

Water Code of the Republic of Kazakhstan

Unofficial translation

The Code of the Republic of Kazakhstan dated April 9, 2025 № 178-VIII LRK

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SECTION 1. GENERAL PROVISIONS Chapter 1. BASIC PROVISIONS

Article 1. The basic concepts used in this Code

The following basic concepts are used in this Code:

- 1) water area – a body of water limited by natural, artificial or conventional boundaries;
- 2) drinking water – water in its natural state or after treatment, meeting the quality of established national standards and hygienic standards, intended to meet drinking and household needs;
- 3) non-alternative sources of drinking water supply are the only sources of drinking water supply for water consumers, the replacement of which is impossible and impractical;
- 4) alternative water sources – accumulated rainwater and meltwater, treated wastewater and desalinated salt water, which can be used as water resources;
- 5) the boundary of division of balance ownership is the line of division of elements of water supply and sanitation systems between owners on the basis of ownership, economic management or operational management;
- 6) hydraulic engineering structures – structures for regulating the use of water resources (including intake, storage, transportation, distribution of waters from surface water bodies and drainage of drainage waters), as well as other structures designed to protect against the harmful effects of waters (water-retaining, spillway and outlet structures, structures designed to protect against floods and destruction of the shores);
- 7) drainage – collection and discharge of water from the earth's surface and (or) lowering of the groundwater level;
- 8) drainage water – water collected and discharged by collector-drainage networks;
- 9) groundwater – water resources of underground water bodies;
- 10) a deposit and a section of groundwater is a spatially limited part of an aquifer system in which favorable conditions exist for the extraction of groundwater of a certain quality in an amount sufficient for their intended use;
- 11) land hydro-reclamation is a set of measures that improve natural conditions for the use of irrigated lands by regulating the water regime of soils;
- 12) regulation of surface runoff – distribution (redistribution) of river runoff using retaining hydraulic structures, depending on the water content of the year, to meet the water

needs of various water users, taking into account the protection of water bodies and the prevention of harmful effects of water;

13) sanitation of surface water bodies – restoration of the hydrological regime of a surface water body by cleaning from bottom and silt deposits, dredging, channeling, shore protection and other works;

14) irrigation – water supply for irrigation of agricultural lands;

15) multifactorial inspection – assessment of the technical condition of hydraulic structures and main equipment, determination of the residual life of their elements by visual inspection and conducting a complex of engineering studies (geodetic, geophysical, geotechnical, hydrographic and others);

16) a tubular filter well is a structure in the form of a pipe drilled into the ground with a number of holes located in the first aquifer from the surface;

17) channels equated to rivers are artificial structures designed to transfer water from one basin to another, from one river system to another, interstate channels;

18) the boundary of the division of operational responsibility is the dividing line of elements of water supply and sanitation systems based on responsibilities (responsibility for their operation), established by agreement of the parties. In the absence of such an agreement, the boundary of operational responsibility is established along the boundary of the division of the balance ownership;

19) wastewater – water formed as a result of human economic activity or in a polluted territory: water used for industrial or household needs and thus received additional impurities of pollutants that changed their original composition or physical properties; rainwater, melt water, infiltration water, irrigation water, drainage water flowing from the territories of settlements and industrial enterprises; groundwater collected along the way during subsurface use operations (quarry, mine, mine waters, reservoir waters collected along with hydrocarbons);

20) wastewater storage facilities – facilities designed for the accumulation of wastewater (storage ponds, filtration fields and evaporation ponds), which are part of complexes of centralized wastewater disposal systems;

21) monitoring and assessment of the reclamation status of irrigated lands – a system of observations and analysis of hydrogeological, hydrological and soil indicators to identify negative changes and take measures to prevent them, as well as develop recommendations for improving the reclamation status of irrigated lands;

22) allocation point – the place of transfer of water resources from a water user to a water consumer;

23) wastewater disposal – a set of measures that ensure the collection, transportation, treatment and discharge of wastewater through wastewater disposal systems into water bodies, wastewater storage facilities or terrain;

24) objects negatively affecting the state of waters – buildings, facilities, structures and devices, the operation of which may lead to pollution and (or) clogging, and (or) depletion, and (or) harmful effects of waters;

25) technological expenses of water – volumes of water spent on maintenance of constructions and networks of systems of water supply and sanitation of settlements;

26) organizational and accounting discharge of water - the volume of water that is not recorded by water metering devices due to their insufficient sensitivity, measurement errors, as well as when indicators of water metering devices are not taken at the same time by water consumers;

27) water protection zone – an area adjacent to water bodies, where a special regime of economic activity is established to prevent pollution, clogging and depletion of waters;

28) a water protection strip is a part of a water protection zone adjacent to water bodies, in which a regime of limited economic activity is established in addition to a special regime of economic activity in water protection zones;

29) the authorized body in the field of protection and use of the water fund (hereinafter referred to as the authorized body) is the central executive body responsible for the management and intersectoral coordination in the field of protection and use of the water fund ;

30) water supply – a set of measures that ensure the collection, storage, preparation, supply and distribution of water resources;

31) water supply – a set of measures aimed at meeting the needs of the population, the environment and economic sectors in water resources;

32) protection of water bodies – a system of measures aimed at the conservation and restoration of water bodies;

33) use of water bodies – the use of water bodies as a component of the natural environment;

34) a water body is a permanent or temporary concentration of waters in natural or artificial landforms or in the subsurface, having boundaries, a natural or regulated water regime, with the exception of wastewater accumulators;

35) water user – an individual or legal entity who, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, has the right to use water and exercises it;

36) water regime – a natural or artificial change over time in the levels, flows and volumes of surface and groundwater;

37) water resources – water contained in surface and underground water bodies, including those available for use, taking into account protection from pollution, clogging and depletion;

38) water intake facility – a complex of structures and devices for water intake from water bodies;

39) the specific rate of water consumption and sanitation is the set amount of wastewater consumed or discharged per unit of output (for a certain amount of work performed or services rendered);

40) consolidated rate of water consumption and sanitation – the specific rate of water consumption and sanitation for a branch of the economy;

41) water consumer – an individual or legal entity using the services of water management organizations for the supply of water or water users, or consuming water from water bodies in the order of general water use;

42) water conservation – a system of measures ensuring economical and efficient use of water resources;

43) water management is a branch of the economy related to the protection of the water fund and the use of water resources;

44) water management facilities – facilities and devices designed for the intake, purification, storage, distribution of water and drainage of drainage waters;

45) water management organizations – legal entities whose activities are related to the regulation, delivery of water resources, water supply, sanitation, development and operation of water management and hydraulic structures;

46) engineering flood and meltwater protection systems – dams (avalanche systems), mobile fences, redistributing and bypass channels, temporary reservoirs, estuary irrigation systems, embankments and other structures that allow intercepting, redistributing and temporarily retaining excess water;

47) transboundary water bodies – surface or underground water bodies crossing borders between two or more states or located on such borders;

48) authorized body in the field of housing relations and housing and communal services - the central executive body responsible for management and intersectoral coordination in the field of water supply and (or) sanitation;

49) a mine well is a vertical mining operation, the depth of which is greater than the cross-section, created for the intake of groundwater in the aquifer first from the surface for the purpose of water supply, drainage of rocks and drainage of atmospheric and surface waters from the earth's surface;

50) a capillary structure is an engineering and technical structure that ensures the opening and use of groundwater at its natural outlet to the earth's surface.

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. International treaties ratified by the Republic of Kazakhstan have priority over this Code. The procedure and conditions of operation in the territory of the Republic of

Kazakhstan of international treaties to which the Republic of Kazakhstan is a party are determined by the legislation of the Republic of Kazakhstan.

Article 3. Main goals and objectives of the water legislation of the Republic of Kazakhstan

1. The main goals of the water legislation of the Republic of Kazakhstan are to achieve and maintain an environmentally safe and economically optimal level of water use to improve the quality of life of the population and preserve the environment.

2. The main objectives of the water legislation of the Republic of Kazakhstan are:

1) management and protection of the water fund based on the basin principle, as well as the development of integrated water resources management;

2) formation and development of a national water conservation policy;

3) securing the legal status of water relations facilities;

4) consolidation of competence, rights, duties and responsibilities of subjects of water relations in the protection and use of water resources;

5) consolidation of competence, rights, duties and responsibilities of subjects of water relations in the management, operation and development of water management and hydraulic structures;

6) development of science and ensuring the application of a scientifically based approach to public administration (planning, accounting, monitoring, rationing, expertise) in the field of protection and use of water resources;

7) regulation of the activities of subjects of water relations, implementation of state control and supervision, as well as public control in the field of protection and use of water resources;

8) consolidation of economic demand management mechanisms in the field of protection and use of water resources;

9) ensuring the protection of the water fund;

10) regulation of activities in the field of water supply and sanitation of settlements, ensuring water conservation by increasing technological efficiency, using treated wastewater;

11) development of irrigation and drainage with the introduction of water-saving and digital technologies;

12) adaptation of the water sector of the economy of the Republic of Kazakhstan to climate change;

13) consolidation of the foundations of international cooperation in the field of protection and use of transboundary water bodies.

Article 4. Basic principles of water legislation of the Republic of Kazakhstan

The legal regulation of public relations in the field of protection and use of water resources in the Republic of Kazakhstan is based on the following basic principles:

1) recognition of water as an integral part of the environment, the basis of life of the population and economic development of the Republic of Kazakhstan;

2) basin management: management of the water fund according to hydrographic features within the boundaries of water management basins;

3) priority of water fund protection: water resources management and use of water resources should be carried out subject to mandatory protection of the water fund from pollution, clogging and depletion;

4) fair and equal access to water;

5) priority provision of drinking water to the population;

6) state recognition of the economic value of water resources in their use;

7) integrated use of surface and underground water resources;

8) water conservation: legal, economic, social, technological and environmental requirements for the economical and efficient use of water resources;

9) availability of information on the state of the water fund;

10) involvement of the public in decision-making on issues of protection and use of the water fund;

11) the continuity and interconnectedness of water supply and sanitation in design and construction.

Article 5. Public relations in the field of protection and use of water resources

1. The water legislation of the Republic of Kazakhstan regulates public relations in the field of protection and use of the water fund and the water resources contained therein, operation, development and safety of water management and hydraulic structures (hereinafter referred to as water relations).

2. Public relations in terms of lands, forests, flora and fauna, atmospheric air, water bodies of specially protected natural territories, economic activities on the shores of surface water bodies located on the sites of the state forest fund, ensuring environmental and sanitary-epidemiological safety, drinking water supply and sanitation, state geological survey and exploration of groundwater, protection of groundwater from pollution and depletion, prevention and liquidation of emergency situations of a natural and man-made nature on water bodies, navigation, as well as other relations arising from the protection and use of the water fund, are regulated by the relevant branches of the legislation of the Republic of Kazakhstan and this Code.

3. Public relations related to the protection and use of transboundary water bodies are regulated by this Code and other regulatory legal acts of the Republic of Kazakhstan, as well as international treaties of the Republic of Kazakhstan.

Article 6. Water safety of the Republic of Kazakhstan

1. The water safety of the Republic of Kazakhstan is expressed in the state of protection of the population and the national economy of the Republic of Kazakhstan from real and potential threats associated with a shortage of water resources and their inadequate quality, as well as from the harmful effects of waters.

2. The water safety of the Republic of Kazakhstan is ensured by:

- 1) improvement of accounting systems for water bodies and water resources, assessment and forecasting of their quantitative and qualitative indicators;
- 2) conservation and restoration of water bodies;
- 3) integrated use of surface and underground water resources;
- 4) scientifically based territorial redistribution of water resources;
- 5) development and implementation of water conservation measures;
- 6) using alternative water sources;
- 7) prevention of harmful effects of water and prevention of artificial droughts;
- 8) ensuring the sustainable functioning and safe operation of water management and hydraulic engineering facilities;
- 9) protection of the interests of the Republic of Kazakhstan in the field of protection and use of transboundary water bodies.

3. The water safety of the Republic of Kazakhstan is ensured by measures of a legal, organizational, economic and other nature.

Chapter 2. ADAPTATION OF THE WATER SECTOR OF THE ECONOMY OF THE REPUBLIC OF KAZAKHSTAN TO CLIMATE CHANGE

Article 7. General approaches to adaptation of the water sector of the economy of the Republic of Kazakhstan to climate change

1. Adaptation of the water sector of the economy of the Republic of Kazakhstan to climate change includes a combination of natural, technical and technological options, as well as social and institutional measures to mitigate the effects of climate change.

The water sector of the economy of the Republic of Kazakhstan is the part of the economy related to the use of water resources.

2. The development of adaptation mechanisms for the efficient use of water resources involves the development of a water resources management system aimed at preventing water scarcity and harmful effects of water.

3. Adaptation of the water sector of the economy of the Republic of Kazakhstan to climate change involves:

development of plans for adaptation of the water sector of the economy of the Republic of Kazakhstan to climate change across the country and water basins;

allocation of additional investments to improve the quality of hydrological and hydrogeological data;

conducting scientific research in the field of adaptation of the water sector of the economy to climate change;

participation of all interested individuals and legal entities and their associations in the process of developing and implementing plans for adaptation of the water sector of the economy to climate change;

application of new technologies for efficient use of water resources and alternative water sources;

rational use of water in agriculture, the use of economical methods of watering plants, the introduction of drought-resistant crops and drought control;

modernization of water management and hydraulic engineering facilities, taking into account the changing conditions of water use.

Article 8. Prevention and elimination of harmful effects of waters

1. The harmful effects of waters are understood as:

- 1) flood, flooding;
- 2) destruction of coasts, protective dams and other structures;
- 3) waterlogging and salinization of lands;
- 4) soil erosion;
- 5) the formation of landslides, mudflows and other harmful phenomena.

2. Prevention and elimination of harmful effects of waters shall provide for a unified system of measures containing forecasting, assessment, planning and response.

3. Forecasts and assessment of the risk of harmful effects of waters, as well as the main measures for their prevention and elimination are defined in basin plans for the protection and use of water resources.

4. The main measures for the prevention and elimination of harmful effects of waters include:

- 1) carrying out sanitation of surface water bodies;
- 2) creation of engineering systems for the protection of settlements, industrial facilities, agricultural lands, transport infrastructure facilities, hazardous production facilities for protection from flood and meltwater and (or) their discharge and (or) redistribution to replenish reservoirs, lake systems and groundwater deposits;
- 3) afforestation of floodplain areas of surface water bodies;
- 4) other measures aimed at preventing and protecting against flood and meltwater.

Measures included in basin plans for the protection and use of water resources to prevent and eliminate the harmful effects of water, as well as other measures, taking into account the specifics of regional conditions, are provided for in the development plans of regions, cities of republican significance, and the capital.

Measures to prevent and eliminate the harmful effects of the waters of regions, cities of republican significance, and the capital that are part of the same water basin should be agreed and coordinated among themselves.

5. When carrying out measures to prevent and eliminate the harmful effects of water, the owners of water management and hydraulic structures must:

- 1) comply with the rules of operation of water management and hydraulic structures;
- 2) systematically analyze the safety status of water management and hydraulic structures;

3) conduct regular inspections of the technical condition of water management and hydraulic structures;

4) create financial and material reserves intended for the elimination of accidents of water management and hydraulic structures;

5) maintain local civil protection warning systems at hydraulic structures in constant readiness.

6. Prevention and elimination of emergency situations of a natural and man-made nature caused by harmful effects of waters are carried out in accordance with the legislation of the Republic of Kazakhstan.

Article 9. Measures of adaptation to floods and prevention of their negative impact

1. In order to take preventive measures to prevent the negative impact of floods and plan the measures provided for in paragraph 4 of Article 8 of this Code, the subordinate organization of the authorized body determines the zones at risk of flooding during the flood period.

2. As the boundaries of areas at risk of flooding during the flood period (hereinafter referred to as – demarcation lines of water bodies), a water cut is taken during the maximum high water period, determined on the basis of long-term hydrological and hydrogeological observations, as well as aerospace research, adjusted for the availability of engineering systems for the protection of settlements, industrial facilities, agricultural land, transport infrastructure facilities to protect against flood and meltwater and (or) their drainage, and (or) redistribution to replenish reservoirs, lake systems, and groundwater deposits.

3. The demarcation lines of water bodies are constantly adjusted by the subordinate organization of the authorized body as water protection zones and strips of surface water bodies are established, new engineering protection systems specified in paragraph 2 of this Article are created, and posted in the national water resources information system.

Article 10. Measures to adapt to the negative effects of droughts and prevent artificial droughts

1. Drought is understood as a natural phenomenon resulting in a shortage of water resources caused by a prolonged lack of precipitation, a decrease in river flow and a decrease in surface and groundwater levels, resulting in drying out of the soil, damage, death of plants and aquatic animals, and depletion of water bodies.

2. In order to adapt to the negative effects of droughts and prevent artificial droughts, a system of measures is being developed that includes forecasting, assessing, and responding to the risk of droughts.

3. Forecasts and assessment of the risk of droughts, as well as the main measures aimed at minimizing their negative consequences, are defined in basin plans for the protection and use of water resources.

4. The main measures for adaptation to the negative effects of droughts and the prevention of artificial droughts include:

1) systematic monitoring of precipitation levels, soil moisture, and the use of water resources by the population and economic sectors;

2) development and implementation of measures for the collection and conservation of flood and meltwater for use during dry periods, including for irrigation of crops and for irrigation of pastures;

3) the use of alternative water sources for irrigation of agricultural crops or other water consumption;

4) the use of new water-saving technologies;

5) crop rotation planning aimed at minimizing soil erosion and planting drought-resistant crops in dry years;

6) implementation of protective afforestation, conservation and expansion of the forest fund;

7) other measures aimed at adapting to the negative effects of droughts and preventing artificial droughts.

5. When planning measures and designing facilities for the collection and conservation of flood and meltwater, preference should be given to measures that ensure minimal loss of water to evaporation by storing them in underground aquifers or sealed reservoirs.

The construction of reservoirs for these purposes is allowed only if it is technically and economically inexpedient to store water in underground aquifers or sealed reservoirs.

6. Measures included in basin plans for the protection and use of water resources to adapt to the negative effects of droughts and prevent artificial droughts, as well as other measures, taking into account the specifics of regional conditions, are provided for in development plans for regions, cities of republican significance, and the capital.

Measures to adapt to the negative effects of droughts and prevent artificial droughts in regions, cities of republican significance, and the capital that are part of the same water basin should be agreed and coordinated among themselves.

7. During the period of drought in the territories subject to drought and lack of water, on the recommendations of basin councils, state bodies within their competence may impose restrictions on certain types of activities related to the use of water resources, as well as priorities in accordance with this Code.

SECTION 2. OWNERSHIP AND OTHER PROPERTY RIGHTS TO WATER RELATIONS FACILITIES Chapter 3. OBJECTS OF WATER RELATIONS

Article 11. Objects and subjects of water relations

1. The objects of water relations are the water fund and the water resources contained therein, water management and hydraulic structures, lands of the water fund and water protection zones.

2. Lands occupied by surface water bodies, as well as lands allocated for water protection strips of surface water bodies and zones of sanitary protection of drinking water intake facilities, are recognized as lands of the water fund.

3. Subjects of water relations are individuals and legal entities and their associations, whose activities are related to objects of water relations, as well as government agencies.

Article 12. Ownership of the water fund and the lands of the water fund

1. The totality of surface and underground water bodies within the territory of the Republic of Kazakhstan, included or subject to inclusion in the state water cadastre, forms the water fund.

2. The right of ownership, use and disposal of the water fund and lands of the water fund in the interests of the people of the Republic of Kazakhstan is exercised by the state.

3. The turnover (purchase and sale, exchange, donation, pledge and other transactions involving the transfer of state ownership rights) of the water fund and lands of the water fund is prohibited.

4. Actions of individuals and legal entities violating the ownership rights to the water fund and lands of the water fund entail liability established by the laws of the Republic of Kazakhstan.

5. The right of ownership and other property rights to the lands of the water fund and water protection zones are regulated by the land legislation of the Republic of Kazakhstan.

The use of the lands of the water fund is carried out on the grounds, conditions and within the limits established by this Code and the land legislation of the Republic of Kazakhstan.

Article 13. Ownership of water facilities

1. Water management facilities may be in state or private ownership.

2. The list of water management facilities owned by the Republic of Kazakhstan is determined by the Government of the Republic of Kazakhstan at the recommendation of the authorized body.

3. Relations related to the ownership, use and disposal of privately owned water facilities are regulated by the civil legislation of the Republic of Kazakhstan, unless otherwise provided by this Code.

4. Ownership rights to water facilities are subject to mandatory state registration in accordance with the legislation of the Republic of Kazakhstan on state registration of rights to immovable property.

5. The state registration of ownership of water facilities is carried out in the presence of their passport.

6. The transfer of water management facilities, water supply and sanitation systems of state-owned settlements to property lease (lease) or trust management is carried out on a competitive basis in accordance with the rules provided for in subparagraph 8) of paragraph 1 of Article 23 and subparagraph 10) of paragraph 2 of Article 25 of this Code.

