

## WATER REGULATIONS

under s. 24

G.N. 230/1969

117/1971

185/1975

107/1977

40/1997

### 1. Citation

These Regulations may be cited as the Water Regulations.

### 2. Grant of water right

(1) Every application for a grant in respect of surface water shall be made in Form WRB. 1 specified in the First Schedule hereto. G.N. 107/1977

(2) A person intending to apply for a grant in respect of ground water shall, before making the application, submit a notification in Form WRB. 1A specified in the First Schedule hereto.

(3) Every application for a grant in respect of ground water shall be made in Form WRB. 2 specified in the First Schedule hereto.

(4) A grant by the Water Resources Board shall—

(a) in respect of surface water, be made in Form WRB. 3 specified in the First Schedule hereto; and

(b) in respect of ground water, be made in Form WRB. 4 specified in the First Schedule hereto.

(5) For the purposes of this Regulation, “grant” means a grant of water right under section 10 of the Act.

### 3. Implied covenants in grant

(1) The following covenants on the part of the grantee shall, unless otherwise expressly stated therein, be implied in every grant—

- (a) to pay the rent reserved by the grant on the day and in the manner therein provided;
- (b) to erect any works required for the abstraction of water (hereinafter called the “works”) in a substantial and workman-like manner to the satisfaction of the Minister and so as to cause no unnecessary damage or disturbance to the bed, banks or surrounds of the river or stream (hereinafter called the “said river or stream”) from which abstraction is authorized;
- (c) not to discharge or allow to be discharged into the said river or stream—
  - (i) any water of less purity than, or of a temperature sensibly differing from the water in the said river or stream; or
  - (ii) any substance or matter which prejudicially affect the said river or stream or any fish contained therein which shall be or cause a nuisance;
- (d) for the purpose of bilharzia and malaria control to keep and maintain the margin of the works and all water channels leading therefrom to an appropriate depth free of all vegetation and to do all other suitable measures that may be necessary to prevent the collection of pools of water in the vicinity of the works;
- (e) not to assign the grant without the previous consent in writing of the Minister;
- (f) to indemnify and keep indemnified the Minister against all actions, claims and demands which may be brought or made against the Minister by reason of anything done by the grantee under the authority of the grant; and
- (g) within six months after the expiration or prior termination of the grant and if requested by the Minister so to do, to remove the works and to restore the land on which the works were erected to the same or as good a state as it was immediately before the works were constructed or in default of so doing to repay to the Minister such costs and expenses as may be incurred by him in effecting such removal and restoration.

(2) For the purposes of this regulation “temperature sensibly differing” shall mean a difference in temperature which can be appreciated by the senses without the use of a thermometer.

#### 4. Implied conditions in grant

The following conditions shall, unless expressly excluded therefrom, be implied in every grant—

- (a) a grant shall not limit in any way the exercise of the existing or future water rights vested in the Minister nor imply any guarantee that the quantity of water referred to is or will become available;

(b) the water used under a grant and returned to any stream or body of water shall not be polluted with any matter derived from the course of the water to such an extent as to be liable to cause injury or damage whither directly or indirectly to the health of the public or to livestock, animals, fish, crops, orchards or gardens by the use of consumption of or irrigation by such water or to any project in the processing of which such water is used;

(c) all reasonable precautions shall be taken by the grantee to the satisfaction of the Water Resources Board to prevent accumulation in any river, stream or watercourse of silt, sand, gravel, stones, sawdust, refuse, sewerage, waste or any other substance which may injuriously affect the use of such water; and

(d) a grant shall be revocable by the Minister at any time in the event of the non-compliance by the grantee with any of the covenants on his part therein contained or implied.

5. Implied conditions in grant for mining, etc.

The following additional conditions shall, unless otherwise expressly stated in the grant, be implied in every grant for mining, industrial purposes or generation of power—

(a) the water used shall be returned, if reasonably practicable, to the stream or body of water from which it was taken or to such other stream or body of water as the Water Resources Board may direct; and

(b) the water used shall, insofar as the use to which it is to be put allows, be returned substantially undiminished in quantity.

