

**6/1978 Coll.**  
**REGULATION**  
**of the Ministry of Forest and Water Management**  
**of the Slovak socialist Republic**  
**from January 16th, 1978**  
**which determines the obligations of administrators of water flows**  
**and regulates some questions, related to water flows**

The Ministry of Forest and Water Management of the Slovak socialist Republic, after the agreement with the Federal Ministry of Finance, the Slovak Geodesy and Cartography Institution, and with other relevant state administration bodies, establishes, according to the Article 31 par. 7, the Article 33 and the Article 34 par. 2 of the Act No. 138/1973 on Water (the Water Act):

**PART ONE**  
**OBLIGATIONS OF ADMINISTRATOR OF WATER FLOWS**

*Article 1*

Administrator of water flow is obliged to conduct the administration of water flow, so that the water flow is normally and completely used for water management purposes, as well as for other important interests of society; at the meantime, the administrator of water flow, besides the obligations, established by the Water Act, or by the Act on State Administration in Water Management 1) and by the provisions issued in accordance to them, respectively by other generally binding legal provisions, has also following obligations:

- a. registers decisions of water management bodies, which relate to water flow, 2)
- b. monitors following the conditions and obligations, determined in admittance and in approvals from water management bodies,
- c. monitors general usage of surface water in the water flow,
- d. cares, so that the interests of recreation, fishing industry, and other important interests of society are not being disturbed, and assists with creation and protection of environment,
- e. monitors the quality of water, as well as withdrawing of water, discharging waste water and other handling the water in the water flow,
- f. provides initiatives, proposals and comments to water management bodies, in case of shortage of water in the water flow, and in other extraordinary water management situations,
- g. provides technical, economical and other foundations, necessary for water management activities of water management bodies, if they are available; administrator of minor water flow 3) provides such foundations also to administrator of water flow, important from water management point of view, 4) in watershed of which, the minor flow is situated,
- h. reports the data, necessary for establishing and adding the directive water management plan, to organisation, authorised by the Ministry of Forest and Water Management of the Slovak socialist Republic 5), in necessary periods, mainly for evaluating the supply of surface water,
- i. reports the changes, discovered according to the art. 7 and the art. 11, to spatial Geodesy and Cartography Body.

- 1) the Act of the Slovak National Council No. 135/1974 on State Administration in Water Management.
- 2) the art. 8,9 and 10 of the Act No. 138/1973 Coll. on Water (the Water Act).
- 3) the art. 32 par. 2 of the Act No. 138/1973 Coll. on Water (the Water Act).
- 4) the Regulation of the Ministry of Forest and Water Management of the Slovak socialist Republic No. 10/1977 Coll., which determines supplying water flows and their watersheds, and determines the list of water flows, important from water management point of view.
- 5) the art. 8 par. 2 if the Act of the Slovak National Council No. 135/1974 Coll. on State Administration in Water Management.

### *Article 2*

Administrator of water flow, is obliged to keep water flow, administered by him, in shape, regularly arrange all of its functions, and for that reason, to administer also water management works, which are necessary for administering and functioning of the water flow, respectively partially serve the water flow, or at the same time, they fulfil several whole-society functions. In order to do so, he

- a. constantly monitors the water flow, and cares for its regular statement,
- b. cares for regular statement of water management works, which are necessary for administration and operation of water flow, and are being administered by him, 6)
- c. arranges maintenance of water flow and construction of its modifications; at the meantime, he takes into consideration the requirements for the protection of nature and environment,
- d. cares for smooth flow in the water flow, and enables, according to the conditions of admittance from water management body, handling with water, respectively other activities in the water flow; during extraordinary water management situations, only if it is enabled by hydrogeological conditions,
- e. fulfils the obligations, provided by flooding plan or by relevant flooding body,
- f. during elimination of emergency impairment of the quality of surface water, and during removing its harmful impacts, 7) he co-operates, according to special provisions,
- g. removes barriers in the water flow, if this obligation is not provided to administrators (owners, users) of water management works, or immovable properties, alongside the water flow, respectively the administrators (owners, users) of immovable properties in the water flow. 8)

- 6) the art. 41 of the Act No. 138/1973 Coll. on Water (the Water Act).
- 7) the Regulation of the Ministry of Forest and Water Management of the Slovak socialist Republic No. 23/1977 Coll. on Protection of the Quality of Surface and Ground Water.
- 8) the art. 36 par. 1 subpar. b) and the art. 41 par. 1 subpar. f) of the Act No. 138/1973 Coll. on Water (the Water Act).

### *Article 3*

Administrator of water flow, important from water management point of view, is provided by following obligations, besides the obligations of the administrator of water flow, according to the Art. 1 and the Art. 2:

- a. establishes, keeps and marks water ways, and determines shipping ways, 9)
- b. processes the plan of complex care for the quality of water, and proposes the actions for avoiding pollution of water and for improving the quality of water in the water flows, from watersheds point of view, to water management bodies,

- c. after the application from water management body, respectively from the organisation, authorised by the Ministry of Forest and Water Management of the Slovak socialist Republic, elaborates necessary foundations and comments, from directive water management plan point of view,
- d. elaborates systematic control of the quality of water, in relation to flow in determined profiles, and monitors these flows; he provides the results of the control, including the analysis of water, to water management body, respectively to the Slovak Water Management Inspection, after being asked for it,
- e. cares, so that manipulation guidelines of water management works are elaborated also with considering the possibility of arranging the quality of water in the water flow,
- f. during solving the water management tasks, if it is necessary from point of view of the need of whole watershed, he co-operates with administrators of minor water flows,
- g. keeps summary water management registration of the watershed, according to special provisions, 10)
- h. proposes the determination of preserved belts for protection of the yield, quality and health harmless quality of sources of surface water in water flows to relevant water management body, and monitors following the conditions of these decisions,
- i. arranges technical development of all functions of water flow.