At the same time, these rules should contain the forms of standard contracts of property lease (lease) or trust management, providing as special conditions for the obligation of the tenant or trustee to take measures to protect water bodies from pollution, clogging and depletion.

Article 14. Ownership of strategic water management and hydraulic engineering facilities

1. Interstate water management and hydraulic engineering structures or water management and hydraulic engineering structures located directly on water bodies or carrying out inter-basin transfer of water resources, possession and (or) use and (or) disposal of which affect the state of water safety of the Republic of Kazakhstan and are of socio-economic importance for the sustainable development of the state, the population and the environment, are the strategic objects.

2. Strategic water management and hydraulic engineering structures are in state ownership and cannot be transferred to property lease (lease), trust management, and are not subject to alienation, with the exception of water management structures provided for in paragraph 3 of this Article.

3. The water supply and sanitation systems of cities or their elements, determined by the Government of the Republic of Kazakhstan, are in state ownership, are not subject to alienation and may be transferred to property lease (lease) or trust management by decision of the Government of the Republic of Kazakhstan.

4. The list of strategic water management and hydraulic engineering structures, including those that can be transferred to property lease (lease) or trust management, is determined by the Government of the Republic of Kazakhstan.

5. Water management structures included in the list of strategic water management and hydraulic engineering structures, including those that can be transferred to property lease (lease) or trust management, may be transferred to property lease (lease) or trust management subject to the conditions provided for in paragraph 6 of Article 13 of this Code.

Article 15. Restriction of the right of private ownership and other property rights to water management and hydraulic engineering structures

The right of private ownership, property lease (lease) or trust management of a water management and hydraulic engineering facility may be restricted in cases and in accordance with the procedure provided for by the laws of the Republic of Kazakhstan.

Chapter 4. THE RIGHT OF WATER USE

Article 16. Types of water bodies and the right to use them

1. Water bodies are divided into the following types:

surface water bodies;
underground water bodies.

2. Surface water bodies include:
rivers;

lakes;
seas;
glaciers, snowfields;
temporary watercourses;
reservoirs, ponds, flooded quarries;
wetlands;
channels equated to rivers.

The borders of rivers, lakes, seas, temporary watercourses, reservoirs, ponds, and channels equated to rivers are the bottom and shores of the corresponding water body.

3. Underground water bodies include: hydrogeological basin;
deposits and sections of groundwater;
aquifers and complexes;
springs (natural outlet of groundwater to the earth's surface).

4. According to their intended purpose, underground water bodies are divided into the following types:

1) drinking and household groundwater - groundwater that, in its natural state or after treatment, meets national standards and hygienic standards and is intended for drinking and household needs or for the production of products;

2) groundwater for irrigation of lands – groundwater that meets regulatory requirements in its quality in its natural state or after treatment and is intended for irrigation of agricultural crops;

3) groundwater for irrigation of pastures – groundwater that meets regulatory requirements in its natural state or after treatment and is intended for watering farm animals;

4) mineral and thermomineral (mineral waters with a temperature above twenty degrees Celsius) groundwater – groundwater with a relatively constant chemical composition and an increased content of biologically active mineral or organic elements that have a positive balneological effect;

5) industrial groundwater – groundwater used to extract minerals contained therein (rare elements, halogens, and others);

6) industrial and technical groundwater – groundwater that, by its quality and physical properties, is used or can be used for industrial and technical water supply;

7) thermal energy waters – groundwater with a temperature exceeding forty-five degrees Celsius, suitable for use as a source of thermal energy and (or) electricity.

5. According to the territoriality, water bodies are divided into the following types:
internal;
cross-border.

6. By size, water bodies are divided into the following types:

1) small (rivers up to two hundred kilometers long, lakes up to ten square kilometers in area, groundwater deposits with operational reserves of up to one thousand cubic meters per day);

2) medium-sized (rivers from two hundred to eight hundred kilometers long, lakes from ten to one hundred square kilometers in area, groundwater deposits with operational reserves from one thousand to ten thousand cubic meters per day);

3) large (rivers from eight hundred to one thousand kilometers long, lakes from one hundred to one thousand square kilometers in area, groundwater deposits with operational reserves from ten thousand to one hundred thousand cubic meters per day);

4) especially large (rivers over one thousand kilometers long, lakes over one thousand square kilometers in area, groundwater deposits with operational reserves of over one hundred thousand cubic meters per day).

7. Based on the special conditions of use (mode of economic activity), the following are distinguished:

1) water bodies of specially protected natural territories;

2) water bodies of the state forest fund;

3) water bodies of special national importance.

8. All water bodies are objects of common use, unless otherwise provided by the laws of the Republic of Kazakhstan.

Article 17. The right of water use and its types, the right of water consumption

1. Water use is the activity of individuals and legal entities and their associations for the collection and (or) use of water resources for personal or business purposes, as well as the implementation of environmental releases.

2. The types of water use rights include:

1) the right of general water use;

2) the right of special water use.

The right of general water use arises from the moment of a person's birth and cannot be alienated or terminated for any reason.

The right of special water use arises from the date of obtaining a permit for special water use, regulated by paragraph 4 of Chapter 6 of this Code.

3. Everyone has the right to common water use to meet personal needs in recreation, tourism, amateur (sports) fishing and other forms of leisure and recreation that do not involve economic or entrepreneurial activities, unless otherwise provided for by this Code and other laws of the Republic of Kazakhstan.

It is prohibited for individuals and legal entities to restrict public access to water facilities for general water use by installing barriers, security posts, and prohibition signs, except in cases provided for by this Code.

4. General water use may be restricted or prohibited by state bodies in order to ensure national security and defense of the state, protect public health, the environment, historical

and cultural heritage, as well as in low-water years and in emergency situations of a natural and man-made nature.

Information about restrictions or prohibitions is subject to publication in the mass media, on the Internet resource of state bodies and should be available for familiarization by installing special information signs along the shores of water bodies.

5. According to the grounds for the emergence of the right, the following are distinguished:

- 1) the right of water use;
- 2) the right of water consumption.

The right to water consumption arises from the date of conclusion of the contract for the provision of water supply services between the water consumer and the water user in accordance with this Code and other laws of the Republic of Kazakhstan.

6. Contracts for the provision of water supply services shall specify the purpose and basic conditions of water consumption, taking into account the volumes specified in the permit for special water use.

7. Water use carried out in violation of the restrictions and prohibitions established in accordance with paragraph 4 of this Article, as well as water use or water consumption carried out without a permit for special water use or contracts for the provision of water supply services, in cases where their receipt is mandatory in accordance with the provisions of this Code, entail liability established by laws of the Republic of Kazakhstan.

Article 18. Rights and obligations of water users

1. Water users have the right to:

- 1) fair and equal access to water resources;
- 2) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, obtain access to information on the state of the water fund necessary for the implementation of their activities;
- 3) check the quality of the water taken from the water body;
- 4) create public associations to participate in solving problems related to the protection and use of the water fund;
- 5) participate in the work of basin councils;
- 6) protect their rights and legitimate interests in the field of protection and use of the water fund;
- 7) exercise other rights stipulated by the laws of the Republic of Kazakhstan.

2. Water users are obliged to:

- 1) use water resources rationally, take measures to reduce water losses;
- 2) take care of water bodies and water management facilities, not to allow harm to them;
- 3) comply with permitted volumes and water use plans;
- 4) to prevent violations of the rights and legitimate interests of other water users;

5) maintain water management facilities and technical devices that affect the condition of waters in good condition, improve their operational qualities, keep records of the use of water resources, equip water intakes, water outlets of water management facilities and waste and drainage water discharge facilities with measuring instruments and measuring devices, as well as ensure the safety of installed seals on measuring devices and (or) installation of water intake or discharge facilities;

6) carry out water protection measures;

7) fully comply with the conditions of water use determined by the permit for special water use, as well as the instructions of state bodies, within the established time limits;

8) to prevent the discharge of harmful substances exceeding the established standards, with the exception of pollutants received during the liquidation of emergency oil spills;

9) timely provide reliable and complete information on the use of water resources to government agencies in accordance with the form established by the legislation of the Republic of Kazakhstan. If a water user provides water supply services to industrial water consumers, the information on the use of water resources contains information on the volume of water use in recycled and (or) re-water supply systems;

10) take measures to introduce water-saving technologies, advanced irrigation techniques, recycled and (or) re-water supply systems, and reduce unproductive water losses;

11) ensure compliance with the established regime of economic and other activities in the territory of water protection zones and strips of surface water bodies;

12) to prevent the use of drinking-quality groundwater for purposes not related to drinking water supply, unless otherwise provided by this Code;

13) comply with the requirements established by the legislation of the Republic of Kazakhstan on civil protection, on water bodies, water management and hydraulic structures;

14) to ensure the safety of individuals on water bodies, water management and hydraulic structures;

15) immediately inform the territorial divisions of the department of the authorized body in the field of civil protection and local executive bodies of regions, cities of republican significance and the capital about all emergency situations and violations of the technological regime of water use;

16) to make timely payments for water use;

17) to perform other duties stipulated by this Code and other laws of the Republic of Kazakhstan.

Article 19. Water easement

1. A water easement is understood to mean the right of limited targeted use of a water body. A water easement can be public or private.

2. Everyone may use public water bodies, in this case a public water easement is an integral part of the right to use a water body.

3. Public and private water easements may be established for the purposes of:

- 1) water intake without the use of structures, technical means and devices;
- 2) watering of farm animals;
- 3) fishing and aquaculture;
- 4) recreation;
- 5) the use of water bodies as waterways for ferries, boats and other small vessels.

4. A private water easement may be established on the basis of a contract. Public and private water easements can also be established on the basis of a court decision that has entered into force.

5. Obtaining a permit for special water use is not required for the implementation of a water easement.

6. For the purposes of passage or passage to a water body, an easement may be established on adjacent land plots in accordance with the land legislation of the Republic of Kazakhstan.

SECTION 3. STATE REGULATION IN THE FIELD OF PROTECTION AND USE OF WATER FUND Chapter 5. STATE MANAGEMENT OF THE WATER FUND

Article 20. State management in the field of protection and use of water fund

1. The state administration in the field of protection and use of the water fund, taking into account its complexity and subordination, is divided into the following levels:

- 1) interstate;
- 2) state;
- 3) basin;
- 4) territorial.

2. On the territory of the Republic of Kazakhstan, water management basins are determined by the authorized body according to the hydrographic principle.

Article 21. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan:

1) develops the main directions of state policy in the field of protection and use of water resources;

2) approves the master plan for integrated water resources management;

3) organizes the management of water management facilities, water supply and sanitation systems of settlements owned by the republic;

4) approves the list of water bodies of special state significance and the modes of economic activity on them;

5) performs other functions assigned to it by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 22. Water Council of the Republic of Kazakhstan

1. The Water Council of the Republic of Kazakhstan (hereinafter referred to as the Water Council) is an advisory body under the Government of the Republic of Kazakhstan. The regulations and composition of the Water Council are approved by the Prime Minister of the Republic of Kazakhstan.

2. The task of the Water Council is to develop recommendations and offers on the following issues:

1) state policy in the field of protection and use of water resources, development and implementation of the master plan for integrated water resources management;

2) cooperation with neighboring countries on the joint use of transboundary water bodies, water management and hydraulic structures of interstate use;

3) water allocation between regions and economic sectors;

4) priority financing of measures in the field of protection and use of the water fund, ensuring water safety and water conservation;

5) investment projects in the field of protection and use of water resources, including within the framework of public-private partnership.

3. The authorized body is the working body of the Water Council.

Article 23. Competence of the authorized body

1. Authorized body:

1) performs strategic, regulatory, implementation, control and supervisory functions within its competence;

2) on the basis of and in pursuance of the main directions of the internal and foreign policy of the state, defined by the President of the Republic of Kazakhstan, and the main directions of the socio-economic policy of the state, its defense capability, security, and public order, developed by the Government of the Republic of Kazakhstan, formulates a state policy in the field of protection and use of the water fund in accordance with the legislation of the Republic of Kazakhstan;

3) coordinates the activities of central and local executive bodies in the implementation of state policy in the field of protection and use of water resources;

4) within the limits of its competence, carries out international cooperation on the protection and joint use of transboundary water bodies, water management and hydraulic structures for interstate use, and monitors the implementation by the parties of international treaties;

5) organizes scientific, research, scientific and technical projects and development programs in the field of protection and use of water resources;

6) develops a list of water bodies of special state significance and modes of economic activity on them;

7) organizes the operation and development of water management and hydraulic engineering structures owned by the republic;

- 8) approves the rules for the provision of state-owned water facilities for property lease (lease) or trust management;
- 9) organizes the activities of basin councils, publishes information on the Internet resource about the meetings of basin councils and their recommendations;
- 10) provides interested individuals and legal entities with access to publicly available information contained in the national water resources information system and the State water cadastre;
- 11) organizes the maintenance of the state water cadastre and state monitoring of water bodies and water resources;
- 12) organizes and conducts prospecting and evaluation work for groundwater;
- 13) organizes work on the inspection, liquidation and conservation of ownerless self-draining and emergency hydrogeological wells;
- 14) approves the rules for monitoring and assessing the land reclamation status of irrigated lands;
- 15) organizes monitoring and assessment of the reclamation status of irrigated lands;
- 16) in coordination with the central authorized body for budget planning approves:
 - in-kind standards for monitoring and assessing the reclamation status of irrigated lands;
 - in-kind cost rates of materials for operating costs when performing work to assess the reclamation status of irrigated lands;
 - in-kind safety standards for chemical reagents, laboratory utensils and field equipment during monitoring and assessment of the reclamation status of irrigated lands;
- 17) approves the rules for the provision of paid services by a subordinate organization during monitoring and assessment of the reclamation status of irrigated lands;
- 18) approves tariffs for paid types of services provided by the subordinate organization during monitoring and assessment of the land reclamation status of irrigated lands;
- 19) carries out control and regulation of the activities of subjects of natural monopolies in the field of water supply and (or) sanitation in terms of water supply services through canals, irrigation water supply and regulation of surface runoff using retaining hydraulic structures in accordance with the legislation of the Republic of Kazakhstan on natural monopolies;
- 20) coordinates the implementation of state control and supervision in the field of protection and use of water resources;
- 21) considers and participates in the consideration of cases of administrative offenses in the field of protection and use of the water fund in accordance with the legislation of the Republic of Kazakhstan on administrative offenses;
- 22) defines a list of requirements, the violation of which entails the use of rapid response measures, and also defines, in relation to specific violations of the requirements, the specific type of rapid response measure, the conditions of its application and the duration of this measure (if necessary).

The list of requirements, the violation of which entails the use of rapid response measures, includes requirements that are subject to state control in accordance with Article 143 of the Entrepreneurial Code of the Republic of Kazakhstan;

23) approves the rules for the development of a master plan for integrated water resources management and a basin plan for the protection and use of water resources;

24) approves the methodology for determining the volume of ecological runoff;

25) approves the rules for reducing the permitted volume of water use in case of non-compliance by water users with the action plan to reduce water losses and introduce the best available technologies;

26) approves the requirements for organizations certified for the right to carry out work in the field of safety of hydraulic structures;

27) carries out the certification of organizations for the right to carry out work in the field of safety of hydraulic structures;

28) approves the rules for conducting a multifactorial inspection of hydraulic structures and the form of the declaration of safety of hydraulic structures;

29) approves the rules for conducting a survey of the technical condition of water management and hydraulic structures;

30) approves the rules for certification of water management and hydraulic structures, as well as the form of the passport of water management and hydraulic structures;

31) approves the methodology for calculating specific norms of water consumption and sanitation;

32) coordinates the specific norms of water consumption and sanitation;

33) approves the application form for obtaining a permit for special water use and the form of a permit for special water use;

34) approves the methodology for calculating payment rates for the use of surface water resources, established by the tax legislation of the Republic of Kazakhstan;

35) approves the rules for subsidizing the cost of water supply services to agricultural producers;

subsidizing part of the costs incurred by an agricultural producer in investments aimed at introducing water-saving irrigation technologies;

36) approves, in coordination with the central authorized bodies for budget planning and budget execution, the rules for subsidizing and paying subsidies from the budget to cover the costs of repayment, maintenance and co-financing of loans attracted under a state guarantee for the development of reservoirs, canals and hydraulic structures of the Republic of Kazakhstan;

37) organizes the development and implementation of investment projects in the field of protection and use of water resources, development of water management;

38) approves the rules for the use of irrigation water;

39) approves regulatory legal acts in the field of protection and use of the water fund in accordance with the main goals and objectives of this Code and the legislation of the Republic of Kazakhstan;

40) performs other functions stipulated by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. The department of the authorized body carries out its activities within the competence established by the authorized body.

Article 24. Tasks and functions of the basin water inspectorate for protection and regulation of the use of water resources

1. Basin water inspectorate for the protection and regulation of the use of water resources (hereinafter referred to as basin water inspections) are interregional divisions of the department of the authorized body that carry out state management in the field of protection and use of water resources within water management basins within the competence provided for by this Code and the legislation of the Republic of Kazakhstan.

2. Basin water inspections perform the following functions:

1) coordinate the activities of subjects of water relations;

2) within the limits of their competence, they keep state records of the use of water resources, the state water cadastre on the territory of the relevant water basin;

3) provide the following public services:

issuance, extension, reissue, suspension and termination of a permit for special water use in accordance with the procedure established by the water legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On Permits and Notifications";

coordination of works related to construction activities, afforestation, subsurface use operations, drilling of wells, sanitation of surface water bodies, fisheries reclamation of water bodies, agricultural and other works on water bodies, in water protection zones and strips;

sealing of water metering devices installed on measuring instruments and (or) devices of water intake or discharge facilities by individuals and legal entities exercising the right of special water use;

registration of the declaration of safety of hydraulic structures for assignment of registration codes;

4) carry out state control and supervision in the field of protection and use of water resources;

5) consider cases of administrative offenses in the field of protection and use of the water fund in accordance with the legislation of the Republic of Kazakhstan on administrative offenses;

6) inform the population about the ongoing work on the protection and use of the water fund;

7) approve the water regime of hydraulic structures when regulating surface runoff;

8) submit, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, demands for the termination of construction of water management, hydraulic structures and other facilities on water bodies, in water protection zones and strips, carried out in violation of established norms and rules in the field of protection and use of water resources;

9) send materials on violations of the water legislation of the Republic of Kazakhstan to law enforcement agencies and the court to bring violators to justice in accordance with the laws of the Republic of Kazakhstan;

10) participate in the development and approve water management balances for the relevant water basin;

11) agree on:

granting the right to a land plot, a land management project and a change in the purpose of a land plot from the composition of the lands of the water fund and within water protection zones;

comprehensive schemes of urban planning of territories, general plans of settlements, detailed planning projects;

development plans for regions, cities of republican significance, and the capital regarding measures to protect the water fund, use water resources, and develop water management systems;

list of fishery reservoirs and (or) sites of local importance;

the list of fishery reservoirs and (or) sites where there are water management and (or) hydraulic structures, before they are put up for tender for fishing and aquaculture;

12) perform other functions stipulated by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan and the authorized body.

Article 25. Competence of other authorized bodies

1. The authorized body for the study of subsurface resources:

1) organizes and conducts a state geological study of underground water bodies;

2) organizes and conducts a state expert examination of groundwater reserves, as well as organizes a state expert examination of geological reports attached to applications for a license to use subsurface space;

3) organizes design, survey, applied, scientific research and scientific and technical work in the field of groundwater research;

4) coordinates the conditions for the intake and use of groundwater when issuing permits for special water use;

5) approves the project of groundwater intake during the groundwater intake of over one thousand cubic meters per day;

6) within its competence, develops and approves regulatory legal acts regarding the study, accounting, protection and use of groundwater in accordance with the main goals and objectives of this Code and the legislation of the Republic of Kazakhstan;

7) performs other functions stipulated by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

2. Authorized body in the field of housing relations and housing and communal services:

1) performs strategic, regulatory and implementation functions in the field of water supply and sanitation of settlements within its competence;

2) on the basis of and in pursuance of the main directions of the domestic and foreign policy of the state, defined by the President of the Republic of Kazakhstan, and the main directions of the socio-economic policy of the state, security, developed by the Government of the Republic of Kazakhstan, formulates a state policy in the field of water supply and sanitation of settlements in accordance with the legislation of the Republic of Kazakhstan;

3) coordinates the activities of local executive bodies of regions, cities of republican significance, and the capital in the management, operation, and development of water supply and sanitation systems in communally owned settlements;

4) provides loans and subsidies for the construction, reconstruction and modernization of water supply and sanitation systems in settlements;

5) approves the rules for subsidizing the cost of services for the supply of drinking water from water supply systems included in the list of water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization;

6) approves criteria for inclusion of water supply systems of settlements in the list of water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization;

7) approves the methodology for calculating the amount of payment for one cubic meter of drinking water supplied from water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization;

8) coordinates the local executive bodies of regions, cities of republican significance, and the capital in subsidizing the costs of water supply and (or) sanitation organizations to repay and service loans from international financial organizations involved in the implementation of projects to expand, modernize, reconstruct, renovate, maintain existing assets and create new assets in settlements;

9) approves the methodology for calculating the cost and volume of services provided for the drainage and purification of rainwater, meltwater, infiltration, irrigation, drainage waters flowing from the territories of settlements and industrial enterprises through a storm (drainage) sewerage system;

10) approves the rules for the provision for property lease (lease) or trust management of water supply and sanitation systems in settlements;

11) coordinates the local executive bodies of regions, cities of republican significance, and the capital in subsidizing the costs of water supply and (or) sanitation organizations for repayment and servicing of bond loans attracted for the implementation of projects for the construction and reconstruction of wastewater treatment plants;

12) approves, within its competence, regulatory legal acts in the field of water supply and sanitation of settlements in accordance with the main goals and objectives of this Code and the legislation of the Republic of Kazakhstan;

13) performs other functions stipulated by this Code, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. The state body in the field of sanitary and epidemiological welfare of the population approves:

1) the rules for classifying water bodies as sources of drinking water supply to the population;

2) technical regulations for industrial water supplied by the technical water supply systems of the settlement.

