



The Water Code of the Republic of Kazakhstan

Non-official translation

The Code of the Republic of Kazakhstan dated 9 July, 2003 No 481

Unofficial translation

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Footnote. Throughout the text:

the words "the authorized body for use and protection of mineral resources" are replaced by the words "the authorized body for study and use of mineral resources"; the words "the authorized body for use and protection of mineral resources" are replaced by the words "the authorized body for study and use of mineral resources";

the words "the central executive body of the Republic of Kazakhstan for environmental protection" are replaced by the words "the authorized state body for environmental protection" by the Law of the Republic of Kazakhstan, dated 9 January, 2007 No 213 (the order of enforcement see Art. 2);

the words "the authorized body for use and protection of water resources" are replaced by the words "the authorized body" by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2);

the words "the authorized body for use and protection of water resources" are replaced by the words "the authorized body" by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Article 2);

the words "animal and vegetable origin" are replaced by the words "vegetable and animal origin" by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

General part

Section 1. General provisions

Chapter 1. Basic provisions

Article 1. Basic definitions, used in this Code

In this Code, the following definitions shall be used:

1) watercourse - the water body, characterized by the water flowing towards a slope in a slight depression in the earth's surface;

2) a water area - the water area, bounded by the natural, artificial or conventional boundaries;

3) non-alternative sources of drinking water supply - the only sources of drinking water supply for water users, the replacement of which is impossible or unfeasible;

4) basin management principle - the management of water resources upon the hydrographic features, conducted under the distribution of water resources within river basins, lakes and

other water bodies between the administrative-territorial units;

5) hydro land reclaiming system - the complex of technologically interconnected hydraulic structures, devices and equipment, designed for irrigation, watering and reclamation of lands;

6) participants of irrigation and drainage condominium - - the individuals and (or) legal entities, having a land plot in a private ownership or in the paid temporary use, irrigated by one irrigation and drainage system or its components, which is a part of irrigation and drainage condominium on the common ownership right;

6-1) irrigation and drainage actions - the regulation of water balance of lands with the help of irrigation and drainage systems and with the help of the separate waterworks;

7) hydraulic engineering structures (waterworks) - the engineering structures, used for water resources management, water supply to water users, water supply and sanitation, prevention of harmful effects of waters;

8) a coastal line - a strip of land, running along the banks of water bodies, the width of twenty meters from the coastal line, used to install navigation signs and equipment in compliance with the environmental requirements;

9) a coastline - the shoreline of a water body, formed as a result of the maximum high tide (top of the tide);

10) underground water basin - a set of water bearing stratum, located under the earth's surface;

11) fields and areas of underground waters - - the parts of water bearing strata with favorable conditions for production and extraction of underground waters;

12) drinking and household underground waters - the underground waters, which, in terms of quality in the natural condition or after processing, meet the regulatory requirements and are intended for drinking and household needs of a person or for production of drinking products;

13) surface water bodies - the permanent or temporary concentration of waters on the land surface in the form of the land relief with boundaries, volume and water regulation;

13-1) the authorized body for public utilities - the central executive body, managing and conducting an inter-sectoral coordination in water supply area and wastewater disposal within the rural settlements;

14) the return water - the underground and surface waters, running-off from irrigated areas, or the waters, discharged by industrial enterprises, domestic water supply installations and utilities;

15) a tubular filtration well - a part of a pipe with a number of holes, hammered into the water-bearing rocks for their drainage;

16) the reclaimed lands - the lands, where reclamation works were carried out (agroforestral, agro-technical, hydro land reclaiming and chemical);

17) mineral underground waters - the underground waters, which have positive balneologic effect due to its composition and (or) content of some specific components;

18) the channels, equivalent to the rivers - the man-made structures, designed to transfer water from one basin to another, and from one river system to another;

19) production and technical underground waters - the underground waters, which, due to their quality and physical properties are used or may be used for industrial water supply;

20) sanitary protection zone - the specially allotted area around the water supply source and water supply facilities, which must comply with the established regime for protection of the water source (open and underground), water supply facilities and the surrounding area from contamination to prevent degradation of water quality;

21) waste water - the water, produced as a result of human activity or in the contaminated area, discharged into the natural or artificial water bodies or onto the land;

22) an irrigation canal - an artificial construction, designed for transportation of water from irrigation sources to the areas, requiring irrigation;

23) wastewater disposal - a set of measures, ensuring collection, transportation, treatment and disposal of wastewater through the drainage system to the water bodies and (or) onto the terrain relief;

24) drainage system - a set of utilities and facilities, designed for collection, transportation, treatment and disposal of wastewaters;

25) delivery point - a place of water intake from a water source by a water user, as well as a gauging station in the place of water supply from the water user to the water consumer;

26) a catchment area - the area, within the boundaries of which the water resources of a water body are formed;

27) the releases - the periodic or episodic releases of water from a water reservoir to control the flow or level of water on the underlying sector of the watercourse or the water level in the reservoir itself;

28) water protection zone - the area adjacent to water bodies and water management facilities, where a special regime of economic activity is established to prevent pollution and depletion of water;

29) water protection strip - the territory the width of not less than thirty-five meters within the water protection zone, adjacent to the water body, that has a regime of the limited economic activity;

30) the authorized body for use and protection of water resources, water supply, sanitation (hereinafter - the authorized body) is the state body, managing and controlling the use and protection of water resources, water supply, and wastewater disposal outside the rural settlements;

31) the lands of the water fund - the lands:

occupied by water bodies (rivers, and equivalent channels, lakes, reservoirs, ponds and other inland waters, territorial waters, glaciers, wetlands), and water management facilities to control runoff, located at the water sources;

allocated for water protection zones of water bodies;

allocated for the sanitary protection zones for drinking water supply;

32) the waters - a set of all the waters that are concentrated in water bodies;

33) adverse impact of waters - a flood, inundation, flooding and other negative effects of water, causing emergency situations of natural and man-made origin;

34) wetlands - the areas of swamps, fens, peat lands or ponds: the natural or artificial, perennial, stagnant or intermittent, static or flowing, fresh, brackish or salt, including marine water areas the depth of which does not exceed six meters at the low tide;

35) water supply - a set of measures, providing intake, storage, preparation, supply and distribution of water through the water supply systems to the water consumers;

36) the particularly important group and local water supply systems - the group and local drinking water supply systems of special social importance and classified by the Government of the Republic of Kazakhstan as the category of the particularly important water supply systems;

37) water supply system - a set of engineering utilities and facilities, intended for intake, storage, treatment, supply and distribution of water to the places of consumption;

38) protection of water bodies - the activity, aimed at preservation, restoration and rehabilitation of water bodies, as well as prevention of harmful effects of waters;]

39) the use of water bodies - the extraction of useful natural properties from water bodies to meet the material or any other needs of individual or legal entities;

40) water body basin - the territory, including the catchment areas of the hydraulically connected water bodies and watercourses;

41) water use - the use of water resources in the order, stipulated by legislation of the Republic of Kazakhstan, to meet own needs and (or) the commercial interests of individual and legal entities;

42) a water consumer - an individual or legal entity, who, in accordance with the legislation of the Republic of Kazakhstan, has the right to use water resources to meet his own needs and (or) commercial interests;

43) water regime - the temporal changes of the levels, flow rates and volumes of water in water bodies and soils;

44) water easement - the right for a limited use of a water body;

45) water intake facility - a set of structures and devices, used for water intakes from

water bodies;

46) hydro-engineering complex - a group of technologically related hydraulic structures, used for various purposes and located in the same section line;

47) a water user - an individual or legal entity, consuming water from water bodies or receiving services from water supply organizations through the water supply systems;

48) water saving - a system of measures, ensuring rational and efficient use of water resources;

49) water management - a branch of the economy, associated with the use, protection and rehabilitation of water bodies;

50) water management system- a complex of interconnected water bodies and hydraulic structures;

51) the safety of water systems and structures - the property of the elements of water management systems, structures, allowing to protect the life, health and legitimate interests of the population, environment and economic facilities;

52) ensuring the safety of water systems and structures - the development of measures and prevention of accidents at the water management systems and structures;

53) the safety criteria for water systems and facilities - the limits of technical indicators, assessing the status of the water systems and structures, their operating conditions, corresponding to the acceptable risk level of accidents at the water management systems and structures;

54) water facilities - the man-made hydraulic structures and devices, created to regulate the use and protection of water resources, water supply, wastewater disposal and elimination of the harmful effects of waters;

55) water management organizations - the legal entities, involved in regulation, supply, rehabilitation of waters, water supply, wastewater disposal and maintenance of water bodies;

56) water bearing zones, water-bearing strata and rock units - the waters, concentrated in the cracks and pores of rocks, that are connected hydraulically;

57) trans-boundary impact - the adverse effects, coming from quantitative or qualitative changes in trans-boundary waters, caused by human activity, the physical origin of which is wholly or partly situated in the territory of the adjoined state or the neighboring countries;

58) a section line - the section of the river, where hydroelectric facilities are located

;

59) a dug well - a vertical excavation, the depth of which is larger than the cross-section, designed for intake of underground waters for water supply, drainage of rocks and disposal of atmospheric and surface waters from the surface of the earth;

60) a capitation structure - an engineering facility, which, at the natural underground water outlet, provides opening and delivery of the waters on the earth's surface for their further use.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2009 No 180-IV; dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Water legislation of the Republic of Kazakhstan

1. The water legislation of the Republic of Kazakhstan is based on the Constitution of the Republic of Kazakhstan and consists of this Code and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaties, ratified by the Republic of Kazakhstan establish the rules other than those contained in this Code, the rules of international treaties are applied.

Article 3. Goals and tasks of the water legislation of the Republic of Kazakhstan

1. The goals of the water legislation of the Republic of Kazakhstan are achievement and maintaining of environmentally safe and economically optimal level of water use and protection of water resources, water supply and wastewater disposal for protection and improvement of living conditions of the population and the environment.

2. The tasks of the water legislation of the Republic of Kazakhstan shall be:

- 1) implementation of the state policy for use and protection of water resources, water supply and wastewater disposal;
- 2) regulation of water relations, the relations in water supply area and wastewater disposal;
- 3) provision of the legal framework to support and develop sustainable water use and to protect water resources, water supply and wastewater disposal;
- 4) establishment of the basic principles and directions for use and protection of water resources, water supply and wastewater disposal;
- 5) management of relations in exploration, development, rational and complex use and protection of water resources, irrigation and drainage systems and water management facilities;
- 6) development of irrigation and hydro-technical melioration of lands;
- 7) protection of population and management facilities from emergencies at the water management facilities and the effects, caused by them.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 4. Water fund of the Republic of Kazakhstan

Water fund of the Republic of Kazakhstan includes the complex of all water bodies, located within the territory of the Republic of Kazakhstan and included or to be included in the state water cadastre.

Article 5. Water bodies

The water bodies of the Republic of Kazakhstan are the waters, concentrated in the land relief and the earth interior, which have boundaries, volume and the water regime. They are: the seas, rivers and canals, equivalent to them, lakes, glaciers and other surface water bodies, parts of underground resources, containing underground waters.

Article 6. Water resources

Water resources of the Republic of Kazakhstan are the stocks of surface and underground waters, concentrated in the water bodies that are used or may be used.

Article 7. The lands of water fund

1. The lands of water fund are state-owned.

2. The land plots of the water fund lands, occupied by water facilities (irrigation and drainage systems) of inter-district (regional) and inter-farm (district) significance, as well as the irrigation facilities, serving the land plot of one entity, may be in a private property

of the citizens and non-state legal entities of the Republic of Kazakhstan in case of privatization of these facilities.

3. The land plots, listed in paragraph 2 of this Article, serving two or more land owners or land users, are given to them under the common ownership or common land use rights.

4. The order of providing the water fund lands to the ownership or land use is regulated by the legislative act of the Republic of Kazakhstan on the land.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan, dated 9 January, 2007 No 213 (the order of enforcement see Art. 2).

Article 8. Ownership right for the water fund of the Republic of Kazakhstan

1. The water fund of the Republic of Kazakhstan is in exclusive state property.

2. The right of ownership, use and management of water fund belongs to the Government of the Republic of Kazakhstan.

3. The actions of individual and legal entities, violating the right of the state ownership for water bodies, are void and entail responsibility, provided for by the Laws of the Republic of Kazakhstan.

Article 9. Principles of water legislation of the Republic of Kazakhstan

The water legislation of the Republic of Kazakhstan shall be based on the following principles:

1) recognition of the state significance of the waters, which are the ground for life and activity of the population;

2) primary drinking water supply in the required quantity and the quality assured;

3) fair and equal access of the population to water;

4) an integrated and rational water use with introduction of modern technologies, allowing to reduce water intake and minimize harmful effects of waters;

5) the use of water bodies and their protection;

6) fees for special water use;

7) compensation for damages, caused by violation of the water legislation of the Republic of Kazakhstan;

8) inevitability of responsibility for violation of the water legislation of the Republic of Kazakhstan;

9) transparency and public involvement in resolving the problems in use and protection of water resources;

10) availability of information on the status of water resources of the Republic of Kazakhstan;

11) the use of trans-boundary waters on the basis of international standards and international treaties, ratified by the Republic of Kazakhstan.

Article 10. Relations in use and protection of water fund, water supply and wastewater disposal, regulated by the water or other legislation of the Republic of Kazakhstan

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2)

1. The Water legislation of the Republic of Kazakhstan regulates the use and protection of water resources, water fund management and water systems, water supply and wastewater

disposal, irrigation and drainage works and safety of water systems and facilities and other water relations.

2. The relations in terms of lands, forests, flora and fauna, air, arising from the use and protection of water bodies, are regulated by the special legislation and this Code.

3. The relations, arising from ensuring of environmental, sanitary and epidemiological safety of water bodies and prevention of harmful effects of economic and other activities on the natural water ecosystems, are regulated by the environmental legislation of the Republic of Kazakhstan and legislation of the Republic of Kazakhstan on sanitary-epidemiological welfare of the population, and by this Code.

4. The relations, arising in exploration, development and the integrated development of natural resources, protection of underground waters and underground structures from the harmful effects of waters, are subject to the regime of mineral resources and are regulated by the appropriate legislation of the Republic of Kazakhstan on mineral resources, industrial safety, except for the paragraphs 3 and 4 of Article 66 of this Code.

5. The relations, arising in prevention and liquidation of emergency situations of natural and man-made origin on water bodies shall be regulated by the legislation of the Republic of Kazakhstan on emergency situations of the natural and man-made origin.

6. The relations, arising in shipping and navigation area shall be regulated by the legislation of the Republic of Kazakhstan on water transport.

7. The relations, arising in marine waters use area shall be regulated by this Code and international treaties, ratified by the Republic of Kazakhstan.

8. The relations, associated with the use and protection of trans-boundary waters shall be regulated by this Code, the legislation of the Republic of Kazakhstan, as well as the international treaties, ratified by the Republic of Kazakhstan.

Footnote. Article 10, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Chapter 2. Objects of water relations

Article 11. The objects of water relations

1. The objects of water relations are the water bodies, water facilities and the lands of the water fund.

2. Water bodies shall be divided into:

- 1) the surface water bodies;
- 2) underground water bodies;
- 3) marine waters of the Republic of Kazakhstan;
- 4) trans-boundary waters.

3. depending on the types of use, the water bodies are divided into:

- 1) water bodies of public use;
- 2) water bodies of the joint use;
- 3) water bodies of solidary use;
- 4) water bodies of the specially protected areas;
- 5) water bodies of the special national significance;
- 6) water bodies of the state forest fund.

Footnote. Article 11, as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 12. Surface water bodies

1. Surface water bodies shall be divided into:
 - 1) water bodies - rivers and canals, lakes, reservoirs, ponds and other inland waters, equivalent to them and territorial waters;
 - 2) glaciers, wetlands.
2. Surface water bodies consist of the surface waters, the bed and the banks.

Article 13. Underground water bodies

Underground water bodies shall be:

- 1) the water-bearing zones, the strata and the rock units;
- 2) underground water basin;
- 3) underground water deposits and areas;
- 4) the natural discharge of subsurface waters on land or under water;
- 5) watered subsoil areas.

Article 14. Marine waters

1. The marine waters of the Republic of Kazakhstan are the waters of the Caspian and Aral seas within the state border of the Republic of Kazakhstan, unless otherwise is stipulated by the international treaties, ratified by the Republic of Kazakhstan.

2. **(Is excluded)**

Footnote. Article 14 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 15. Trans boundary waters

1. Trans boundary waters are the surface and underground water bodies that mark and (or) cross the state border of the Republic of Kazakhstan.

2. The order of use and protection of trans boundary waters shall established by this Code, the legislation of the Republic of Kazakhstan on the state border and the international treaties, ratified by the Republic of Kazakhstan.

Article 16. The water bodies of the general use

1. All water bodies are the objects of the general use, unless otherwise provided by the legislation of the Republic of Kazakhstan.

2. At the water bodies, the general use shall be carried out in the order, established by this Code.

3. Restricting the use of water objects of the general use shall be permitted in the cases, provided for by the Laws of the Republic of Kazakhstan.

Article 17. Water objects of the joint use

1. The water objects, provided wholly or partially to the individual or legal entities for the joint use shall be the water bodies of the joint use.

2. When using water bodies of the joint use, the interests of water users, located down the watercourse shall be satisfied first.

3. The water users that use the joint water bodies shall be obliged to take into account the mutual interests, not to impede exercise of the water rights and not to harm each other.

4. Joint water objects shall be provided by the local executive bodies of the regions (town of the republican status, the capital) in coordination with the authorized body, established by the Government of the Republic of Kazakhstan.

5. General water use at the joint water bodies shall be carried out in the order, specified by this Code.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 18. Water objects of solitary use

1. The water objects, provided wholly or partially to an individual or a legal entity for solitary use shall be the water bodies of solitary use.

2. The water objects of solitary use may be used as public water bodies in the order, prescribed by this Code.

Article 19. Water bodies of the specially protected natural areas

The order of formation, the regime of protection of the water resources of the specially protected natural areas and their use, as well as the conditions for activity in them shall be established by the legislation of the Republic of Kazakhstan on the specially protected natural areas.