6. Advertisement of notice regarding application for grant etc.

(1) The Water Resources Board shall, on receipt of an application for a grant under section 10 and before making such grant, and may on receipt of any other application under the Act in respect of which in its opinion public notification should be given, cause to be published in the Gazette and in at least one newspaper circulating in Malawi in such manner as it may deem necessary a notice giving the purport of the application and inviting objections to be submitted within a period of 30 days from the date of publication.

(2) Objections made in response to a notice under subsection (1) shall be submitted in writing to the Water Resources Board within the time specified and shall state—

(a) the name and address of the objector;

(b) the matter to which objection is made;

(c) the grounds of the objection;

(d) the objector's interest in the matter; and

(e) whether the objector desires to make a personal representation to the Water Resources Board.

(3) It shall be within the discretion of the Board to adjudicate upon any objection made without hearing any personal representations.

(4) No application in respect of which a notice has been given under subregulation (1) shall be considered by the Water Resources Board until the expiration of 30 days after the publication of such notice.

## 7. Easement

(1) Every application for an easement shall be in form WRB.5 in the First Schedule hereto.

(2) Every certificate of easement shall be in form WRB.6 in the First Schedule hereto.

(3) When any certificate of easement has been granted a copy of such certificate shall be forwarded by the Water Resources Board to every person who is known to have an interest in the land affected by such easement and to the Deeds Registrar.

## 8. Lapse of easement

(1) Any certificate of easement granted by the Minister shall lapse—

(a) if the works authorized thereby are not completed and the water utilized within one year from the date of grant or within such further period as the Water Resources Board may allow;

(b) if at any time the grant is not substantially made use of in accordance with its terms for a continuous period of two years; or

(c) on the expiration (unless renewed) or prior determination of the grant for the exercise of which the easement has been granted.

(2) On the lapse of a certificate of easement under subregulation (1)—

(a) any works constructed by the grantee on the lands of another person shall, where the grantee is the sole user, if not removed by the grantee within six months from the date of expiration or termination, become the property of such other person unless otherwise decided by the Water Resources Board;

(b) the Water Resources Board shall notify all persons known to be interested in the land affected by the easement and the Deeds Registrar that the easement has lapsed.

## 9. Application for and grant of certificate of existing rights

(1) Every application for a certificate of existing rights under section 9 shall be in Form WRB.1 in the First Schedule hereto in respect of surface water and in Form WRB.2 in the First Schedule hereto in respect of ground water.

(2) Every certificate of existing rights shall be in Form WRB.3 in the First Schedule hereto in respect of surface water and in Form WRB.4 in the First Schedule hereto in respect of ground water.

#### 10. Fees and rents

The fees and rents payable in respect of grants, easements, etc. shall be as are specified in the Second Schedule hereto:

Provided that—

(i) no annual rents shall be payable in respect of dams used only for conservation purposes and no water is abstracted; and

(ii) no annual rents of any kind shall be payable in respect of the abstraction of water for household purposes only at no charge to the users thereof.

#### FIRST SCHEDULE

##### FORM WRB.1

APPLICATION FOR A GRANT OF WATER RIGHT/CERTIFICATE OF EXISTING WATER RIGHTS Delete as appropriate.\*

(SURFACE WATER ONLY)

This form is to be submitted in triplicate, to The Chairman of the Water Resources Board, P.O. Box 30026, Lilongwe 3.

#### NOTES:

(1) This form is applicable only for applications involving the diversion, extraction or use of surface water and is not applicable to ground water—application for which should be made on form WRB.2.

(2) Parts I, II and III are to be completed by all applicants. Schedules A, B, C, D, E, and F to be completed as appropriate.

(3) All applications must be accompanied by Maps/Plans (see section 18).

(4) Instructions for completing this form are given on page 28.

(5) Only Part I should be completed in respect of applications for renewals of an existing grant under identical conditions.