4. The authorized body in the field of environmental protection, within the limits of its competence, organizes the protection of water bodies from pollution and clogging, the protection of aquatic ecological systems, state regulation of discharges of pollutants into water bodies and quality control of surface and groundwater.

5. The authorized body in the field of the development of the agro-industrial complex, as part of the development and approval of the recommended regional specialization scheme for the optimal use of agricultural land for the production of specific types of agricultural products, conducts zoning of types of crops, diversifying their composition and structure, taking into account the conclusions of basin plans for the protection and use of water resources in terms of preventing artificial droughts.

6. The authorized body in the field of forestry shall organize afforestation of floodplain areas of surface water bodies, protective afforestation in the territories under its functional jurisdiction to prevent harmful effects of waters and prevent artificial droughts, taking into account the conclusions of basin plans for the protection and use of water resources.

Article 26. Competence of local representative bodies of regions, cities of republican significance, the capital

1. Local representative bodies of regions, cities of republican significance, the capital:

1) annually approve the rates of payment for the use of water resources of surface sources;

2) approve the rules of general water use, taking into account the specifics of regional conditions, based on standard rules approved by the authorized body;

3) approve the action plans of local executive bodies for the protection of the water fund, the use of water resources, and the development of water management and hydraulic structures;

4) participate in the work of the basin council; 5) approve the expenses of local executive bodies to reimburse water supply and (or) sanitation organizations for the costs of using drinking water for firefighting;

6) exercise other powers in accordance with the legislation of the Republic of Kazakhstan to ensure the rights and legitimate interests of individuals and legal entities.

2. Local representative bodies of regions approve the amount of payment for one cubic meter of drinking water supplied from water supply systems included in the list of water supply systems, the cost of drinking water supply services of which is subject to subsidization

Article 27. Competence of local executive bodies of regions, cities of republican significance, the capital

1. Local executive bodies of regions, cities of republican significance, the capital:

1) participate in the implementation of state policy in the field of protection and use of water resources within their competence;

2) participate in the implementation of state policy in the field of water supply and sanitation of settlements within their competence;

3) establish water protection zones, strips and the regime of their economic use in coordination with basin water inspections;

4) take measures to ensure the safety of water management and hydraulic structures in the relevant territories;

5) organize measures to eliminate the consequences of emergency situations at water bodies, water management and hydraulic structures, water supply and sanitation systems of settlements;

6) organize the management of water management and hydraulic engineering facilities that are in communal ownership, and take measures to maintain them in a technically sound condition;

7) keep records of water management and hydraulic engineering structures that are in communal ownership, as well as ownerless water management structures located in the relevant territory;

8) carry out procedures stipulated by the civil legislation of the Republic of Kazakhstan for the conversion of ownerless water facilities into communal ownership;

9) subsidize the cost of water supply services to agricultural producers;

10) reimburse part of the expenses incurred by the subject of the agro-industrial complex for the introduction of water-saving irrigation technologies;

11) annually develop payment rates for the use of water resources from surface sources;

12) annually, until May 1, post information on the Internet resource on the amount of income for the previous year received by the budget of the region, the city of republican

significance, the capital as a fee for the use of surface water resources and the tax on mining for groundwater, as well as the amount of budget expenditures directed to measures to protect water fund;

13) provide for and implement measures for the protection of the water fund, water conservation and improvement of the efficiency of water resources use, development of water management and hydraulic structures as part of the documents of the State Planning System of the Republic of Kazakhstan in the implementation of basin plans for the protection and use of the water fund;

14) participate in the work of basin councils, submit recommendations for the protection and use of water resources, water supply, and sanitation of settlements for consideration by basin councils;

15) take measures to implement the recommendations of the basin councils;

16) organize works on sanitation of surface water bodies;

17) carry out, within their competence, an assessment of vulnerability to climate change;

18) determine priorities and measures for adaptation of the water sector of the economy to climate change within their competence, carry out their implementation;

19) monitor and evaluate the effectiveness of measures to adapt the water sector of the economy to climate change, defined within their competence, and adjust these measures based on their results;

20) organize the creation of engineering systems for the protection of settlements, industrial facilities, agricultural lands, transport infrastructure facilities, hazardous production facilities for protection from flood and meltwater and (or) their drainage and (or) redistribution to replenish reservoirs, lake systems and groundwater deposits;

21) organize afforestation of floodplain areas of surface water bodies, protective afforestation in territories under their functional jurisdiction to prevent harmful effects of water and prevent artificial droughts, taking into account the conclusions of basin plans for the protection and use of water resources;

22) inform the population about the ongoing work on the protection and use of the water fund, the technical condition of water management and hydraulic structures, water supply and sanitation systems of settlements owned by municipalities;

23) organize water supply and sanitation in settlements in the relevant administrative-territorial units, in the absence of centralized water supply in the territory of the settlement, organize non-centralized water supply using water supply, drinking water distribution points, and a complex of block modules;

24) determine the reserve sources of drinking water supply in coordination with the authorized body;

25) subsidize the costs of water supply and (or) sanitation organizations for repayment and servicing of loans from international financial organizations involved in the

implementation of projects for expansion, modernization, reconstruction, renovation, maintenance of existing assets and the creation of new assets in settlements;

26) ensure the implementation of measures for the construction, modernization, digitalization, automation and reconstruction of water supply and sanitation systems in settlements;

27) establish zones of sanitary protection of drinking water supply sources (places of water intake for drinking purposes) in coordination with the territorial divisions of the department of the state body in the field of sanitary and epidemiological welfare of the population;

28) ensure the safety of water supply and sanitation systems of settlements in the relevant territories;

29) organize work to attract private investors for the construction and operation of technical water supply systems in settlements;

30) approve regulatory legal acts within their competence in accordance with the main goals and objectives of this Code and the legislation of the Republic of Kazakhstan;

31) perform other functions assigned to local executive bodies by the legislation of the Republic of Kazakhstan in the interests of local government.

2. Local executive bodies of the regions:

1) approve the list of water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization, in accordance with the criteria for inclusion of water supply systems of settlements in the list of water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization;

2) develop and submit for approval to the local representative bodies of the regions the amount of payment for one cubic meter of drinking water supplied from water supply systems included in the list of water supply systems, the cost of drinking water supply services of which is subject to subsidization;

3) implement measures to subsidize the cost of services for the supply of drinking water to the population from water supply systems included in the list of water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization.

Article 28. State regulation of the search, assessment and monitoring of groundwater, monitoring and assessment of the reclamation status of irrigated lands

1. Technical and expert support of the state regulation of the search, assessment and monitoring of groundwater, as well as monitoring and assessment of the reclamation status of irrigated lands are carried out by the National Hydrogeological Service.

2. The National Hydrogeological Service carries out the following activities:

1) analysis and assessment of water availability with groundwater resources and reserves to meet the needs of the population and economic sectors;

2) organization of digitalization of groundwater resources management, creation of databases and geoinformation systems in the field of hydrogeology and geofiltration and mathematical models, digital, cartographic databases and management systems;

3) conducting state monitoring of groundwater;

4) participation in the maintenance of the state water cadastre in terms of groundwater;

5) conducting a state search and assessment of groundwater;

6) conducting an inspection, liquidation and conservation of ownerless self-draining and emergency hydrogeological wells;

7) monitoring and assessment of the reclamation status of irrigated lands;

8) conducting applied scientific research and development work in hydrogeology and engineering geology.

3. State monitoring, search and assessment of groundwater, as well as monitoring and assessment of the reclamation status of irrigated lands, is carried out at the expense of budgetary funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

4. The search and assessment of groundwater may also be carried out at the expense of individuals and legal entities interested in groundwater resources, in accordance with the rules for conducting the search and assessment of groundwater approved by the authorized body.

Article 29. Scientific and information-analytical activities in the field of protection and use of water resources

1. Scientific and information-analytical activities in the field of protection and use of water resources are carried out in order to:

1) monitor, assess, account and forecast water resources;

2) carry out fundamental research in the field of protection and use of water resources, climate change and adaptation of the water sector of the economy to climate change;

3) analyze implementation of state policy in the field of protection and use of water resources;

4) develop legal, methodological and technological bases in the field of protection and use of water resources, water conservation and improvement of efficiency of use of water resources;

5) assist individuals and legal entities in the implementation and operation of water-saving technologies in economic sectors;

6) train, retrain and provide advanced training of scientific personnel, specialists in the field of water management.

2. Scientific, information and analytical organizations under the jurisdiction of the authorized body, as well as organizations designated by the Government of the Republic of Kazakhstan, carry out the following strategic scientific research and information and analytical work:

1) collection and systematization of water resources data;

- 2) accounting, assessment and forecast of water bodies and water resources;
- 3) maintaining the state water cadastre;
- 4) improvement of methods of monitoring, assessment and forecasting of water bodies and water resources;
- 5) determination of the volume of ecological runoff and limits of water use;
- 6) development of a draft master plan for integrated water resources management, draft basin plans for the protection and use of water resources, draft water management balances;
- 7) in the field of transboundary water use, including within the framework of agreements on the joint use and protection of transboundary water bodies;
- 8) development of projects for integrated standards of water consumption and sanitation in economic sectors;
- 9) development and technological work on the development of water-saving technologies, including the transfer of advanced foreign technologies in relation to the conditions of the Republic of Kazakhstan;
- 10) pilot production testing during the introduction of the results of scientific and innovative activities in the field of protection and use of water resources, water conservation and improvement of the efficiency of water resources use;
- 11) scientific and technical expertise of pre-design and design (design estimates) documentation for the construction and reconstruction, operation, conservation of water management and hydraulic structures;
- 12) dissemination of information, promotion of knowledge among the population on the protection and rational use of water resources;
- 13) development of a national information report on the use of water resources.

3. Financing of strategic scientific research and information and analytical work is carried out at the expense of budgetary funds and other sources not prohibited by the legislation of the Republic of Kazakhstan.

Strategic scientific research, information about which is a state and official secret and (or) contains official information of limited distribution, is conducted in accordance with the requirements of the legislation of the Republic of Kazakhstan on state secrets.

Chapter 6. STATE REGULATION, STATE CONTROL AND SUPERVISION IN THE FIELD OF PROTECTION AND USE OF WATER RESOURCES

Paragraph 1. State planning

Article 30. Master plan for integrated water resources management

1. The master plan for integrated water resources management (hereinafter referred to as the master plan) is a document defining goals, objectives and approaches to ensure water safety based on forecasts of water availability.

2. The master plan contains:

1) assessment and forecast of water resources, including transboundary ones, and their use, taking into account the current and projected socio-economic, demographic, environmental, climatic and other situation;

2) water management balance of the Republic of Kazakhstan;

3) environmental and socio-economic indicators of water use in economic sectors, including the economic productivity of water;

4) environmental, socio-economic and scientifically based conclusions and recommendations for further state planning in the Republic of Kazakhstan, taking into account the achievement of the indicators specified in subparagraph 3) of this paragraph;

5) other information provided by this Code.

3. Conclusions and recommendations of the master plan regarding forecasts of water availability and possible use of waters are taken into account when developing documents of the State Planning System of the Republic of Kazakhstan.

4. The master plan is developed at the expense of budgetary funds for a long-term period of fifteen years and is approved by the Government of the Republic of Kazakhstan.

Article 31. Basin plan for protection and use of water resources

1. The basin plan for the protection and use of water resources (hereinafter referred to as the basin plan) is a document defining the main measures for the protection of water bodies, meeting the long-term needs of the environment, the population and economic sectors in water resources, as well as preventing harmful effects of water and preventing artificial droughts in the territory of the relevant water basin.

2. The basin plan must contain:

1) assessment and forecast of water resources, including transboundary ones, and their use, taking into account the current and projected socio-economic, demographic, environmental, climatic and other situation;

2) water management balance of the relevant basin;

3) recommendations for resolving issues related to transboundary water bodies;

4) measures for the modernization of water management and hydraulic structures;

5) measures to develop a sustainable mechanism for the use of water resources and alternative water sources;

6) measures aimed at restoring endangered surface water bodies;

7) a map of the territories exposed to the harmful effects of waters and droughts, as well as measures to prevent them;

8) other information in the field of protection and use of the water fund.

3. The activities envisaged in the basin plan should be aimed at:

1) preservation of ecological systems as the basis for sustainable development of a water basin;

2) economical and integrated use of surface and underground water resources based on the use of the best available technologies;

3) reduction of irretrievable losses of water resources in economic sectors and the volume of untreated wastewater discharge;

4) prevention of harmful effects of water and prevention of artificial droughts.

4. Basin plans are developed at the expense of budgetary funds for a long-term period of fifteen years and are approved by the authorized body.

Article 32. Water management balances

1. Water management balance is a document that reflects the relationship between the availability and use of water resources for a certain period of time for a certain object.

The objects of the water balance are a water body or its sections, regions, cities of republican significance, the capital, a water basin, and the Republic of Kazakhstan.

2. Types of water management balances:

1) reporting, compiled based on data for the past reporting period and intended for the analysis of the water management situation;

2) projected, designed for the development of general and basin plans.

Article 33. National information report on the use of water resources

1. The national information report on the use of water resources (hereinafter referred to as the national report) is an analytical report for the previous calendar year on the status, protection and use of the water resources of the Republic of Kazakhstan.

2. The national report reflects:

1) information on the water content of the main rivers with a brief description of the input and output parts of the water balance, measures taken to regulate the water regime at the transboundary and regional levels;

2) analysis of the use of water resources in the context of water management basins, regions and economic sectors;

3) the number and condition of water management and hydraulic engineering structures located on water bodies, including interstate ones;

4) implemented measures to protect the water fund;

5) information on the implementation of investment projects in the field of protection and use of water resources, development of water management, as well as on the introduction of the best available technologies and safety of hydraulic structures;

6) other information in the field of protection and use of the water fund.

3. Central state bodies and local executive bodies, upon request of the authorized body, provide the necessary information by March 1 of the year following the reporting year.

4. The national report is published annually no later than May 1 on the Internet resource of the authorized body.

Article 34. National water resources information system

1. The national water resources information system is created to provide information support for the development and implementation of state policy in the field of protection and use of water resources, the development of regulatory legal acts, coordination of government

agencies, international cooperation, strategic and operational decision-making, as well as information support for the activities of water users, individuals and legal entities.

2. Subjects of water relations, within the time limits and in the form established by the authorized body, shall ensure the collection, processing and transmission of information on water bodies, water resources, water management and hydraulic structures to the department of the authorized body for the purposes of maintaining and updating the national information system of water resources.

3. The development, maintenance, organization of the uninterrupted functioning of the national information system of water resources and its integration with other objects of informatization, as well as the analysis and processing of data on water resources, system maintenance of hardware and software complexes are performed by subordinate organizations of the authorized body.

Paragraph 2. State accounting of the water fund

Article 35. State accounting of the water fund

1. The state accounting of the water fund is carried out on the basis of the analysis of data obtained as a result of state monitoring of water bodies and water resources, geological study of underground water bodies, search and assessment of groundwater, as well as scientific research.

2. The main objectives of the state accounting of the water fund are the formation of complete and reliable information about the water fund of the Republic of Kazakhstan and the provision of interested entities with this information.

3. The data of the state accounting of the water fund characterize the condition of surface and underground water bodies in terms of qualitative and quantitative indicators, the degree of their study and use.

Article 36. State monitoring of water bodies and water resources

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

2. State monitoring of water bodies and water resources is a comprehensive system of observations, measurements, collection, accumulation, storage, accounting, systematization, generalization, processing and analysis of the data obtained in relation to indicators of the state of water bodies provided by the state.

3. State monitoring of water bodies and water resources is carried out in order to:

- 1) account, assess and forecast quantity and quality of water resources;
- 2) plan protection and use of water resources;
- 3) prevent harmful effects of water and artificial droughts;
- 4) provide operational regulation of the use of water resources depending on the water content of the year and the water management situation;

5) carry out state control over the implementation of measures for the protection and use of the water fund;

6) for other purposes in the field of protection and use of the water fund.

4. State monitoring of water bodies and water resources is carried out for:

1) the condition of the bottom, shores, water protection zones and strips of surface water bodies;

2) quantitative and qualitative characteristics of water resources of surface and underground water bodies;

3) the use of water resources.

5. Sources of information for state monitoring of water bodies and water resources are:

1) the results of systematic observations at observation points of public and private observation networks;

2) the results of field studies of water bodies;

3) the results of remote sensing of the Earth;

4) the results of hydrological monitoring and other types of monitoring conducted by the National Hydrometeorological Service;

5) the results of sanitary and epidemiological monitoring;

6) the results of the state monitoring of the subsoil;

7) the results of monitoring the environmental situation in areas of environmental emergency and disaster areas;

8) the results of monitoring the mudflow and avalanche situation;

9) archived data on water bodies and water resources;

10) other information about the quantitative and qualitative condition of water bodies and water resources.

6. The rules for conducting state monitoring of water bodies and water resources are approved by the authorized body.

Article 37. State water cadastre

1. The state water cadastre is a systematic set of official data on the number and condition of water bodies, quantity, quality and use of water resources, quantity and condition of water management and hydraulic structures, and water users.

A surface water body listed in the state water cadastre has a passport, which indicates the registration number, name and a comprehensive description containing quantitative, qualitative, technical, legal and economic indicators.

The passport of a deposit or groundwater site reflects the registration number, location with geographical coordinates of the center of the water intake project and the main hydrogeological parameters, which include aquifers, reserves, chemical and physical properties of groundwater, as well as a schematic hydrogeological map with a section in accordance with the procedure determined by the authorized body for the study of the subsoil.

2. The data of the state water cadastre are applied when:

1) designing of water management and hydraulic engineering structures, transport, industrial and other enterprises and structures related to the protection and use of water resources;

2) planning of water protection and water management measures;

3) planning of investment and entrepreneurial activities;

4) planning of exploration and evaluation works for groundwater;

5) determination of ecological runoff and water use limits;

6) development of water management balances; 7) development of general and basin plans;

8) planning of state control and supervision in the field of protection and use of water resources;

9) fulfillment of international obligations within the framework of interstate cooperation on transboundary water bodies.

3. The state water cadastre is maintained on an ongoing basis in written and electronic form. The rules for maintaining the state water cadastre are approved by the authorized body.

4. When transferring lands of the water fund to lands of other categories in accordance with the Land Code of the Republic of Kazakhstan, in the event of the disappearance of a water body, information on the cause and time of the disappearance of the relevant water body shall be entered into the state water cadastre.

Paragraph 3. Rationing and expertise in the field of protection and use of water resources

Article 38. Rationing in the field of protection and use of water resources

1. A unified system of rationing in the field of protection and use of water resources is established in order to regulate the requirements for the quality of water resources, water use, material and technical security for the operation of water management and hydraulic structures, and to regulate the limits of the impact of industrial and other activities on water bodies.

2. Rationing in the field of protection and use of the water fund is carried out by the authorized body and other state bodies within their competence.

Article 39. Ecological runoff

1. Ecological runoff is a mandatory proportion of river runoff intended to preserve the river, lake and marine ecological system and to be left in nature.

2. Ecological runoff is a priority and must be respected.

3. The ecological runoff is determined for the basin of each river and depends on the degree of water content of the year and the intra-annual distribution of river runoff.

Article 40. Limits of water use

1. Water use limits are the maximum allowable amounts of water abstraction (withdrawal) to meet the water needs of the population and economic sectors.

2. Water use limits are calculated within the volume of water remaining after determining the ecological runoff.

3. Water use limits are divided into prospective and operational ones.

Prospective water use limits are determined for a ten-year period when developing prospective water management balances in the context of water bodies or their sections, water basins and regions, cities of republican significance, the capital for categories of water users based on scientific studies and basin plans and are established by the authorized body.