Article 19-1. Water bodies of the state forest reserve

1. The order of formation, the regime of protection of the water objects of the state forest reserve and the conditions for activity in them shall be defined by the water and forest legislation of the Republic of Kazakhstan.

2. The regimes of protection of the territories of the state forest reserve, adjacent to the water bodies shall be established in order to keep the water bodies in the condition, meeting sanitary-hygienic and environmental requirements, as well as to prevent pollution and depletion of the surface waters, in compliance with the forest legislation of the Republic of Kazakhstan.

3. The water bodies of the state forest reserve shall be provided for use in accordance with this Code.

Footnote. Chapter 2 is supplemented by Article 19-1 in accordance with the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 20. Water objects of the special state significance

1. The water bodies of the special national significance shall be the natural water bodies, influencing the environment and economy of the region and requiring a special legal regulation regime for economic activity.

2. The list of the water bodies of the national significance and the peculiarities of the legal regulation regime for economic activity shall be defined by the Government of the Republic of Kazakhstan.

Article 21. Turnover capacity of the water bodies and the lands of the water fund

Turnover of the water bodies, the lands of the water fund, except for the lands, specified in paragraph 2 of Article 7 of this Code, as well as the purchase, sale, pledge and other transactions, resulting in alienation of the water bodies and the lands, occupied by them, shall not be permitted.

Section 2. The right to use the water bodies. The right of ownership and other rights to the water facilities

Chapter 3. The right to use the water bodies

Article 22. The right to use the water bodies

1. Individual and legal entities have the right to use the water bodies in the manner of a special, solitary or joint use, established by the water legislation of the Republic of Kazakhstan.

2. Water objects shall be provided to the individual and legal entities under the following rights:

- 1) for a short-term use;
- 2) for a long-term use.

3. The right for a short-term use is provided for up to five years, the right for a long-term use is provided for five - forty-nine years.

4. The individual and legal entities, who received the water bodies for use, cannot dispose the right to use the water body.

Footnote. Article 22, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.07.2009 No 180-IV.

Article 23. Water easement

1. Water easement on water bodies is in public and private forms.

2. Everyone may use the water objects of the general use; in this case the public water easement is an integral part of the right to use the water body.

3. Public water easement for a water body, which is not a public water body, may arise from the legislation of the Republic of Kazakhstan, the act of the local executive body of the oblast (town of the republican status, the capital) or the announcement of the order for use of the water body by individual or legal entities, who received it for use.

4. The right for a long-term or short-term use of a water body may be limited in favor of other interested persons (private water servitude).

5. Private water servitude is established on the same grounds as the public water servitude, and may be established on the basis of a court judgment.

6. Public and private water servitudes may be established in order to:

- 1) intake water without applying facilities, technical equipment and devices;
- 2) provide watering and driving of cattle, fishery management;
- 3) use water bodies as a waterway for ferries, boats and other small vessels.

7. In order to implement the water easements, the permits for the special water use shall not be required.

Footnote. Article 23, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.01.2007 No 222 (shall be enforced upon expiry of six months after

its first official publication); dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2).

Chapter 4. The ownership right and other rights to water facilities

Article 24. Ownership right to the water facilities

1. Water facilities may be in the state or private property.

2. The relations, associated with the use, possession and disposal of water facilities, that are privately owned, shall be regulated by the civil legislation of the Republic of Kazakhstan, unless otherwise provided in this Code.

Article 25. Water facilities of the particular strategic significance

1. The water facilities of the particular strategic significance are in the state property and may not be leased, placed into trust, and shall not subject to alienation, except for the water facilities of strategic significance, specified in paragraph 2 of this Article.

2. Water intakes, pumping stations, water treatment facilities, providing water supply of towns, are state-owned, are not subject to alienation and may be leased and placed into trust management in accordance with the legislation of the Republic of Kazakhstan

2. The list of the water facilities of particular strategic significance, including those that may be leased and placed into trust management, shall be specified by the President of the Republic of Kazakhstan.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan, dated 01.03.2011 No 414-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 26. Water facilities in the republican property

The water facilities that are in the republican property shall be assigned to the state water management organizations.

The list of water facilities, owned by the republic shall be defined by the Government of the Republic of Kazakhstan upon the recommendation of the authorized body, as well as the authorized body for study and use of mineral resources.

The water facilities that are in the republican property may be leased, placed into trust and privatized in accordance with the legislation of the Republic of Kazakhstan.

Article 27. Water facilities in the communal property

1. Water facilities that are in communal ownership shall be assigned to the public utilities enterprises, and, in accordance with the legislation of the Republic of Kazakhstan, may be provided for leasing, trust management, free use, except for the water facilities that are of particular strategic significance.

2. Water facilities of particular strategic significance, namely the water intake structures, pumping stations, water treatment facilities, providing water supply of towns that are in communal ownership shall be assigned to the public utilities, and shall not subject to alienation and may be leased and placed into trust management in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan, dated 04.07.2013 No 131-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 28. The ownership right for a drinking water supply system

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

1. Drinking water supply systems may be in the republican, communal property and in the property of individuals and legal entities.
2. Operation of drinking water supply systems that are in the republican property shall be carried out by the state organizations.
Operation of water supply systems that are in communal ownership shall be carried out by the state and other organizations.
3. Some of the drinking water supply systems may be a part of housing condominiums.

Article 29. Water facilities, intended for agricultural water users

1. The water facilities, designed to render services to the agricultural water users may be in the state or private property.
2. The state-owned water facilities, designed to serve the agricultural water users, may be leased, placed into trust management, free use, as well as sold or donated to the water users or their associations, maintaining these facilities, in the order and under the conditions, established by the legislation of the Republic of Kazakhstan.

Article 30. Interim state management of the water facilities

1. In case of a threat to the national security interests, the life and health of the citizens and in order to stabilize certain water facilities of the special strategic significance for economy of the country or the region, upon the recommendation of the authorized body for the state property management, the Government of the Republic of Kazakhstan may initiate an interim state management in relation to these structures.
2. The order of initiation of the interim state management for the water facilities, referred to in paragraph 1 of this Article shall be defined by the Government of the Republic of Kazakhstan.

Article 31. State registration of the rights to the water facilities

Footnote. The title of Article 31 as amended by the Law of the Republic of Kazakhstan, dated 25.03.2011 No 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

1. The rights to the water facilities shall subject to compulsory state registration in accordance with the legislation of the Republic of Kazakhstan on the state registration of the real estate rights.
2. The state registration of the rights to the water facilities shall be carried out

under the presence of a passport for the facility, the form of which shall be specified by the authorized body.

Footnote. Article 31, as amended by the Law of the Republic of Kazakhstan, dated 25.03.2011 No 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 32. Responsibility of owners of water facilities

1. The owners of water structures shall be responsible for their safe technical condition in accordance with the Laws of the Republic of Kazakhstan.

2. Safety of the water facilities, ensured by the owners, shall be supervised:

- 1) by the authorized body for the adherence of the water facilities' operation regime;
- 2) by the authorized body for industrial safety in technical condition of the water facilities.

Footnote. Article 32, as amended by the Laws of the Republic of Kazakhstan dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Section 3. The state regulation in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Section 3, as amended by the Law of the Republic of Kazakhstan , dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Chapter 5. The state management in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Chapter 5 as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 33. The state management in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. The state management in use and protection of water resources, water supply and wastewater disposal shall be carried out by the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, the authorized body, the authorized body for public utilities, local representative and executive bodies of the oblasts (town of republican status, the capital) within their competence, established by the Constitution, this Code and other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The management structure for the use and protection of water resources, taking into account complexity and subordination shall be divided into the following levels:

- 1) the interstate;
- 2) the state;
- 3) the basin;

4) the territorial.

3. The state bodies may involve citizens and public organizations in developing programs and conducting actions for the rational use and protection of the water resources.

Footnote. Article 33, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 05.07.2011 No 452-IV (shall be enforced from 13.10. 2011); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 34. Basic principles of the state management in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the Law of the republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

The state management in use and protection of water resources, water supply and wastewater disposal shall be based on the following principles:

- 1) the state regulation and control over the use and protection of water resources, water supply and wastewater disposal;
- 2) sustainable water consumption - a composition of careful, rational and complex use and protection of waters;
- 3) creation of optimal conditions for water use, keeping of the ecological sustainability of the environment, and sanitary-epidemiological safety of the population;
- 4) basin management;
- 5) distribution of functions of the state control and management in use and protection of water resources and functions of the economic use of water resources.

Footnote. Article 33, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Article 35. The main tasks of the state management in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

The main tasks of the state management in use and protection of water resources, water supply and wastewater disposal shall be:

- 1) the analysis and assessment of water supply sectors of the economy, condition of water supply and wastewater disposal at the rural settlements, detection of deficiencies and selection of measures for their resolving;
- 2) selection of the available water resources, their quality and availability of the rights to use them;
- 3) development of the main directions for improvement of technology in water supply area, wastewater disposal and protection of waters;
- 4) forecast and organization of events to increase the volumes of the available water resources and their rational redistribution to cover the water deficit;
- 5) establishment of the water use structure with distribution of water resources to meet the priority needs for water, depending on the dryness of the year;
- 6) limitation of water use and discharge of return waters on the scientifically based

standards;

- 7) planning and observance of environmental requirements;
- 8) monitoring over the quantity and quality condition of water bodies and the regime for their use;
- 9) effective management of water bodies and water facilities, that are state-owned;
- 10) development of water services market;
- 11) with the neighboring countries, the joint management in use and protection of trans-boundary waters;
- 12) **Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);**
- 13) ensuring the safety of water systems and facilities;
- 14) monitoring of water systems and facilities, as well as their compliance with the legislation of the Republic of Kazakhstan.

Footnote. Article 35, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 6. Competence of the state bodies in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Chapter 6 as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 36. Competence of the Government of the Republic of Kazakhstan in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

The Government of the Republic of Kazakhstan shall:

- 1) develop the main directions of the state policy in use and protection of water resources, water supply and wastewater disposal areas;
 - 1-1) approve the rules for use of water supply systems and wastewater disposal at the settlements;
 - 1-2) approve the rules of the wastewater acceptance to the wastewater disposal systems of the settlements;
- 2) arrange management of the water facilities, that are in the republican property;
- 3) set the procedure of the state accounting of waters and their use, the state water cadaster and the state monitoring of the water bodies;
- 4) approve the list of particularly significant group and local water supply systems, that are the non-alternative sources of water supply;
- 5) approve the procedure for subsidizing the costs for water supply services to the agricultural producers and the drinking water supply from the particularly significant group and local water supply systems, that are the non-alternative drinking water sources;
- 6) approve the rules for establishing the water protection zones;
- 7) regulate the procedure for development and approval of general and basin schemes for a complex use and protection of water resources and water balances;
- 8) define the procedure for leasing and trust management of the water facilities;
 - 8-1) define the procedure for provision of water bodies to the solitary or joint use on a competitive basis;
- 9) define the procedure for approval, placement and commissioning of the plants and other

facilities, influencing the waters and the conditions for construction and other works at the water bodies, water protection zones and strips;

- 10) (Is excluded)
- 11) approves the regulations for water relations between the regions of the country;
- 12) cooperate with foreign states and international organizations on use and protection of trans-boundary waters in accordance with the legislation of the Republic of Kazakhstan;
- 12-1) identify the order of sailing and conduction of business, research, survey and field works in the territorial waters (sea);
- 13) (Is excluded);
- 14) determine the procedure for providing safety of water systems and facilities;
- 15) Is excluded by the Law of the Republic of Kazakhstan, dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication);
- 15-1) approve the model calculation rules for consumption rate standards of water services and wastewater disposal for the consumers, who do not have metering devices;
- 16) approve the criteria for safety of water supply systems and facilities;
- 17) approve the rules for technical operation of water supply and wastewater disposal systems of the settlements;
- 18) approve the model rules for general water use;
- 19) approve the rules for operation of water facilities, located directly at the water bodies;
- 20) approve the rules for primary accounting of the waters;
- 21) carry out other functions, assigned to it by the Constitution, the Law s of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

Footnote. Article 36, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 19.12.2007 No 11 (the order of enforcement see Art. 2); dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2009 No 180-IV; dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 37. Competence of the authorized body

1. The authorized body shall:
 - 1) involve in development and implementation of the state policy in use and protection of water resources, water supply, wastewater disposal within its competence;
 - 1-1) involve in coordination and management of the local executive bodies for use and protection of water reserves, water supply and wastewater disposal out of the settlements;
 - 2) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 3) develop the schemes for a complex use and protection of water resources in the basins of major rivers and other water bodies in the country;
 - 3-1) develop the safety criteria for water systems and facilities;
 - 3-2) is excluded by the Law of the Republic of Kazakhstan, dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 3-3) is excluded by the Law of the Republic of Kazakhstan, dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 3-4) is excluded by the Law of the Republic of Kazakhstan, dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011);
 - 4) is excluded by the Law of the Republic of Kazakhstan,dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);
 - 4-1) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No 159-V (

shall be enforced upon expiry of ten calendar days after its first official publication);

5) develop the model rules for general water use;

5-1) certify the tax returns for payments for use of surface water resources prior to their submission to the tax authorities;

6) carry out the issuance, suspension and revocation of permits for special water use in the order and on the grounds, established by the Laws of the Republic of Kazakhstan;

6-1) define the information, specified in an application for issuance of a permit for special water use;

7) approve the limits of water use within the basins and the oblasts (town of republican status, the capital);

7-1) approve the method of calculating fees for use of surface water resources, established by the tax legislation of the Republic of Kazakhstan;

8) is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

9) conduct the state control over the use and protection of water resources;

10) (is excluded)

11) carry out the state recording of waters and their use, keeping of the state water cadaster and the state monitoring of water bodies;

12) create a database of water bodies and provides access to it for all the interested persons;

13) approve the regime of use of water facilities and drinking water sources;

13-1) develop the rules for operation of water facilities, located directly at the water bodies;

14) organize the design, survey, research and development works in use and protection of water resources, water supply and wastewater disposal outside the settlements;

15) is excluded by the Law of the Republic of Kazakhstan, dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication);

16) organize the operation of water facilities, water structures, that are in the republican property;

17) consider the cases on administrative violations in water legislation of the Republic of Kazakhstan;

18) prepare and implements investment projects in the water sector;

19) (is excluded)

20) take part in development of priority directions of inter-state cooperation in use and protection of water resources;

21) cooperate with neighboring countries on regulation of water relations, rational use and protection of trans-boundary waters in accordance with the legislation of the Republic of Kazakhstan;

22) develop the rules for establishing the water protection zones and strips;

23) develop water balances;

24) is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication);

25) develop the rules of primary recording of waters;

26) provide methodological support for water management organizations;

27) establish the procedure for certification of hydro land reclaiming systems and water management facilities, as well as the passport's format;

28) develop and approve the forms of mandatory departmental reports, checklists, risk assessment criteria, semi-annual audit plans in accordance with the Law of the Republic of Kazakhstan "On State Control and Supervision in the Republic of Kazakhstan";

29) fulfill other functions, provided by this Code, other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Decisions of the authorized body, taken within its competence, shall be compulsory for implementation by all individual and legal entities.

Footnote. Article 37, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.01.2006 No 116 (the order of enforcement see Art. 2 of the Law No 116); dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 12.01.2007 No 222 (shall be enforced upon expiry of six months after its official publication); dated 10.12.2008 No 101-IV (shall be enforced from 01.01.2009); dated 12.02.2009 No 132 - IV (the order of enforcement see Art. 2); dated 17.07.2009 No 188-IV (the order of enforcement see Art. 2); dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2); dated 19.03.2010 No 258-IV; dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No 159-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 37-1. Competence of the authorized body in public utilities

The authorized body in public utilities shall:

1) involve in development and implementation of the state policy in water supply area and wastewater disposal within the settlements;

1-1) carry out coordination and organizational supervision of the local executive bodies for use and protection of water resources, water supply and wastewater disposal within the settlements;

2) develop and approve the normative and technical documentation within its competence;

3) organize a methodical support in water supply and wastewater disposal within the settlements;

4) arrange the design, survey, applied research and development works in water supply area and wastewater disposal within the settlements;

5) develop the rules for use of water supply and wastewater disposal systems within the settlements;

6) develop the rules for wastewater acceptance to the wastewater disposal system in the settlements;

7) develop the technical operation rules for water supply and wastewater disposal systems of the settlements;

8) develop the standard calculation rules for water services consumption and wastewater disposal for the consumers, that do not have metering devices;

8-1) develop the procedure for subsidizing the cost of drinking water supply services in the settlements of the particularly special group and local water supply systems, which are the non-alternative sources of drinking water, according to the list, approved by the Government of the Republic of Kazakhstan;

9) conduct other functions, provided by this Code, other Laws of the Republic of Kazakhstan, the acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. The Code is supplemented by Article 37-1 in accordance with the Law of the Republic of Kazakhstan, dated 22.07.2011 No 479-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days

after its first official publication); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 38. Competence of local representative bodies of the oblasts (town of the republican significance, the capital) in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Article 38, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Local representative bodies of the oblasts (town of republican status, the capital) shall :

- 1) establish the rules for general water use, taking into account the regional conditions on the standard rules basis;
- 2) (is excluded)
- 3) Is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) establish a procedure for granting for use and withdrawal of water facilities, that are in communal property;
- 5) approve the price rates for use of water from surface water sources;
- 6) carry out other functions to ensure the rights and interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 38, as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011); dated 30.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 39. Competence of local executive bodies of oblasts (city of the republican status, the capital) in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Local executive bodies of oblasts (city of republican status, the capital) shall:

- 1) manage the water facilities, that are in communal property, and take measures for their protection;
 - 1-1) keep records of water facilities, owned by the state; when the unclaimed water facilities are found, the procedures, provided by the civil legislation of the Republic of Kazakhstan, are conducted;
 - 1-2) implement the state policy in use and protection of the water resources, water supply and wastewater disposal;
- 2) establish the water protection zones, the strips and sanitary protection zones of drinking water sources under the consultation with the basin water management organizations, the authorized body for sanitary and epidemiological welfare of the population;
 - 2-1) set the regime and the special conditions for use of water protection zones and strips under consultation with the basin water management organizations;
- 3) provide water bodies to solitary or joint use on a competitive basis in the order, defined by the Government of the Republic of Kazakhstan;
- 4) take part in the work of the basin councils and in the basin agreement, submit the

offers on the rational use and protection of water resources, water supply, wastewater disposal of settlements to the basin councils' consideration, study recommendations of the basin councils, take measures for their implementation;

5) ensure implementation of the actions for the rational use and protection of water resources, water supply, wastewater disposal at the settlements, including hydro-technical melioration, security of water supply systems and facilities;

6) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

7) conform placement and commissioning of plants and other facilities, influencing the status of the waters as well as construction, dredging and other works at the water bodies, water protection zones and strips;

7-1) resolve the issues on security of water supply systems and facilities at the appropriate territories;

7-2) organize actions for disaster liquidation at the water management facilities;

8) inform the population about the condition of water bodies, water supply and wastewater disposal systems, located at the corresponding territory;

9) develop the price rates for use of the surface water resources;

10) take measures to subsidize the cost of water supply services to agricultural producers and the drinking water supply from the particularly special group and local water supply systems, which are the non-alternative sources of drinking water, according to the list, approved by the Government of the Republic of Kazakhstan;

11) distribute the limits for water use among the water users;

12) carry out other functions, delegated to the local executive bodies by the legislation of the Republic of Kazakhstan in the interests of the local state management.