PART I

(1)Full name/s of applicant/s NOTE: This paragraph is only applicable to applications to record an existing right under the Act(2)Address—Residential —Postal (3)In the case of a ram omit (b), (c) and (e). Questions (f), (g) and (h) refer to the drive pump. Also complete Schedule E.\*Give details of existing right. (If space is not sufficient please give details on a separate sheet attached to the application.) (4)State whether— (a)Owner (b)Manager (c)Agent If (b) or (c) give name and address of owner. (5)Name and location of farm, estate or holding for which water is required. (6)Particulars of land— (a)State freehold or leasehold (b)If leasehold give date of expiry of lease (c)Registered No. and date of registration (d)Acreage (7)Name or description and type of body of water from which the water required is to be diverted, stored or used. (8)Is the body of water described above situate in, or does it abut to, or flow in or out of Customary Land. State which. (9)Describe— (a)The point of abstraction or diversion and/or (b)The point of storage and (c)The point of use (10)State maximum amounts of water required under the various headings (Fuller details should appear in Schedules A, B, C, D and E as appropriate.)QUANTITY OF WATER

REQUIRED

GALLONS PER DAY (a)Domestic purposes..... (b)Public purposes..... (c)Industrial purposes..... (d)Power purposes (including drive water for ram)..... (e)Irrigation..... (f)Other (give details)..... TOTAL

PART II

METHOD OF DIVERSION/EXTRACTION

11.DIVERSION BY GRAVITATION (by means of a canal and/or pipe) FeetInches (a)Details of canalWidth at bottom..... Width at full supply level..... Depth of water at full supply level..... Length ..... miles/feet Gradient, fall in 100 ft. .... feet Average velocity in feet per second ..... Estimated discharge at full supply depth ..... Materials of which canal is constructed..... (b)Details of pipelInternal diameter ..... inches Length ..... miles/feet Hydraulic gradient, fall in 100 feet ..... feet Description of material of pipe and thickness thereof ..... (c)Details of any other structures such as syphons, flumes, tunnels, etc. (d)(i)Will any of the above canals, pipes and/or structures be situated on holdings of other landowners?Yes/No (ii)If the answer to (i) is yes give details of all land or lands affected.12.DIVERSION BY PUMPING (a) Type of pump ..... (including by means of a ramIn the case of a ram omit (b), (c) and (e). Questions (f), (g) and (h) refer to the drive pump. Also complete Schedule E.\*) Fill in particulars. (b) Type of driving machine and fuel used ..... (c) Brake horse power of (b) ..... B.H.P. (d) Approximate elevation of pump above sea-level ..... feet (e) How pump is connected to driving machine ..... (f) Internal diameter of suction main ..... inches (g) Height of suction ..... feet (maximum) (h) Length of suction pipe .....

feet (i) Height to which water is to be lifted above pump ..... feet (j) Internal diameter of delivery pipe ..... inches (k) Length of delivery pipe ..... feet (l) Pumping hours per day ..... hours (m) Quantity of water to be pumped when plant is working ..... galls. per hour (n)(i) Will the pump and its accessories be situated on holding of other landowners. Yes/No (ii) If the answer to (i) is yes give details of all other land/s affected.

PART III

13. POLLUTION Would the water now applied for be used for any purpose or in any process that will increase its burden of silt, gravel or boulders or cause it to be injurious directly or indirectly to public health, to stock, to fish, or to crops or gardens irrigated with such water? If the answer to the above is "Yes" describe fully what steps are proposed to render the effluent and the residue of it innocuous and pure before returning it to the stream. Yes/No 14. State the numbers and details of any other Grants of Water Rights held in respect of the land described in para. (6). If nil state "Nil". 15. State the estimated period of construction of the works..... Months 16. State the period after the completion of the works when it is estimated that all the water now applied for will be beneficially used. 17. State the period for which the grant is required. 18. The following Map Nos. .... and Plan Nos. .... are sent herewith in triplicate and are hereby declared to form part of the application. 19. The address(es) of the owner(s) of the land(s) which may be affected by the proposed works and whose name(s) and holding(s) is/are shown on the map referred to in paragraph (18) above is/are given in the schedule attached hereto. If no lands are affected, state "Nil". 20. The following reports and/or documents are sent herewith in support of my application ..... 21. I agree to supply any further information which may be required by the Water Resources Board. 22. Delete as appropriate. \*I enclose herewith crossed cheque, Postal Order/Money Order No. .... for K2 to cover the prescribed fee for this application and undertake to pay the Malawi Government on demand the cost of insertion in the Government Gazette and in at least one newspaper circulating in Malawi of a notice requiring any person objecting to the issue of a Grant of Water Rights to lodge such a complaint with the Chairman of the Water Resources Board. NOTE: This paragraph is not applicable to applications to record an existing right under the Act ..... Signature of applicant or

duly authorized agent

Date .....