Operational limits of water use are determined within the framework of prospective limits of water use by basin water inspections annually with distribution by month in the context of administrative-territorial units within the water basin for categories of water users. Operational limits of water use are established based on the forecast of the current year's water supply, the ecological and sanitary-epidemiological state of water bodies and applications from water users by basin water inspections.

4. The demand for water resources is formed annually on the basis of requests from water users.

5. In cases of a low-water year and natural and man-made emergencies, basin water inspections adjust the operational limits of water use and reduce the volume of water use specified in permits for special water use.

The adjustment of the operational limits of water use is carried out taking into account the provisions of paragraph 6 of this article.

At the same time, water use limits are initially adjusted in the context of categories of water users, which are approved by the authorized body, taking into account the recommendations of the relevant basin council.

The reduction of the permitted amounts of water use defined in permits for special water use within one category of water users is carried out taking into account their implementation of action plans to reduce water losses in accordance with the procedure determined by the authorized body, taking into account the recommendations of the relevant basin council.

In case of non-acceptance of the recommendations of the basin council on the issues specified in parts two and three of this paragraph, the authorized body shall provide a reasoned justification.

Based on the results of the adjustment of the operational limit, basin water inspections send a notification to water users within ten working days on the restriction of the right of special water use.

6. The right of special water use when taking water from a water body for drinking water supply is not subject to restriction or suspension.

The priorities after drinking water supply are water supply for industrial and aquaculture purposes, designed to be guaranteed in low-water years, irrigated agriculture, designed to be guaranteed in low-water years, and estuary irrigation, designed to be guaranteed in an average water year.

Article 41. Unified system of classification of water quality in surface water bodies and (or) their areas

1. The unified classification system for water quality in surface water bodies and (or) their areas (hereinafter referred to as the unified classification system) is designed to assess the environmental potential of surface water bodies by determining the water quality class and recommended types of water use.

The use of the unified classification system for other purposes related to the regulation of the activities of individuals and legal entities is not allowed.

2. Water quality classes on surface water bodies and (or) their areas are determined depending on numerical values characterizing water quality and contain recommendations on their use for water use purposes depending on their types and categories of water users.

3. Water quality classes on surface water bodies and (or) their areas are determined during the state monitoring of water bodies and water resources.

4. The unified classification system is approved by the authorized body in coordination with the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population.

Article 42. Consolidated and specific norms of water consumption and sanitation

1. Rationing of water consumption and sanitation is a scientifically based determination of the amount of water required for the production of a unit of production, performance of work or provision of services for the economical and efficient use of water resources.

Rationing of water consumption and sanitation includes the development of consolidated and specific standards of water consumption and sanitation.

2. The consolidated standards of water consumption and sanitation are intended for the development of general and basin plans, design of water supply systems, irrigation and industrial facilities under construction and are approved by the authorized body.

3. Specific norms of water consumption and sanitation are calculated by water users to justify the volume of water consumption and sanitation for a five-year period to reduce water losses and further obtain permits for special water use.

In the case of the provision of water supply services by the water user to industrial water consumers, the contract specifies the conditions for the development and presentation by the industrial water consumer of specific standards of water consumption and sanitation for industrial needs.

4. It is not necessary to develop specific norms of water consumption and sanitation for water users and water consumers engaged in:

- 1) withdrawal of water resources for centralized drinking water supply;
- 2) surface runoff regulation activities;
- 3) use of water bodies without withdrawal of water resources from them;
- 4) discharge of simultaneously withdrawn groundwater (mine, quarry, mine, reservoir, extracted along with hydrocarbons) during subsurface use operations;

5) withdrawal of water resources solely for recharge of circulating and (or) re-water supply systems.

Article 43. Standards and regulations of water management organizations

1. Standards of material and technical security for the operation of water facilities are developed by water management organizations to determine the specific need for materials, equipment, machinery and other equipment (consumables) for their proper operation.

2. Standards for the number of engineering and technical workers of a water management organization are developed by them to determine the specific number of labor resources capable of ensuring proper operation of a water management facility.

Article 44. Expertise in the field of protection and use of water resources

1. The following types of expertise are carried out in the field of protection and use of the water fund:

1) comprehensive non-departmental expertise of projects for the construction of facilities based on feasibility studies and design estimates intended for the construction of buildings and structures, their complexes, engineering and transport communications affecting the condition of water bodies (hereinafter referred to as the comprehensive non-departmental expertise);

2) state expertise of groundwater reserves;

3) state environmental expertise;

4) sanitary and epidemiological expertise.

2. A comprehensive non-departmental examination of projects for the construction of facilities is carried out in order to analyze and evaluate the quality of projects by establishing the compliance (non-compliance) of design solutions with the conditions of the source documents (materials, data) for design provided for by the legislation of the Republic of Kazakhstan, as well as compliance in design solutions and calculations with the requirements of urban planning and technical regulations, norms and regulations of state and local intergovernmental regulatory documents.

Design documentation for the construction or reconstruction of dams can be submitted for examination only if the results of their hydraulic model studies are available or if such studies are justified.

Comprehensive non-departmental expertise is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

3. The state examination of groundwater reserves is carried out by the authorized body for the study of subsurface resources in accordance with the procedure established by the legislation of the Republic of Kazakhstan on subsurface resources and subsoil use.

4. Sanitary and epidemiological expertise is carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan in the field of healthcare.

5. The state environmental assessment is carried out in accordance with the environmental legislation of the Republic of Kazakhstan.

Paragraph 4. Permissions and approvals

Article 45. General provisions on special water use

1. Special water use is carried out by individuals and legal entities on the basis of a special water use permit (hereinafter referred to as the permit).

2. Special water use includes:

- 1) withdrawal of water resources directly from a surface water body;
- 2) groundwater intake;
- 3) the use of drainage waters or simultaneously withdrawn groundwater during subsurface use operations, as well as construction activities;

4) discharge of treated wastewater into surface water bodies, subsurface, wastewater storage and terrain;

5) regulation of surface runoff.

3. Special water use does not include:

1) abstraction of water resources when using shaft, tubular filter wells, and water channel structures from the first aquifer from the surface that are not used for centralized drinking water supply in populated areas;

2) water intake by vessels from water bodies to ensure the operation of the vessel and its technological equipment;

3) extraction (pumping) of groundwater (mine, quarry, mine, drainage), simultaneously withdrawn during subsurface use operations, as well as construction activities, subject to their continued non-use;

4) withdrawal of water from water bodies in the amount of up to five cubic meters per day with non-centralized drinking water supply to settlements;

5) abstraction of water resources from surface and underground water bodies for irrigation of pastures;

6) accumulation of meltwater, stormwater and floodwater under the conditions established by part two of paragraph 3 of Article 113 of this Code.

4. A condition for issuing a permit and subsequently for carrying out special water use when taking water from water bodies and (or) discharging treated wastewater is the compliance of the activities of individuals and legal entities with the following licensing requirements:

1) the existence, on the basis of the right of ownership or use, of water management and hydraulic engineering structures and (or) a technical device with the help of which special water use is carried out;

2) the availability of a passport and rules for the operation of a water management facility, and for potentially dangerous hydraulic structures – also a safety declaration;

3) compliance of the volume of water use with the approved operational limit of water use, including the adjusted one in accordance with paragraph 5 of Article 40 of this Code;

4) availability of measuring instruments for the volume of collected water resources and discharged treated wastewater, which are included in the register of the state system for ensuring the uniformity of measurements;

5) the availability of a sanitary and epidemiological conclusion on compliance with regulatory legal acts in the field of sanitary and epidemiological welfare of the population during the intake of surface and (or) groundwater for domestic drinking water supply, as well as the availability of sanitary protection zones for drinking water intake facilities;

6) the availability of coordination of specific norms of water consumption and sanitation, and for the persons specified in subparagraph 1) of paragraph 4 of Article 42 of this Code – the availability of calculations to substantiate the volume of water consumption and sanitation ;

7) the existence of an action plan to reduce water losses and introduce the best available technologies (for at least five years), with the exception of water users who use water resources directly from a surface water body without withdrawal or who have fully implemented the best available technologies and reduced unproductive water losses;

8) the availability of an environmental permit for facilities of categories I and II or an environmental impact declaration for facilities of category III for the discharge of treated wastewater and industrial waters into surface water bodies, subsurface, wastewater storage facilities and terrain.

The assignment of objects having a negative impact on the environment to objects of I, II or III categories is carried out in accordance with Annex 2 to the Environmental Code of the Republic of Kazakhstan;

9) conducting timely and reliable production control over the use of water resources in accordance with Article 67 of this Code.

5. A condition for issuing permits and subsequently for special water use in groundwater abstraction is the compliance of the activities of individuals and legal entities, in addition to the licensing requirements specified in paragraph 4 of this Article, with the following licensing requirements:

1) paragraph 3 of Article 93 of this Code;

2) availability of approved groundwater reserves:

in case of extraction of mineral groundwater – at any volume of withdrawal;

when taking other types of groundwater – if the volume of withdrawal exceeds fifty cubic meters per day;

3) availability of devices for measuring the water level in wells or pressure gauges (for self-draining wells);

4) when taking groundwater in a volume of more than one thousand cubic meters per day: availability of a groundwater monitoring program indicating the composition and design of

the observation network, the frequency and order of observations of flow, dynamic and static levels, and the chemical composition of groundwater, coordinated with the territorial divisions of the authorized body for the study of subsurface;

availability of a groundwater abstraction project agreed with the authorized body for the study of subsurface resources.

The procedure for developing and approving a groundwater abstraction project and a groundwater monitoring program is approved by the authorized body in coordination with the authorized body for the study of subsurface resources.

6. An additional condition for the issuance of a permit and subsequently for the implementation of special water use when taking water resources from surface water bodies, in addition to the requirements specified in paragraph 4 of this article, is the presence of a fish protection and (or) fish-passing device.

7. An additional condition for the issuance of permits and, subsequently, for the implementation of special water use when taking water resources from surface water bodies by industrial organizations and heat-producing entities is the existence of a phased (no more than five years) transition plan to recycled and (or) re-water supply systems, with the exception of industrial organizations and heat-producing entities with such water supply systems.

8. A condition for issuing permits and subsequently for carrying out special water use in regulating surface runoff is the availability in individuals and legal entities, in addition to the licensing requirements specified in subparagraphs 1) and 2) of paragraph 4 of this article, of an approved water regime for the operation of hydraulic structures in regulating surface runoff.

Article 46. Obtaining a permit

1. In order to obtain a permit, the applicant submits to the basin water inspectorate an application with the attachment of the documents specified in paragraphs 4, 5, 6, 7 and 8 of Article 45 of this Code.

2. Water users calculate the need for water resources based on specific norms of water consumption and sanitation, and for centralized drinking water supply – based on calculations justifying the volume of water consumption and sanitation.

Basin water inspections determine the volume of water use based on the limits of water use in accordance with the provisions of Article 40 of this Code.

3. In the absence of approved balanced groundwater reserves and a declared water requirement of up to one thousand cubic meters per day, basin water inspections shall issue a permit for special water use for up to three years, subject to monitoring studies within the framework of the issued permit in order to assess and examine groundwater reserves based on operational experience.

4. A permit is issued by basin water inspections no later than ten working days from the date of submission of the application with all necessary documents.

5. A permit is issued for a period of five years, except in cases where:

- 1) the applicant indicated a shorter period of time;
- 2) the validity period of the approved balance reserves of groundwater expires earlier than the validity period of the permit requested by the applicant;
- 3) there are no approved balance reserves of groundwater.

In the absence of approved balance reserves of groundwater, a permit is issued for a period of three years.

6. In addition to the grounds for refusal to provide public services by service providers provided for by the Law of the Republic of Kazakhstan "On Public Services", a permit may be refused due to the restriction of the right of special water use in the form of a ban (suspension) on special water use in accordance with the procedure established by Articles 48 and 49 of this Code.

Article 47. Extension of the validity period and renewal of the permit

1. Changing the name of a legal entity and (or) changing its location, changing the surname, first name, patronymic (if it is indicated in the identity document) of an individual, re-registration of an individual entrepreneur entail the need to reissue the permit on the basis of an application.

The application to the basin water inspectorate is sent within thirty calendar days from the date of the changes, accompanied by supporting documents.

2. If the conditions of water use and the specific norms of water consumption and sanitation remain unchanged, the validity period of the permit may be extended on the basis of an application from the water user on terms that meet the requirements provided for in paragraphs 4, 5, 6, 7 and 8 of Article 45 of this Code.

The extension of the validity period of the permit is carried out by basin water inspections no later than three working days from the date of submission of the application with all necessary documents submitted by the applicant in accordance with the legislation of the Republic of Kazakhstan.

3. The validity of the permit is extended for the periods specified in paragraph 5 of Article 46 of this Code.

The extension period of the permit for groundwater abstraction is limited to the expiration date of the approval period for groundwater reserves.

Article 48. Restriction of the right of special water use

1. The right of special water use may be temporarily restricted in accordance with the procedure established by this Code and other laws of the Republic of Kazakhstan in order to ensure national security and defense of the state, protect public health, the environment, historical and cultural heritage, as well as in low-water years and (or) in emergency situations of a natural and man-made nature.

The restriction of the right of special water use should not worsen the conditions of drinking water supply to the population.

2. The restriction of the right of special water use may be carried out in the form of a ban (suspension) on the implementation of special water use or a reduction in the permitted volume of water use.

3. A ban (suspension) on the implementation of special water use consists in suspending the acceptance of applications for granting the right to special water use and (or) refusing to grant this right for applications under consideration at the time of the restriction, and in temporarily suspending the validity of the permits issued.

4. A ban (suspension) on the implementation of special water use is introduced by decision of the Government of the Republic of Kazakhstan, indicating the introduced restrictive measures and their effects in space and time.

5. The reduction of permitted volumes of water use is carried out by basin water inspections according to current permits after adjusting the operational limits of water use in accordance with paragraph 5 of Article 40 of this Code.

6. Violation of restrictions on the right of special water use entails liability established by the laws of the Republic of Kazakhstan.

Article 49. Suspension, termination, and revocation of a permit

1. The basin water inspectorate suspends the validity of the permit in accordance with the procedure established by the laws of the Republic of Kazakhstan in the following cases:

1) detection of violations of the requirements of the water legislation of the Republic of Kazakhstan;

2) non-compliance with the licensing requirements.

2. If, in the course of state control and supervision in the field of protection and use of the water fund, the facts specified in paragraph 1 of this Article are revealed, the basin water inspectorate issues an order for their elimination, indicating the time limits. In case of failure to provide information on the elimination of the detected violation and (or) failure to eliminate the violation, the basin water inspectorate conducts an unscheduled inspection to establish the fact of compliance with the regulations on the elimination of violations.

If violations that are the basis for the application of an operational response measure are not eliminated, the basin water inspectorate issues an order for the application of an operational response measure in the form of suspension of the permit.

3. The permit is subject to termination in the following cases:

1) refusal of the water user from the right of special water use;

2) expiration of the term of special water use and (or) expiration of the term of approval of groundwater reserves;

3) death of an individual water user;

4) liquidation of a legal entity that is a water user;

5) inclusion of water bodies in specially protected natural territories;

6) natural or artificial disappearance of water bodies;

7) revocation of the permit.

4. In the event of the occurrence of the grounds provided for in subparagraphs 1), 2), 5) and 6) of paragraph 3 of this Article, the basin water inspectorate shall send a written notice to the water user on the termination of the permit.

5. The deprivation (revocation) of a permit is carried out in the following cases:

1) non-use of water bodies (water resources) intended for drinking water supply for one year;

2) non-use of water bodies (water resources) for three years;

3) failure to eliminate violations that were the basis for the suspension of the permit.

The grounds for deprivation (revocation) of a permit are identified during state control and supervision in the field of protection and use of the water fund.

The deprivation (revocation) of a permit is carried out in accordance with this Code and other laws of the Republic of Kazakhstan.

Article 50. Coordination of the location, design and construction, reconstruction of structures and other facilities affecting the condition of water bodies, as well as the conditions of work related to construction activities, afforestation, subsurface use operations, drilling wells, sanitation of surface water bodies, fisheries reclamation of water bodies, agricultural and other work on water bodies, in water protection zones and stripes

1. Coordination of the placement (selection of the target) of structures and other objects affecting the condition of water bodies is carried out at the initial design stage. In new construction projects, as well as in the reconstruction of structures and facilities related to water consumption and/or wastewater discharge, a separate section provides for the coordination of conditions for special water use and preliminary volumes of water use. Carrying out works related to construction activities, afforestation, subsurface use operations, drilling wells, sanitation of surface water bodies, fisheries reclamation of water bodies, agricultural and other works on water bodies, in water protection zones and strips, must comply with the requirements of paragraphs 1, 2 and 3 of Article 86 of this Code.

2. The projects specified in part two of paragraph 1 of this Article shall be coordinated with the authorized bodies within their competence in accordance with the legislation of the Republic of Kazakhstan.

Consideration of the project documentation is carried out after approval of the provision of the land plot, with the exception of subsurface use operations, and before conducting a comprehensive non-departmental examination.

3. Design, construction and placement of new facilities (buildings, structures, their complexes and communications) on water bodies and (or) in water protection zones, as well as reconstruction (expansion, modernization, technical re-equipment, redevelopment) of facilities erected before the land plots occupied by them were classified as water protection zones and strips, shall be coordinated with basin water inspections.

4. In addition to the grounds for refusal to provide public services by service providers provided for by the Law of the Republic of Kazakhstan "On Public Services", basin water

inspections refuse to approve draft documents if there are no water resources available for use or approved groundwater reserves or if the project of planned activities does not comply with the requirements of Article 86 of this Code.

5. The rules for coordinating the placement, design and construction, reconstruction of structures and other facilities affecting the condition of water bodies, as well as the conditions of work related to construction activities, afforestation, subsurface use operations, drilling wells, sanitation of surface water bodies, fisheries reclamation of water bodies, agricultural and other work on water bodies, in water protection zones and strips are approved by the authorized body.

Paragraph 5. State control and supervision in the field of protection and use of water resources

Article 51. General provisions on state control and supervision in the field of protection and use of water resources

1. State control and supervision in the field of protection and use of the water fund shall be carried out in the form of inspection and preventive control with a visit to the subject (object) of control and supervision in accordance with the Entrepreneurship Code of the Republic of Kazakhstan. State control in the field of protection and use of the water fund in the form of preventive control without visiting the subject (object) of control and supervision is carried out in accordance with this Code and the Entrepreneurship Code of the Republic of Kazakhstan. State control over the prevention of unauthorized water use and compliance with the prohibitions established by this Code on economic activity on water bodies, in water protection zones and strips, as well as over compliance by local executive bodies of regions, cities of republican significance, and the capital with the functions assigned to them in the field of protection and use of the water fund is carried out in accordance with this Code.

State control over the activities of natural monopoly entities providing water supply services through canals, irrigation water supply and regulation of surface runoff using retaining hydraulic structures is carried out in accordance with the legislation of the Republic of Kazakhstan on natural monopolies and the Entrepreneurship Code of the Republic of Kazakhstan.

2. The department of the authorized body coordinates the activities of basin water inspections for the implementation of state control and supervision in the field of protection and use of water resources.

Officials of the department of the authorized body and the basin water inspectorate authorized to carry out state control and supervision are state water inspectors.

3. Basin water inspections carry out state control and supervision over:

1) compliance by local executive bodies of regions, cities of republican significance, and the capital with the functions assigned to them in the field of protection and use of the water fund;

2) availability of a permit for special water use;

3) compliance with the established regime of economic activity within the boundaries of water protection zones and strips of surface water bodies, as well as directly on water bodies, including:

approval with the basin water inspectorate for the placement, design and construction, reconstruction of structures and other facilities affecting the state of waters on water bodies, in water protection zones and strips;

the availability of an agreement on the conditions of work related to construction activities, afforestation, subsurface use operations, drilling wells, sanitation of surface water bodies, fisheries reclamation of water bodies, agricultural and other work on water bodies, in water protection zones and strips;

compliance with the following conditions: project documentation agreed with the basin water inspectorate for the construction, reconstruction of structures and other facilities affecting the state of waters at water bodies, in water protection zones and strips;

coordination with the basin water inspectorate of the conditions for carrying out work related to construction activities, afforestation, subsurface use operations, drilling wells, sanitation of surface water bodies, fisheries reclamation of water bodies, agricultural and other work on water bodies, in water protection zones and strips;

4) compliance with the conditions and requirements established by the permit;

5) compliance with the requirements for maintaining primary accounting of waters and timely reporting on it;

6) availability, serviceable condition (serviceability) and compliance with the terms of verification of measuring instruments to account for the volume of collected water resources and the discharge of treated wastewater;

7) compliance with the rules of operation of water management and hydraulic structures;

8) compliance with the safety requirements of hydraulic structures.

4. State control in the field of protection and use of the water fund provided for in subparagraph 1) of paragraph 3 of this Article is carried out in accordance with Article 52 of this Code.

State control in the field of protection and use of the water fund, provided for in subparagraph 2) and paragraphs one, two and three of subparagraph 3) of paragraph 3 of this Article, is carried out in accordance with Article 53 of this Code.

