Water Law.

Expropriation of lands not for the purpose of a drainage project

17. Lands that are not necessary for the establishment of a drainage project and are designated by plan for the permanent hold of a stream authority or a drainage authority on which the functions of a stream authority were imposed under section 2, shall be acquired under the Lands Ordinance (Acquisition for Public Purposes), 1943; however in respect of the time for assessment of compensation under section 12 to the Ordinance, instead of the date of publication of the notice about the intention to acquire these lands shall come – the determining date in respect of assessing compensation, according to the law which is practiced from time to time, for lands which were acquired for public purposes according to a town building plan.

Quotas (Amendment 2002)

18. (a) Subject to that stated in an order under section 2 or in a later order, a stream authority may, with the approval of the Minister, impose the payment of funds on local authorities in its area and on corporations whose representatives are its members or are suitable to be its members, according to quotas it shall determine, to fund its budget, except drainage expenses; the determination of quotas shall take account, *inter alia*, of the degree of benefit gained by the person obligated to pay the quota.

(b) Approval under subsection (a) shall not be granted until the concerned local authorities are given opportunity to bring their arguments before the Minister.

Special participation fees (Amendment 2002)

19. (a) A stream authority may, in a bylaw with the approval of the Minister, impose on landowners adjacent to the stream or water resource, on their holders and on users of stream water or water resource for their occupation, participation fees for the expenses incurred for special work implemented by it, except drainage works, according to criteria which will be established in the bylaw.

(b) The criteria will be determined so that anyone who does not benefit from the implementation of the special work shall not be subject to payment.

(c) Sections 250 to 260 to the Municipalities Ordinance shall apply to bylaws under this section, *mutatis mutandis*, as the case may be.

Covering the budget of drainage authority

20. The financing sources under section 15(2) (3) and (4) shall be used to cover the budget of a drainage authority for implementing the functions imposed on it under section 2, and sections 18 and 19 shall apply, *mutatis mutandis*, as the case may be,

Loans and guarantees (Amendment 2002)

21. A stream authority may, with the approval of the Minister, borrow funds for the implementation of its functions, guarantee the loans for these purposes and mortgage its income and properties for this purpose, in whole or in part; the purpose

of the loan shall be specified in the decision of the authority and with the approval of the Minister.

Budget (Amendment 2002)

22. (a) A stream authority shall not decide to carry out any project – even if not a drainage project – unless it previously prepared an estimate of its income and expenses and the estimate was approved by the Minister.

(b) For every financial year, a stream authority shall, at such time and in such form as shall be prescribed by regulations, prepare a draft budget showing its estimated income and expenses; the draft budget shall be submitted to the Minister for approval.

(c) No sum of the funds of a stream authority shall be expended except according to a duly approved budget and the stream authority shall not obligate itself under any obligation except in accordance with the budget or according to a decision of the stream authority which was duly passed and approved by the Minister.

Compensation (Amendment 2002, 2006)

23. An action of a stream authority, including an action of a drainage authority that was carried out for the purpose of implementing functions imposed on it under section 2, which would have entitled a party injured by it to compensation under the Water Law if done by the Water Authority, shall entitle the injured party to compensation, and the provisions of the Water Law shall apply to compensation as if it were a Water Authority and as if section 94 to the Water Law said "District Court" instead of "court" and "whoever was appointed for this purpose by the Minister of Environmental Protection" instead of "the Director of the National Authority."

Property of the authority as State property

24. The property of a stream authority, for the purpose of property taxes, taxes and other obligatory payments, shall be regarded as the property of the State.

Delegation of powers (Amendment 2002)

25. The Minister may, by notice in *Reshumot*, delegate from his powers under this law except for the power to make regulations with legislative force and the powers under sections 2,6,7,18,19, 20 and 26.

Changes in area (Amendment 2002)

26. The Minister, with the agreement of the Minister of the Interior and the Minister of Agriculture, may by order, after consultation with the concerned local authorities, change the area of a stream authority, and once done, he may, in the manner determined in section 6, change the composition of the authority.

Provisions that may be included in an order (Amendment 2002)

27. The Minister may establish, in an order which establishes a stream authority under section 2 or at a later order, provisions on the submission of reports and information on the activities of the authority, granting of property and imposition of obligations with respect to the establishment of the authority, means of joining the authority and withdrawal from it, means of clarifying differences of opinion between members of the authority and between them and the authority, means of dismantling the authority, granting the property of the authority and rights and obligations during dismantlement.

Compelling implementation (Amendment 2002)

28 (a) Where a stream authority does not fulfill one of its functions, the Minister may order it to do what is necessary to implement such function in a manner determined by order, and if the stream authority does not fulfill the provisions of the order within a reasonable time which is specified in it, the Minister may impose its fulfillment on another person and collect from the stream authority the expenses incurred for this purpose.

(b) The provisions of this section shall so apply to compelling the implementation of functions imposed on a drainage authority under section 2.

Offenses (Amendment 2002)

29. Anyone who disturbs a stream authority, or someone who acts on its behalf or someone who was appointed by the Minister under section 28 in fulfilling their functions is liable to six months imprisonment or a 5,000 lira fine; in case of a continuing offense, an additional imprisonment of a week or an additional fine of 50 liras shall be imposed for every day in which the offense continues after conviction by law.

Implementation and regulations (Amendment 2002)

30. The Minister is charged with the implementation of this Law and may make regulations on any matter relating to its implementation.

Commencement

31. This law shall enter into force after three months from its approval in the Knesset.