Copies of the following Schedules are attached Delete as appropriate.\*

- (A) Domestic purposes
- (B) Public purposes
- (C) Industrial purposes

- (D) Irrigation
- (E) Use of Water to generate power
- (F) Construction of a Dam

SCHEDULE A

DOMESTIC PURPOSES

State whether water is required for:(a)Household and sanitary use: QUANTITY OF WATER REQUIRED GALLONS PER DAY(i)No. of low density houses .....(ii)No. of occupants of medium density houses .....(iii)No. of occupants of high density houses .....(b)Watering stock:(i)No. of large stock .....(ii)Type of large stock .....(iii)No. of small stock ..... (iv)Type of small stock .....(c)Cattle and sheep:No. of dips .....(d)Other essential requirements or farming operations which are not of an industrial nature. State use(s) to which water will be put .....

.....TOTAL.....

SCHEDULE B

PUBLIC PURPOSES

Fill in appropriate space if water is required for—QUANTITY OF WATER REQUIRED GALLONS PER DAY(a)Municipal, township and community use or supply of water to persons other than the operator in consideration of payment thereof.PRESENTFill in the number of years hence upon which your estimate is based. If applying now for a Grant covering a greater quantity of water than is at present required, the estimate of number of years should correlate to the quantity of water applied for.\* .....

YEARS HENCE.....(b)Any other use other than (a) above or covered by another schedule.....(c)TOTAL water required for public purposes.....(d)When water is required under (a) above the following information should be supplied as far as possible—Low Density No. of HousesMedium Density No. of Occupants High Density No. of Occupants(i)Estimated population at present.....(ii)Estimated population 5 years hence.....(iii)Estimated population 10 years hence.....(iv)Estimated population 20 years hence.....(e)When water is required under(b) above give details of use to which water is to be put.(f)State whether water is to be supplied to any person, other than the applicant, in consideration of payment thereof. State “Yes” or “No”.

SCHEDULE C

INDUSTRIAL PURPOSES

State the quantity required in the appropriate space—Quantity of water required gallons per day  
 The normal and maximum number of hours per day factory will be working  
 Periods during the year when water will be required  
 PURPOSE Normal Maximum  
 (a) Steam raising, cooling and condensing water.....  
 (b) Manufacture.....  
 (i) Process water.....  
 (ii) Dilution of effluent.....  
 (c) Coffee pulping and washing.....  
 (d) Other purposes.....  
 (e) TOTAL water required for industrial purposes.....  
 (f) If water is required for (b) or (d) above give details of use to which water is to be put.

SCHEDULE D

IRRIGATION PURPOSES

State the following—CROP AREA (ACRES) GROWING SEASON  
 (a) Crops to be irrigated and area of each crop  
 (1) ..... to .....  
 (2) ..... to .....  
 (3) ..... to .....  
 (4) ..... to .....  
 (b) Quantity of water required  
 QUANTITY OF WATER REQUIRED GALLONS PER DAY DURING  
 January ..... May ..... September ..... February .....  
 June ..... October ..... March ..... July ..... November ..... April .....  
 August ..... December .....  
 (c) Describe class of soil to be irrigated.  
 (d) Describe nature of sub-soil with particular reference to its drainage possibilities.  
 (e) Describe in detail any works to be constructed to drain the irrigated lands.  
 (f) Where is the residue of the unused water to be disposed of?  
 State name of body of water to which it is to be returned.