State control and supervision in the field of protection and use of the water fund provided for in paragraphs four, five and six of subparagraph 3), sub-paragraphs 4), 5), 6), 7) and 8) of paragraph 3 of this Article, are carried out in accordance with the Entrepreneurship Code of the Republic of Kazakhstan.

5. During the implementation and based on the results of state control in the field of protection and use of the water fund, rapid response measures may be applied in order to prevent the occurrence of socially dangerous consequences in accordance with the procedure provided for by this Code and the Entrepreneurship Code of the Republic of Kazakhstan.

Article 52. State control over the observance by local executive bodies of regions, cities of republican significance, and the capital of the functions assigned to them in the field of protection and use of the water fund

1. State control over compliance by local executive bodies of regions, cities of republican significance, and the capital with their assigned functions in the field of protection and use of the water fund is carried out by basin water inspections in the form of an inspection without prior notification to the subject of control and registration of an inspection appointment act, as well as by analyzing reports and information received from government agencies, individuals and legal entities, as well as information contained in the mass media concerning the subject of state control, provided for in this article.

2. The subject of state control is compliance with the functions assigned to local executive bodies of regions, cities of republican significance, and the capital for:

1) planning and implementing measures for the protection of the water fund, the use of water resources, and the development of water management and hydraulic structures in the implementation of basin plans;

2) sanitation of surface water bodies;

3) establishment of water protection zones, strips and the regime of their economic use;

4) annual determination of payment rates for the use of surface water resources;

5) taking measures to implement the recommendations of the basin councils;

6) organization of creation of engineering systems for protection of settlements, industrial facilities, agricultural lands, transport infrastructure facilities, hazardous production facilities for protection from flood and meltwater and (or) their drainage, and (or) redistribution for replenishment of reservoirs, lake systems and groundwater deposits;

7) organization of afforestation of floodplain areas of surface water bodies, protective afforestation in territories under their functional jurisdiction to prevent harmful effects of water and prevent artificial droughts in accordance with the conclusions of basin plans;

8) accounting of water management facilities that are in communal ownership, as well as ownerless water management facilities located in the relevant territory.

3. Subjects of state control are:

1) executive bodies financed from the local budget of cities of republican significance, the capital;

2) executive bodies funded from the local budget of the regions.

4. In order to clarify incoming reports and information from government agencies, individuals and legal entities, as well as those contained in the mass media, during their analysis, basin water inspections have the right to request official information concerning the functions provided for in Article 27 of this Code from subjects of state control.

Local executive bodies of regions, cities of republican significance, and the capital are required to provide the requested information within their competence.

5. Based on the results of the analysis of reports and information, if violations are detected in the actions (inaction) of subjects of state control, the basin water inspectorate prepares recommendations on the elimination of identified violations and sends them for consideration to the relevant local executive body of regions, cities of republican significance, and the capital. A copy of the recommendations on the elimination of identified violations is sent to the authorized body.

6. Local executive bodies of regions, cities of republican significance, and the capital, in case of disagreement with violations identified by the results of the analysis of reports and information, or with certain provisions specified in the recommendations, have the right to send their objections to the basin water inspectorate within five working days from the day following the day of delivery (receipt) of the recommendation.

7. The inspections are divided into:

- 1) planned;
- 2) unscheduled.

8. Scheduled inspections are carried out no more than once a year in accordance with the annual plan approved by the department of the authorized body no later than December 25 of the year preceding the year of the audit, which includes:

- 1) number and date of approval;
- 2) the name of the state body;
- 3) the name of the audited entity;
- 4) the location of the subject (object) being audited;
- 5) the subject of audit;
- 6) the timing of the audit;
- 7) the signature of the person authorized to sign the plan.

The annual inspection plan is posted on the authorized body's Internet resource.

The scheduled inspection period is fifteen working days.

Amendments and additions to the annual plan for scheduled inspections are carried out in cases of liquidation, reorganization of a control entity, change of its name or redistribution of powers between subjects of state control, as well as the occurrence of a natural and man-made emergency, the introduction of a state of emergency in the event of the outbreak or threat of the spread of an epidemic, foci of quarantine facilities and especially dangerous harmful organisms, infectious, parasitic diseases, poisoning, radiation accidents and related restrictions.

In the event of the occurrence of the cases specified in part four of this paragraph, the scheduled inspection may be extended or suspended for a period of no more than thirty calendar days from the date of lifting the regime of a natural and man-made emergency or a state of emergency.

9. An unscheduled inspection is carried out:

1) if there are confirmed complaints received from individuals and legal entities about violations of the requirements of the legislation of the Republic of Kazakhstan in the field of protection and use of the water fund;

2) for the purpose of monitoring the execution of instructions on the elimination of identified violations specified in the act on the results of the audit;

3) at the request of the prosecutor on specific facts of causing or threatening harm to life, human health, the environment, the rights and legitimate interests of individuals and legal entities, the state;

4) on behalf of the body of criminal prosecution on the grounds provided for by the Criminal Procedure Code of the Republic of Kazakhstan.

Unscheduled inspections are not carried out in cases of anonymous requests.

The duration of the unscheduled inspection is no more than five working days with an extension of up to five working days. The term may be extended no more than once.

10. Inspections are carried out on the basis of the act of the basin water inspection on the appointment of an inspection, which includes: 1) number and date;

2) the name of the state body;

3) the surname, first name, patronymic (if it is indicated in the identity document) and the position of the person(s) authorized to conduct the audit;

4) information about the specialists, consultants and experts involved in the audit;

5) the name of the audited entity;

6) type of the audit;

7) the subject of the scheduled inspection;

8) the deadline for the audit;

9) the grounds for conducting the audit;

10) the period under review;

11) signature of the person authorized to sign the acts;

12) the signature of the head of the state control entity or his authorized person(s) on receipt or refusal to receive the act.

11. Based on the results of the inspection, an official of the basin water inspectorate draws up an act on the results of the inspection and an order to eliminate violations, if any.

The inspection results report contains:

1) the place, date and time of the inspection and the drawing up of the act;

2) the name of the state body;

3) the surname, first name, patronymic (if it is indicated in the identity document) and the position of the person(s) who conducted the inspection;

4) the name of the subject of state control, the position of the representative who was present during the audit;

5) information about the results of the audit, including the identified violations and their nature;

6) information on familiarization or refusal to familiarize with the act on the results of the inspection of representatives of the subject of state control, as well as persons present during the inspection, their signatures or refusal to sign;

7) the signature of the official(s) who conducted the inspection.

The instruction on elimination of the revealed violations must contain:

1) the place, date and time of the inspection and the preparation of the prescription;

2) the name of the state body;

3) the surname, first name, patronymic (if it is indicated in the identity document) and the position of the person(s) who conducted the inspection;

4) the name or surname, first name, patronymic (if it is indicated in the identity document) of the subject of state control, the position of the representative who was present during the inspection;

5) recommendations for the elimination of identified violations, indicating the time frame for elimination;

6) information about the familiarization or refusal to familiarize with the instruction on the elimination of violations of representatives of the subject of state control, as well as persons present during the inspection, their signatures or refusal to sign;

7) the signature of the official(s) who conducted the inspection.

12. The act on the results of the inspection and the instruction on the elimination of the detected violations shall be drawn up in two copies. One copy is submitted to the subject of state control, the second remains in the basin water inspectorate.

The form of the report on the results of the inspection and the order to eliminate the identified violations are approved by the authorized body.

13. Officials of the basin water inspection, when conducting an inspection, have the right for:

1) unhindered access to the territory and premises of the state control facility upon presentation of an official identification card or identification card;

2) to receive copies of documents (information) on paper and electronic media for attachment to the act on the results of the audit;

3) to carry out audio, photo and video shooting.

14. Officials of the basin water inspection who carry out the inspection are prohibited from making demands and requests that are not related to the subject of the inspection.

Officials of the basin water inspection, when conducting an inspection, are required to:

1) comply with the legislation of the Republic of Kazakhstan, the rights and legitimate interests of subjects of state control;

2) to carry out an inspection on the basis of and in strict accordance with the procedure established by this Code;

3) not to interfere with the established mode of operation of subjects of state control during the inspection period;

4) timely and fully comply with the powers granted in accordance with the laws of the Republic of Kazakhstan to prevent, identify and suppress violations of the requirements established by the legislation of the Republic of Kazakhstan;

5) not to prevent the subject of state control or its authorized representative from being present during the inspection, to provide explanations on issues related to the subject of the inspection;

6) provide the subject of state control with the necessary information related to the subject of the audit;

7) to hand over to the subject of state control an act on the results of the audit, in cases of violations, an order to eliminate the identified violations based on the results of the audit on the day of its completion;

8) ensure the safety of documents and information obtained as a result of the audit.

15. Subjects of state control or their authorized representatives, when conducting an audit, must:

1) ensure unhindered access of officials of the basin water inspection who have presented an official ID or identification card to the territory and premises of the inspected facility;

2) not to interfere with the exercise of the rights of officials of state bodies provided for in paragraph 13 of this Article.

16. Subjects of state control or their authorized representatives may, when conducting an audit:

1) do not allow persons who do not have an official identification card to the inspection;

2) state their comments and (or) objections in writing and attach them to the report on the results of the audit;

3) appeal decisions, actions (inaction) of the basin water inspectorate and their officials to a higher state body or to a court.

17. Upon the revealed facts of violations by the subject of state control of the requirements established by the legislation of the Republic of Kazakhstan in the field of protection and use of the water fund, the official (officials) of the basin water inspectorate, within the powers provided for by the legislation of the Republic of Kazakhstan, is obliged (must) to take measures provided for by the laws of the Republic of Kazakhstan to eliminate the identified violations and bring persons who allowed the violations to liability in accordance with the laws of the Republic of Kazakhstan.

18. The basin water inspectorate shall notify the state body carrying out activities in the field of state legal statistics and special accounting within its competence of the results of the state control carried out in accordance with the procedure determined by the Prosecutor General's Office of the Republic of Kazakhstan.

Article 53. State control over prevention of unauthorized water use and compliance with the prohibitions established by this Code on carrying out economic activities on water bodies, in water protection zones and strips

1. This state control is carried out in the form of inspections of facilities without registration of an act on the appointment of an inspection before it begins.

2. Subjects of state control are individuals and legal entities engaged in unauthorized water use and (or) prohibited economic activities on water bodies, in water protection zones and strips.

The objects of state control are the objects of water relations specified in Article 11 of this Code, as well as property owned or otherwise legally owned by subjects of state control, the use of which is associated with objects of water relations (hereinafter referred to as objects of control).

3. In order to carry out an inspection, basin water inspections shall pre-carry out a forecast assessment of water bodies where there are potentially high risks of unauthorized water use and non-compliance with the prohibitions on economic activity established by this Code on water bodies, in water protection zones and strips, based on:

1) an analysis of information received from individuals or legal entities, government agencies;

2) information from the mass media;

3) remote sensing of the earth.

4. Based on the forecasted assessment of water bodies provided for in paragraph 3 of this Article, the basin water inspectorate shall draw up a list of water bodies for inspections, as well as determine the dates and duration of their conduct.

At the same time, during the inspection, it is prohibited to carry out control over subjects of state control that have a permit for special water use and (or) documents for carrying out activities on water bodies, in water protection zones and strips, agreed with the basin water inspectorate.

5. To carry out an inspection, an official (officials) of the basin water inspection who has arrived at the control facility for inspection shall present an official identification card or an identification card.

6. Based on the results of the inspection, an official of the basin water inspection draws up an act on the results of the inspection, containing:

1) the place, date and time of the inspection and the drawing up of the act;

2) the name of the state body;

3) the surname, first name, patronymic (if it is indicated in the identity document) and the position of the person(s) who conducted the inspection;

4) the name or surname, first name, patronymic (if it is indicated in the identity document) of the subject of state control, the position of the representative of the individual or legal entity who was present during the inspection;

5) information about the results of the audit, including the identified violations and their nature;

6) information on familiarization or refusal to familiarize with the act on the results of the audit of representatives of the subject of state control, as well as persons present during the audit, their signatures or refusal to sign;

7) the signature of the official(s) who conducted the inspection.

The report on the results of the audit is drawn up in two copies. One copy is submitted to the subject of state control, the second remains in the basin water inspectorate. The form of the inspection report is approved by the authorized body.

7. Upon the revealed facts of violations by the subject of state control of the requirements established by the legislation of the Republic of Kazakhstan, an official of the basin water inspectorate, within the limits of the powers provided for by the legislation of the Republic of Kazakhstan, is obliged to take measures provided for by the laws of the Republic of Kazakhstan to eliminate the violations and bring the perpetrators to responsibility established by the laws of the Republic of Kazakhstan.

8. Officials of the basin water inspection, when conducting an inspection, have the right:

1) for unhindered access to the territory and premises of the state control facility upon presentation of an official identification card or identification card;

2) to receive copies of documents (information) on paper and electronic media for attachment to the act on the results of the audit;

3) to carry out audio, photo and video filming.

9. Officials of the basin water inspection during the inspection are obliged to:

1) ensure the safety of documents (information) obtained as a result of the audit;

2) hand over to the subject of state control an act on the results of the audit.

10. Subjects of state control or their authorized representatives, when conducting an audit, must:

1) ensure unhindered access of officials of the basin water inspection, who presented official identification cards or identification cards, to the territory and premises of the inspected facility;

2) not to interfere with the exercise of the rights of officials of state bodies provided for in paragraph 8 of this Article.

11. Subjects of state control or their authorized representatives may, when conducting an audit:

1) not to allow persons who do not have an official identification card to the inspection;

2) state their comments and (or) objections in writing and attach them to the report on the results of the audit;

3) appeal the results of the audit to higher state authorities or to the court.

Article 54. Officials exercising state control and supervision in the field of protection and use of water resources

1. The officials exercising state control and supervision in the field of protection and use of the water fund are:

1) Chief State Inspector of the Republic of Kazakhstan in the field of protection and use of water resources;

2) Deputy Chief State Inspector of the Republic of Kazakhstan in the field of protection and use of water resources;

3) senior state inspectors of the Republic of Kazakhstan in the field of protection and use of water resources;

4) state inspectors of the Republic of Kazakhstan in the field of protection and use of water resources;

5) chief state inspectors of water management basins;

6) deputy chief state inspectors of water management basins;

7) senior state inspectors of water management basins;

8) state inspectors of water management basins.

2. The deputy first head of the authorized body is the chief state inspector of the Republic of Kazakhstan in the field of protection and use of the water fund.

The Deputy Chief State Inspector of the Republic of Kazakhstan in the field of protection and use of the water fund is the first head of the department of the authorized body.

The officials specified in subparagraphs 3) – 8) of paragraph 1 of this Article are appointed by the authorized body.

The procedure for assigning categories of civil servants of the structural divisions of the state control of the authorized body to the officials specified in paragraph 1 of this article is determined by the authorized body.

Officials exercising state control over the activities of subjects of natural monopolies that provide services for the water supply through canals, irrigation water, as well as services for regulating surface runoff using retaining hydraulic structures, are employees of the structural unit of the authorized body responsible for the implementation of state policy in the areas of natural monopolies.

Article 55. Rapid response measures and the procedure for their application

1. Operational response measures are the methods of influencing subjects (objects) of state control and supervision applied during and (or) based on the results of an inspection and (or) preventive control and supervision with a visit to the subject (object) of state control and supervision, the types of which are provided for in this article.

2. Rapid response measures include the following types:

1) reduction of the permitted volume of water use;

2) suspension of a permit for special water use;

3) revocation of a permit for special water use.

3. Violations of the requirements established by the legislation of the Republic of Kazakhstan, which are the subject of state control in accordance with Article 143 of the

Entrepreneurial Code of the Republic of Kazakhstan, are the basis for the application of a rapid response measure.

4. The rapid response measures specified in subparagraph 1) of paragraph 2 of this Article provide for the right of basin water inspections or their officials to reduce the permitted volume of water use for one of the following reasons identified as part of preventive control or inspection:

1) failure to fulfill obligations stipulated in basin agreements in accordance with paragraph 2 of Article 66 of this Code within the established time limits;

2) exceeding the permitted volume of water use, entailing a violation of the rights and legitimate interests of other water users and nature users;

3) failure to comply with or violation of action plans to reduce water intake and losses provided for in subparagraph 7) of paragraph 4 of Article 45 of this Code;

4) maintenance of faulty water facilities and technical devices affecting the state of waters ;

5) lack of measuring instruments or water measuring devices at water intakes and spillway facilities;

6) late payment for water use.

5. The reduction of permitted volumes of water use in the cases provided for in subparagraphs 1), 3), and 5) of paragraph 4 of this Article shall be carried out by the basin water inspectorate upon annual determination of operational limits in compliance with the requirements established by Article 40 of this Code.

In the cases provided for in subparagraphs 2), 4) and 6) of paragraph 4 of this Article, officials of basin water inspections have the right to reduce the permitted volume of water use .

At the same time, in the cases provided for in subparagraphs 2) and 4) (if this poses a threat of harm to the rights and legitimate interests of individuals and legal entities, damage to the environment) of paragraph 4 of this article, a resolution on the application of a rapid response measure in the form of a reduction in permitted water use, issued by officials of basin water inspections, is subject to execution by the subject of state control and supervision immediately from the moment of delivery of the resolution to the subject of state control and supervision.

6. The amount of reduction in permitted water use volumes is accepted in accordance with the procedure for reducing permitted water use volumes determined by the authorized body.

7. An official of the basin water inspection, during the implementation and (or) based on the results of an inspection and (or) preventive control with a visit to the subject (object) of state control and supervision, if violations of the requirements that are the basis for the application of rapid response measures are detected, issues a resolution on the application of rapid response measures in the form approved by the authorized body.

The resolution on the application of rapid response measures is drawn up and handed over to the subject of state control and supervision in accordance with Article 153 of the Entrepreneurial Code of the Republic of Kazakhstan.

8. In case of refusal to adopt a resolution on the application of rapid response measures, upon its delivery, a corresponding entry is deliberately made and a video recording is made recording the fact of refusal to adopt a resolution on the application of rapid response measures.

A resolution on the application of rapid response measures is sent to the legal address, location or actual address of the subject of state control and supervision by registered mail with a notification of its delivery.

9. Refusal to receive a resolution on the application of rapid response measures is not a reason for its non-fulfillment.

10. Violations of the requirements identified during the implementation and (or) based on the results of the inspection and (or) preventive control with a visit to the subject (object) of state control and supervision, which are the basis for the application of rapid response measures, are reflected in the act on the results of the inspection and (or) preventive control with a visit to the subject (object) of state control. supervision, as well as in the resolution on the elimination of identified violations.

11. The subject of state control and supervision is obliged to eliminate the identified violations of the requirements, which are the basis for the application of a rapid response measure, within the time limits specified in the regulation on the elimination of identified violations.

12. Upon expiration of the time limits for eliminating violations of the requirements identified by the results of an inspection and (or) preventive control with a visit to the subject (object) of state control and supervision, an unscheduled inspection is conducted to control the elimination of identified violations of the requirements that are the basis for the application of an operational response measure.

The resolution on the application of rapid response measures is terminated if the state water inspector confirms that the identified violations of the requirements that are the basis for the application of rapid response measures have been eliminated on the basis of an act on the results of an unscheduled inspection in accordance with subparagraph 2-1) of paragraph 5 of Article 144 of the Entrepreneurial Code of the Republic of Kazakhstan.

13. In case of non-elimination of identified violations of the requirements that are the basis for the application of rapid response measures, based on the results of an unscheduled inspection, measures are taken to bring the perpetrators to justice in accordance with the procedure established by the laws of the Republic of Kazakhstan.

14. Before the expiration of the time limits stipulated by the regulation on the elimination of identified violations, the subject of state control and supervision is obliged to provide

information on the elimination of identified violations of the requirements, accompanied by materials proving the elimination of violations.

If the information provided for in part one of this paragraph is provided, an unscheduled inspection is carried out in accordance with part two of paragraph 12 of this article.

15. The subject of state control and supervision, in case of disagreement with the results of the inspection and (or) preventive control with a visit to the subject (object) of state control and supervision, which led to the application of rapid response measures, may file a complaint declaring the decision on the application of rapid response measures invalid and its cancellation.

A complaint is filed with a higher state body in accordance with the procedure provided for in Chapter 29 of the Entrepreneurial Code of the Republic of Kazakhstan, or with a court in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Filing a complaint does not suspend the execution of the decision on the application of rapid response measures.

16. The grounds for invalidating the decision on the application of rapid response measures and its cancellation are:

- 1) the lack of grounds for the application of rapid response measures;
- 2) the application of a rapid response measure on grounds that do not correspond to this measure;
- 3) the application by the basin water inspectorate of rapid response measures on issues outside their competence;
- 4) failure to comply with the procedure for coordinating and taking prompt response measures established by Article 153 of the Entrepreneurship Code.

17. Information on the application of a rapid response measure is sent to the state body that carries out activities in the field of state legal statistics and special accounting within its competence, in accordance with the procedure determined by the Prosecutor General's Office of the Republic of Kazakhstan.