10) the Regulation of the Ministry of Forest and Water Management of the Slovak socialist Republic No. 24/1977 Coll. on Water Management Registration.

#### ***Article 4***

If administrator of water flow discovers infringing of the obligations or conditions, determined in admittance or in approvals from water management body, or infringing of the obligations, provided by the Water Act, by the Act on State Administration in Water Management, or by provisions, issued in accordance with them, respectively significant insufficiencies in the water flow, caused by natural or by any other influences, is obliged to report it to relevant water management body; at the same time, he may propose the actions for correction.

#### ***Article 5***

(1) If explosives are being used, if water is being transmitted from water flow, or if other activities, related to the interests of fishing industry, are being realised, during the activities, which are being conducted by the administrator of water flow, in connection with his administering or with the functions of water flow, respectively with its maintenance, then administrator of water flow is obliged to report this activity to relevant user of fishing area, or to organisation of state fish management, in written form, 15 days in advance.

(2) The provisions of par. 1 does not apply to the cases of emergency impairment of the quality of surface water, and to provisions for protection against flooding.

### **PART TWO**

#### **CHANNELS OF WATER FLOWS AND THEIR CHANGES**

#### ***Article 6***

Water management works, or any other buildings in the channels of water flows, are not being considered for the part of the water flows.

#### ***Article 7***

(1) If there is the change in the channel of in-modified water flow, which results from the activity of water of this water flow, then administrator (owner, user) of the property, touched by the change, is authorised to return water flow to original channel, at his own costs. Such actions may be realised, only if the outflow relations will not get improved by the change of natural channel; finding is being realised by relevant water management body.

(2) If change of the channel will improve the outflow conditions, then relevant water management body will decide on the border of changed natural channel; when deciding, he is obliged to take into consideration the provisions on administration of national property, 11), legally protected interests of administrator (owner, user) of the property, being touched by the change, and other whole-society interests. 12)

11) the Regulation of the Federal Ministry of Finance No. 156/19??? Coll. on Administration of National Property.

12) E.g. the Act on Protection of Agricultural Soil Fund (complete wording, ordered under the No. 124/1976 Coll.).

#### *Article 8*

In doubtful cases on the border of water flow channel, relevant water management body decides, after taking into consideration natural, mainly water management and geographic conditions, respectively, if it is not possible to decide, based on mentioned considerations, also after taking into consideration the bank lines at neighbouring parts of water flow.

#### *Article 9*

If the channel changes by activity of water of water flow with artificial or modified channel, then administrator of water flow is obliged to return water flow into original channel.

#### *Article 10*

If administrator of water flow, at which natural channel has changed, does not have the possibility to use properties, determined by original channel, for water management purposes any further, then he will transfer them into the administration, according to special provisions. 11)

11) the Regulation of the Federal Ministry of Finance No. 156/19??? Coll. on Administration of National Property.

#### *Article 11*

If the aggradation or island is being formatted in the water flow, and if they impair the flow, then administrator of water flow is obliged to remove them. Otherwise, he is obliged to administer formatted aggradations and islands, according to provisions on administration of national property.

#### *Article 12*

The islands in water flows, not listed in the registration of immovable properties (without plot number), are being considered for the part of the channel of water flow.

### **PART THREE**

#### **CONDITIONS FOR MINING RIVER MATERIAL**

#### *Article 13*

(1) Administrator of water flow is authorised to mine for river material 13), without admittance from water management body, in the extent, which is being permitted by regular execution of the administration of water flow.

(2) Other organisations, respectively citizens (hereafter “authorised”), may mine for river material, only after the admittance from water management body.

13) the Art. 10 subpar. b) of the Act No. 138/1973 Coll. on Water (the Water Act).

#### *Article 14*

(1) Administrator of water flow will enable the authorised to mine for river material in the extent of admittance, which was issued by water management body; while doing that, authorised can not

- a. break the channel of water flow and water management works, during mining,
- b. create gaps in the water flow, overreaching given depth, or create agraddations by bulking the mined material into water flow,
- c. store mined material at properties, nearby water flow, at banks, or in flooding areas, without approval from administrator of water flow,
- d. break shipping line and endanger security and smoothness of shipping,
- e. disturb the output of authorisations of other users of water flow, respectively of water of water flow, as well as interests of recreation, and other important interests of society,
- f. disturb departure of great water and ices,
- g. impair the quality of water in the water flow.

(2) Authorised is obliged to measure and draw actual statement of the place of mining into technical documentation, after finishing the mining, and to submit this documentation to administrator of water flow.

(3) Water management body may impose also other conditions for mining, when admitting the mining for river material.

#### ***Article 15***

If authorised infringes the admittance for mining for river material, respectively the obligations, established in the Art. 14, then administrator of water flow requires the water management body to revoke the admittance for mining.

#### ***Article 16***

Also relevant provisions of the Act of the Slovak National Council No. 42/1972 Coll. on Organisation and on Extending the Supervision of State Mining Administration apply for mining river material by the organisations. If river material contains reserved minerals in recoverable quantity, also provisions of the Act No. 41/1957 Coll. on Using Mineral Wealth (the Mining Act) and its execution provisions, apply for its mining.

### **PART FOUR**

#### ***Article 17***

##### **Final provisions**

This Regulation enters into force on the day of its announcement.

**Minister:**

**Ing. Margetin, sign manual**