Footnote. Article 39, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.01.2006 No 116 (the order of enforcement see Art. 2 of the Law No 116); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2009 No 180 -IV; dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 7. Basin water management in use and protection of water resources

Article 40. Tasks and functions of the basin water management

1. Basin Water Management Departments (hereinafter - the basin management departments) - the regional bodies (whose activities and functions shall be carried out in the territory of two or more oblasts) of the authorized body, that have offices in the regions, the main task of which is to carry out the state management in use and protection of water resources in the territory of the corresponding basin.

2. Basin management departments shall carry out the following functions:

1) an integrated management of water resources at the hydrographical basin under the watershed management principle;

2) coordination of water relations in use of water resources in order to achieve a positive economic effect, a reasonable, equitable and ecologically sustainable water use;

3) preparation and implementation of basin agreements on rehabilitation and protection of water bodies within the corresponding basin;

4) implementation of the state control over the use and protection of water resources, observance of the water legislation of the Republic of Kazakhstan by the individual and legal entities;

5) keeping the state records, the state water cadastre and the state monitoring of water

bodies in the basins together with the authorized state body for environmental protection, the authorized body for study and use of mineral resources;

6) issuance, suspension of a permit for a special water use in the order, prescribed by this Code;

7) coordination of:

plans of local executive bodies of oblasts (city of republican status, the capital) for rational use of water bodies of the relevant basin;

suggestions for allocation of land plots for construction of enterprises and other facilities, influencing the water condition;

pre-project documentation, projects for construction and reconstruction of enterprises and other facilities, influencing the water condition;

documents on construction, dredging, blasting works for mining, extraction of water plants, laying of cables, pipes and other utilities, woodcutting, as well as drilling, agricultural, and other activities, carried out at the water bodies, water protection zones and strips;

the action plans of water users for protection and improvement of water bodies;

8) participation in the work of the state commissions on commissioning of industrial, agricultural and housing objects, influencing the water condition, as well as in liquidation of consequences, arising from natural and man-made disasters;

9) determination of the limits of water use for water users and for the corresponding basin;

9-1) arrangement and conduction of a competition for provision of water bodies to the solitary or joint use;

10) participation in assessment of underground water reserves;

11) monitoring the work of the joint water reservoirs, large water reservoirs of interdisciplinary, inter-regional and interstate significance;

11-1) control over observance of the established water easements by individual and legal entities, using water facilities, provided in the solitary or joint use;

12) developing the plans for water intake and water apportioning in interregional, trans-regional, inter-state water bodies and control over their fulfillment;

13) coordination of the scheme for a complex use and protection of water of the corresponding basin, the rules for operation of water objects and water facilities;

14) participation in development of water balances for the corresponding basin;

15) coordination of proposals on provision of water bodies to the solitary and joint use and conditions of water use in them;

16) filing in accordance with the legislation of the Republic of Kazakhstan, submission of a request on termination of financing, designing and construction of water supply and other objects, influencing the water condition, carried out with violation of the established rules and regulations in use and protection of water resources, water supply and wastewater disposal;

17) submission of the materials on abuse of the water legislation of the Republic of Kazakhstan to the Law enforcement agencies and the court to bring the perpetrators to responsibility in accordance with the Law s of the Republic of Kazakhstan;

18) in case of violation of the water legislation of the Republic of Kazakhstan, to file claims to the court for the damages, caused to the state;

19) informing the population about the work accomplished for the rational use and protection of water resources, the actions, taken to improve the condition and quality of waters;

20) interaction with the local executive bodies of oblasts (town of republican status, the capital) and other concerned state bodies for use and protection of water resources, water supply and wastewater disposal;

21) educating and training of population for the rational use and protection of water resources;

22) (Is excluded)

23) put a seal and register water metering devices, installed at the facilities or devices for water uptake or discharge by individual and legal entities, having the special right for water use;

24) organization of work of the basin council, consultations with the members of the basin council on use and protection of water resources of a basin, analysis of the recommendations, made by the basin council, measures for their implementation, bringing of the basin council's recommendations to the relevant government agencies and water users.

Footnote. Article 40, as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated 9 January, 2007 No 213 (the order of enforcement see Art. 2); dated 12 January, 2007 No 222 (shall be enforced upon expiry of 6 months after its official publication); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2009 No 180-IV; dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 41. Participation of the territorial bodies of the authorized state body for environmental protection in implementing the watershed principle of the water resources management

1. Territorial bodies of the authorized state body for environmental protection in implementing the watershed principle of the water resources management shall be involved:

1) in adjustment of plans for rational use and protection of water bodies on the basis of the composed water balances, complex use schemes and protection of water resources of the corresponding basin;

2) in monitoring of water bodies of the relevant basin in conjunction with the authorized body;

3) in the state control for use and protection of water resources within their competence ;

4) in elaboration of basin agreements and monitoring of their implementation at the subordinate territory;

5) is excluded by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

2. Territorial bodies of the authorized state body for environmental protection shall implement the watershed principle in water resources management in accordance with the approved general basin schemes of a complex use and protection of water bodies.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 42. Basin agreements on restoration and protection of water bodies

1. Basin agreements on restoration and protection of water bodies (hereinafter – basin agreements) - concluded between the basin organizations, local executive bodies of oblasts (city of republican status, the capital) and other entities, located within the basin of the water body, in order to consolidate and coordinate their activities, and to take measures for rehabilitation and protection of water bodies.

2. Basin agreements contain obligations of the parties for uniting the efforts and means, required for implementation of specific water protection measures, with indication of time frames for their execution.

3. Preparation of the basin agreements shall be based on the water balances, the schemes of the integrated use and protection of water bodies, the documents of the State planning

system of the Republic of Kazakhstan, research and project developments.

4. To achieve the goals and tasks of the basin agreements, the individual and legal entities may establish foundations under the terms and the order, prescribed by the legislation of the Republic of Kazakhstan, the money funds of which are intended for rehabilitation and protection of the water bodies.

Footnote. Article 42 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13; dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 43. Basin council

1. Basin council is an advisory body, established within the corresponding basin.

2. Basin council, chaired by the head of the relevant basin organization, consists of the heads of the local representative and executive bodies of oblasts (city of republican status, the capital), the heads of territorial bodies of the state authorities and the representatives of the water users. The structure of the basin council may also include the representatives of public organizations and their associations. Organization of the basin council's work is delegated to the basin management organization.

3. Basin council considers current issues in use and protection of water resources, water supply and wastewater disposal, and makes suggestions and recommendations to the participants of the basin agreement.

Footnote. Article 43, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Chapter 8. The state planning in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Chapter 8, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Article 44. The tasks of the state planning in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. The goals of the state planning in the use and protection of water resources, water supply and wastewater disposal shall provide:

science-based distribution of waters among the water users, taking into account the primarily needs in drinking and household waters;

protection of water resources and prevention of their harmful effects.

2. Water balances, the schemes of a complex use and protection of water resources shall be drawn up for the state planning in the use and protection of water resources, water supply and wastewater disposal, as well as the forecast for use and protection of water resources are developed in the schemes for development and distribution of production forces and economic sectors.

Footnote. Article 44, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Article 45. Water balances

1. Water balances are designed to assess presence and use of water resources in the basins of water bodies, economic regions and the country as a whole.

2. Water balances for the major basins of the rivers and for the whole country shall be developed in the order, established by the Government of the Republic of Kazakhstan.

3. The costs associated with development of water balances, shall be covered by the budget.

Footnote. Article 45 is amended by the law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 46. Schemes for the integrated use and protection of water resources

1. The schemes for the integrated use and protection of water resources shall be developed to make decisions on the integrated water resources management.

2. The schemes for the integrated use and protection of water resources shall be developed by the authorized body together with the scientific and specialized project organizations with participation of the concerned government agencies.

3. The activities, planned in the integrated schemes shall be aimed at:

1) the rational and economic use of water resources through the improvement of the production technologies;

2) the use of low water and waterless processes;

3) reduction of irretrievable losses of water resources in irrigation and water supply systems;

4) the maximum use of local water resources due to their regulation, inter-basin re-distribution of river runoff, reduction of the volumes of the uncontrolled wastewater disposal;

5) prevention of flooding and under flooding of towns, settlements, farmlands and other objects.

4. The schemes for the integrated use and protection of water resources shall be developed in the order, prescribed by the Government of the Republic of Kazakhstan and funded by the budget.

Footnote. Article 46 as amended by the Law of the republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 47. Forecast of use and protection of water resources in the schemes for development and distribution of production forces and economic sectors

1. As a part of the schemes for development and distribution of production forces and economic sectors, a forecast shall be elaborated for use and protection of water resources with the environmentally acceptable level of burden on water bodies.

2. Forecast of use and protection of water resources in the schemes for development and distribution of production forces and economic sectors shall be developed by the central executive bodies.

3. The forecasts for use and protection of water resources in the schemes for development and distribution of production forces and economic sectors, developed by the central executive bodies shall be agreed with the authorized body for acceptable levels of use of the water resources.

Footnote. Article 47 as amended by the Law of the republic of Kazakhstan, dated 20 December, 2004 No 13.

Chapter 9. Monitoring and expertise in the use and protection of water resources

Article 48. Tasks and types of control in the use and protection of water resources

1. The goals of control in use and protection of water resources shall be:
the monitoring of the status and changes in the waters, caused by economic and other activities;

the verification of implementing the water protection actions.

2. The state, industrial and public control in the use and protection of water resources shall be carried out in the Republic of Kazakhstan.

3. The main tasks of the authorized body, involved in the state control, shall ensure:

1) interaction and coordination of all ministries, agencies, departments, involved in the state control within their competence;

2) monitoring of the status and changes in the waters, caused by economic and other activities, as well as the verification of implementing water protection actions;

3) the established order of use of the water fund and its recording;

4) water protection duties;

5) prevention and elimination of harmful effects on water bodies;

6) monitoring of observance of the water legislation of the Republic of Kazakhstan by all individual and legal entities.

4. The state control over the use and protection of water resources shall be carried out in the form of inspections and other forms.

Inspection is conducted in accordance with the Law of the Republic of Kazakhstan "On State Control and Supervision in the Republic of Kazakhstan". Other forms of the state control shall be carried out in accordance with this Code.

Footnote. Article 48, as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 No 125; dated 17.07.2009 No 188-IV (the order of enforcement see art. 2); dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 49. The bodies, carrying out the state control over the use and protection of water resources

1. The state control over the use and protection of water resources within their competence shall be carried out by:

1) the authorized body;

2) the authorized state body for environmental protection;

3) the authorized body for study and utilization of mineral resources;

4) the authorized state body for industrial safety;

5) the authorized body for sanitary and epidemiological welfare of the population;

6) the authorized state body for veterinary medicine;

7) the state body for phytosanitary inspection;

8) the local executive bodies of oblasts (town of republican significance, the capital).

2. The authorized body coordinates the work of the state bodies, involved in the state control over the use and protection of water resources.

3. The authorized body and its basin water management organizations supervise:

1) the observance of the boundaries of the water protection zones, the set regime of economic activity on them and in the specially protected water bodies;

2) implementation of the conditions and requirements of the international agreements on trans-boundary waters;

3) observance of the established rules and regulations, the water use limits and

wastewater disposal at the water facilities, as well as the water use regime.

4) observance of the operation rules for water intake facilities, water supply systems and water reservoirs;

5) correct keeping of the primary records of volume of waters, removed from the water bodies and dumped into them, assessment of the water quality, availability, serviceability and observance of the state certification time frames for equipment and devices, metering water use and discharge, observance of the reporting deadlines by the water users;

6) fulfillment of conditions and requirements by the individual and legal entities, established by the permits for a special water use, as well as the measures against harmful effects of waters (flooding, under flooding, destruction of banks and other harmful effects);

7) observance of the order, established by the legislation of the Republic of Kazakhstan, to provide a solitary and joint use of water bodies;

8) observance of the order, established by the legislation of the Republic of Kazakhstan, on keeping the state monitoring of the water facilities and the state record of the surface and underground waters in terms of use and protection of water bodies;

9) presence of the duly approved design documentation and compliance with it of the construction, reconstruction, technical reconstruction of economic sectors' facilities and other activities, related to the use and protection of water bodies and their water protection zones;

10) prevention of the unauthorized use of water bodies, unauthorized construction at the territory of the water protection zones and strips of the water bodies;

11) introduction of scientific and technological achievements and best practices in rational use and protection of waters, the measures for reduction of water consumption at the enterprises, institutions and organizations.

The authorized bodies for environmental protection, industrial safety, sanitary-epidemiological welfare of the population, veterinary, the authorized body for quarantine control, and local executive bodies shall:

1) conduct the state control over the use and protection of water resources in accordance with their competence;

2) inspect and examine the changes in the qualitative and quantitative status of water resources;

3) take measures to eliminate violations of the water legislation;

4) participate in elaboration of the regulations on use and protection of water resources ;

5) in the established order, submit proposals on suspension and prohibition of wastewater dumping into the water bodies, conducted with violation of the established requirements, as well as on prohibition of work of certain production facilities, shops and enterprises, affecting the water condition.

Footnote. Article 49 as amended by the Laws of the Republic of Kazakhstan dated 20 December, 2004 No 13; dated 31 January, 2006 No 125; dated 12 January, 2007 No 222 (shall be enforced upon expiry of six months after the date of its official publication); dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 49-1. Organization and conduction of the state control in the use and protection of water resources

Footnote. Article 49-1 is excluded by the Law of the Republic of Kazakhstan, dated 17.07.2009 No 188-IV (the order of enforcement see art. 2).

Article 49-2. The measures against violation of the water legislation of the Republic of Kazakhstan

Footnote. Article 49-2 is excluded by the Law of the Republic of Kazakhstan, dated 17.07.2009 No 188-IV (the order of enforcement see art. 2).

Article 49-3. Time frames and frequency of the state control in the use and protection of water resources

Footnote. Article 49-3 is excluded by the Law of the Republic of Kazakhstan, dated 17.07.2009 No 188-IV (the order of enforcement see art. 2).

Article 50. The officials, involved the state control in the use and protection of water resources

1. The officials that in accordance with this Code, are authorized to exercise the state control over the use and protection of water resources shall be:

The Chief State Inspector of the Republic of Kazakhstan for use and protection of water resources, and his deputy, the senior state inspectors of the Republic of Kazakhstan for use and protection of water resources and the state inspectors of the Republic of Kazakhstan for use and protection of water resources;

chief state inspectors for use and protection of water resources of the corresponding basin and their deputies, senior state inspectors and the state inspectors for use and protection of the water resources of the corresponding basin.

2. Is excluded by the Law of the Republic of Kazakhstan, dated 27 July, 2007 No 315 (shall be enforced from the date of its official publication).

3. The officers, referred to in paragraph 1 of this Article, in order to carry out the state control over the use and protection of water resources are provided with the relevant official ID of the standard form, a lapel badge, technical devices in the order, defined by legislation of the Republic of Kazakhstan.

Footnote. Article 50, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.

Article 51. The rights of the officials, exercising the state control over the use and protection of water resources

1. The officials, exercising the state control over the use and protection of water resources shall be entitled to:

1) inspect observance of the requirements of this Code and the regulations of the Government of the Republic of Kazakhstan, specify requirements to the state bodies, individuals, officials and legal entities on performance of the water legislation standards of the Republic of Kazakhstan, to conduct corresponding measures for rational use and protection of water resources, observance of the maximum permissible levels of wastewater discharge in the volumes, defined by the normative legal acts of the Republic of Kazakhstan, organize a laboratory quality control over the water resources and wastewater in accordance with the Law of the Republic of Kazakhstan "On State Control and Supervision in the Republic of Kazakhstan";

2) submit proposals on suspension and revocation of permits for special water use in the order, prescribed by the Laws of the Republic of Kazakhstan;

3) inspect organizations and other objects for the state control, to monitor the water

resources status, to issue mandatory recommendations on elimination of violations of the rules for water resources use and their protection. In case of the unauthorized water intake, emergency situations of natural and man-made origin at the water bodies, they are to make proposals on suspension of business activities of the water users;

3-1) control observance of the set limits for water use, the regime of the retaining hydraulic structures, the operation rules of water facilities, the use of the boundaries of water protection zones and strips, and the set regime of economic activities in them;

3-2) issue recommendations on elimination of the revealed violations of the rules for water resources use and their protection;

3-3) make a decision to impose an administrative penalty;

3-4) file a claim for damages, caused by violation of the water legislation of the Republic of Kazakhstan;

4) get the necessary information from individuals, officials and legal entities to clarify conditions for use and protection of water resources, including the laboratory results in the order, established by the legislation of the Republic of Kazakhstan;

5) draw up protocols on administrative violations in the water legislation of the Republic of Kazakhstan;

6) make proposals to limit, suspend and prohibit waste water discharge into the water bodies, conducted with violation of the established requirements, as well as to terminate work of certain production facilities, shops and enterprises, adversely affecting the water bodies status;

7) make proposals to the officials, heads of organizations, on bringing to responsibility of those, who have violated the norms and rules for the use and protection of water bodies, and submit materials to the appropriate Law enforcement bodies to address the issue of bringing to responsibility in accordance with the Law s of the Republic of Kazakhstan;

7-1) make proposals for development of the draft Law s and other normative legal acts, regulating relations in the use and protection of water resources;

8) (Is excluded).

