

REGULATIONS
on the order of licensing of water use in Kyrgyz Republic

I. GENERAL

1. The present Regulations have been developed in accordance with water, environment and other legislation of the Kyrgyz Republic and determined the order of agreement of water use terms and water use license issuance. The Regulations is mandatory for all ministries, State Committees, administrative bodies, organisations, enterprises, agencies and citizens exercising water use, regulation of water resources use and protection from contamination and depletion.
2. Water use implies the use of water objects, water resources (water), land of water resources, agricultural facilities in order to meet the needs of population and economy, referred to in Article 153 of Law "On Water" of the Kyrgyz Republic.
3. Water use shall be licensed with the aim to:
 - provide state supervision of water resources use;
 - keep state record and control of water use in the Kyrgyz Republic and in interstate water distribution;
 - supervise observance of water legislation, water use schemes, water consumption rates, water diversion and other normative acts related to use and protection of water resources;
 - register water users;
 - obtain data for current and prospective planning of state Water Fund use and preventive activities.
4. Water use licensing is compulsory in the following cases:
 - any water intake from water objects by means of facilities and equipment;
 - utilisation of water objects and land of Water Fund for transport, power engineering and other public and communal needs not related to water use, but affecting Water Fund;
 - discharge of sewage, effluent, running, specific pure water and other unused water into water objects;
 - any construction works in water objects and in coastal zones affecting water objects;
5. Water use in cases, specified in Article 4 of the present Regulations, exercised without licensing or causing abuses of terms specified in licenses entails

6. License on water use right is not required in the following cases:
- use of water objects for sport, recreation, hunting and fishing purposes on condition that rules set by local state administration or other authorised state body are observed;
 - any works in water objects and in coastal zone not related to water intake, water diversion, regulation of water drain and not affecting water objects;
 - water intake from departmental, industrial, communal, irrigation and other agricultural systems and installations, if a body utilising these systems and installations is provided with a license on water use right;
 - water diversion into communal or departmental sewer system, if a body utilising these systems is provided with a license on water use right.
7. Terms of any works in water objects and land of Water Fund, specified in Article 6 of the present Regulations, where no licence is required, shall be agreed with state bodies regulating the use of these water objects and land.

II. THE ORDER OF AGREEMENT AND ISSUANCE OF WATER USE RIGHT LICENSES

8. Water use right licences are issued on the basis of a written application of concerned water users in accordance with Instructions on the order of agreement and issuance of water use right, developed and approved as appropriate.
9. Water use right licences with simultaneous registration and water use rate-setting are issued by units of MWRS of the Kyrgyz Republic in all cases except for licenses for mineral and thermal water use, which are issued by State Committee of geology, use and protection of mineral wealth of the Kyrgyz Republic.
10. On issuance of licenses MWRS and State Committee of geology, use and protection of mineral wealth of the Kyrgyz Republic, within their competence shall consider written applications within a month term, examine their justification, completeness and conformity with norms, rules and terms of water use, availability of the necessary agreements. If the license is refused, the term should be set within which the water users should submit additional materials or eliminate faults preventing them from issuance of licenses.
11. Three copies of licenses shall be prepared, endorsed by signature of the authority and seal. One copy is issued to a water user, the other two with attachments- shall be kept for the record.
Issuance of licenses, record and registration of water users are allowed only if State statistics bodies keep Certificate on State registration.
12. Any construction works in water objects and land of Water Fund require temporary license on water use from MWRS for the period of construction. In this case licenses shall be issued only if endorsed design with state appraisal and justification of water use on all stages of works is attached.

13. Water use right is issued only to water users specified in the license. Transfer of water use right to other natural and legal persons and unauthorised changing of the terms of water use is prohibited and prosecuted.
14. Foreign legal persons shall be provided with water use right licenses in accordance with the order specified for legal persons of the Kyrgyz Republic.
15. Any disputes arising between water users, MWSR, State Committee of geology and other parties concerned on agreement and issuance of water use right licenses shall be resolved as specified in legislation of the Kyrgyz Republic.
16. Issuance of water use right licenses, extension of validity, agreement of terms of water use and registration of water users shall be paid services.
17. State bodies responsible for issuance of licenses for the purposes of state supervision shall be entitled to:
- supervise the observance of water use terms specified in the license;
 - suspend or abrogate licenses, if necessary;
 - lodge claims or take administrative steps against those who abused water legislation.
18. Licensed water users shall:
- strictly observe terms of water use, specified in the license;
 - timely inform the bodies issued the license on any changes in water use terms;
 - submit information necessary to provide state supervision of observance of water use terms and water legislation.

III. THE ORDER OF AMENDING AND ABROGATION OF WATER USE RIGHT LICENSES

19. The bodies issued water use right license shall be entitled to change terms of water use in case of reconstruction of enterprises, installations and equipment, need to change terms of water use and sewage water discharge, violation of hydrological and hydrogeological regime of stream and deterioration of water quality relatively to physical, chemical and biological parameters.
20. Terms of water use shall be changed either by amendments to the previously issued license certified by a signature of an authority and a seal of the body issued the license or by a new license.
21. License on water use right may be abrogated in the following cases:
- cessation of the need in water use or refusal of water use;
 - expiration of the term of water use;
 - liquidation of enterprises, organisations, agencies, associations and other legal persons provided with licenses on water use right;
 - transfer of installations and equipment for water use to other water users;

– action after accidents, calamities and other emergencies stipulated by the Kyrgyz legislation.

22.Licenses on water use right may be abrogated in case of non-observance of terms of water use, abuses of norms and rules of sustainable use and protection of Water Fund by water users or any prejudice to the rights of other water users.

23.Licenses on water use right may be abrogated only after non-observance of a written notification on specific measures for removal of identified infringements by the water user.

24.Licenses on water use right shall be abrogated on decision of a body issued the license or the Court as stipulated by existing legislation of the Kyrgyz Republic.