SCHEDULE E

USE OF WATER FOR POWER GENERATION

(Including use of water for driving rams)

State the following—  
 (a) Purpose for which power is required.  
 (b) Brake horse power which is to be developed.  
 (i) Maximum..... B.H.P.  
 (ii) Minimum..... B.H.P.  
 (c) The gross fall or head available for power production at the following river stages—  
 (i) At low stage..... feet  
 (ii) At normal stage..... feet  
 (iii) At high stage..... feet  
 (Note—(c) (i) and (c) (iii) need only be answered when the power to be developed is in excess of 100 B.H.P.)  
 (d) The net fall or head to be used in (b) above..... feet  
 (e) The water required to develop (b) above..... gals. per day  
 (f) Description and number of machines to be installed.  
 (g) How water is to be returned to the river after utilization. State length of return channel if any..... feet

SCHEDULE F

CONSTRUCTION OF DAM

State the following—  
 (1) (a) Nature of stream bed at site, e.g. “sound rock”, “fissured rock”, “soil”, “sand”, etc.  
 (b) Nature of walls of river at site, e.g. “sand”, “soil”, etc.  
 (c) Will dam be founded on sound

rock? State "Yes" or "No".(d)Will dam be founded on any material which may be eroded by underflow? State "Yes" or "No"(e)Description of type of dam, e.g. "earth", "earth with core wall" (stating kind), "concrete", "masonry", etc.(f)Length of crest of damThickness at crest.....Thickness at base.....Greatest height of dam .....(g)Estimated area of reservoir at spillway level. .... acres(h)Whether the submerged area at high flood level will be wholly within applicant's, holding(s). If not, state names of owners of land etc. affected.(i)Whether one or both banks of the stream at the site of the dam are on the applicant's holding(s). If not, state names of owners of land, etc., affected.(j)Will any other works including weirs, already constructed or being constructed be affected by the head and/or tail water level of the proposed works? State "Yes" or "No". If "Yes" give full details of works affected.(2)The following information is required if the dam exceeds 50 acre feet in capacity (14 million gallons approx.) or 15 feet in height—Catchment area— (a)Area of surface catchment..... acres(b)Maximum length of catchment..... miles/yards/feet(c)Average breadth of catchment..... miles/yards/feet(d)Ruling slope of catchment..... in degrees or expressed as 1 ft. in feet(e)Nature of ground of catchment (e.g. "rocky", "stony soil", "clay soil", etc.)(f)Vegetation of catchment (e.g. "forest", "shrub", "pasture", "crops", etc.)(3)State if flood water is to be disposed of by means of— (a)The dam acting as a weir(b)By-pass(es) or waste weir(s) on one or both flanks (c)State width and depth of by-pass(es)..... widebelow crest level of dam ..... deep below crest level (d)If by-pass(es) or waste weir(s) to be constructed state nature of material in which they will be excavated.(e)State whether such bypass(es) or waste weir(s) are to be lined. If so state material to be used.(f)Gradient of waste weir..... feet(g)State other type of method of disposal of flood water. Give details.

#### INSTRUCTIONS FOR FILLING IN THE FORM

Please write distinctly.

#### PARTS I, II, III.

Para. 1.State the names of all persons having an interest in the application. In the case of an association, company, corporation, municipality, etc., the name of the association, company, corporation, municipality, etc. as the case may be should be stated.Para. 2.If a company state the registered office of the company in Malawi.Para. 3.Give details of grounds on which existing right is claimed. In the case of a water licence issued before 1st April, 1967, give licence number.Paras. 5If questions not applicable, e.g. in the case of municipalities, etc. give appropriate information.6Para. 7.Give a sufficient description of the spring, river, lake, etc. so that it may be identified. If unnamed give the name of the body of water (if any) to which it is tributary. The names should, if possible, correspond with those on the 1:50,000 Survey maps.Para. 9.Describe as accurately as you can the various points mentioned, for example, 9 (a) "At a point on the left bank of the river, 300 feet upstream of the confluence of Tuchila and Khonjeni River" or "At a point on the right bank of the river, 250 feet downstream of the point where the boundary of the farm intersects the Likabula River".Para. 11.If the canal or pipeline has any change of cross-section or gradient the details are to be given of each such change on a separate sheet of paper if not shown on the plan/s accompanying this application. If any structure is proposed under section (e) plan/s must be sent with the application.Para. 12.The type of pump should be stated as centrifugal, ram,