2. The decisions, taken by the officials, responsible for the state control over the use and protection of water resources within their powers, shall be obligatory for individual and legal entities and may be appealed to a higher state body and (or) the officer or the court.

Footnote. Article 51, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 31.01.2006 No 125; dated 12.01.2007 No 222 (shall be enforced upon expiry of six months from the date of its official publication); dated 17.07.2009 No 188 -IV (the order of enforcement see art. 2); dated 06.01.2011 No 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 52. Duties of the officials, exercising the state control over the use and protection of water resources

The officials, exercising the state control over the use and protection of water resources, shall:

1) monitor the execution of the requirements of the water legislation of the Republic of Kazakhstan;

2) interact with the individual and legal entities when monitoring the use and protection of water resources;

3) inform the state bodies on violations of legislation of the Republic of Kazakhstan on use and protection of water resources within their competence;

4) assist individual and legal entities in development of measures for the rational use and protection of water resources;

5) (Is excluded).

Footnote. Article 52 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 53. Production control in use and protection of water resources

1. Operational control in use and protection of water resources shall be carried out on the basis of the rules of the primary recording of water use.

2. Operational control in use and protection of water resources is provided by the individual and legal entities that have a right for special water use.

3. Operational control in the use and protection of water resources shall be carried out on the basis of water metering devices, certified in the order, defined by the Law of the Republic of Kazakhstan "On technical regulation".

Footnote. Article 53, as amended by the Laws of the Republic of Kazakhstan dated 31.01.2006 No 125; dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 05.07.2011 No 452-IV (shall be enforced from 13.10.2011).

Article 54. State expertise in use and protection of water resources

1. The following types of the state expertise shall be carried out in the use and protection of water resources:

1) the state examination of activities, affecting the water body's condition;

2) the state examination of pre-project and project documentation for construction and reconstruction, operation, conservation and liquidation of economic and other facilities, affecting the water bodies' condition;

3) the state examination of underground water reserves and geological information about the underground water bodies;

4) the state expertise of compliance of the water and industrial facilities with the requirements of emergency situations;

5) the state sanitary-epidemiological and environmental expertise.

2. The state examination of activities, influencing the water body condition, shall be carried out to assess the impact of these activities on the environment and the taken management and business decisions. The state examination of activities, influencing the water body condition, is mandatory.

3. The state expertise of pre-project and project documentation for construction and reconstruction, operation, conservation and liquidation of economic and other facilities, influencing the water bodies' condition, shall be carried out to check its compliance with the original data, technical specifications and requirements of the regulations, approved by the authorized state body for architecture, urban planning and construction and the authorized body for sanitary and epidemiological welfare of the population.

4. The state expertise of underground water reserves and geological information about underground water bodies shall be carried out by the authorized body for study and use of mineral resources.

5. The state expertise of compliance of the water and industrial facilities with the requirements of emergency situations shall be conducted by the authorized body for emergency situations and the authorized body for industrial safety.

6. The state sanitary-epidemiological and ecological examination shall be carried out by the authorized body for sanitary and epidemiological welfare of the population and the authorized state body for environmental protection correspondingly.

7. The order of the state expertise shall be specified by the legislation of the Republic of Kazakhstan.

Footnote. Article 54, as amended by the Law of the Republic of Kazakhstan, dated 26.05.2008 No 34-IV (the order of enforcement See Art. 2).

Chapter 10. The requirements, providing the rational use, protection and improvement of water condition

Article 55. Environmental requirements for use of water bodies and water facilities

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. Placement of productions and other facilities (buildings, structures, and their systems, communications), influencing the water bodies' condition is made in compliance with the environmental requirements, conditions and rules for protection of mineral resources, sanitary-epidemiological, industrial safety, rehabilitation and rational use of water resources, taking into account the environmental consequences, caused by these facilities' work.

2. Construction, reconstruction (expansion, modernization, technical upgrade, reprofiling), exploitation, conservation and liquidation (post-utilization) of facilities, influencing the water bodies' condition shall be carried out under a positive opinion of the authorized state body for environmental protection, the authorized body for study and use of mineral resources, the authorized body for sanitary and epidemiological welfare of the population and the authorized body for industrial safety.

3. When performing the construction works, the measures shall be taken on land rehabilitation, reclamation and rational use of water resources, land improvement and enhancement of the environment.

Footnote. Article 55, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.

Article 56. Requirements for reduction of pollutants discharge into water bodies

1. Use and protection of water resources are based on the norming of pollutants in the discharge points, on the total normalization of water-related activities of all organizations within the corresponding basin, a watercourse or a land plot.

2. Requirements to the purification rate and quality of the discharged waters are defined by the directions of the possible use of the water body and by the calculations, and shall take into account the real condition of the water body, technical and economic possibilities and time frames for the planned indexes' achievement.

3. The authorized body in conjunction with the authorized body for study and utilization of mineral resources and the authorized state body for environmental protection for a basin of every water body are obliged to develop targets and criteria for the water quality and condition.

4. The terms for gradual transition to the targets of water bodies' condition within a basin shall be defined by the basin organizations and regional bodies of the authorized body for study and use of mineral resources and the authorized state body for environmental protection, based on the methodology, approved by the authorized body together with the authorized state body for environmental protection and the authorized body for study and use of mineral resources.

Article 57. Feasibility of the integrated water discharge to meet the requirements of economic sectors and environment

1. An integrated water discharge shall be carried out, taking into account the sanitary and epidemiological and environmental requirements, as well as the needs of economic sectors.

2. Environmental and sanitary-epidemiological discharges shall be prioritized.

3. Environmental water discharge must preserve the natural condition of the water body. Apart from keeping of a minimum flow, the environmental water release shall provide periodic flushing of water bodies during floods.

4. The volumes of environmental and sanitary-epidemiological discharges shall be established by the authorized body at the basins of the water bodies.

5. Emergency water release shall maintain the normal water level at the water body during floods and flushing of the water bodies' beds.

Footnote. Article 57, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Chapter 11. The state recording of surface and underground waters, the state water cadaster, the state monitoring of water bodies. Scientific and innovative and informative support of the rational use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Chapter 11, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 58. The state recording of the surface and underground waters

1. The state recording of the surface and underground waters is a systematic estimation and fixation of quantitative and qualitative indicators of water resources, available in the territory of the Republic of Kazakhstan, in the order, defined by the legislation of the Republic of Kazakhstan.

2. The data of the state recording of the surface and underground waters characterize the status of the surface and underground water bodies in qualitative and quantitative indexes, the level of their industrial and environmental safety for human life and health, their study and use.

3. The state recording of the surface and underground waters shall be carried out by the authorized body in conjunction with the authorized body for study and utilization of mineral resources, taking into account the data on use of the surface and underground waters, submitted by the water users and hydro-meteorological service.

Article 59. State water cadaster

1. The state water cadaster is a set of systematic official data on condition and use of water bodies, their water resources, and water users.

2. The state water cadaster is kept under a single system and shall be based on the data, received from the state recording of waters.

3. A water body, included in the state water cadastre, has a passport, containing a registration number, name and complex characteristics, indicating physical and geographical, geological and hydrological, technical, legal and economic indexes.

4. The state water cadaster shall be kept by the authorized body in conjunction with the

authorized body for study and utilization of mineral resources, the authorized state body for environmental protection and hydro-meteorological services.

5. Water users are obliged to submit all the necessary data to the authorized body and the authorized body for study and use of mineral resources, subject to inclusion to the state water cadaster.

6. The authorized body shall provide access to the information, contained in the state water cadaster to the interested individuals and legal entities.

Article 60. State monitoring of water bodies

1. The state monitoring of water bodies is an integral part of the state monitoring system for environment and natural resources.

2. The state monitoring of water bodies is a system for regular monitoring of hydrological, hydro-geological, hydro-geochemical, sanitary-chemical, microbiological, parasitological, radiological and toxicological indicators of their condition, collection, processing and submission of information to reveal negative processes timely, assess and forecast their development, elaborate recommendations for prevention of harmful effects and define the effectiveness rate of the existing water management activities.

3. The state monitoring of water bodies shall be conducted by the authorized body in conjunction with the authorized state body for environmental protection, the authorized body for sanitary and epidemiological welfare of the population, the authorized body for study and utilization of mineral resources under the jointly elaborated methodology.

Article 61. Scientific and innovative-informative support of the rational use and protection of water resources, water supply and wastewater disposal

Footnote. The title of the Article as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. The tasks of scientific support for the rational use and protection of water resources, water supply and wastewater disposal shall be:

- 1) foundation of an integrated and rational use of water resources;
- 2) assessment and forecast of development of the water sector;
- 3) development of scientific, methodological and technological grounds for water saving;
- 4) development of regulatory legal base for water management system;
- 5) working out of recommendations for taking management decisions.

2. **(Is excluded)**

3. Innovative activity in the field of use and protection of water resources, water supply and wastewater disposal shall be carried out in accordance with legislation of the Republic of Kazakhstan and shall be provided by:

- 1) formation of the organizational conditions;
- 2) the state support through implementation of investment projects, provided by the documents of the State planning system of the Republic of Kazakhstan.

4. For a long-term and medium-term planning of the integrated and rational use and protection of water resources, information support of water organization and water users, the authorized body together with the concerned government agencies may create a national information-analytical system for water resources' use.

5. In order to create a database, individual and legal entities - water users provide the necessary information under the approved forms in the order, established by the legislation of the Republic of Kazakhstan.

6. **(Is excluded)**

Footnote. Article 61, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 12. The rights and duties of individuals and work of public associations in use and protection of water resources

Article 62. The rights and responsibilities of individuals in the use and protection of water resources

1. The individuals have the right to:

- 1) use water bodies, to take measures for their protection and rehabilitation in the order, specified by the legislation of the Republic of Kazakhstan;
- 2) apply to the state agencies and organizations with inquiries, complaints and offers on use and protection of water bodies and require their consideration;
- 3) make suggestions on organization of a public environmental expertise of the use and protection of water resources and to take part in it;
- 4) demand abolition of decisions on placement, construction, reconstruction and commissioning of productions and other facilities, that do not meet the requirements for use and protection of water resources, as well as limitation or termination of business and other activities of individual and legal entities, affecting the water bodies in administrative or legal process;
- 5) exercise other rights, provided for by the Laws of the Republic of Kazakhstan for use and protection of water resources.

2. The individuals are obliged to comply with the legislation of the Republic of Kazakhstan on use and protection of water resources and environmental protection.

Article 63. Activities of public associations in use and protection of water resources

1. The activities of public associations for use and protection of water resources shall be carried out in accordance with their statutes and in the order, established by the legislation of the Republic of Kazakhstan.

2. Representatives of public associations may take part in the work of basin councils.

3. Public associations, at their own initiative, may conduct public control in use and protection of water resources.

4. The order of public control in use and protection of water resources shall be defined by the public associations in accordance with their statutes and in consultations with the authorized state bodies, involved in the state control over the use and protection of water resources.

Section 4. Water management

Chapter 13. The right to water use

Article 64. Types of the rights for water use

1. For the circle of subjects there may be:

- 1) the right for general water use;

- 2) the right for special water use;
- 3) the right for solitary water use;
- 4) the right for joint water use.
2. For the grounds of origin there may be:
 - 1) the right for primary water use;
 - 2) the right for secondary water use.
3. For the time frames there are:
 - 1) the right for permanent water use;
 - 2) the right for temporary water use.
4. The right for general water use for a citizen arises from the moment of his birth and may not be alienated under any circumstances.
5. The right for special water use arises from the moment of receipt of a permit, issued in the order, established by this Code.

Footnote. Article 64, as revised by the Law of the Republic of Kazakhstan, dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 65. General water use

1. General water use shall be provided to meet the needs of the public without assignment of water bodies for certain individual or legal entities and without the use of facilities or technical devices, influencing the waters' condition.

2. A special permit to provide the general water use is not required.

Individual and legal entities are not allowed to limit public access to water bodies of general water use via installation of barriers, security units, prohibition signs, except for the cases, provided by this Code.

3. General water use may be restricted or prohibited for environmental, technical and sanitary-epidemiological safety of the population.

4. The conditions and rules for general water use shall be set by local representative bodies of oblasts (city of republican significance, the capital).

Local representative bodies of oblasts (city of republican status, the capital) in order to protect the life and health of citizens, taking into account the regional rules for general water use, may define the places, where swimming, water intake for drinking and domestic purposes, watering of livestock, use of small ships and other floating devices at the water bodies, located in the territory of the corresponding region, are prohibited.

Footnote. Article 65, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.07.2009 No 180-IV.

Article 66. Special water use

1. Special water use includes the use of surface and underground water resources directly from the water body with or without water intake to cover the drinking and household needs of the population, agriculture, industry, energy, fisheries and transport, as well as to discharge industrial, utility, drainage and other wastewaters, applying the following structures and technical systems:

1) fixed, mobile and floating facilities for mechanical and gravity-flowing water intake from surface and marine waters;

2) river outlets, designed for discharge of industrial, utility, drainage, storm water and other wastewaters to the surface and marine waters;

3) facilities for wastewater disposal to irrigation fields, evaporation, filtration and to the terrain;

- 4) dams and other water control and water regulating structures (including temporary check dams);
- 5) hydraulic power stations;
- 6) water facilities of thermal and nuclear power plants, intended for water supply, waste water disposal and for cooling of waters;
- 7) irrigation, watering, and drainage systems;
- 8) water intake facilities, equipped with pumping units and other water-lifting devices for underground water intake and other purposes, including drainage, water-lowering and environmental measures, influencing underground waters' condition;
- 9) water disposal facilities (boreholes, wells, mines), designed for disposal of wastewaters and other waters into the subsoil;
- 10) drainage facilities of the operating mines, designed for extraction from mines, open-casts, tunnels and open pits;
- 11) flowing wells, dug wells, springs interceptions and other small structures for extraction of underground waters, working without the forced lowering of the water level;
- 12) absorption wells and wells for discharge of industrial, utility, drainage and other waste waters, and technological mortars into the underground water reservoirs and rock cavities ;
- 13) injecting wells to maintain the terrastatic pressure when hydrocarbons excavating and underground leaching in mining of solid minerals;
- 14) other technical devices, influencing the waters' condition.

2. Special water use shall be carried out by individua and legal entities on the basis of a permit, containing the purposes specified therein, and shall not violate the rights and Lawful interests of other persons and damage the environment.

3. The use of underground waters for drinking, industrial and technical purposes with the intake limits from fifty to two thousand cubic meters per day shall be carried out under the permit for a special water use.

4. No permits are required for special water use when:

- 1) the following water intake facilities are applied: mine and tubular filter wells the depth of twenty meters, the catchment facilities, operating without lowering the level of water intake in all cases not more than fifty cubic meters per day from the first aquifer, located near the surface of the water aquifer, that is not used for the centralized water supply;
- 2) water intake by marine vessels from the water bodies to ensure operation of the vessel and its technological equipment.

5. A permit for special water use is issued by the regional bodies of the authorized body

6. Permits are issued for the following types of the special water use:

- 1) discharge of the treated industrial, utility, drainage and other wastewaters into the surface water bodies;
- 2) the use of part of underground waters for drinking, industrial and technical purposes with the intake limits from fifty to two thousand cubic meters per day;
- 3) intake and (or) use of surface waters with application of facilities or technical devices, referred to in paragraph 1 of this Article (hereinafter - the intake and (or) the use of surface water).

7. **Is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.)**

8. Permits for intake and (or) use of surface waters, discharge of the treated industrial , utility, drainage and other wastewaters into the surface water bodies shall be issued to the individual or legal entities, that have:

- 1) facilities and technical devices, used for a special water use, meeting the relevant requirements and standards;
- 2) water metering devices and control over their quality;
- 3) contracts with secondary water users on water supply and (or) discharge of wastewaters and drainage waters.

9. Permits for use of underground waters for drinking, industrial and technical purposes with the intake limits from fifty to two thousand cubic meters per day, are issued to individual and legal entities that have:

- 1) facilities and technical devices, used for water intake from underground water bodies, meeting the acting sanitary and epidemiological rules, norms and standards;
- 2) water metering devices and control over the water quality;
- 3) a contract for water supply to the secondary water users;
- 4) **is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.)**

10. In order to obtain a permit for a special water use, an applicant submits the following documents to the authorized body or its regional bodies:

- 1) an application for a permit for a special water use in the form, prescribed by the authorized body;
- 2) a state registration certificate (re-registration) of a legal entity;
- 3) a passport of the water facility, hydro land reclaiming systems or devices;
- 4) a copy of the tax registration certificate or a state registration certificate of an individual entrepreneur;
- 5) **is excluded by the Law of the Republic of Kazakhstan, dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.)**

11. In order to obtain a permit for a special water use, related to the use of water bodies for water intake, in addition to the documents, specified in paragraph 10 of this Article, the following documents shall be submitted:

- 1) information on water users and their needs in water;
- 2) information on availability of water metering devices and control (monitoring) over the quality of the derived water.

12. In order to obtain a permit for a special water use, associated with the use of water bodies for hydropower facilities, in addition to the documents, specified in paragraph 10 of this Article, the following documents shall be submitted:

- 1) the data on the set capacity of a hydropower plant;
- 2) information about the discharge capacity of energy, discharge and other facilities;
- 3) information on fish protection and fish-passing facilities;
- 4) information on availability of control (monitoring) devices for water regime indexes and water quality in the upper and lower bays;
- 5) information on the volumes of the claimed use of water resources for hydropower.