Article 56. Preventive control without visiting the subject (object) of state control and supervision in the field of protection and use of water resources

1. Preventive control without visiting a subject (object) of state control and supervision in the field of protection and use of water resources (hereinafter referred to as preventive control without visiting) is preventive in nature and is carried out in relation to subjects (objects) of state control and supervision, the scope of which is classified as low risk.

2. Preventive control without visiting is carried out by analyzing:

- 1) information and reporting provided by individuals and legal entities in accordance with the requirements of the water legislation of the Republic of Kazakhstan;
- 2) information received from government agencies, individuals and legal entities regarding compliance with the water legislation of the Republic of Kazakhstan;

3) Earth remote sensing data.

3. In case of detection of violations based on the results of preventive control without a visit in the actions (inaction) of the subject (object) of state control and supervision, the basin water inspectorate shall draw up and send a recommendation on the elimination of violations identified by the results of preventive control without a visit, no later than seven working days from the date of detection of violations.

4. A recommendation on the elimination of violations identified by the results of preventive control without a visit, sent by one of the following methods, is considered duly delivered (received) in the following cases:

1) on purpose – with a receipt mark;

2) by mail – by sending a registered letter with a notification;

3) electronically – by sending by the basin water inspectorate to the e-mail address of the subject (object) of state control and supervision specified in the documents previously submitted by the subject (object) of state control and supervision to the authorized body and (or) the department of the authorized body and (or) the basin water inspectorate, or through the user's personal account on the e-government web portal.

5. The deadline for the implementation of the recommendation on the elimination of violations identified by the results of preventive control without a visit must be at least ten working days from the day following the day of its delivery (receipt).

6. In case of disagreement with violations identified by the results of preventive control without a visit and indicated in the recommendation on the elimination of violations, the subject (object) of state control and supervision has the right to send an objection to the state body that sent the recommendation within five working days from the day following the day of delivery (receipt) of the recommendation.

7. Failure to comply with the recommendations on the elimination of violations identified by the results of preventive control without a visit within the prescribed period entails the inclusion of the subject (object) of state control and supervision in the semi-annual list for preventive control with a visit to the subject (object) of state control and supervision.

8. The frequency of preventive control without visits is determined as necessary, but not more often than the frequency of providing information and reporting provided for by the water legislation of the Republic of Kazakhstan.

9. The results of preventive control without visits are subject to registration in the national water resources information system.

Chapter 7. DEMAND MANAGEMENT IN THE FIELD OF PROTECTION AND USE OF WATER RESOURCES

Article 57. General provisions on demand management in the field of protection and use of water resources

1. Demand management in the field of protection and use of water resources is an activity of state bodies and other organizations aimed at stimulating water users and consumers to use water resources efficiently and economically, to prevent water scarcity and to conserve water bodies for future generations.

2. Demand management in the field of protection and use of water resources is based on the establishment of limits on water use, the retribution of regulated services, taxation for the use of water resources of surface and underground water bodies, a systematic reduction in specific norms of water consumption and sanitation and the application of economic incentives for water conservation.

3. Demand management in the field of protection and use of water resources is carried out by water management organizations, local executive bodies and water users within the limits and permitted volumes of water use established in accordance with Article 40 of this Code.

Article 58. Forms of economic regulation in the field of protection and use of water resources

1. The main forms of economic regulation in the field of protection and use of water resources are:

- 1) taxation for the use of water resources of surface and underground water bodies;
- 2) the retribution of regulated services;
- 3) state support for activities in the field of protection and use of water resources.

2. The forms of economic regulation in the field of protection and use of the water fund provided for in subparagraphs 1) and 2) of paragraph 1 of this Article should encourage water users to conserve water.

3. The state supports the introduction of the best available technologies in the field of protection and use of the water fund by subsidizing the costs of acquiring and implementing the best available technologies.

Article 59. Fees and tax for the use of water resources

1. Fees for the use of water resources from surface sources and the mineral extraction tax on groundwater are charged for special water use.

2. General water use is carried out free of charge.

3. The general and basin plans provide for an assessment of budget expenditures, as well as an analysis of socio-economic and climatic conditions, which lead to proposals for determining the amount of payments and taxes for the use of water resources of surface and underground water bodies.

4. The procedure for calculating and paying fees and taxes to the budget is determined by the tax legislation of the Republic of Kazakhstan.

Article 60. The retribution of regulated services

1. Regulated services in the field of natural monopolies are provided in accordance with an agreement concluded between a water user and a water consumer on the basis of a standard agreement approved in accordance with the legislation of the Republic of Kazakhstan on natural monopolies.

The standard contract for the provision of regulated water supply services specifies the requirements for the water consumer to develop water use plans.

2. In order to objectively account for the quantity (volume) of water resources, the water consumer must install water metering devices at the allocation point that have passed type approval or metrological certification of measuring instruments in accordance with the procedure established by the Law of the Republic of Kazakhstan "On Ensuring the Uniformity of Measurements".

3. Tariffs for regulated services are developed by the service provider in accordance with the Law of the Republic of Kazakhstan "On Natural Monopolies".

Article 61. State support for water management, innovation, investment activities and public-private partnerships in the field of protection and use of water resources, water supply and sanitation of settlements

1. Innovative, investment activities and public-private partnerships in the field of protection and use of water resources, water supply and sanitation of settlements are implemented in accordance with the legislation of the Republic of Kazakhstan and are provided through:

- 1) formation of legal and organizational conditions;
- 2) measures of state support provided for by the legislation of the Republic of Kazakhstan

2. The basic principles of investment policy in the field of protection and use of water resources, water supply and sanitation of settlements are:

- 1) state support for the development of state-owned water and hydraulic structures through centralized investments;
- 2) stimulating investment attraction through public-private partnership;
- 3) expanding the practice of attracting loans, including under government guarantees;
- 4) state control over the expenditure of budgetary funds allocated for investments.

3. The main types of state support in the field of protection and use of water resources, water supply and sanitation of settlements are:

- 1) financing the costs of operating water management and hydraulic engineering facilities that are state-owned and not related to water supply;

- 2) financing the costs of construction and operation of interstate water management and hydraulic structures;

- 3) financing the costs of monitoring and assessing the reclamation status of irrigated lands

;

- 4) financing of measures to ensure the safety of state-owned retaining hydraulic structures

;

- 5) financing the costs of implementing environmental releases;

- 6) financing of research, scientific, technical and (or) development work in the field of protection and use of water resources;

- 7) maintenance of state institutions in the field of protection and use of water resources;
- 8) attraction of financial resources, including borrowed funds, for the reconstruction and development of water management and hydraulic structures;
- 9) attraction of financial resources, including borrowed funds, for the implementation of water conservation projects (the best available technologies), reduction of water losses;
- 10) subsidizing the cost of services for the supply of drinking water from water supply systems included in the list of water supply systems, the cost of services for the supply of drinking water of which is subject to subsidization;
- 11) crediting and subsidizing the construction, reconstruction and modernization of water supply and sanitation systems in settlements;
- 12) subsidizing the cost of water supply services to agricultural producers;
- 13) subsidizing part of the costs incurred by agricultural producers in investments aimed at the introduction of water-saving irrigation technologies;
- 14) subsidizing and paying subsidies from the budget to cover the costs of repayment, maintenance and co-financing of loans attracted under a state guarantee for the development of reservoirs, canals and hydraulic structures of the Republic of Kazakhstan;
- 15) provision of preferential and long-term loans and other preferences in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 62. The best available technologies in the field of protection and use of water resources

1. The best available technologies in the field of protection and use of the water fund (hereinafter referred to as the best available technologies) are the latest achievements in the development of processes and methods of operation of technical devices, means, apparatuses, structures used in the field of protection and use of the water fund, which have proven their practical suitability as a specific measure for water conservation, reduction of specific norms of water consumption, reduction or limitation of discharges.

2. The criteria for selecting the best available technologies are:

- 1) processes and methods of operation of technical devices, means, apparatuses, structures , successfully tested over the past three years in terms of rational use of water resources;
- 2) the possibility of using such technology, taking into account economic feasibility;
- 3) the ability to install these technologies as soon as possible;
- 4) the use of low-water or anhydrous technologies;
- 5) reducing the concentration of pollutants in wastewater.

3. The authorized body forms a list of the best available technologies and posts it on its Internet resource.

**SECTION 4. WATER MANAGEMENT AND HYDRAULIC ENGINEERING STRUCTURES.
INDUSTRIAL AND PUBLIC CONTROL, BASIN COUNCIL AND BASIN AGREEMENTS**

Chapter 8. WATER MANAGEMENT ORGANIZATIONS. INDUSTRIAL AND PUBLIC CONTROL, BASIN COUNCIL AND BASIN AGREEMENTS

Article 63. Water management organizations

1. Water management organizations shall carry out their activities in accordance with this Code, the legislation of the Republic of Kazakhstan, the charter of the organization and the agreements of the parties.

2. Water management organizations by type of ownership are divided into state (republican and communal) and private.

3. Water management organizations are established for the purpose of:

1) maintenance, operation, repair, reconstruction, as well as ensuring the safe operation of water management and hydraulic structures;

2) equity participation in the repair of interstate water management and hydraulic structures;

3) timely and uninterrupted supply of water to water users and consumers;

4) collection, purification and organized discharge of wastewater and drainage waters;

5) performing other activities in accordance with the legislation of the Republic of Kazakhstan.

4. Water management organizations are obliged:

1) to maintain water management and hydraulic engineering facilities in good technical condition, as well as to ensure their safe operation;

2) to provide water users and consumers with water in accordance with the contract within the established time limits;

3) to take measures to prevent pollution, clogging and depletion of water bodies and harmful effects of water;

4) to ensure compliance with the established water regime and the permitted volumes of water use;

5) to comply with other requirements established by this Code and the legislation of the Republic of Kazakhstan.

Article 64. Public control in the field of protection and use of water resources

1. Public control in the field of protection and use of water resources is carried out in accordance with the Law of the Republic of Kazakhstan "On Public Control".

2. Public control may be carried out by citizens of the Republic of Kazakhstan, non-profit organizations and other subjects of public control who are authorized to exercise public control in accordance with the laws of the Republic of Kazakhstan in order to analyze and evaluate acts and decisions in the field of protection and use of water resources in accordance with public interests.

3. The authorized body shall provide conditions for conducting public control of facilities in the field of protection and use of the water fund.

4. Based on the results of public control, measures are taken in accordance with the Law of the Republic of Kazakhstan "On Public Control".

Article 65. Basin council

1. The basin council is a consultative and advisory body established within the water bodies of the relevant basin. The composition and regulations on the activities of the basin council are approved by the relevant basin water inspectorate.

2. The basin council is formed on the basis of a balance of interests from representatives of water users, heads of local representative and executive bodies of regions, cities of republican significance, the capital, heads of territorial divisions of state bodies specified in Article 25 of this Code, territorial divisions of the department of the authorized body in the field of aquaculture.

The basin council may also include experts, representatives of public associations of water users or other individuals and (or) legal entities.

The composition of the basin council is formed in equal proportions from representatives of each administrative-territorial unit located within the water basin.

The heads of local representative and executive bodies and territorial subdivisions of state bodies specified in part one of this paragraph are required to participate in meetings of basin councils.

3. The organization of the work of the basin council is entrusted to the basin water inspectorate. Meetings of the basin council are held at least twice a year.

4. The basin council considers current issues in the field of protection and use of the water fund, in particular, the operational limits of water use planned for approval, the implementation of basin agreements on the restoration and protection of water bodies, makes recommendations to the authorized body and local executive bodies of regions, cities of republican significance and the capital on the protection and use of the water fund (hereinafter – recommendations), including recommendations on:

- the procedure for reducing the permitted volume of water use, depending on the type of water users, water availability and the hydrological situation in the basin;

- measures to prevent and eliminate harmful effects of water and (or) prevent artificial droughts;

- measures taken by local executive bodies to eliminate violations of the functions assigned to them by this Code in the field of protection and use of the water fund;

- updating of basin plans.

5. Meetings of the basin council are drawn up in minutes, and recommendations are made based on the results of the meeting.

The protocol is signed by the chairman of the basin council.

6. The recommendations of the basin councils are posted on the Internet resource of the authorized body.

7. The recommendations of the basin council are taken into account when developing general and basin plans, as well as territorial and sectoral development plans and programs, research and training plans.

Article 66. Basin agreements on restoration and protection of water bodies

1. Basin agreements on the restoration and protection of water bodies (hereinafter referred to as basin agreements) are concluded between basin water inspections, local executive bodies of regions, cities of republican significance, the capital and water users, as well as other subjects of water relations located within the water bodies of the relevant basin, in order to implement measures for the protection and rational use of water objects.

2. Within the framework of the basin agreement, water users undertake obligations to implement specific water protection measures, indicating the timing of their implementation and expected results:

- the introduction of water-saving technologies; reduction of water losses;

- improving the efficiency of wastewater treatment plants, reducing the discharge of pollutants into water bodies;

- implementation of water recycling and reuse systems;

- prevention and elimination of harmful effects of water and prevention of artificial droughts;

- other measures for the protection and rational use of water bodies.

3. Basin water inspections in basin agreements determine the permitted amounts of water use for water users, broken down by year, taking into account a planned gradual reduction in specific rates of water consumption and sanitation, reduction of unproductive losses in the use of water resources and improvement of the quality of discharged waters.

4. Basin agreements are prepared on the basis of documents from the State Planning System of the Republic of Kazakhstan, general and basin plans, scientific and design developments, recommendations from water users, experts, and the public.

Local representative and executive bodies, non-profit organizations and water users are involved in the development of plans for the implementation of the basin agreement.

5. Basin agreements are posted on the Internet resource of the authorized body.

Article 67. Industrial control over the use of water resources

1. Industrial control over the use of water resources (hereinafter referred to as industrial control) is carried out by individuals and legal entities who have a permit for special water use in accordance with the rules of primary water accounting approved by the authorized body. The data obtained during industrial control is a source of statistical information on water intake, use and sanitation provided by water users in accordance with the legislation of the Republic of Kazakhstan in the field of state statistics.

2. Industrial control is carried out on the basis of readings of water metering devices that have passed type approval and metrological certification of measuring instruments in

accordance with the procedure established by the Law of the Republic of Kazakhstan "On Ensuring the Uniformity of Measurements".

3. Industrial control of water supply and (or) sanitation organizations for the quality of drinking water and treated wastewater is carried out by laboratories accredited in accordance with the procedure established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

4. Industrial control during groundwater intake consists in monitoring water flow, static and dynamic levels in water intake wells, and pressure in self-draining wells.

Chapter 9. OPERATION OF WATER MANAGEMENT AND HYDRAULIC STRUCTURES

Paragraph 1. General requirements for the operation of water management and hydraulic structures

Article 68. General provisions for the operation of water management and hydraulic structures

1. Water management and hydraulic structures (hereinafter referred to as structures for the purposes of this chapter) are used in compliance with the operating conditions provided for in their design and fulfillment of other requirements provided for by the legislation of the Republic of Kazakhstan.

2. The structures are operated in accordance with their intended purpose and in the presence of a passport for the facility.

Article 69. Register of structures

1. The register of structures is formed and maintained by the authorized body for:

- 1) accounting of structures;
- 2) collection, processing, storage and use of information on quantitative and qualitative indicators, the technical condition of structures, and their operating conditions;
- 3) information support of state control and supervision in the field of protection and use of water resources, safety of structures;
- 4) providing information to the public about the technical condition and operating conditions of the structures.

2. The register of structures contains information about the name, location, owner(s), purpose, technical characteristics, operating conditions, and technical condition of the structures.

For hydraulic structures specified in Article 70 of this Code, information on the declaration of safety of hydraulic structures is entered.

3. The register of structures is maintained on the basis of the passports of facilities and is part of the national information system of water resources.

Paragraph 2. Features of operation of potentially dangerous structures

Article 70. General provisions on potentially dangerous structures

1. Potentially dangerous structures are defined as certain types of hydraulic structures where an accident poses a threat of harm to human life and health, the environment, and material damage to individuals and legal entities.

2. The types of hydraulic structures classified as potentially dangerous structures, their safety requirements for design, construction, operation, reconstruction, conservation or liquidation, are determined by the regulations on the safety of hydraulic structures, approved by the authorized body.

Article 71. Operation of hydraulic structures

1. The operation of hydraulic structures specified in Article 70 of this Code is permitted in the presence of:

- 1) passport of hydraulic structures;
- 2) rules for the operation of hydraulic structures;
- 3) declarations of the safety of hydraulic structures in the cases provided for in paragraph 4 of Article 72 of this Code.

2. The passport and rules of operation of a hydraulic engineering structure are developed, approved by its owner (owner) and kept by the owner (owner) in the original.

The procedure for developing rules for the operation of hydraulic structures is approved by the authorized body.

The owner (owner) ensures that electronic versions of the passport and operating rules are submitted to the basin water inspectorate for inclusion in the register of structures.

3. For newly constructed hydraulic structures, the passport and operating rules are developed at the design stage.

After the modernization, technical re-equipment, reconstruction, current or major repairs of a hydraulic structure, its passport and operating rules are subject to re-approval.

Article 72. Ensuring the safe operation of hydraulic structures

1. The owners (owners) of hydraulic structures specified in Article 70 of this Code shall take the following measures to ensure their safe operation:

- 1) inspection of the technical condition, including facilities for engineering and technical support of operation;
- 2) carrying out current and major repairs, replacement of main and auxiliary equipment;
- 3) maintenance in good condition and compliance with the deadlines for state certification of equipment and equipment for accounting for water consumption and discharge;
- 4) creation of stocks of material and technical resources;
- 5) other measures provided for by the legislation of the Republic of Kazakhstan and the rules of operation of hydraulic structures.

2. In order to conduct an inspection of the technical condition of a hydraulic structure, the owner (owner) develops a schedule and a survey program.

Based on the results of the inspection of the technical condition of the facility, a repair plan is drawn up, which should also contain measures aimed at reducing water losses and leaks.

3. For hydraulic structures that pose an increased risk in emergency situations of a natural and man-made nature, a technical condition survey is carried out as part of a multifactorial survey.

A multifactorial examination is conducted every five years.

To conduct a multifactorial inspection, the owner determines the safety criteria of hydraulic structures and annually monitors their compliance.

4. Based on the results of a multifactorial inspection of hydraulic structures, a declaration of safety of hydraulic structures (hereinafter referred to as the declaration) is being developed.

A multifactorial examination and the development of a declaration are carried out by the owner (owner) independently or at the expense of his funds by a third-party organization certified by the authorized body for the right to carry out work in the field of safety of hydraulic structures.

In the case of a multifactorial examination and the development of a declaration by the owner (owner) independently, the results of the multifactorial examination and the declaration are subject to examination by an organization certified for the right to carry out work in the field of safety of hydraulic structures, at the expense of the owner.

In the case of a multifactorial examination and the development of a declaration by a certified organization, the examination of the work performed and the declaration are carried out by another certified organization.

5. The declaration is subject to registration with the basin water inspectorate. To assign a registration code to the declaration, the applicant submits to the basin water inspectorate an application and a copy of the declaration along with a copy of the expert opinion.

6. The basin water inspectorate, after reviewing the submitted documents, decides on the registration of the declaration or submits a reasoned refusal.

A copy of the registered declaration is kept at the basin water inspectorate.

7. The list of hydraulic structures and organizations that have registered declarations is posted on the authorized body's Internet resource.

8. In case of changes in conditions affecting the safety of hydraulic structures, the declaration is subject to revision.

If changes are made to the declaration, it is subject to re-examination and registration no later than three months after the changes are made.

Article 73. Special mode of operation of a retaining hydraulic structure

1. In cases of a pre-emergency or emergency condition of a retaining hydraulic structure specified in the declaration, or the absence of a valid declaration conforming to the conditions provided for in paragraphs 3, 4, 5 and 8 of Article 72 of this Code, as well as the inability of the owner (owner) to ensure its proper technical condition, the authorized body has the right

to establish a special regime in order to prevent an emergency operation of a retaining hydraulic structure, ensuring the operation of the reservoir in the pre-flood period and the transit passage of water through the hydraulic structure.

2. The special mode of operation of a retaining hydraulic structure (terms, conditions for conducting an inspection of a hydraulic structure or repair work on it, mutual settlements) is determined by the authorized body in relation to a specific hydraulic structure.

Article 74. Responsibility of owners (owners) of hydraulic structures

The owners (owners) of hydraulic structures are responsible for the proper condition, compliance with the rules of operation of hydraulic structures and ensuring their safe operation in accordance with the procedure established by the laws of the Republic of Kazakhstan.

SECTION 5. PROTECTION OF WATER BODIES Chapter 10. WATER PROTECTION ACTIVITIES

Article 75. Protection of water bodies

1. Water bodies are subject to protection from: 1) pollution as a result of anthropogenic and natural factors;

2) clogging;

3) depletion.