etc. with the maker's name thus for example "Braemar 6 stage centrifugal". The type of driving machine should be similarly stated, for example "Lister Diesel Engine Type S.R.1". The connexion between pump and driving machine should be stated as "Vee belts" or "Direct coupled", etc., as the case may be. Para. 17. Grants of Water Rights are not normally issued for periods in excess of five years. Para. 18. The map referred to should be to a scale of 1:50,000 (obtainable from the Map Sales Office of the Survey Department, Blantyre) and three copies are to be attached to the application. The following details should be shown where applicable: (a) The boundaries of the estate, farm, etc. for which the application is made. (b) The point of abstraction. (c) The areas to be irrigated (if applicable). (d) The site of the dam and area of the reservoir so formed. (e) The names of other holdings which might be affected by abstraction. (f) Any other detail which may be relevant to the application. Plans or drawings should be attached showing details required in paras. (11), (12) and wherever the answers to any of the questions can be better given in the form of a drawing.

#### SCHEDULE A

The normal quantities are as follows—

Low density houses	300 gals.per day per house	Medium density houses	50 gals.per day per occupant	High density houses	10 gals.per day per occupant	Large stock	10 gals.per head per day	Small stock	2 gals.per head per day
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#### SCHEDULE B

The population estimates should apply only to those members of the population to whom it is considered that water will be supplied.

#### SCHEDULE D

The growing season of crops is intended for crops with specific growing seasons, e.g. maize, rice, etc. not for crops such as coffee, tea, etc.

#### SCHEDULE

FORM WRB. 1A G.N. 107/1977

#### NOTIFICATION PRIOR TO AN APPLICATION FOR A GRANT OF WATER RIGHT

(GROUND WATER)

This form is to be submitted to the Chairman of the Water Resources Board, P.O. Box 30026, Capital City, Lilongwe 3.

(1) Full name of applicant .....

.....

.....

.....  
Occupation .....

(2) Location of land on which borehole is to be sunk: 1:50,000 Sheet No. .... N.G.R.

.....

(3) Briefly describe purpose for which water will be used .....

.....  
.....  
.....  
.....  
.....

Date .....

.....

Signature of Applicant or his duly

Authorized Agent

NOTE—

This form is intended to notify the Board of the applicant's intention to drill or sink a borehole. Full details as to the purpose for which water is required will be shown in paragraph (7) of Form WRB. 2. Having known the yield of his well or borehole, the applicant will be in a position to decide whether water will be abstracted by hand or pump; and if by pump, the applicant may then fill paragraph (6) of the said Form WRB. 2 with the necessary details.

FORM WRB. 2

APPLICATION FOR A GRANT OF WATER RIGHT/ CERTIFICATE OF EXISTING RIGHTS Delete as appropriate\*

(GROUND WATER)

This form to be submitted in triplicate.

To: The Chairman of the Water Resources Board, P.O. Box 30026, Lilongwe 3. (1) Full name of applicant

..... Postal address

..... Occupation

..... (2) Details of land on which borehole

Delete as appropriate\*will be/has been sunk.....

.Give Registered No. ....(3)Give details of land where water will

be used if different from (2) above.....

.....(4)Acreage  
.....(5)Description of borehole/well

.....Diameter, Depth, etc.

.....(6)Details of pump (where hand-operated pump is used) answer only (a) and (b)(a)Type of pump .....

.....(b)Type of driving machine and fuel used .....

.....(c)Brake horse power of (b) .....

..... B.H.P.(d)Approximate elevation of pump above sea-level

..... feet(e)How pump is connected to driving machine .....

.....(f)Internal diameter of suction main .....

..... inches(g)Height of suction .....

..... feet (maximum)(h)Height to which water is to be lifted above pump

..... feet(i)Internal diameter of delivery pipe .....

..... inches(j)Length of delivery pipe .....

..... feet(k)Pumping hours per day .....

..... hours(l)Quantity of water to be pumped when plant is working .....

gals, per hour.

(7)Purposes for which water is required: Gallons per day

Domestic.....Public.....Industrial.....Irrigation.....Any

other purpose (to be stated).....Total quantity of water per day(8)Alternative source of

water available to the applicant (if any).(9)The following are the existing boreholes within one half-mile

of the site to which this application refers:Borehole No. (if known)Name of Farm (Reg. No.)Distance

from site.....