13. In order to obtain a permit for a special water use, associated with the use of surface water bodies without water intake, in addition to the documents, specified in paragraph 10 of this Article, the following documents shall be submitted:

- 1) technical characteristics of a vessel;
- 2) a permit of the Shipping Register for the vessel's operation with notification of its port of registry (place of registration);
- 3) information about the availability of land and floating devices, able to accept the total amount of wastewaters, wastes, collected at the vessel;
- 4) information on availability of control (monitoring) devices for water quality at the water lot during facilities' operation and works, which have or may have a negative impact on the water body and the environment.

14. A permit for a special water use shall be issued by the authorized body or its corresponding regional body not later than thirty days, and for small businesses - no later than ten days from the date of filing the application with all the required documents, submitted by the applicant in accordance with this Code.

15. Changing the name of a legal entity requires re-registration of a permit for a special water use.

Reconstruction of water supply systems or changes in the water use conditions require obtaining of another permit for a special water use.

16. The authorized body, that issued a permit for a special water use, suspends its

operation in the order, defined by the Laws, in the following cases:

- 1) establishment of the fact on unreliability of the information submitted to obtain a permit for a special water use;
- 2) detection of violations of the requirements of the water and ecological legislation of the Republic of Kazakhstan.

In the cases, referred to in this paragraph the authorized body shall notify the water user, indicating the reasons for suspension of the permit and the timeframes for their elimination in a written form within ten working days.

Suspension of the permit shall be carried out for a period of elimination of the submitted unreliable information and the detected violations.

In case of eliminating the reasons that led to suspension of the permit for a special water use, specified in the notice, the permit shall be resumed by a written confirmation of the body that made a decision to suspend the permit.

The permit is suspended or renewed from the date of receipt of a notice on suspension or renewal by a water user.

Footnote. Article 66 is in the wording of the Law of the Republic of Kazakhstan, dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 24.12.2012 No 60-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 04.07.2013 No 132-V (shall be enforced from 01.01.2014).

Article 67. Solitary water use

1. The right to solitary water use arises during provision of water bodies or their parts to one individual or legal entity for use.

2. At the water bodies, provided for solitary water use, the general water use is allowed under the conditions, established by the local representative bodies of the oblasts (town of republican significance, the capital).

3. A water user, carrying out a solitary water use, in the order, prescribed by the legislation of the Republic of Kazakhstan, shall declare the conditions or prohibition of general water use, unless otherwise provided by the decisions of local representative bodies of oblasts (city of republican status, the capital).

Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 No 13.

Article 68. Joint water use

1. The right of joint water use arises during provision of water bodies or their parts to several individuals and (or) legal entities for use.

2. Under the joint water use, the interests of water users, involved in drinking water supply of the population are met first, as well as the interests of the downstream water users.

3. At the water bodies, provided for joint water use, the general water use is allowed under the conditions, established by the local representative bodies of oblasts (city of republican status, the capital).

4. The water users, that have a joint water use, are obliged to declare conditions or prohibition of the general use, unless otherwise provided by the decisions of local representative bodies of oblasts (city of republican status, the capital).

Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 20.12.2004 No 13.

Article 69. Primary and secondary water use

1. Primary water use is the water consumption by individual and legal entities, engaged in water intake directly from the water bodies to meet their own needs or supply it to the secondary water users.

Primary water use is the water use by individual and legal entities, regulating the surface runoff with the help of retaining hydro-technical facilities to supply water to various sectors of economy.

2. Secondary water use is the water consumption by individual and legal entities, who receive water from the primary water user on the basis of a contract.

3. The contract for secondary water use specifies the purpose for which the water is supplied, and the basic conditions for its use and the water supply shall be guaranteed under the schedule to the secondary water user within the limits, set for the primary water user.

4. Primary and secondary water users are obliged to comply with the contract conditions on secondary water use, and the requirements of the water legislation of the Republic of Kazakhstan.

Footnote. Article 69, as amended by the Laws of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 70. Timeframes for water use

1. Water bodies shall be provided for regular or temporary water use.

2. Regular water use is the water consumption without the time limits.

3. Temporary water use may be short-term - up to five years and long-term - from five to forty-nine years.

4. If necessary, the time frames for water use may be extended.

5. The time limits for a special water use depend on the resource potential and current ecological status of the water body.

6. General water use is regular.

Article 71. The rights of water users

Water users are entitled to:

1) use water bodies for the purposes, they are provided for, with observance of the conditions and requirements, provided by the water legislation of the Republic of Kazakhstan;

2) use water bodies, preventing violations of the rights and lawful interests of other persons, damage of water bodies and the environment;

3) use the lands of the water reserves in the order, established by the legislation of the Republic of Kazakhstan;

4) establish associations, unions (associations) and other non-profit organizations of water users;

5) receive data on the water bodies' condition for water management in the order, established by the legislation of the Republic of Kazakhstan;

6) check quality and quantity of the supplied water;

7) protect their rights to water use;

8) receive compensation for damage, caused by violation of rights, including the rights to water in accordance with the established limit and the supply regime;

9) exercise other rights, provided by the Laws of the Republic of Kazakhstan on use and protection of water resources, water supply and wastewater disposal.

Footnote. Article 71, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Article 72. Responsibilities of water users

Water users shall:

- 1) use water resources rationally, take measures to reduce water losses;
- 2) take care of the water bodies and water facilities to prevent their harm;
- 3) comply with the established limits, allowed volumes and water use conditions;
- 4) not violate the rights and interests of other water users and users of natural resources;
- 5) keep water facilities and technical equipment in good working condition, influencing the water condition, improve their performance, and keep record of the water use, provide measurement and water metering devices to the intakes, outfalls and water facilities and discharging facilities for waste and drainage waters;
- 6) take water protection measures;
- 7) carry out the conditions of water use timely and fully, defined by a permit for a special water use and the recommendations of the controlling bodies;
- 8) prevent discharge of harmful substances, exceeding the established standards;
- 9) provide accurate and complete information on water use to the authorized bodies, in the form, prescribed by the legislation of the Republic of Kazakhstan;
- 10) take measures to introduce water-saving technologies, advanced irrigation techniques, recycling and re-use water supply systems;
- 11) prevent pollution of the intake area of surface and underground waters;
- 12) ensure compliance with the established mode of economic and other activities at the protection zones of the water bodies;
- 13) not allow use of drinking water for industrial and other purposes without proper justification and decision of the authorized body and the authorized body for study and utilization of mineral resources;
- 14) comply with the requirements of industrial safety at the water bodies and water facilities;
- 15) ensure safety of individuals at the water bodies and water facilities;
- 16) inform immediately the territorial bodies of the authorized body for emergency situations and local executive bodies of oblast (town of republican status, the capital) about all the emergency situations and violations of technology in water use, and to take measures to prevent damage of water bodies;
- 17) make timely payments for the water use;
- 17-1) obtain an environmental permit for emissions into the environment in accordance with the Environmental Code of the Republic of Kazakhstan;
- 18) perform other duties, provided by the Laws of the Republic of Kazakhstan for use and protection of water resources, water supply and wastewater disposal.

Footnote. Article 72, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 12.01.2007 No 222 (shall be enforced upon expiry of 6 months after the date of its official publication); dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 73. Protection of the rights of water users

1. The right to water use is protected by the Law. No one shall be deprived of the rights for water use, except for the grounds, defined in this Code and other Laws of the Republic of

Kazakhstan.

2. Interference of the state bodies into the work of water users, associated with the impairment of their right to water use, shall be prohibited, except for the cases, provided by this Code.

Article 74. Restriction of the rights for water use

1. The right to water use may be limited in the order, established by the Laws of the Republic of Kazakhstan, in order to ensure security and defense of the state, public health, environment, historical and cultural heritage, rights and legal interests of other persons, as well as in lack of water, emergency situations of natural and man-made origin.

2. Limitation of rights for water use shall not worsen the condition for water use to cover the drinking and household needs.

Article 75. Termination of the right for a special water use

1. The right to a special water use shall be terminated in the following cases:

- 1) a water user's abandonment of the right for water use;
- 2) expiry of time-limit for water use;
- 3) death of an individual - water user;
- 4) liquidation of a legal entity - water user;
- 5) natural or artificial disappearance of water bodies;
- 6) transfer of the right to use water bodies to other individual and legal entities in the order, prescribed by the Laws of the Republic of Kazakhstan.

2. The right to a special water use shall be terminated by revocation of a permit for a special water use in the following cases:

- 1) use of water resources not for the intended purpose;
- 2) non-use of water resources, within one year, intended for drinking water supply;
- 3) non-use of water resources for three years;
- 4) arising of the need to use water resources for the state requirements;
- 5) non-compliance of the water user with the conditions and requirements, established by the water legislation of the Republic of Kazakhstan;
- 6) the grounds for imposing a ban on the use of water resources.

2-1. Grounds for revocation of a permit for a special water use, provided for in subparagraphs 1) - 3), 5), 6) of paragraph 2 of this Article shall be revealed during a state inspection of the use and protection of water resources.

The authorized body for use and protection of water resources, in case of detecting the facts that are the grounds for termination of the right for a special water use, in a written form, shall give an instruction to eliminate them and set the deadline for their elimination, not exceeding two months from the date of the instruction issuance.

Revocation of a permit for a special water use shall be allowed only in case of refusal of the water user to eliminate or not to eliminate the requirements within the deadline.

Revocation of a permit for a special water use shall be allowed in the cases and in the order, prescribed by the Laws of the Republic of Kazakhstan.

3. Revocation of a permit for a special water use is the ground for termination of a water use contract.

4. A decision on termination of the rights for a special water use may be appealed in the order, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 75, as amended by the Laws of the Republic of Kazakhstan dated

12.01.2007 No 222 (shall be enforced upon expiry of six months after the date of its official publication); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 76. Excluded by the Law of the Republic of Kazakhstan dated 12.01.2007 No 222 (shall be enforced upon expiry of six months after the date of its official publication.)

Section 5. Organization of water management

Chapter 14. Water supply organizations

Article 77. The state water supply organizations

The state water supply organizations shall be established by the Government of the Republic of Kazakhstan to fulfill the following activities:

- 1) the state monitoring of water bodies;
- 2) drawing up of the state water cadaster;
- 3) development and improvement of monitoring of the water bodies' condition;
- 4) development and improvement of water use technology and upgrading of its efficiency in various economic sectors;
- 5) development of water management regulations;
- 6) maintenance, operation and safety of water systems and facilities, that are in the republican property;
- 7) timely and uninterrupted water supply to water users from cross-border, inter-state, inter-regional water bodies and water facilities, that are in the republican property;
- 8) equity participation in reparation of the interstate water bodies with the neighboring states.

Footnote. Article 77, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 78. Public water supply organizations

Public water supply organizations shall be established by local executive bodies of oblasts (city of republican status, the capital) in order to conduct the following activities:

- 1) maintenance, operation, and security of water supply facilities, that are in public property;
- 2) timely and uninterrupted water supply to water users from water bodies;
- 3) collection, treatment and discharge of the used, sewage and drainage waters.

Footnote. Article 78, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 79. Non-state water supply organizations

1. Non-state water supply organizations shall be established by individual and legal entities, including by the foreign ones, to provide water supply services, maintenance of water facilities and entrepreneurial activity in use and protection of water resources, water supply and wastewater disposal.

2. Business activity in use and protection of water resources, water supply and

wastewater disposal shall be carried out in the following directions:

- 1) intake of water resources for use;
- 2) intake of water resources for water conditioning and purification and (or) its supply to water users, and (or) to water consumers;
- 3) collection, treatment and discharge of the used, wastewater and drainage waters;
- 4) use of water bodies without water intake;
- 5) improvement of water quality and water facilities' condition;
- 6) provision of services in water and environmental marketing;
- 7) and other directions in compliance with the legislation of the Republic of Kazakhstan.

3. The state support to entrepreneurship in use and protection of water resources, water supply and wastewater disposal is carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 79, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 80. Requirements to the water supply organizations

1. Water supply organizations are the natural monopolies, conducting their activities in accordance with this Code, the legislation of the Republic of Kazakhstan, the statutes of the organization and the agreements of the parties.

2. Water supply organizations shall:

- 1) ensure proper technical condition of water supply systems and facilities, as well as their safety;
- 2) provide water users with water according to the contract within the timeframes;
- 3) in consultation with water users to install water metering devices at the delivery points;
- 4) take measures to prevent pollution, contamination and depletion of water bodies and harmful effects of waters;
- 5) have a passport of the irrigation and drainage systems, the water management facility.

Footnote. Article 80, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Chapter 15. State standardization in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Chapter 15, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

Article 81. Standardization in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Article 81, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2).

1. A uniform system of normative-technical, sanitary-epidemiological and metrological support in the use and protection of water resources, water supply and wastewater disposal shall be established in order to regulate the requirements to quantity and quality of waters,

standards of measurement accuracy of their indexes and the limits of influence of production and other activities on the water bodies.

2. Standardization in use and protection of water resources, water supply and wastewater disposal shall be carried out by the authorized body and other state bodies within their competence.

Footnote. Article 81, as amended by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 82. Limits of water use

1. Limits of water use in the river basins are set, taking into account the river basin schemes and standards of the maximum permissible impacts on water bodies and shall be approved by the authorized body.

2. Limits of water use shall be specified annually by the authorized body, taking into account the dryness of the year, ecological and sanitary-epidemiological status of water bodies

Monthly distribution of limits for all water users, based on their needs for the volumes of water intake and (or) water discharge shall be carried out by the local executive body of the oblast (city of republican status, the capital).

3. In case of changes in the water situation, ecological and sanitary-epidemiological status of water bodies, the water use limits shall be subject to reconsideration.

Footnote. Article 82, as amended by the Laws of the Republic of Kazakhstan dated 10.01.2006 No 116 (the order of enforcement see Article 2 of the Law No 116); dated 10.01.2011 No 383-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 83. Normative-technical, sanitary-epidemiological and metrological support of water control and recording

1. The system of normative-technical, sanitary and epidemiological and metrological control and water metering includes the national standards, sanitary and epidemiological regulations and norms and other regulatory legal acts of the Republic of Kazakhstan.

2. The requirements of normative-technical, sanitary and epidemiological and metrological control and water measurement shall be developed in accordance with the international treaties, ratified by the Republic of Kazakhstan.

3. The requirements of normative-technical regulations, sanitary and epidemiological and metrological control and water measurement shall be developed, agreed and approved in the order , prescribed by the Government of the Republic of Kazakhstan.

Footnote. Article 83, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 84. Maximal emission limits for adverse impacts on water bodies

1. Maintenance of surface and underground water in the condition, meeting the ecological and sanitary-epidemiological requirements, shall be ensured by via observance of standards of maximum permissible adverse impacts on water bodies, established by the authorized body in consultation with the authorized state body for environmental protection, the authorized body for study and utilization of mineral resources, the authorized body for sanitary and epidemiological welfare of the population and the authorized state body for industrial safety.

2. The standards of maximum permissible adverse impacts on water bodies shall be established on the basis of:

- 1) the maximum permissible volume of anthropogenic load, the long-lasting effect of which would not change the ecological system of the water body;
- 2) the maximum permissible weight and concentration of harmful substances that may enter the water body and its catchment area.

3. The procedure for development and approval of the standards for maximum permissible adverse impacts on water bodies shall be established by the Government of the Republic of Kazakhstan.

Article 85. Standardization and certification in use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Article 85, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

1. National standards and technical requirements for use and protection of water resources, water supply and wastewater disposal shall be developed, approved and registered in the order, established by legislation of the Republic of Kazakhstan.

2. In order to assess compliance with the standards and technical requirements for the use and protection of water resources, water supply and wastewater disposal, a mandatory and voluntary certification shall be conducted in the order, established by the legislation of the Republic of Kazakhstan.

3. Drinking water, intended for sale to consumers in a packaged form (in bottles or other containers), individual household and group technical filters and water disinfection devices, as well as the materials, chemicals, technological processes, equipment and other devices, used in drinking water systems shall be subject to mandatory certification in accordance with the list, established by the Government of the Republic of Kazakhstan.

Footnote. Article 85, as amended by the Laws of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 86. Requirements for reduction of water intake volumes and water use

1. The requirements for reduction of water intake volumes and water use from water bodies shall be achieved via revising of the water consumption standards for various technological processes and specific water consumption standards in all sectors of economy.

2. The requirements for reduction of water intake volumes and water use shall be achieved by:

- 1) reduction of losses and leak offs in all transporting, distributing networks and at each water consumption point;
- 2) water saving due to introduction of efficient methods and technologies of water use and total water metering.

3. The state bodies, local executive bodies of oblast (city of republican status, the capital) and water users shall be obliged to analyze annually recording of water discharge, water losses in transportation networks, water consumption points and the possibility of reducing the water intake volumes from water bodies and at least once every five years to revise the water consumption standards for various technological processes and specific water consumption standards in all sectors of economy in order to reduce the water use volumes.

Footnote. Article 86 as amended by the Law of the Republic of Kazakhstan, dated 20.12.2004 No 13.

Article 87. Requirements to improvement of the drinking water quality

The authorized body jointly with other concerned government agencies shall develop regulations to improve drinking water quality, which include:

- 1) maintenance in a good working condition of technology and capacity of facilities, meeting the certain quality of a water body;
- 2) reduction of faults of the water supply and wastewater systems;
- 3) appliance of reliable equipment and materials with high-quality construction works;
- 4) periodic improvement of standards and national standards of the potable water.