2. Water bodies in accordance with the environmental legislation of the Republic of Kazakhstan are subject to protection in order to prevent:

1) causing harm to the life and (or) health of the population;

2) violations of the ecological stability of aquatic ecological systems;

3) deterioration of hydrological, hydrogeological and hydrobiological regimes of water bodies;

4) reducing the ability of water bodies for natural reproduction and purification;

5) other adverse events that adversely affect the physical, chemical and biological properties of water bodies.

3. Protection of water bodies is carried out through:

1) compliance with the requirements for economic activity on water bodies, in water protection zones and strips provided for in paragraphs 1, 2 and 3 of Article 86 of this Code;

2) establishment of water protection zones and strips of surface water bodies, zones of sanitary protection of drinking water supply sources;

3) conducting state control and supervision, as well as public control in the field of protection and use of water resources;

4) the application of liability measures to subjects of water relations for non-compliance with the requirements for the protection and use of the water fund.

4. Central state bodies and local executive bodies of regions, cities of republican significance, and the capital, in accordance with the legislation of the Republic of Kazakhstan

, shall take measures to protect water bodies, prevent their pollution, clogging, and depletion, as well as to eliminate the consequences of these phenomena.

5. Individuals and legal entities whose activities affect the condition of water bodies are required to comply with the requirements of the legislation of the Republic of Kazakhstan and carry out organizational, technological, hydrotechnical, sanitary-epidemiological and other measures to protect water bodies from pollution, clogging and depletion.

Article 76. Protection of surface water bodies from pollution

1. Pollution of surface water bodies is recognized as the discharge or other entry into water bodies of pollutants that worsen the quality condition and complicate the use of water bodies.

2. The discharge of treated wastewater into surface water bodies is allowed if there is a permit for special water use, subject to their purification to the limits established by the authorized body in the field of environmental protection and the state body in the field of sanitary and epidemiological welfare of the population.

3. The discharge of treated wastewater into surface water bodies with natural medicinal properties, as well as favorable for therapeutic and preventive purposes, is prohibited.

Article 77. Protection of surface water bodies from clogging

1. Contamination of surface water bodies is recognized as the ingress of solid and insoluble waste into them, which entails or may lead to deterioration of the hydrological condition of the surface water body and complicates water use.

2. Clogging of surface water bodies and dumping of waste in them are prohibited.

Article 78. Protection of water bodies from depletion

1. Depletion of water bodies is recognized as a steady decrease in river runoff, groundwater reserves, and a steady reduction in the water area of surface water bodies.

2. Protection of water bodies from depletion is carried out through:

1) setting water use limits;

2) preventing violations of the established water regime and the permitted volume of water use;

3) application of the best available technologies in the field of protection and use of water resources;

4) carrying out water protection measures;

5) compliance with the requirements for economic activities on water bodies, in water protection zones and strips.

Article 79. Peculiarities of protection of small water bodies

1. The regime of limited economic activity within water protection zones and strips of small water bodies, as well as measures to prevent and eliminate their pollution, clogging and depletion are established by local executive bodies of regions, cities of republican significance, the capital in coordination with basin water inspections, territorial divisions of authorized bodies in the field of environmental protection and the state body in the field of

sanitary-epidemiological welfare of the population, and in mudslide-prone regions - with the territorial divisions of the department of the authorized body in the field of civil protection.

2. In order to prevent pollution, clogging and depletion of small water bodies, local executive bodies of regions, cities of republican significance, and the capital separately provide for a set of measures for the protection and restoration of small water bodies in accordance with the general and basin plans, basin agreements.

3. In order to prevent the depletion of water resources on small rivers, the design and construction of water-retaining blind dams without bottom outlets and spillway structures for the passage of flood waters are prohibited. In the absence of these structures in the dam, they are subject to liquidation with the addition of a natural profile and section to the small riverbed in accordance with the legislation of the Republic of Kazakhstan.

4. Individuals and legal entities whose economic activities affect the condition and regime of small water bodies are required to carry out measures coordinated with the relevant basin water inspections to protect and restore the water resources of small water bodies and preserve the purity of their waters.

Article 80. Peculiarities of protection of water bodies of specially protected natural territories

The order of formation, the regime of protection of water bodies of specially protected natural territories and their use, as well as the conditions of activity in them are established by the legislation of the Republic of Kazakhstan in the field of specially protected natural territories.

Article 81. Peculiarities of protection of water bodies of the state forest fund

1. The order of formation, the regime of protection of water bodies of the state forest fund, as well as the conditions of activity in them are established by the water and forest legislation of the Republic of Kazakhstan.

2. Protection regimes for the territories of the state forest fund adjacent to water bodies shall be established in order to ensure the maintenance of water bodies in a condition that meets sanitary, epidemiological and environmental requirements, as well as to prevent pollution, clogging and depletion of surface waters in accordance with the forest legislation of the Republic of Kazakhstan.

3. The right of water use on water bodies of the state forest fund is granted in accordance with this Code.

Article 82. Peculiarities of protection of water bodies of special state importance

1. Natural water bodies that have a dominant impact on the environment and the economy of a region, including deposits and groundwater areas that are used or can be used for drinking water supply in certain regions as the main source of drinking water, are recognized as water bodies of special national significance.

2. When protecting water bodies of special national significance, the following shall be ensured:

1) by an authorized body:

priority of environmental releases of water along the channels of water bodies over economic ones;

organization of scientific research and other work on the protection and restoration of water bodies, including through the use of meltwater and other sources;

2) by the authorized body in the field of environmental protection:

zoning and setting environmental standards separately by zone;

normalization of anthropogenic load on water bodies and their ecological system;

protection of the catchment area of a water body from pollution by production, consumption and other substances;

3) by the authorized body in the field of development of the agro-industrial complex: protection of the territory of the basin of a water body from water and wind erosion, desertification, waterlogging, secondary salinization.

Local executive bodies of regions, cities of republican significance, and the capital, when exercising functions in the field of protection and use of the water fund provided for in this Code, shall take into account the specifics of protecting water bodies of special national significance.

Article 83. Features of wetland protection

1. Pollution and clogging of wetlands with production and consumption wastes, pollution with petroleum products, pesticides and other harmful substances are prohibited.

2. Drainage or other use of wetlands or parts thereof is prohibited.

3. Measures for the protection and reproduction of wildlife, including rare and endangered species of animals and plants, shall be provided in wetlands.

Article 84. Features of protection of glaciers and snowfields

1. Unauthorized discharge of wastewater onto glaciers, snowfields, as well as pollution of glaciers, snowfields by production and consumption waste, pollution by petroleum products, pesticides and other harmful substances are prohibited.

2. Removal (withdrawal) of ice from glaciers should not have a negative impact on the condition of water bodies and lead to water depletion.

Article 85. Water protection zones and strips of surface water bodies

1. In order to maintain surface water bodies in a condition that meets sanitary, hygienic and environmental requirements, to prevent pollution, clogging and depletion of surface waters, as well as to preserve flora and fauna, water protection zones and strips with special conditions of use are established, with the exception of water bodies that are part of the lands of specially protected natural territories and the state forest fund.

2. Water protection zones, strips, their boundaries and the regime of their economic use are established on the basis of project documentation. The customers of the design documentation of water protection zones and strips are the local executive authorities of the

regions, cities of republican significance, the capital, and for individual water bodies or their sections located outside settlements, - individuals and legal entities interested in establishing water protection zones and strips.

The project documentation is developed in accordance with the rules for establishing the boundaries of water protection zones and strips approved by the authorized body.

The project documentation is subject to coordination with the basin water inspectorate, authorized bodies in the field of environmental protection, land relations, the state body in the field of sanitary and epidemiological welfare of the population, and in rural areas - with the territorial subdivision of the department of the authorized body in the field of civil protection.

The project documentation is approved by the local executive body of the region, the city of republican significance, and the capital.

The boundaries of water protection zones and strips on the ground are established according to the coordinates defined in the design documentation, with the installation of water protection signs.

Local executive bodies of regions, cities of republican significance, the capital, districts and cities of regional significance ensure the formation, collection, storage and updating of spatial data on established water protection zones and strips on the state geoportal of the National Spatial Data Infrastructure with the definition of their boundaries for subsequent publication on the public cadastral map of the unified state cadastre of real estate through integration interaction.

3. The boundaries of water protection zones and strips are subject to revision in the event of a natural or artificial change in the boundaries of a surface water body.

Article 86. Requirements for economic activity on surface water bodies, in water protection zones and strips

1. The following is prohibited on the surface water bodies:

1) conducting subsurface use operations, with the exception of prospecting and evaluation works for groundwater and their extraction, operations for the exploration or production of hydrocarbons in the Kazakh sector of the Caspian Sea, as well as prospecting, extraction of salt, medicinal mud;

2) contamination and clogging by radioactive and toxic substances, solid household and industrial waste, pesticides, fertilizers, petroleum, chemical products in solid and liquid form;

3) discharge of wastewater that has not been treated to the standards of permissible discharges;

4) abstraction and (or) use of waters without an approved water regime and a permit for special water use;

5) bathing and sanitary treatment of farm animals;

6) carrying out works related to construction activities, agricultural work, drilling wells, sanitation of surface water bodies, and other works without coordination with the basin water inspectorate;

7) burial of decommissioned (damaged) ships and other floating means, vehicles (their mechanisms and parts).

2. Any kind of economic activity, as well as the provision of land plots for economic and other activities, is prohibited within water protection zones, with the exception of:

1) construction and operation of:

water management facilities and their communications;

bridges and bridge structures; berths, ports, piers and other infrastructure facilities related to the activities of water transport, protection of fish resources and other aquatic animals, fishing and aquaculture;

fish ponds, fish-breeding pools and fish-breeding facilities, as well as engineering communications to them;

children's playgrounds and sports grounds, beaches, water parks and other recreational areas without major construction of buildings and structures;

monitoring points for indicators of the condition of water bodies;

2) coastal protection, afforestation and landscaping;

3) activities permitted by subparagraph 1) of paragraph 1 of this article.

3. Within the limits of water protection zones, it is prohibited:

1) to commission new and reconstructed facilities that are not equipped with structures and devices that prevent contamination and clogging of surface water bodies, water protection zones and strips;

2) to locate and construct gas stations, warehouses for the storage of petroleum products, points of technical inspection, maintenance, repair and washing of vehicles and agricultural machinery;

3) place and construct warehouses and storage areas for fertilizers, pesticides, manure and their use. If it is necessary to carry out forced sanitation in the water protection zone, the use of low- and medium-toxic unstable pesticides is allowed;

4) placement and arrangement of landfills of solid household and industrial waste;

5) placement of cemeteries;

6) grazing of farm animals with excess load, placement of livestock farms, slaughterhouses (slaughtering sites for farm animals), cattle burial grounds (biothermal pits), special storages (burial grounds) of pesticides and containers from under them;

7) placement of wastewater storage facilities, wastewater irrigation fields, as well as other facilities that pose a risk of radiation, chemical, microbiological, toxicological and parasitological contamination of surface and groundwater.

4. Facilities, the placement of which does not contradict the provisions of this article, must be provided with closed (waste-free) technical water supply systems and (or) structures and devices that prevent pollution, clogging and depletion of water bodies, water protection zones and strips, as well as ensuring the prevention of harmful effects of water.

5. The procedure for economic activity on water bodies, in water protection zones and strips is determined within the framework of projects coordinated with basin water inspections, the state body in the field of sanitary and epidemiological welfare of the population, local executive bodies of the region, the city of republican significance, the capital and other interested state bodies.

6. Projects for the construction of transport or engineering communications through the territory of water bodies should provide for measures to ensure the passage of flood waters, the mode of operation of water bodies, the prevention of pollution, clogging and depletion of waters, and the prevention of their harmful effects.

Article 87. Features of protection of water bodies in the territories adjacent to surface water bodies outside the borders (lines) of settlements on which water protection zones and strips are not established

1. The requirements for economic activity provided for in Article 86 of this Code shall apply to territories adjacent to surface water bodies outside the boundaries (boundaries) of settlements where water protection zones and strips have not been established, with the exception of water bodies that are part of the lands of specially protected natural territories and the state forest fund.

2. The external boundaries of the water protection zones of the territories specified in paragraph 1 of this Article are natural and artificial obstacles that intercept the surface runoff of the overlying territories, and in their absence, lines located at a distance of:

five hundred meters from the water's edge at an average annual level during high water in rivers or normal supported water levels in riverbed reservoirs;

three hundred meters from the water's edge at an average annual water level in bulk reservoirs or lakes with a water area of up to two square kilometers, or five hundred meters with a water area of more than two square kilometers.

3. The external boundaries of the water protection strips of the territories specified in paragraph 1 of this Article are natural and artificial obstacles that intercept the surface runoff of the overlying territories, and in their absence, lines located at a distance of thirty-five meters:

from the water's edge at the annual average level during high water in rivers;

from the normal supported water level in riverbed reservoirs;

from the average annual water level in bulk reservoirs or lakes.

4. If the width of the water protection strips determined in accordance with paragraph 3 of this article is less than thirty-five meters, then the width of the water protection strip is assumed to be equal to thirty-five meters;

exceeds two hundred meters, then the outer boundary of the water protection strips of the territories specified in paragraph 1 of this article is a line located at a distance of two hundred meters from the water's edge at an average annual inter-level.

5. The boundaries of water protection zones and strips in accordance with the requirements of this article are determined by the subordinate organization of the authorized body. Information on water protection zones and strips of territories specified in paragraph 1 of this Article shall be posted in the national water resources information system and on the public cadastral map of the unified State cadastre of real estate in accordance with the requirements of part five of paragraph 2 of Article 85 of this Code.

6. The provisions of Chapter 6 of this Code shall apply to water protection zones and strips defined in accordance with the requirements of this Article.

7. The provisions of paragraphs 2, 3 and 4 of this Article shall not apply to the development and approval of the rules for establishing the boundaries of water protection zones and strips of surface water bodies provided for in paragraph 2 of Article 85 of this Code, in which, taking into account the development of settlements, physico-geographical, soil, hydrological and other conditions of areas adjacent to water bodies, other dimensions of the boundaries of water protection zones and strips may be provided for.

8. Local executive bodies of regions, cities of republican significance, the capital, as well as individuals and legal entities interested in the need to establish water protection zones and strips with sizes different from those defined in accordance with paragraphs 2, 3 and 4 of this Article, have the right to order design documentation for water protection zones and strips, taking into account specific physical and geographical conditions, soil, hydrological and other conditions of the areas on which their facilities are located, to coordinate and approve it in accordance with the procedure established by paragraph 2 of Article 85 of this Code.

Article 88. Sanitary protection zones and sanitary protection strips

In order to protect the waters used for drinking water supply, medical, resort and other health needs of the population, local executive bodies of regions, cities of republican significance, and the capital establish sanitary protection zones and sanitary protection strips.

Article 89. Zones of ecological emergency or ecological disaster on surface water bodies

1. Territories occupied by surface water bodies or their water areas, where negative changes occur as a result of economic activity or natural processes that threaten the life and health of the population, flora and fauna, and the state of the environment, may be declared the zones of ecological emergency or ecological disaster.

2. The procedure for declaring and the legal regime of zones of ecological emergency or ecological disaster are established by the environmental legislation of the Republic of Kazakhstan.

Article 90. Provision of land plots in water protection zones and strips for temporary use

1. Land plots in the water protection strips of surface water bodies may be provided for temporary use to individuals and legal entities in accordance with the procedure established by the land legislation of the Republic of Kazakhstan, subject to compliance with the requirements for economic activity established by Article 86 of this Code.

2. Agricultural lands in water protection zones may be provided to individuals and legal entities for land use for haymaking and grazing of farm animals by local executive bodies in accordance with the legislation of the Republic of Kazakhstan.

Article 91. Prohibition of the commissioning of facilities negatively affecting the condition of water bodies

1. It is prohibited to put into operation:

1) new and reconstructed facilities that are not equipped with structures and devices that prevent harmful effects, pollution, clogging and depletion of water, as well as without the availability of measuring instruments for the volume of withdrawn and discharged water resources;

2) water intake structures without fish protection and (or) fish passage devices;

3) livestock farms and other industrial complexes that discharge wastewater into water bodies or onto the terrain without wastewater treatment plants;

4) irrigation and drainage systems, reservoirs, dams, canals and other hydraulic structures before carrying out the measures provided for by the projects to prevent flooding, waterlogging and salinization of land and soil erosion;

5) hydrogeological wells without equipping them with water regulating devices and metering devices for water consumption;

6) water intake and other hydraulic structures without establishing sanitary protection zones and monitoring points for indicators of the condition of water bodies and hydraulic structures provided for in the design documentation;

7) structures and devices for the transportation and storage of petroleum, chemical and other substances that adversely affect the condition of water bodies, without equipping them with means to prevent water pollution and approve plans to eliminate the consequences of accidents during transportation.

2. The commissioning of wastewater irrigation facilities is not allowed without the establishment of monitoring points for the quality of these wastewater.

3. It is not allowed to put into operation water management and hydraulic structures without completing work on the reclamation of disturbed lands, and reservoirs – without taking measures to prepare their beds for flooding.

4. The decision to ban the commissioning of facilities that negatively affect the condition of water bodies is made in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 92. Features of protection of underground water bodies

1. Individuals and legal entities whose economic activities may have a negative impact on the state of groundwater are required to monitor groundwater and take timely measures to prevent pollution and depletion of water resources and harmful effects of water.

2. Deposits and groundwater sites, whose reserves are approved for drinking water supply, must comply with the requirements for sanitary protection zones established by the

legislation of the Republic of Kazakhstan in the field of health and environmental legislation of the Republic of Kazakhstan.

3. Irrigation of land with untreated wastewater is prohibited if it affects or may affect the condition of groundwater.

4. Hydrogeological wells, including self-draining and exploration wells, as well as wells that are not suitable for operation or whose use has been discontinued, are to be equipped with conservation devices or are being liquidated.

The liquidation and conservation of hydrogeological wells are carried out by the owners of wells.

The liquidation and conservation of ownerless self-draining hydrogeological wells is carried out by the National Hydrogeological Service of the authorized body.

Financing of work on the liquidation and conservation of ownerless self-draining hydrogeological wells is carried out at the expense of budgetary funds.

5. When conducting subsurface use operations, the subsurface user is obliged to take measures to protect groundwater.

In the contours of deposits and sections of groundwater that are used or can be used for drinking water supply, it is prohibited to conduct subsurface use operations, the placement of radioactive and chemical waste graves, landfills, cemeteries, animal burial grounds (biothermal pits) and other facilities that affect the state of groundwater.

6. Individuals and legal entities operating groundwater intake facilities are required to monitor the level and quality of groundwater, and organize sanitary protection zones at deposits and groundwater sites whose reserves are approved for drinking water supply.

7. During the placement, design, construction, and commissioning of structures related to the use of groundwater, measures should be provided to prevent their harmful effects on surface water bodies and the environment.

8. During the geological study of the subsurface, exploration and extraction of minerals, and operations for the use of subsurface space, subsurface users are required to take measures to prevent pollution and depletion of groundwater.

SECTION 6. USE OF WATER RESOURCES AND WATER MANAGEMENT FACILITIES

Chapter 11. WATER SUPPLY AND SANITATION OF SETTLEMENTS Paragraph 1. Water supply and sanitation systems of settlements

Article 93. Use of water bodies for drinking water supply

1. Surface and underground water bodies protected from pollution and clogging are used for drinking water supply, the water quality of which corresponds to established environmental standards. A special regime of protection and control over their condition is established at drinking water supply sources in accordance with the water legislation of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan in the field of healthcare.

2. In case of emergency situations of a natural and man-made nature, sources of drinking water supply shall be reserved in accordance with the requirements of paragraph 1 of this Article.

In the absence of the possibility of reserving sources of drinking water supply, water bodies in which the water quality does not meet established environmental standards are considered, provided that the normative quality of drinking water is ensured in accordance with hygienic standards.

3. The use of groundwater suitable for drinking water supply for other purposes is not allowed, except in cases where there are no other sources of water supply and when these groundwater are not a non-alternative source of drinking water supply.

Article 94. Drinking water supply system of settlements

1. The drinking water supply system of settlements is used for collecting, preparing, storing, transporting and supplying drinking water to water consumers. The drinking water supply system of settlements is divided into:

1) centralized water supply system – a complex of engineering networks and structures designed for the intake, preparation, storage, transportation, supply and distribution of drinking water to water consumers;

2) non-centralized water supply system – water intake and water treatment facilities designed for the intake, treatment, storage and supply of drinking water without transportation through pipelines.

2. The constituent elements of the water supply system of a settlement are:

- 1) water intake facilities;
- 2) water treatment facilities;
- 3) regulating capacities;
- 4) pumping stations;
- 5) water pipes;
- 6) distribution networks;
- 7) entrances to buildings;
- 8) internal water supply systems;
- 9) water metering units.

3. Centralized drinking water supply is intended for the primary provision of drinking water to the population, food industry organizations, social facilities, healthcare and life support of the settlement.