.....(10)Delete as appropriate\*I enclose herewith crossed

cheque/Postal Order/Money Order No. .... for K2 to cover the prescribed fee for this application and

undertake to pay the Malawi Government on demand the cost of insertion in the Government Gazette

and in at least one newspaper circulating in Malawi of a Notice requiring any person objecting to the

issue of a Grant of Water Rights to lodge such a complaint with the Chairman of the Water Resources

Board.NOTE: This paragraph is not applicable to applications to record an existing right under the Act

.....

Signature of applicant or

duly authorized agent

Date .....

NOTE:

This form is to be accompanied by a sketch map, in duplicate on a scale of not less than one inch to one mile, on which must be shown the farm or holding boundaries, the approximate position of the proposed borehole and existing boreholes within one half-mile radius and the position of any body of surface water.

FORM WRB. 3

WATER RESOURCES ACT

(CAP. 72:03)

GRANT/CERTIFICATE Delete as appropriate\* OF WATER RIGHT

No. .... of 19.....

THIS GRANT made/CERTIFICATE given Delete as appropriate\* the ..... day of ..... 19..... BETWEEN THE MINISTER OF THE MALAWI GOVERNMENT RESPONSIBLE FOR WATER RESOURCES (hereinafter called "the Minister") of the one part and (hereinafter called "the Grantee") of the other part

WITNESSETH as follows—

(1) IN CONSIDERATION of the covenants and subject to the conditions hereinafter contained or implied the Minister hereby grants/ confirms Delete as appropriate\* unto the Grantee subject to the provisions of the Water Resources Act and of the Regulations thereunder now in force or which may come into force during the continuance of this Grant/ Certificate Delete as appropriate\* or any renewal thereof for the term of ..... years from ..... the right and liberty but not exclusively to take water from the .... river/stream (hereinafter called "the said river/stream") in accordance with the schedule hereto at an annual rent of K..... to be paid in advance on the first day of April in every year.

(2) THE Grantee hereby covenants with the Minister as follows—

(i) to perform, observe and comply with the covenants and conditions implied by the Regulations made by the Minister under the Water Resources Act, and with any amendments or addition thereto which may from time to time be made by the Minister;

(ii) to abstract water from the point marked on Survey Department Sketch Plan No. .... annexed hereto; and

(iii) to take water from the said river/stream only for the purposes and at the rates specified in the schedule hereto.

SCHEDULE

MAXIMUM QUANTITY FOR ABSTRACTIONgals, per minutegals, per day (a) Domestic (b)  
Public (c) Irrigation (d) Industrial (e) Power (f) OtherTOTAL

Dated this ..... day of ..... 19.....

In witness whereof the Minister/Chairman has signed in the presence of:

Name .....

Address .....

Occupation .....

.....

Minister of Agriculture and Natural Resources/

Chairman, Water Resources Board

Name .....

Address .....

Occupation .....

FORM WRB. 4

WATER RESOURCES ACT

(CAP. 72:03)

GRANT OF WATER RIGHT/CERTIFICATE OF EXISTING RIGHTSDelete as appropriate\* IN RESPECT OF  
GROUND WATER

BOREHOLE/WELL W.R.B. NO. ....WATER RESOURCES BOARD,REGISTERED NO. OF LAND .....P.O.  
Box 30026,LILONGWE 3.Date .....

..... of ..... is authorizedDelete as appropriate\* to  
construct the above borehole/wellDelete as appropriate\* and to abstract water from the above  
borehole/wellDelete as appropriate\* for the term of ..... years from the ..... at a rate not  
exceeding ..... gallons per day for ..... purpose/s, paying therefor the annual rent of K..... in  
advance on the first day of April in each year. This Grant/CertificateDelete as appropriate\* is issued  
subject to the provisions of the Water Resources Act and of the Regulations thereunder now in force, or  
which may come into force during the continuance of this Grant/CertificateDelete as appropriate\* or  
any renewal thereof.

Dated this ..... day of ..... 19.....

.....