Footnote. Article 87, as amended by the Laws of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 88. Prohibition of commissioning of facilities, negatively affecting the status of water bodies

1. The following facilities shall not be permitted to commission:

- 1) the new and reconstructed facilities that are not provided with the equipment and devices, able to prevent the harmful effects, water pollution and contamination, as well as those, not equipped with water and wastewater discharge metering devices;
- 2) water-intake and wastewater disposal facilities without fish protection devices;
- 3) cattle farms and other production complexes, that do not have water and wastewater treatment facilities and sanitary protection zones;
- 4) irrigation, watering and drainage systems, reservoirs, dams, canals and other waterworks prior to the actions, planned under the project to prevent flooding, underflooding, water logging and salinization and soil erosion;
- 5) water intake facilities, related to the underground water use, that are not provided with water regulating equipment and measuring devices;
- 6) water intakes and other hydro-technical facilities, not provided with sanitary protection zones and observation stations to record indicators of water bodies' and water facilities' condition;
- 7) facilities and devices for transportation and storage of oil, chemical and other products, not equipped with special devices for water pollution prevention.

2. Commissioning of wastewater irrigation systems shall not be allowed without establishment of observation stations to record the indicators of water bodies' condition.

3. Commissioning of water facilities is not permitted without completion of land reclamation works and water reservoirs - without preparation of a bed for flooding.

4. A decision to ban commissioning of enterprises and other facilities, influencing the water bodies' condition, shall be taken in the order, established by the legislation of the Republic of Kazakhstan.

Article 89. The use of surface water bodies for wastewater discharge

1. The use of surface water bodies for wastewater discharge shall be prohibited, except for the cases, provided for in paragraph 2 of this Article.

2. Wastewater discharge to surface water bodies shall be allowed with a permit for a special water use under the condition to clean them in compliance with the limits, established

by the authorized body for environmental protection and the authorized body for health care.

3. The organizations, that have ponds for industrial contaminated wastewater, mine, or wastewaters shall be obliged to take the necessary measures to clean, treat and recycle them, as well as to reclaim the lands, occupied by these ponds.

Footnote. Article 89, as amended by the Law of the Republic of Kazakhstan dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.)

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Section 6. The use of water bodies and water facilities

Chapter 16. Drinking and domestic water supply

Article 90. Use of water bodies and water facilities for drinking water and domestic water supply

1. The surface and underground waters and water facilities, protected from pollution and contamination, the water quality of which meets the national and hygiene standards are available for drinking and household water supply.

2. In order to provide the population with the drinking water, in case of emergency situations of natural and man-made origin, reservation of drinking water sources shall be carried out on the basis of the underground water bodies protected from pollution and contamination. At the reserved water supply sources, a special regime for water protection and control over their condition is established in accordance with the water and other legislation of the Republic of Kazakhstan.

3. Safety of surface and underground waters for drinking and household water supply shall be defined by the authorized body for sanitary and epidemiological welfare of the population.

4. Classification of a water body as a source of drinking water shall be based on its reliability and possibility of creating the sanitary protection zones in the order, prescribed by the Government of the Republic of Kazakhstan.

5. The use of underground water bodies, suitable for drinking water supply shall not be permitted for other purposes, except for the cases, provided in this Code and the legislation of the Republic of Kazakhstan on subsoil and subsoil use.

6. In the territories where there are no surface water bodies, but there are sufficient reserves of underground drinking water, the local executive bodies of the oblast (town of republican significance, the capital) in coordination with the authorized body, the authorized body for sanitary and epidemiological welfare of the population, the authorized body for study and utilization of mineral resources may permit the use of these waters for the purposes, not related to drinking and domestic water supply.

7. Water supply to the districts of a city, district towns, settlements, villages, rural districts shall be arranged by the heads of these territories.

Footnote. Article 90, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication.); by the Constitutional Law of the Republic of Kazakhstan, dated 03.07.2013 No 121-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 91. Centralized drinking and domestic water supply of the population

1. Centralized drinking and domestic water supply of the population shall be carried out by legal entities that have the appropriate water pipeline network.

2. Legal entities, engaged in centralized drinking and domestic water supply shall organize metering of the taken water, regular monitoring of water condition in the water sources and water supply systems, inform the local representative and executive bodies of the region (the town of republican significance, the capital), the authorized body, the authorized body for sanitary and epidemiological welfare of the population, the authorized state body for environmental protection, the authorized body for study and utilization of mineral resources, about deviations of water quality in sources and water supply systems from the established national and hygiene standards.

Footnote. Article 91, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2012 No 31-V (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 92. Non-centralized drinking and domestic water supply of the population

1. Under the non-centralized drinking and domestic water supply of the population, the individuals and legal entities shall have the right to take water directly from surface water and underground water bodies, if a positive conclusion of the authorized body for sanitary and epidemiological welfare of the population is provided for these water bodies with their compulsory registration in local executive bodies of the oblast (city of republican status, the capital) in the order, prescribed by the authorized body.

Non-centralized drinking and domestic water supply of the population shall not require a permit for a special water use during the water intake from water bodies in the amount of up to fifty cubic meters per day.

2. Water intake from surface and underground water bodies for non-centralized drinking and domestic water supply of the population shall be carried out in accordance with the rules, approved by the local representative bodies of the oblast (city of republican status, the capital), upon recommendation of the local executive bodies of the oblast (town of republican significance, the capital) in coordination with the authorized body and the authorized body for sanitary and epidemiological welfare of the population.

Footnote. Article 92, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.01.2007 No 222 (shall be enforced upon expiry of six months from the date of its official publication.)

Chapter 17. Use of water bodies for health and recreational purposes

Article 93. Use of water bodies for recreational purposes

1. The water bodies, that have natural therapeutic qualities and that are favorable to health-care purposes shall be classified as health-improvement ones and used for healing purposes in accordance with the legislation of the Republic of Kazakhstan.

2. The list of water bodies, intended for recreational purposes, upon the recommendations of the authorized body for healthcare, the authorized body, the authorized state body for environmental protection, the authorized body for study and utilization of mineral resources shall be established of:

1) the republican significance - by the Government of the Republic of Kazakhstan;
2) local significance - by the local executive bodies of oblasts (town of republican significance, the capital).

3. Provision of water bodies for the recreational purposes shall be carried out in

accordance with this Code and legislation of the Republic of Kazakhstan.

Footnote. Article 93 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 94. Use of water bodies and water facilities for recreational purposes

1. Use of water bodies and water facilities for recreational purposes shall be allowed without a special permit, except for the water bodies, posing a potential mudflow hazard.

2. The places for public recreation, tourism and sports at the water bodies and water facilities shall be defined by local executive bodies of the oblast (town of republican significance, the capital) in coordination with the authorized body, the authorized state body for environmental protection, the authorized body for sanitary and epidemiological welfare of the population with observance of environmental requirements and safety of human life.

3. Use of water bodies and water facilities for recreational and sport fishing shall be permitted by local executive bodies of the oblast (city of republican status, the capital) in coordination with the authorized body and the authorized state body for environmental protection.

Footnote. Article 94, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2009 No 180-IV.

Chapter 18. Use of water bodies and water facilities for agriculture

Article 95. Use of water bodies and water facilities for agriculture

1. The use of water bodies for agricultural purposes shall be carried out as a general and special water use.

2. On the basis of the water use plans of secondary water users, the primary water users make annual applications for receiving the required water volumes. The authorized body, taking into account the forecast on dryness of the year, and upon the applications of the primary water user shall set water use limits to them. Water supply volumes for secondary water users shall be defined by the contracts, concluded between the primary and secondary water users, taking into account the specified limits.

3. Individuals and legal entities, possessing the water facilities for collection of melt, storm and flood waters in order to use them for agricultural purposes shall have a permit for a special water use.

4. The use of surface and underground water bodies for irrigation of pastures shall be carried out as a special water use.

5. The use of water bodies for livestock watering shall be allowed outside the sanitary protection zone and in the presence of watering sites and other devices, preventing water bodies' pollution and contamination in the form of general water use.

6. The individuals, having private farms and engaged in gardening and horticulture, receive water for irrigation in the form of a special water use in accordance with the established limits. In the absence of sufficient water resources for irrigation, the water may be given through redistribution of limits of other water users.

7. Irrigation, drainage, flushing of the saline soils and other reclamation works shall be carried out in conjunction with environmental measures, protecting water bodies and their catchment areas. Monitoring and evaluation of irrigated lands shall be conducted by the specialized government agencies at the expense of the budget funds.

8. The use of wastewaters for irrigation shall be carried out in accordance with the established environmental and sanitary-epidemiological requirements.

9. In the irrigated area, the water users forecast the volume and quality of the return flows, plan the volumes of water discharge into the water bodies, create accumulating ponds and use them at the place of formation.

Footnote. Article 95, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 10.07.2012 No 36-V (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 95-1. Hydro-technical amelioration

1. Hydro-technical amelioration shall be carried out to improve condition of dry, eroded, salinized, waterlogged, too wet lands, the status of which depends on influence of the water.

2. The types of hydro-technical amelioration include irrigation, land drainage and flushing of salinized soils.

Footnote. The Code is supplemented by Article 95-1, in accordance with the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 96. Irrigation and drainage condominium

Irrigation and drainage condominium is a special form of property of a real estate as a single property complex (hereinafter - the object of irrigation and drainage condominium), where the property rights to land shall be owned by the individual and legal entities, and an irrigation and drainage system or its elements belong to them under the common share ownership.

Article 97. Formation and termination of irrigation and drainage condominium

1. Irrigation and drainage condominium may be formed at the irrigated land plots, which are under one irrigation canal or its division, belonging to two or more land users or land owners.

2. Each of the owners of property rights to the land plots shall be entitled to exercise their rights to the land plot at their own discretion, regardless of their participation in irrigation and drainage condominium.

The land plots, occupied by water facilities that are a part of an irrigation and drainage condominium shall be related to the right-of-way and owned by the members of the irrigation and drainage condominium under the common share ownership right.

3. The number of shares of a participant of the irrigation and drainage condominium in common property shall be defined by the ratio of the irrigated land's area, which belongs to the participant, to the total area of the whole irrigated land plot. Such a share in the property of the irrigation and drainage condominium may not be apportioned by physical demarcation (an ideal share).

4. An agreement of all participants of an irrigation and drainage condominium may not define the share in the common property, and in this case the irrigation and drainage condominium's property is under the common ownership, which shall not subject to division.

5. Transfer of the property right to the irrigated land plot (except for the termination of the secondary rights to temporary land use) to another person entails the transfer of the share in irrigation and drainage condominium to the purchaser.

6. A member of an irrigation and drainage condominium shall not be entitled to alienate its share in the irrigation and drainage condominium separately from the right to the irrigated

land plot.

7. The use of the common property of the irrigation and drainage condominium as a collateral is possible under the consent of all the participants.

8. Irrigation and drainage condominium may be liquidated when transferring a property right for all irrigated land plots (except for the secondary right for temporary land use), serviced by the irrigation and drainage condominium, and a property right for the irrigation and drainage condominium to one person.

Article 98. Registration of an object of an irrigation and drainage condominium

1. An object of an irrigation and drainage condominium shall be registered as a single set in accordance with the legislation of the Republic of Kazakhstan on registration of rights to immovable assets.

2. Registration of an object of an irrigation and drainage condominium shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 98, as amended by the Law of the Republic of Kazakhstan, dated 25.03.2011 No 421-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 99. Rights of the participants of an irrigation and drainage condominium

1. All participants of an irrigation and drainage condominium have the right to manage the common property, proportionate to the share of their participation in irrigation and drainage condominium.

2. Each participant of an irrigation and drainage condominium has the right to use the common property. The order for using the common property of the irrigation and drainage condominium shall be defined by an agreement of the participants.

Transfer of a land plot for lease to other persons (the secondary right of temporary land use) does not entail termination of the landowner's participation in the irrigation and drainage condominium.

3. Participants of the irrigation and drainage condominium also have other rights that do not contradict the Laws of the Republic of Kazakhstan.

Article 100. Responsibilities of the participants of an irrigation and drainage condominium

1. Participants of an irrigation and drainage condominium shall:

- 1) participate in all the expenses, required for maintenance of the common property;
- 2) ensure safety and safe use of the common property.

2. The participants of the irrigation and drainage condominium also have other duties, specified by the Laws of the Republic of Kazakhstan.

Article 101. Particularities of participation in an irrigation and drainage condominium

1. The expenditures for maintenance of common property shall be specified in proportion to the participant's share in the common property, unless otherwise provided by the agreement of the participants of an irrigation and drainage condominium.

2. In case if an irrigated land plot in the irrigation and drainage condominium is not used by its participant, the participant shall not be released from the expenditures, required

for maintenance of the common property.]

3. Land tenants of the irrigated land plots have no voting rights and may not otherwise manage the object of the irrigation and drainage condominium, but shall comply with the rules, common for all the participants of the irrigation and drainage condominium.

4. Participants of the irrigation and drainage condominium do not have the right to alienate common property of the condominium on her/his own name.

Article 102. Management of an object of an irrigation and drainage condominium

1. Within a month after the registration of the irrigation and drainage condominium, the participants of the irrigation and drainage condominium shall be required to decide an issue on the form of its management.]

2. The form of management of the irrigation and drainage condominium shall be specified by an agreement of the participants in accordance with the legislation of the Republic of Kazakhstan.

Chapter 19. Use of water bodies and water facilities for industry and energy

Article 103. Use of water bodies and water facilities for industry and heat-and-power engineering

1. Water bodies and water facilities for industry and thermal power engineering shall be used in the order of a special water use.

2. Industrial and heat-and-power organizations shall be obliged to have recycling water supply. The organizations that do not have recycling water supply, are obliged to submit a plan for transition to recycling water supply with indication of specific deadlines to the authorized body, the authorized state body for environmental protection, the authorized body for sanitary and epidemiological welfare of the population.

3. Underground waters that are not classified as drinking and mineral ones as well as the waters, mined together with other minerals (mine waters) may be used for technical water supply and for other industrial purposes under the special water use in compliance with the environmental requirements.

4. Underground water, mined simultaneously with other minerals, posing a threat to public health and the environment shall be subject to mandatory recycling.

5. If the water of other quality is available, the use of potable water for industrial needs shall not be permitted, except for those organizations, where it is provided by the technological process. In emergency situations of natural and man-made origin, the local executive bodies of oblast (city of republican status, the capital) may temporarily permit consumption of drinking water for industrial purposes, taking into account the primary satisfaction of drinking and domestic needs of the population. The timeframes for use of drinking water for industrial needs shall be specified in consultation with the authorized body

6. In the event of emergency situations of natural and man-made origin, the Government of the Republic of Kazakhstan and local executive bodies of oblast (city of republican status, the capital), in the order, prescribed by the Laws of the Republic of Kazakhstan shall be entitled to restrict, suspend or prohibit industrial and heat power enterprises to use the water bodies and water facilities.

Footnote. Article 103, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement See Art. 2).

Article 104. Use of water bodies and water facilities for hydropower engineering

1. Use of water bodies and water facilities for hydropower engineering shall be conducted in the form of a special water use, taking into account the interests of other economic sectors, compliance with the requirements of the integrated water use and their protection in coordination with the authorized body and other concerned government agencies, and in mudflow areas – with the authorized body for emergency situations and the authorized body for industrial safety.

2. The organizations, using hydropower and hydraulic facilities at the water bodies shall provide:

- 1) the established mode of filling and drawdown of reservoirs, observing the priority of drinking and domestic water supply;
- 2) the need of fisheries in the areas of the rivers and reservoirs, that are essential for preservation and reproduction of fish resources in the flood plains and deltas;
- 3) unimpeded passage of ships and rafts;
- 4) implementation of the established environmental, sanitary and epidemiological and emergency releases.

3. If, due to the changes in the natural level of water bodies, resulting from filling and drawdown of reservoirs, the individual and (or) legal entities were damaged, the Law breakers shall reimburse the damage in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 104, as amended by the Law of the Republic of Kazakhstan, dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2).

Chapter 20. Use of water bodies and water facilities for transport, timber rafting, anti-fire needs

Article 105. Use of water bodies and water facilities for transport and timber rafting

1. Surface water bodies of the Republic of Kazakhstan, classified as the navigable waterways, are public waterways, except for the cases when their use is prohibited wholly or partially for this purpose or when they are given to solitary use.

2. **Is excluded by the Law of the Republic of Kazakhstan, dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)**

3. The procedure for classifying the water bodies as navigable, the approval of the list of navigable waterways, used for navigation, take-off (landing) of aircraft, and rules for their operation is conducted by the Government of the Republic of Kazakhstan.

4. Timber rafting without ship haulage at the water bodies, used for navigation shall be prohibited. Drift floating at the water bodies shall be prohibited. The organizations, engaged in timber rafting shall clean regularly the water bodies from the sunken logs. The list of water bodies, used for timber floating, and the order of their treatment shall be defined by the local executive bodies of oblasts (city of republican status, the capital) in coordination with the authorized body and the authorized state body for environmental protection.

5. The water bodies are used for boating and for take-off (landing) of aircraft in accordance with the legislation of the Republic of Kazakhstan.

6. When using the water bodies and water management facilities, intended for shipping, timber rafting, take-off (landing) of aircraft, the water users shall:

- 1) ensure the rational use and protection of waters;
- 2) comply with the requirements of the bodies, regulating navigation;
- 3) prevent discharge of household waste and pollutants into the water bodies;
- 4) prevent destruction of the beds and banks of water bodies and water management, hydraulic engineering and other facilities;
- 5) not violate the rights of other individuals and legal entities.

Footnote. Article 105, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 106. Use of water bodies and water facilities for anti-fire needs

1. Water intake for firefighting shall be allowed from any water body without a special permission.

2. Selection of the place for water intake for the purposes, specified in paragraph 1 of this Article, its arrangement (piers, porches, light pointers) shall be carried out by the territorial bodies of the central executive body of the Republic of Kazakhstan on fire safety in compliance with the conditions, imposed by the authorized body and the authorized state body for environment protection.

3. Legal entities with appropriate facilities and anti-fire equipment at their water supply systems shall be required to maintain them in good condition.

4. It is prohibited to use for other purposes the water from water bodies and water facilities, designed especially for firefighting needs.