Minister of Agriculture and Natural

Resources/Chairman, Water

Resources Board

FORM WRB. 5

APPLICATION FOR AN EASEMENT

This form is to be submitted in triplicate.

NOTE:

All applications must be accompanied by maps/plans to a scale of 1:50,000 (See section 14)

To: The Chairman of the Water Resources Board,

P.O. Box 30026,

Lilongwe 3.

(1)Full name of applicant/s(2)Address (a) Residential (b) Postal(3)State whether (a)Owner(b)Manager(c)Agentif (b) or (c), give name and address of owner.(4)Name and location of land over which easement is required.(5)(a)Names and addresses of all persons known to be interested in land over which easement is required.(b)Registered numbers under which such persons hold title to the land. (6)Particulars of land over which easement is required.(7)Name or description and type of body of water from which the water required is to be diverted, stored or used.(8)State reason why easement is required.(9)Description of easement (e.g. right of way, aqueduct, storage).(10)Description of works, if any, to be constructed. (11)Which of the persons detailed in 5 have refused to grant an easement? Copies of relevant correspondence to be enclosed. (12)Details of Grants of Water Rights held or applied for by the applicant relating to the land in favour of which easement is required.(13)Period for which easement is required.(14)The number of the maps and/ or plans accompanying this application.(15)Description of reports and/or documents sent in support of this application.(16)Further information relevant to this application.(17)I enclose herewith crossed cheque/Postal Order/Money Order No. .... for K3 to cover the prescribed fee for this application.

.....

Signature of applicant or

duly authorized agent

Dated this ..... day of ....., 20.....

FORM WRB. 6

WATER RESOURCES ACT

(CAP. 72:03)

CERTIFICATE OF EASEMENT

No. ....

The easement described in the First Schedule hereto over or in respect of the land described in the Second Schedule hereto is hereby granted to ..... of ..... subject to the provisions of the Water Resources Act and of the Regulations thereunder now in force or which may come into force during the continuance of this easement.

FIRST SCHEDULE reg. 2

SECOND SCHEDULE

Dated this ..... day of ....., 20.....

In witness whereof the Minister/Chairman has signed in the presence of:

Name .....Minister of Agriculture and Natural Resources/Chairman, Water Resources BoardAddress .....Occupation .....Name .....Address .....Occupation .....

SECOND SCHEDULE reg. 2, G.N. 185/1975, 40/1997

FEES

Kt1.Application for a Grant of Water Right—(a)surface water5000(b)ground water50002.Application for Certificate of Easement50003.Drawing Fee for a certificate of easement150004.Application for Cancellation of Water Right50005.Application for Variation of Water Right50006.Application for Renewal of Water Right5000

RENTS

The rent payable annually shall be calculated as a product of the total authorized annual abstraction, the appropriate factors, A, B and C and the unit charged prescribed by the Minister.

FACTOR

A. SOURCE OF SUPPLY

Type of Source Factor(a)Lake Malawi1.4(b)Streams into Lake Malawi1.5(c)Shire River:(i)upstream of Matope including Lake Malombe1.8(ii)middle Shire between Matope and Chikwawa1.5(iii)lower Shire below Chikwawa1.2(d)Shire River tributaries and Shire Highlands streams1.0(e)Lake Chilwa1.0(f)Streams

into Lake Chilwa 1.3 (g) Lake Chiuta and its tributaries 1.0 (h) Ground water 0.5 (i) Storage Reservoirs owned by clients of the relevant source factor 0.5

#### B. USE OF WATER

(a) Irrigation: (i) drip irrigation 2.00 (ii) flood irrigation 2.30 (iii) spray irrigation 2.20 (b) Industrial use 2.60 (c) Power generation 2.50 (d) Public water supply 1.50 (e) Domestic 1.00 (f) Conservation 0.50 (g) Fisheries 1.20 (h) Recreation 1.40

#### C. SEASON OF USE

(a) All year round 1.5 × length of period of use in days (b) Dominantly dry season 2.0 × length of period of use in days (c) Rainy season 1.0 × length of period of use in days

#### Unit Charge

Unit charge prescribed by the Minister is K0.20 per unit volume (1m<sup>3</sup>) of water.