Footnote. Article 106 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Chapter 21. Use of water bodies and water facilities for fisheries and hunting

Article 107. Use of water bodies and water facilities for fisheries and production of fishery resources

1. Water bodies and water facilities or their parts, which are important for conservation , rehabilitation and production of fish resources and other aquatic animals (including for commercial fishing), as well as the parts of water protection zones are given for use to the fisheries by the local executive body of the oblast upon the results of the competition in accordance with legislation of the Republic of Kazakhstan on protection, rehabilitation and use of wildlife.

2. Use of water bodies and water facilities or their parts, specified in paragraph 1 of this Article, for other purposes, except for drinking and domestic water supply, may be limited in the interests of a fishery by the authorized body in coordination with the authorized body for fisheries.

3. Individuals and legal entities, who received water bodies and water facilities or the parts for fishery and production of fishery resources, shall:

1) conduct fish-breeding and reclamation and technical measures to improve the status of water bodies and water facilities and reproduction of fish stocks in consultation with the authorized body and the authorized body for fisheries;

2) keep the shores of water bodies and water facilities at the places of their use in accordance with the sanitary-epidemiological and environmental requirements, established by the legislation of the Republic of Kazakhstan.

4. Water bodies and water facilities, except for those located in the natural reserves, fish farms, pond, lake and other fisheries, as well as the water reservoirs of drinking and domestic water supply, may be used by individuals for sport and amateur fishing in compliance with the established rules of fishing.

Footnote. Article 107, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2).

Article 108. Use of water bodies and water facilities for game management

1. Water bodies and water facilities or their parts shall be provided for use to individuals and legal entities for game management by the local executive body of the oblast (town of republican status, the capital) in coordination with the local representative body, the authorized body and the authorized body for game management.

2. When using the water reservoirs, lakes, other water bodies, water facilities and structures, located in water areas, the mode of use of which influences the habitat of birds and aquatic animals, the hydrological regime of wetlands and the interests of the game management shall be taken into account.

3. Drainage and irrigation engineering works and fishing, cultivation of plants at the water bodies and facilities, useful for game management in the habitats of rare and endangered species of animals shall be carried out in coordination with the authorized body and the authorized body for hunting.

4. In the habitats of rare and endangered species of animals, as well as in the areas where the actions are taken for reproduction and protection of fauna, the local executive bodies of the oblasts (city of republican status, the capital) in coordination with the authorized body, the authorized body for hunting may limit the stay of individuals, an amateur and commercial hunting, construction of shoreline, and other actions, worsening condition of water bodies and water facilities and game management.

Footnote. Article 108, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Chapter 22. Use of water bodies of the specially protected natural areas. Use of water reservoirs and retaining hydraulic structures in rivers and canals

Article 109. Use of water bodies of the specially protected natural areas

Use of water bodies of the specially protected areas shall be carried out in the order, specified by the legislation of the Republic of Kazakhstan on the specially protected natural territories.

Article 110. Reservoirs' operation

1. The water reservoirs shall be created in order to regulate surface runoff and meet the needs of water users.

2. Design, construction and operation of water reservoirs shall be carried out, taking into account all the possible negative consequences of such interference into the existing natural and economic systems.

3. The water reservoirs are available for use under the requirements of hydro-geological and engineering and geotechnical conditions and the conditions for conservation of environmental sustainability, sanitary and epidemiological and radiological safety, satisfaction of the interests of the population and industries.

4. The order of the reservoir operation shall be defined by the rules, specified by the authorized body in consultation with the concerned government agencies.

5. The organizations, operating the water reservoirs, water-pipe and water intake facilities at them shall be obliged to observe the regime of filling and discharge of the reservoirs, established for the interests of water users and land users, located in the zones of the reservoirs' influence.

6. Observance of the rules for a reservoir operation shall be controlled by the

authorized body.

7. This article's provisions shall be also applied to the operation of lakes and other water bodies, used as water reservoirs.

Article 111. Operation of retaining hydraulic structures on rivers and canals

1. Operation of retaining hydraulic structures in rivers and canals shall be conducted in accordance with their intended use, conditions and norms, elaborated during designing of these structures.

2. Regulation of surface runoff with the help of the retaining hydraulic structures shall be carried out, taking into account navigation and the integrated use and protection of water resources in the river basin in coordination with the authorized body, the authorized state body for environmental protection and the authorized body for sanitary and epidemiological welfare of the population, the local executive bodies of the oblasts (city of republican status, the capital) and other interested bodies.

Footnote. Article 111 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Section 7. Protection of water bodies and the fight against harmful effects of waters

Chapter 23. Water protection activities

Article 112. Protection of water bodies

1. Water bodies shall be protected from:

- 1) natural and man-made pollution by harmful hazardous chemicals and toxic substances and their compounds, heat, bacteria, radiation and other contaminations;
- 2) pollution by solid, insoluble objects, industrial wastes, household and other wastes;
- 3) exhaustion

2. Water facilities shall be protected in order to prevent:

- 1) misbalance of environmental sustainability of the natural systems;
- 2) harm to the life and health of the population;
- 3) reduction of fish stocks and other aquatic animals;
- 4) deterioration of water supply;
- 5) reduction of ability of water bodies to the natural rehabilitation and purification;
- 6) deterioration of hydrological and hydro-geological regime of water bodies;
- 7) other adverse events that negatively affect the physical, chemical and biological properties of water bodies.

3. The water bodies shall be protected through:

- 1) making general requirements for protection of water bodies to all water users, engaged in any kind of water use;
- 2) making special requirements for certain types of economic activity;
- 3) improvement and use of water protection measures with introduction of new technology and environmentally, epidemiologically safe technologies;
- 4) establishment of protection zones, shelterbelts of water bodies, sanitary protection zones of the drinking water sources;
- 5) the state and other control over the use and protection of water bodies;
- 6) sanctions for failure to comply with the requirements for the water bodies' protection

4. Central and local executive bodies of oblasts (town of republican status, the capital) in accordance with the legislation of the Republic of Kazakhstan shall take measures,

compatible with the principle of sustainable development, for conservation of water bodies, prevention of their pollution and depletion, as well as liquidation of consequences of the said events.

5. Individuals and legal entities, whose activities affect the status of water bodies shall be obliged to observe the environmental requirements, set by the environmental legislation of the Republic of Kazakhstan, and to conduct organizational, technological, forest reclamation, land treatment, hydraulic, sanitary-epidemiological and other measures to protect water bodies from pollution, contamination and depletion.

Footnote. Article 112, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 09.01.2007 No 213 (the order of enforcement see Art. 2); dated 21.01.2010 No 242-IV (the order of enforcement see Art. 2).

Article 113. Protection of water bodies from pollution

1. Pollution of water bodies is the dumping or input of contaminants into the water bodies, worsening the quality of water and impeding the use of water bodies.

2. The water bodies shall be carried out from all kinds of pollution, including diffuse pollution (pollution through the surface of the earth and air).

3. In order to protect the water bodies from contamination, it is prohibited:

1) to use pesticides and fertilizers in the catchment areas of water bodies. Disinfection, disinfection and deratization measures at the catchment area and the sanitary protection zone of water bodies shall be conducted in coordination with the authorized body for sanitary and epidemiological welfare of the population;

2) discharge and disposal of radioactive and toxic substances in the water bodies;

3) discharge of wastewater of industrial and food production facilities into the water bodies, that do not have water treatment plants and do not provide effective cleaning in accordance with the regulations;

4) performance of blasting works at the water bodies, when nuclear and other types of technology are used, accompanied by the release of radioactive and toxic substances;

5) the use of equipment and technology in water bodies and facilities that pose a threat to human health and the environment.

Article 114. Protection of water bodies from pollution

1. Pollution of water bodies is the transfer of solid, industrial, household and other wastes, and the suspended particles, worsening hydrological condition of the water body and aggravating the water use.

2. Discharge and burial of solid, industrial, household and other wastes into the water bodies shall be prohibited.

3. Clogging of catchment areas of water bodies, ice water bodies, glaciers with solid, industrial, household and other wastes, the washout of which shall entail deterioration of surface and underground water bodies is prohibited.

Article 115. Protection of water bodies from depletion

1. Depletion of water bodies is the lowering of the minimal level of runoff, surface water reserves or reduction of underground water reserves.

2. In order to prevent depletion of water bodies, the individuals or legal entities, using the water bodies, shall:

1) avoid above-limit irrevocable water intake from the water bodies;

2) in water protection zones and plowing lands, sanitation of livestock, construction and other types of economic activity, leading to depletion of water bodies is prohibited;

3) take water protection measures.

3. Water protection measures, aimed at prevention of water bodies' depletion, carried out by individual and legal entities, shall be previously agreed with the authorized body, the authorized state body for environmental protection and the authorized body for study and utilization of mineral resources.

Article 116. Water protection zones and the strips of water bodies and water facilities

1. In order to maintain the water bodies and water facilities in the condition, meeting the sanitary and environmental requirements, to prevent pollution and depletion of surface waters and protect flora and fauna, the protection zones and strips shall be established with the special conditions of use, except for the water bodies, included in the list of the specially protected areas and the state forest fund.

2. Water protection zones, strips and regime of their economic use shall be established by the local executive bodies of oblasts (city of republican status, the capital), taking into account the approved project documentation, agreed with the authorized body, the authorized body for sanitary and epidemiological welfare of the population, the authorized state body for environmental protection, a regional agency for land management, and in mudflow districts - with the authorized body for emergency situations.

3. Is excluded by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

4. Is excluded by the Law of the Republic of Kazakhstan, dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

5. The rules for establishing the water protection zones shall be approved by the Government of the Republic of Kazakhstan.

Footnote. Article 116, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 10.07.2009 No 180-IV; dated 25.01.2012 No 548-IV (shall be enforced upon expiry of ten calendar days after its first official publication.)

Article 117. Sanitary protection zones of waters

1. In order to protect waters, used for drinking water supply, medical, resort and other health needs of the population, the local executive bodies of the oblasts (city of republican status, the capital) shall establish the zones of sanitary protection.

2. The procedure for establishing the zones of sanitary protection and sanitary protective strips shall be defined by the authorized body for sanitary and epidemiological welfare of the population.

Footnote. Article 117 amended by the Law of the Republic of Kazakhstan, dated 20 December , 2004 No 13.

Article 118. The zones of ecological emergency situation or ecological disaster on water bodies

1. The water bodies, where in the result of an economic activity or natural processes, various changes are happening, threatening public health, flora and fauna and the environment, are the zones of ecological emergency or environmental disaster.

2. Environmental emergency on water bodies or river basins and underground water fields shall be declared by the Government of the Republic of Kazakhstan.

Article 119. Provision of land plots in water protection zones for temporary use and control over compliance to the regime of economic activities at the water protection zones and strips

1. Land plots in water protection zones of water bodies may be provided for temporary use to individual and legal entities in the order, established by the legislative act of the Republic of Kazakhstan on land, under the condition to observe the established requirements to the regime of economic activity.

2. The state control over observance of requirements to the regime of economic activity at the water protection zones and strips shall be carried out by the authorized body, the authorized state body for environmental protection, the central authorized body for land management within their jurisdiction.

Footnote. Article 119, as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.

Article 120. Peculiarities of protection of underground water bodies

1. Individuals and legal entities, whose industrial activity may have an adverse impact on underground waters, are obliged to monitor underground waters and to take timely measures to prevent pollution and depletion of water resources and the harmful effects of waters.

2. It is prohibited to place and bury radioactive and chemical wastes, dumps, cemeteries, animal burial sites and other facilities, affecting the underground water's condition at the catchment areas of underground waters that are used or may be used for drinking and domestic water supply.

3. It is prohibited to irrigate lands with wastewaters if it affects or may affect the status of underground waters.

4. Water wells, including the self-emission and exploration ones, as well as those, that are not suitable for use or the use of which is terminated shall be subject to be equipped with conservation facilities or liquidated in accordance with the legislation of the Republic of Kazakhstan.

5. If the individuals and legal entities opened aquifers during drilling and other mining operations, they are obliged to equip the self-pumping and exploration wells with the control devices and to take other measures to protect underground waters in accordance with the design documentation, conformed with the authorized state body for environment protection, the authorized body for study and utilization of mineral resources, the authorized body for sanitary and epidemiological welfare of the population and the authorized body for industrial safety.

6. Individuals and legal entities, operating the underground water intake facilities shall organize the sanitary protection zones and underground water monitoring.

7. Underground water intake during construction and operation of drainage systems at the reclaimed land plots shall be allowed with a permit for a special water use.

8. During placement, designing, construction, and commissioning of water intake structures, associated with the use of underground waters, the measures shall be taken to prevent their harmful effect on surface water bodies and the environment.

9. During geological study of subsoil, prospecting and mining, construction and operation of underground facilities, not related to mining, the subsurface users shall be obliged to take measures to prevent pollution and depletion of underground waters.

Footnote. Article 120 as amended by the Law of the Republic of Kazakhstan, dated

17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 24. Small water bodies and peculiarities of their protection

Article 121. Small water bodies

1. Small water bodies are the natural water bodies that have the following sizes:
the closed water bodies - a water surface area of up to ten hectares;
the rivers - the streams of up to two hundred kilometers.
2. Water resources of small water bodies shall be carried out in order of general water use.
3. The use of water resources of small water bodies in the manner of a special water use is possible after studying the effects of such water use on their condition by the authorized body and if a positive conclusion of the state ecological expertise shall be provided.

Article 122. Peculiarities of protection of small water bodies

1. The regime of general water use and economic activities within the water protection zones of small water bodies, as well as the measures for prevention and elimination of pollution and depletion shall be established by the local executive bodies of the oblasts (town of republican status, the capital) in coordination with the authorized body, the authorized state body for environmental protection and the authorized body for sanitary and epidemiological welfare of the population, and in mudflow areas - with the authorized body for emergency situations.
2. In order to prevent depletion, pollution and degradation of small water bodies, the local executive bodies of oblasts, cities of republican significance, the capital take a number of measures for their protection and rehabilitation in accordance with the documents of the state planning System of the Republic of Kazakhstan.
3. Individuals and legal entities, whose economic activities influence the condition and the regime of small bodies of water bodies shall implement the actions, agreed with the authorized body, on rehabilitation of water resources of small water bodies and preservation of purity of the waters.

Footnote. Article 122, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 26.05.2008 No 34-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 25. Prevention and elimination of harmful effects of waters

Article 123. Duties of the state bodies, individual and legal entities for prevention and elimination of harmful impacts of waters

State bodies, individual and legal entities shall take measures to prevent and eliminate the following harmful effects of waters:
flood, under flooding;
destruction of banks, dams and other facilities;

water logging and salinization;
erosion of soil and water bodies, formation of gullies, landslides, mudslides and other harmful events.

Article 124. The procedures for prevention and elimination of harmful effects of waters

1. Water supply organizations, water users, individuals and legal entities shall be obliged to plan and conduct preventive and current activities for protection of human settlements, industrial facilities, agricultural lands, the protected territories from the harmful effects of waters.

Funding of preventive and current activities on prevention and elimination of harmful effects of waters shall be provided at the expense of water users and the budget.

When conducting the actions on prevention and elimination of harmful effects of waters, individuals and legal entities shall:

- 1) comply with the safety standards and rules of water management systems and facilities during their construction, commissioning, operation, reparation, reconstruction, conservation, decommissioning and liquidation;
- 2) analyze systematically the lowering safety of water systems and facilities;
- 3) conduct regular inspections of water systems and facilities;
- 4) create financial and material reserves, intended for liquidation of emergencies at the water management systems and facilities;
- 5) maintain local emergency warning systems for water systems and facilities in constant readiness.

2. Emergency situations of natural and man-made origin, caused by the harmful effects of waters shall be liquidated in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 124, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Chapter 26. The order of works at water bodies, water protection zones and strips

Article 125. Conditions for placement, designing, construction, reconstruction and putting enterprises to operation and other facilities at the water bodies, water protection zones and strips

1. Within the water protection strips the following activities shall be prohibited:

- 1) economic and other activities, worsening the quality and hydrological condition of water bodies (pollution, contamination, depletion);
 - 2) construction and operation of buildings and facilities, except for the water intake facilities and their engineering communications, bridges, bridge constructions, piers, harbors, and other transport infrastructure, related to the work of water transport, the facilities for use of renewable energy resources (hydro-dynamic water energy), as well as the recreational zones at the water body;
 - 3) provision of land plots for gardening and dacha construction;
 - 4) operation of the existing facilities, that are not provided with equipment and devices to prevent pollution of water bodies and water protection zones and strips;
 - 5) the works, disturbing the soil and grass cover (including plowing, grazing, mining), except for cultivation of lands for grassing of separate land plots, sowing and planting of forest;
 - 6) placement of campsites, permanent parking for vehicles, summer camps for livestock;
 - 7) use of all types of fertilizers.
2. Within the water protection zones shall be prohibited:

1) to commission new and renovated facilities, that are not provided with equipment and devices to prevent pollution and contamination of water bodies and their water protection zones and strips;

2) to reconstruct buildings, facilities, engineering communications and other facilities, as well as construction, dredging and blasting, mining works, laying of cables, pipelines and other utilities, oil drilling, land and other works without the projects, agreed in the prescribed manner with the local executive bodies, the authorized body, the authorized state body for environmental protection, the central authorized body for land management, the authorized body for energy supply and sanitary-epidemiological welfare of the population and other interested bodies;

3) to place and construct warehouses for storage of fertilizers, pesticides, toxic chemicals and petroleum products, technical servicing centers, washing of vehicles and agricultural machinery, machine shops, dumps of household and industrial wastes, the sites for refueling the equipment with pesticides and insecticides, the runways for aerial chemical works, as well as to place other objects, negatively affecting the water quality;

4) to place livestock farms and complexes, sewage ponds, wastewater irrigation fields, cemeteries, animal burial grounds, as well as other objects, posing threat of microbial contamination of surface and underground waters;

5) cattle grazing in excess of the normal load, bathing and sanitization of livestock and other economic activities, worsening the water bodies' regime;

6) appliance of aerial treatment of crops and afforestation with pesticides and fertilizers, that are planted no less than two thousand meters from the coastal line of the water source;

7) use of pesticides, for which the maximum allowable concentrations were not established, fertilization on snow cover, and use of uncleaned livestock manure containing wastewaters and persistent organ chlorine pesticides as fertilizers.

During the forced decontamination, the use of low- and average-toxic non-persistent pesticides shall be allowed at the water protection zones.

3. Designing, construction and placement of new facilities (buildings, objects, their systems and communications) on water bodies and (or) water protection zones (other than water protection strips), and reconstruction (expansion, upgrade, technical re-equipment, conversion) of the existing facilities, built before the allocation of the lands, occupied by them, to the water protection zones or other protected areas shall be agreed with the authorized body, the authorized state body for environmental protection, the authorized body for study and utilization of mineral resources, the central authorized body for land management, the authorized body for sanitary and epidemiological welfare of the population, the authorized state body for veterinary medicine, the local executive bodies of the oblast (city of republican status, the capital).

The same activities on water bodies, posing a potential mudflow hazard shall be agreed with the authorized body for natural and man-made disasters, and for navigable waterways - with the authorized body for water transport.

4. Construction projects of new or reconstruction (expansion, modernization, technical re-equipment, conversion) of the existing facilities, the use of which may have a negative impact on the status of water bodies, shall provide the closed (undrained) technical water supply systems.

5. Conservation and liquidation (post-utilization) of the existing (under construction) objects that may have a negative impact on the water bodies' condition shall be made in coordination with the authorized body, the authorized state body for environmental protection, the authorized body for sanitary and epidemiological welfare of the population, the authorized body for study and utilization of mineral resources and other state bodies in the order, prescribed by the Law s of the Republic of Kazakhstan.

6. Construction projects of transport or engineering infrastructure through the water bodies shall provide the actions for flood waters' passing, operating regime of water bodies, prevention of pollution and depletion of water, prevention of their harmful effects.

Specified projects shall be subjected to negotiation with the authorized body, the authorized state body for environmental protection, the authorized body for study and utilization of mineral resources, the authorized body for sanitary and epidemiological welfare of the population, the authorized body for energy supply.

7. Construction (reconstruction, overhaul) of productions, buildings, facilities and engineering communications shall be prohibited in the protection zones without the projects, agreed in accordance with the legislation of the Republic of Kazakhstan, and received a positive conclusion of the state ecological expertise, the state expertise of projects (including the conclusions of the environmental and other examinations).

Footnote. Article 125 is in the wording the Law of the Republic of Kazakhstan dated 10.07.2009 No 180-IV; as amended by the Law of the Republic of Kazakhstan dated 28.12.2010 No 369-IV (shall be enforced upon expiry of ten calendar days after its first official publication.); dated 04.07.2013 No 128-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 17.01.2014 No 165-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 126. Works at the water bodies and their water protection zones and strips

1. Construction, dredging and blasting works, mining of mineral and other resources, cabling, piping, and installation of other communications, logging, drilling and other works on the water bodies or water protection zones, affecting the water bodies' condition shall be made in coordination with the authorized body, the authorized state body for environmental protection, the authorized body for sanitary and epidemiological welfare of the population, the local executive bodies of the oblast (town of republican status, the capital), at the water bodies classified as navigable – together with the bodies for water transport.

2. The order of works on water bodies and water protection zones shall be defined for each water body separately, taking into account their condition, the requirements to ecological sustainability of the environment in coordination with the authorized body, the authorized state body for environmental protection, the authorized body for sanitary and epidemiological welfare of the population, the local executive bodies of the oblast (town of republican status, the capital) and other concerned government agencies.

Footnote. Article 126 as amended by the Law of the Republic of Kazakhstan dated 20 December, 2004 No 13.

Section 8. Peculiarities of the legal regulation of economic activities on water bodies of the special national significance

Chapter 27. Water bodies of the special national significance

Article 127. The legal regime of economic activity in water bodies of the special state significance

The legal regime of economic activities' regulation on the water bodies of the special national significance shall include:

- 1) the stable development of the region on the basis of the balance between the economic interests and environmental, cultural and historical components;
- 2) maintenance of the water level in the water bodies of a natural water complex at the level of not lower than the set one;
- 3) effective use of water resources through the continuous improvement of technological schemes and organizational and economic forms of the facilities' operation;

- 4) improvement of the water basin and the water body;
- 5) enhancement of the role of society in preservation of economic and resource potential of the region and its sanitary and epidemiological and environmental welfare;
- 6) preservation and reproduction of fish resources, flora and fauna;
- 7) development of a recreational complex;
- 8) strengthening of Law and environmental Law order.

Article 128. Peculiarities of protection of water bodies of the special national significance

The peculiarities of protection of the water bodies of special national significance shall be:

- 1) zoning and establishment of water and environmental standards separately for each zone ;
- 2) regulation of anthropogenic load on water bodies and their eco-system;
- 3) recording of peculiarities of the water bodies of the region by local executive bodies in establishing the rules for using them;
- 4) integrity in wastes disposal;
- 5) protection of the basin of the water body from water and wind erosion, desertification , waterlogging, secondary salinization, pollution from industrial and domestic wastes and other substances;
- 6) reclamation of the disturbed water bodies and lands of water resources;
- 7) priority of environmental and sanitary water releases on the beds of the water bodies to economic entities.

Footnote. Article 128 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 129. Requirements to economic activities in the water bodies area of the special state significance

In order to protect the water bodies of the special national importance, a special regime of economic activity shall be set there, which provides:

- 1) priority of activities, aimed at preservation and improvement of sanitary-epidemiological and environmental situation;
- 2) continuous reduction of impact of economic activities on the ecological system of the water bodies;
- 3) balanceness of social and economic tasks and protection of water bodies of the special national significance on the sustainable development principles.

Article 130. The activities, prohibited in the water bodies of the special state significance

In the water bodies of the special national significance the following actions shall be prohibited:

- 1) economic and other activity, destructing the natural ecological systems of the basin, changing of the environment, that are dangerous to life and health of the population;
- 2) importation, storage or disposal of radioactive waste and products, that may not be neutralized, into the water bodies of the special national significance;
- 3) reed mowing and burning of dry greenery, uprooting of the forest, development of river channels that are of spawning value;

4) economic activity and works and services allowed without the mandatory state environmental and sanitary-epidemiological examinations.

Article 131. The state participation in regulation of economic activities in the water bodies of special national significance

1. In order to preserve and rehabilitate the ecological system of the water bodies of special national significance, the central and local executive bodies of oblasts, cities of republican significance, the capital take into account the particularities of the zone when developing the river basin schemes for integrated use and protection of water bodies.

2. In order to coordinate the activities of the state bodies, public associations and business entities at the national level, the Government of the Republic of Kazakhstan may establish a National Coordination Council.

Footnote. Article 131, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication)

Section 9. Economic regulation mechanism for use and protection of water resources, water supply and wastewater disposal

Footnote. The title of Section 9, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Chapter 28. Economic leverages for water use regulation

Article 132. The types of economic regulation in use and protection of water resources, water supply and wastewater disposal

The main types of economic regulation shall be as follows:

1) charging the water users with the fees and charges, provided by the tax legislation of the Republic of Kazakhstan;

2) development of the documents of the state planning System of the Republic of Kazakhstan, providing the rational use and protection of water resources, water supply and wastewater disposal in settlements;

3) in accordance with the legislation of the Republic of Kazakhstan, provision of credit and other benefits to the individual and legal entities, introducing and developing resource-saving, low-waste technologies and non-traditional energy forms, taking other effective measures for protection and rational use of water resources, water supply and wastewater disposal;

4) creation of public funds and their involvement in rehabilitation and protection of water bodies.

Footnote. Article 132, as amended by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2); dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 133. Fee for water use

1. General water use in the Republic of Kazakhstan is free of charge.
2. Special water use in the Republic of Kazakhstan is on a fee paid basis in accordance with the tax legislation of the Republic of Kazakhstan.

Article 134. Payment for water services to water users, water supply, wastewater disposal

1. The services, related to water supply to water users, water supply, wastewater disposal, rehabilitation and reconstruction works and other water activities shall be carried out on a fee paid basis.

2. The tariffs for water supply services to water users, water supply and wastewater disposal shall be approved in accordance with the legislation of the Republic of Kazakhstan on natural monopolies and regulated markets.

3. The procedure and conditions of charging for water services shall be determined by the agreements of the parties.

Footnote. Article 134, as amended by the Laws of the Republic of Kazakhstan dated 07.07.2006 No 174; dated 29.12.2008 No 116-IV (shall be enforced from 01.01.2009); dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 135. Types of government support to water management and investment policy for rational use and protection of water resources

1. The main types of the state support for water management shall be:

- 1) maintenance of the state institutions of water management system;
- 2) funding of the expenditures for trans-boundary water facilities and water facilities of the national significance, not related to the water supply;
- 3) funding of restoration of very emergency water facilities and hydro-reclamation systems;
- 4) attraction of funds, including loans for construction of new and reconstruction of the existing water facilities and hydro-reclamation systems;
- 5) subsidizing of the costs of water supply services to agricultural producers and drinking water supply from the important group and local water supply systems, which are non-alternative sources of drinking water, according to the list approved by the Government of the Republic of Kazakhstan;
- 6) provision of benefit and long-term loans and other preferences to the water management subjects in the order, defined by the legislation of the Republic of Kazakhstan;
- 7) funding of the measures for safety of water systems and facilities, owned by the state ;
- 8) **is excluded by the Law of the Republic of Kazakhstan, dated 13.06.2013 No 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).**

2. The basic principles of investment policy for the rational use and protection of water resources, irrigated land reclamation, safety of water management systems and facilities shall be as follows:

- 1) the state support for water sector' development at the expense of the centralized investment on the return basis;
- 2) stimulation of own sources of organizations for using them in investment water management activities;
- 3) expansion of attraction of loans, including under the state guarantees;
- 4) the state control over disbursement of the budget funds, allocated for investment.

3. The state support for water management and investment policy for the rational use and protection of water resources, as well as elimination of not exploited and unsalvageable water

supply systems and facilities, that are the state-owned, are conducted in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 135, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No 13; dated 10.01.2006 No 116 (the order of enforcement see Art. 2 of the Law No 116); dated 12.02.2009 No 132-IV (the order of enforcement see art. 2); dated 13.06.2013 No 102 -V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 136. Insurance in the use of and protection of water resources

1. Insurance in the use and protection of water resources is a complex of relations, aimed at protection of property interests of individual and legal entities, upon the occurrence of the risk of liability for obligations, arising from the contract due to the damaging the objects of the water relationships, life, health and property of others.

2. Voluntary insurance shall be carried out by individual and legal entities in view of their willingness. Types, conditions and procedure for voluntary insurance in the use and protection of water resources shall be defined by the agreements, signed between the insurer and the insuree.

Section 10. Water disputes and responsibility for violation of the water legislation of the Republic of Kazakhstan

Chapter 29. Settlement of water disputes

Article 137. Water disputes

1. Water disputes are the disputes, arising between the subjects of water relations on the use and protection of water bodies, water facilities and water parting.

2. Water disputes between the subjects of water relations are resolved through negotiations between the parties, their consideration in the bodies, established by the associations of water users, in local executive bodies of the oblast (town of republican status , the capital) and the authorized body or in the courts.

Footnote. Article 137 as amended by the Law of the Republic of Kazakhstan, dated 20 December, 2004 No 13.

Article 138. Return of illegally occupied water bodies and water facilities

Illegally occupied water bodies and water facilities are returned to their owners with compensation for damage, caused by violation of the water legislation of the Republic of Kazakhstan during their illegal use. Return of the illegally occupied water facilities shall be made in the order, prescribed by the Laws of the Republic of Kazakhstan.

Chapter 30. Liability for violation of the water legislation of the Republic of Kazakhstan

Article 139. Infringement in the use and protection of water resources

Footnote. The Article is excluded by the Law of the Republic of Kazakhstan, dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Article 140. Responsibility for violation of the water legislation of the Republic of Kazakhstan

Violation of the water legislation of the Republic of Kazakhstan entails liability in accordance with the Law s of the Republic of Kazakhstan.

Footnote. Article 140 as revised by the Law of the Republic of Kazakhstan dated 12.02.2009 No 132-IV (the order of enforcement see Art. 2).

Section 11. International cooperation in the use and protection of trans-boundary waters

Chapter 31. Use and protection of trans-boundary waters

Article 141. The main directions of international cooperation in protection of trans-boundary waters

The main directions of international cooperation in the use and protection of trans-boundary waters shall be:

- 1) protection of the interests of the Republic of Kazakhstan in the use and protection of trans-boundary waters on the basis of conclusion of international agreements;
- 2) fulfillment of obligations of the Republic of Kazakhstan under the international treaties, ratified by the Republic of Kazakhstan;
- 3) harmonization of water legislations of the bordering countries in the part of inter-state relations for trans-boundary waters;
- 4) scientific and technical cooperation, joint development and implementation of programs , regulations, standards, projects, and monitoring of the use and protection of trans-boundary waters.

Footnote. Article 141 as amended by the Law of the Republic of Kazakhstan, dated 03.07.2013 No 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 142. Principles of international cooperation in the use and protection of trans-boundary waters

The Republic of Kazakhstan in its policy in the use and protection of trans-boundary waters shall have the following principles:

- 1) environmental, sanitary and epidemiological safety and development of international environmental cooperation;
- 2) to ensure the rights of all countries of trans-boundary watercourses to fair, reasonable and mutually beneficial water use in accordance with the generally recognized principles and norms of the international water Law;
- 3) water resources management, taking into account the needs of the present generation without detriment to the needs of future generations;
- 4) balance of environmental rights, interests, rights and needs of economic development of water systems of trans-boundary river basins;
- 5) mutual and peaceful settlement of disputes in addressing the use and protection of

trans-boundary waters;

6) organization of measures to prevent potential cross-border impacts on the trans-boundary waters' status;

7) international liability and compensation for damage, caused by the trans-boundary effects.

Article 143. Mechanism of inter-state cooperation in the use and protection of trans-boundary waters

The mechanism of inter-state cooperation in the use and protection of trans-boundary waters shall provide for:

1) reasonable and equitable use of trans-boundary waters, taking into account their cross-border origin in activities, that have or are likely to have trans boundary impact;

2) the use of trans-boundary waters on the basis of their environmentally sound and rational management, conservation and protection of the environment;

3) the measures on suppression, prevention, restriction and reduction of pollution of trans-boundary waters, which should not pollute other parts of the environment;

4) maintenance and, if necessary, rehabilitation of ecosystems, disturbed by trans-boundary effects;

5) establishment of the maximum permissible discharge of effluents, strict water conservation standards, complying with the modern technical achievements and economically feasible conditions of water use;

6) development and coordination of programs for monitoring of trans-boundary waters and water bodies and involvement in their implementation;

7) joint financial and technical participation in management, regulation and protection of trans-boundary waters;

8) exchange of information on the water situation in trans-boundary river basins, prompt notification and mutual assistance in water emergency situations;

9) cooperation with neighboring countries in harmonization of the legal framework, creation of common monitoring systems, development and implementation of joint programs for protection and rehabilitation of trans-boundary waters and the related environmental systems, attraction of international organizations' funds for the purposes;

10) development, coordination and implementation of measures for joint exploitation of trans-boundary waters and water facilities;

11) if necessary, to establish an inter-state body for management of trans-boundary waters for joint implementation of inter-state and inter-governmental agreements on the use and protection of trans-boundary waters, ratified by the Republic of Kazakhstan;

12) establishment of a regional and national database for the use and protection of trans-boundary waters;

13) conduction of joint scientific and technological research to resolve water problems;

14) any other activity, related to the use and protection of trans-boundary waters.

Article 144. Economic grounds for international cooperation in use and protection of trans-boundary waters

The economic grounds for international cooperation in the use and protection of trans-boundary waters shall provide:

1) effective and rational use of trans-boundary waters in order to keep, rehabilitate and maintain biological balance in this water body and the surrounding area;

2) compensation liability for damage, caused by the guilty party, in the result of trans-boundary impact;

3) reimbursement of costs to the state, carrying out the one-way operation of water facilities for management, regulation and protection of trans-boundary waters, used by other states, on the equity participation principle in the use of water resources;

4) on a compensation base, to provide a share (part thereof) of trans-boundary waters of one state to another state, specified by the relevant ratified international treaties.

Article 145. Adjustment of disputes on the use and protection of trans-boundary waters

1. The disputes on the use and protection of trans-boundary waters between the Republic of Kazakhstan and other states are settled on the principle of goodwill, mutual respect and good neighborly relations, through negotiation or other ways, acceptable to the parties, involved in the disputes.

2. If it is impossible to achieve the mutually acceptable solutions in the negotiations, it is advised to use arbitral procedure to resolve the water disputes, unless otherwise provided by the relevant international agreements on the use and protection of trans-boundary waters, ratified by the Republic of Kazakhstan.

Chapter 32. Final and transitional provisions

Footnote. The title of Chapter 32 as amended by the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.

Article 145-1. Transitional provisions

The provisions of subparagraph 2) of paragraph 1 of Article 125 of this Code shall not be applied to the operation of buildings and facilities, constructed within the boundaries of water protection zones until 1 July, 2009. At that, their operation shall be allowed only if there is an organized centralized waste-water disposal system, other drainage and waste-water treatment systems or a water-proof cesspool, which is regularly treated.

Footnote. The Code was supplemented by Article 145-1 in accordance with the Law of the Republic of Kazakhstan, dated 10.07.2009 No 180-IV.

Article 146. The order of implementation of this Code

1. This Code enters into force on the day of its official publication.

2. Is repealed:

The Water Code of the Republic of Kazakhstan dated 31 March, 1993 (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No 7, Art. 149; Bulletin of the Parliament of the Republic of Kazakhstan, 1996, No 22, art. 408, 1999, No 11, Art. 357, 2001, No 3, Art. 20; No 24, art. 338);

Resolution of the Supreme Council of the Republic of Kazakhstan dated 31 March 1993 "On implementation of the Water Code of the Republic of Kazakhstan" (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1993, No 7, Art. 150).

*The President
of the Republic of Kazakhstan*