Provision of drinking water to consumers not specified in part one of this paragraph is allowed if there are sufficient water reserves, capacity and technical capabilities of the water supply system, determined by the organization for water supply and (or) sanitation in accordance with the rules of technical operation of water supply and sanitation systems of

settlements, approved by the authorized body in the field of housing relations and housing and communal services, and when meeting the requirements of the technical conditions for connection to sources of engineering and communal services.

4. Unauthorized connection to drinking water supply systems without technical conditions for connection to engineering and utility sources is prohibited.

Local executive bodies keep records of non-centralized drinking water supply systems and organize measures to ensure that water quality meets sanitary and epidemiological requirements.

Article 95. The system of water supply and sanitation of settlements

1. Water supply and sanitation in settlements are organized by local executive bodies.

2. The water supply and sanitation system of settlements is an inseparable complex of life support for settlements.

3. The owner (owner) of the water supply and sanitation system of settlements is obliged to provide the population with drinking water and the discharge of domestic wastewater.

Article 96. The system of technical water supply of settlements

1. The system of technical water supply of settlements is created to save drinking water, to provide water consumers with industrial water not intended for drinking, cooking or food production.

2. Water from the technical water supply system of settlements is used to meet the production needs of individuals and legal entities, fire extinguishing, irrigation of green spaces, roads and other technical purposes.

3. Technical water supply systems in populated areas use water from water bodies or wastewater storage facilities of centralized wastewater disposal systems that meet the requirements of water consumers.

4. The design of the technical water supply system is carried out in accordance with the general plans of settlements or schemes of development and construction of small settlements.

5. The quality of water supplied from technical water supply systems is subject to sanitary and epidemiological control and supervision.

Article 97. The water supply and sanitation system included in the condominium facility

1. The property of a condominium facility includes:

1) internal water supply systems within the boundaries of the exterior walls of residential buildings (residential buildings), including group installations for additional purification of drinking water, pumping units;

2) in-house drainage systems, including outlets up to the first well at the point of connection to the drainage network of the settlement;

3) non-centralized wastewater disposal systems.

2. The operation of internal water supply and sanitation systems of residential buildings (residential buildings) is carried out by the owners of apartments, non-residential premises, the

management body of the condominium facility, as well as on a contractual basis by other individuals and legal entities.

Article 98. Drainage system of settlements

1. The drainage system of settlements is used for joint and (or) separate uninterrupted discharge of wastewater.

2. The drainage system of settlements is divided into:

1) centralized wastewater disposal system – a complex of engineering networks and structures of a settlement designed to collect and treat wastewater, including sludge treatment, and discharge treated wastewater into water bodies, wastewater storage facilities;

2) non-centralized drainage system – a drainage system for a single water consumer or a group of water consumers (cesspools, septic tanks, local sewage treatment plants) that is not connected to a centralized drainage system in populated areas.

3. According to its purpose, the sewage disposal system of settlements is divided into household, stormwater, drainage, differing in the qualitative composition of wastewater and the requirements for their treatment.

4. The constituent elements of the sanitation system of settlements are:

1) internal drainage systems of buildings;

2) releases from buildings;

3) submain and road networks;

4) collectors;

5) pumping stations;

6) wastewater treatment plant complexes, including storage facilities for treated wastewater;

7) facilities for discharging treated wastewater into water bodies (water outlets) or onto the terrain;

8) facilities for the processing and disposal of sludge sewage wastewater.

5. The creation of new or expansion of existing wastewater storage facilities, with the exception of filtration fields and evaporation ponds, is allowed provided they are used in recycling or re-supply systems in industry, in the economy of settlements and for irrigation of agricultural crops.

6. Local executive bodies keep records of non-centralized wastewater disposal systems.

7. The use of treated wastewater from wastewater storage facilities is carried out on the basis of water supply agreements between water supply and (or) sanitation organizations and water consumers.

The quality of treated wastewater used for industrial needs, irrigation of green spaces and other communal needs is determined in accordance with the requirements established by regulatory legal acts in the field of sanitary and epidemiological welfare of the population, as

well as based on the technological requirements of the production process in accordance with the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation.

The use of treated wastewater for food production is prohibited.

Article 99. The system of storm (drainage) sewerage of settlements

1. The system of stormwater (drainage) sewerage of settlements is designed to receive and divert rainwater, meltwater, infiltration, irrigation, drainage waters flowing from the territories of settlements and industrial enterprises, their purification and subsequent discharge into water bodies, into wastewater storage facilities or onto the terrain.

2. The constituent elements of the stormwater (drainage) sewerage system of a settlement are:

- 1) submain and road networks;
- 2) collectors;
- 3) snow melting facilities;
- 4) pumping stations;
- 5) stormwater treatment facilities, including wastewater storage facilities;
- 6) facilities for discharging treated wastewater into water bodies (water outlets) or onto the terrain.

3. The system of storm (drainage) sewerage of settlements is in communal or private ownership.

4. Legal entities and individual entrepreneurs, if they have their own stormwater (drainage) sewerage systems connected to the stormwater (drainage) sewerage system of a settlement and diverting rain, melt, infiltration, irrigation, drainage waters into it, pay for the actual volume of rain, melt, infiltration, irrigation, drainage waters diverted, determined in accordance with a methodology for calculating the cost and volume of services provided for the drainage and purification of rainwater, meltwater, infiltration, irrigation, drainage water, draining from the territories of settlements and industrial enterprises into the storm (drainage) sewerage system of the settlement.

5. The owners (owners) of storm (drainage) sewerage systems are responsible for their technically sound condition, operation and development.

6. The connection of facilities to the stormwater (drainage) sewerage system of a settlement is carried out after the fulfillment of the technical conditions issued by the person in charge of this system and the conclusion of an agreement with him.

7. Unauthorized connection to the stormwater (drainage) sewerage systems of a settlement and unauthorized discharge of water into them are prohibited.

Article 100. The water supply and sanitation system owned by the water consumer

1. The elements of the water supply and sanitation system of a water consumer from the boundary of the balance section on the water supply network to the points of water analysis and discharge of used water from sanitary appliances to the boundary of the balance section

on the drainage network of a settlement belong to the water supply and sanitation systems of the water consumer and are serviced by the water consumer on their own or with the involvement of third-party organizations.

2. When designing, constructing and operating a water supply and sanitation system, water consumers must comply with the requirements established by the legislation of the Republic of Kazakhstan.

Article 101. Ownerless water supply and sanitation systems of settlements and (or) their constituent elements

1. Water supply and sanitation systems of settlements and (or) their constituent elements that do not have an owner or whose owner is unknown or has renounced ownership rights are ownerless.

2. Upon detection of ownerless water supply and sanitation systems in settlements and (or) their constituent elements, local executive bodies shall carry out procedures provided for by the civil legislation of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On State Property" for their conversion into state ownership.

3. During the period of registration and before the entry of ownerless water supply and sanitation systems of settlements and (or) their constituent elements into communal ownership, local executive bodies transfer them for temporary operation to water supply and (or) sanitation organizations.

4. The organization for water supply and (or) sanitation ensures the quality of drinking water supplied to the water consumer through the ownerless water supply systems and (or) their constituent elements transferred to it for temporary operation.

The costs of servicing ownerless water supply and sanitation systems and (or) their constituent elements are reimbursed by the local executive body before being transferred to the balance sheet of the operating organization or before the owner accepts the ownerless water supply and sanitation systems and (or) their constituent elements back into his actual possession.

Article 102. Production costs and water losses in the water supply and sanitation system of settlements

1. The production costs of water include the technological and organizational costs of water.

2. The standards for the production costs of water in the water supply system are determined based on the average operational or calculated data for the last three years, depending on the scheme and elements of water supply and sanitation systems in settlements.

3. Water losses in the water supply system include technical and commercial losses.

Technical losses of water include leaks from the water supply network and storage facilities, water losses during the repair of pipelines, fittings, structures, connections (connections) to the water supply network, as well as water losses due to natural loss.

Commercial losses include losses due to unauthorized use of water, distortion of readings or damage to water meters.

4. Standard technical water losses depend on the service life of structures, networks, equipment, and pipeline material.

Water supply and (or) sanitation organizations calculate the standard technical losses of water annually, the results of calculations are systematized, processed and accumulated in their databases.

5. Excess water losses are defined as the difference between the volume of water withdrawn from a water body and the volume of water sold to water consumers, production costs and regulatory technical water losses.

Excess water losses are subject to elimination through water conservation measures.

6. Water supply and (or) sanitation organizations calculate the norms of production costs and technical losses of water during the operation of the water supply and sanitation system of settlements in accordance with the methodology approved by the authorized body in the field of housing relations and housing and communal services.

Article 103. Plan for the development of water supply and sanitation systems in settlements

1. A plan for the development of water supply and sanitation systems in settlements is a document defining the development of a water supply and sanitation system in an individual settlement for a long-term period of at least ten years.

2. A plan for the development of water supply and sanitation systems for settlements is developed by local executive bodies in accordance with development plans for regions, cities of republican significance, the capital, general plans for settlements or schemes for the development of small settlements, taking into account energy, gas and heat supply schemes, projected population growth and availability of drinking water sources and wastewater storage facilities.

The development plan for water supply and sanitation systems in settlements is approved by the relevant local representative bodies.

3. The plan for the development of water supply and sanitation systems in settlements should include:

- 1) assessment of the current state of water supply and sanitation systems;
- 2) existing zones of centralized and non-centralized water supply and sanitation;
- 3) forecast balances of drinking and process water consumption, quantity and composition of wastewater, taking into account different scenarios of water consumption;
- 4) maps (diagrams) of the existing and planned location of water supply and sanitation systems;
- 5) main directions, target indicators and indicators of the results of the development of water supply and sanitation systems;
- 6) an action plan for the construction, reconstruction, modernization, and overhaul of water supply and sanitation systems, taking into account water conservation;

- 7) environmental protection action plan;
- 8) information about sources and amounts of financing.

4. A plan for the development of water supply and sanitation systems in settlements is developed based on the results of a technical audit of centralized water supply and sanitation systems.

Article 104. Technical audit of centralized water supply and sanitation systems in settlements

1. Technical audit of centralized water supply and sanitation systems in settlements (hereinafter referred to as technical audit) is a type of expert work carried out during the operation of engineering infrastructure and (or) its elements in order to determine their actual technical and technological condition for compliance with design capacity in accordance with state standards in the field of architectural, urban planning and construction activities.

2. A technical audit is conducted in order to determine:

1) the actual technical and technological condition of the elements of water supply and sanitation systems (loss rate, physical wear, energy efficiency, optimal topology, degree of power redundancy and other technical parameters);

2) the possibility for sewage treatment plants to achieve the requirements by water supply and sanitation systems in settlements established by regulatory legal acts in the field of sanitary and epidemiological welfare of the population and the environmental legislation of the Republic of Kazakhstan.

3. The results of the technical audit are reflected in the auditor's report with conclusions on their compliance or non-compliance with the requirements and standards established by the legislation of the Republic of Kazakhstan.

4. Based on the results of the technical audit report:

1) the identified indicators of reliability, quality, and energy efficiency of centralized water supply and sanitation facilities in populated areas are compared with similar indicators of centralized water supply and sanitation facilities in populated areas where the best available technologies are used;

2) a decision is made on the need for major repairs, reconstruction, modernization and (or) the introduction of new technologies in centralized water supply and sanitation systems of settlements.

5. The technical audit is conducted by an accredited organization in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities.

The organization for water supply and (or) sanitation informs local executive authorities about the date and timing of the technical audit and the progress of its implementation.

6. A technical audit is conducted at the expense of the organization's own funds for water supply and (or) sanitation, but at least once every five years before the approval of tariffs for the provision of regulated water supply and (or) sanitation services in accordance with the legislation of the Republic of Kazakhstan on natural monopolies.

When developing investment programs by a natural monopoly entity, as well as when commissioning ownerless facilities of centralized water supply and sanitation systems in settlements, the water supply and (or) sanitation organization conducts a technical audit in accordance with this Code and the legislation of the Republic of Kazakhstan.

Paragraph 2. Regulation of relations in the field of water supply and sanitation of settlements

Article 105. Contracts in the field of water supply and (or) sanitation of settlements

Regulated water supply and (or) sanitation services are provided on the basis of concluded agreements between water supply and (or) sanitation organizations and water consumers, drawn up on the basis of a standard agreement approved in accordance with the legislation of the Republic of Kazakhstan on natural monopolies.

Article 106. General provisions of water accounting in the field of water supply and sanitation of settlements

1. In water supply systems, accounting of the volume of water taken from water bodies supplied to the distribution network and to water consumers is organized.

2. In wastewater disposal systems, accounting of the volume of wastewater discharge by individual entrepreneurs and legal entities into the wastewater disposal system of a settlement is organized.

3. Water accounting is mandatory:

1) in pumping stations of the first, second, third and subsequent lifts;

2) at the boundaries of the division of balance ownership or operational responsibility with water supply systems of water consumers;

3) in multi-apartment residential buildings (residential buildings) by means of a communal water metering device and individual metering devices at the entrance of the water supply system to the housing (apartment) and (or) non-residential premises;

4) in individual residential buildings, water metering devices are installed at all inputs of the water supply system;

5) in sewage pumping stations, including those supplying water to sewage treatment plants, wastewater storage facilities, terrain or facilities for reuse;

6) at the outlets of treated wastewater into water bodies, wastewater storage facilities or on the terrain.

4. The accounting of water supplied to water consumers is carried out on the basis of readings of water metering devices installed by water consumers and approved for operation for commercial water metering.

5. In the absence of water metering devices, the volume of supplied water is calculated in accordance with the methodology for calculating the volume of water supply and (or) sanitation services provided, approved by the authorized body in the field of housing relations and housing and communal services.

6. Water supply and (or) sanitation organizations annually analyze water losses in their own distribution networks and among water consumers based on water accounting data.

7. If water consumers do not have wastewater metering devices, the volumes of wastewater discharged by water consumers are assumed to be equal to the volumes of consumed water (drinking water, industrial water, hot water), minus non-returnable water.

Article 107. Organization of water metering in water supply and sanitation systems of settlements

1. Requirements for water metering devices, technical means used in water metering, and the procedure for automating water metering, including as part of automated energy metering systems of telecom operators and telecommunications network owners, not specified in this Code and the rules for the selection, installation, and operation of water metering devices and systems in water supply and sanitation systems in populated areas approved by the authorized body in the field of housing relations and housing and communal services, are determined in accordance with the legislation of the Republic of Kazakhstan on ensuring the uniformity of measurements, on informatization and housing legislation of the Republic of Kazakhstan.

2. The sealing of water and wastewater metering devices is carried out by the organization for water supply and (or) sanitation.

3. Connection (technological connection) of water consumers to centralized water supply and sanitation systems in settlements without installing water metering devices in metering units is not allowed and is carried out in accordance with the specifications issued by water supply and (or) sanitation organizations for connection to water supply and (or) sanitation networks.

4. In projects for the construction, reconstruction, technical re-equipment, modernization, and overhaul of multi-apartment residential buildings (residential buildings) and other facilities for the organization of commercial water metering, it is mandatory to install household and individual water metering devices with a high metrological class with a dynamic characteristic R of at least 100 for cold water and a dynamic characteristic R of at least 50 (metrological class B) for hot water, with a sensitivity threshold of no more than half the minimum flow rate and remote data transmission.

This requirement applies to cases of replacement of non-working or expired water metering devices.

5. Water metering devices specified in paragraph 4 of this Article shall be installed in newly commissioned multi-apartment residential buildings (residential buildings) and other facilities.

The commissioning of multi-apartment residential buildings (residential buildings) and other facilities connected to the water supply and (or) sanitation networks of settlements is not allowed without water metering devices.

6. In case of failure of the water metering device, the water consumer ensures the installation of a serviceable water metering device within thirty calendar days.

In case of failure of the wastewater metering device, the water consumer ensures the installation of a serviceable wastewater metering device within the time period agreed with the organization for water supply and (or) sanitation, but not more than sixty calendar days.

The deadline may be extended due to the sending of wastewater metering devices for verification and repair outside the country.

7. Commercial accounting of the volume of water supply and (or) sanitation services provided for water consumers who do not have metering devices for water and (or) wastewater is carried out by calculation in accordance with the procedure determined by the authorized body in the field of housing relations and housing and communal services.

Article 108. Industrial control of drinking water quality and wastewater composition

1. Water supply and (or) sanitation organizations shall carry out industrial control over the quality of drinking water and the composition of wastewater discharged into the centralized sanitation system of a settlement from the sanitation systems of settlements and industrial enterprises.

2. Laboratory studies and tests of drinking water and wastewater are carried out by laboratories accredited in accordance with the procedure established by the legislation of the Republic of Kazakhstan on accreditation in the field of conformity assessment.

3. The procedure for carrying out industrial control over the quality of drinking water and the composition of wastewater is established by the legislation of the Republic of Kazakhstan in the field of healthcare.

Article 109. Requirements for improving the quality of drinking water

1. Drinking water must be safe epidemiologically, radiationally and chemically.

2 The requirements for the composition of water from water bodies and prepared drinking water, as well as the timing of analysis and types of analyses are determined in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare.

3. The authorized body in the field of housing relations and housing and communal services, together with other interested state bodies, shall take measures to improve the quality of drinking water, which include:

1) maintenance of technologies and facilities in working condition that meet a certain quality of the water body;

2) the use of equipment and materials conforming to national and (or) interstate standards to ensure high-quality construction work;

3) improvement of regulations and national standards of drinking water.

4. Confirmation of compliance with the requirements of national and (or) interstate standards for individual household and group technical means of water purification and disinfection, as well as materials, reagents, technological processes, equipment and other means used in drinking water supply systems of settlements, is carried out in accordance with the legislation of the Republic of Kazakhstan in the field of technical regulation.

Article 110. Requirements for wastewater discharged by water consumers into centralized sanitation systems in settlements

The reception of wastewater from individual entrepreneurs and legal entities into centralized sanitation systems of settlements is allowed in case of:

1) compliance of wastewater with the requirements for the content of permissible concentrations of harmful substances in them in accordance with the rules for receiving wastewater into centralized sanitation systems of settlements, approved by the authorized body in the field of housing relations and housing and communal services.

In case of non-conformity of wastewater, individual entrepreneurs and legal entities are required to clean them at their local wastewater treatment plants;

2) meeting the requirements of technical specifications established by water supply and (or) sanitation organizations.

Article 111. Rights and obligations of water consumers in the field of water supply and sanitation

1. Water consumers who use water supply and (or) sanitation services in settlements have the right for:

1) uninterrupted supply of water from drinking water supply systems in accordance with the sanitary rules for drinking water consumption approved by the state body in the field of sanitary and epidemiological welfare of the population, as well as in accordance with the concluded contract for water supply and (or) sanitation with the organization for water supply and (or) sanitation;

2) receipt of a payment document for payment for the provided water supply and (or) sanitation services;

3) obtaining information about the quality of drinking water and possible interruptions in its supply;

4) participation in public hearings held to discuss draft tariffs for water supply and (or) sanitation services;

5) termination of the contract unilaterally, provided that the water supply and/or sanitation organization is notified in writing no later than one month in advance;

6) provision of drinking water as a matter of priority from drinking water supply systems, if their facilities are classified as housing, used by healthcare entities, as well as for food production;

7) contacting the organization for water supply and (or) sanitation to adjust the payment for the provided service;

8) other rights provided for by the legislation of the Republic of Kazakhstan.

2. Water consumers using water supply and (or) sanitation services in settlements are required to:

1) conclude a contract for water supply and (or) sanitation with a water supply and (or) sanitation organization;

2) maintain the safety and proper sanitary and technical condition of their own water supply and sanitation systems, their control units, and water metering devices in accordance with established requirements;

3) pay timely and in full for the provided water supply and (or) sanitation services in accordance with the concluded contract for water supply and (or) sanitation and the established tariffs;

4) have technical specifications for connection to water supply and sanitation networks, executive survey of their own water supply and (or) sanitation networks, including water consumers living in houses of individual construction, with the exception of water consumers living in multi-apartment residential buildings (residential buildings);

5) observe the rules for the use of water supply and sanitation systems, sanitary rules for drinking water consumption;

6) prevent the discharge of wastewater with pollutants exceeding the permissible concentrations of harmful substances;

7) prevent the discharge of stormwater and drainage water into the domestic wastewater disposal system;

8) not to connect other water consumers to their own water supply and (or) sanitation networks without the permission of the organization for water supply and (or) sanitation;

9) comply with the technical requirements of the organization for water supply and (or) sanitation;

10) comply with other requirements established by this Code and the legislation of the Republic of Kazakhstan.

3. Water consumers – individual entrepreneurs and legal entities, in addition to the duties provided for in paragraph 2 of this Article, must:

1) ensure unhindered access of representatives of the organization for water supply and (or) sanitation to water metering devices for taking readings and checking operability, monitoring the technical condition and safety of all elements of water supply and sanitation systems located on the territory or under economic management, for sampling wastewater, as well as to disconnect the water consumer's networks if there is a debt to the organization for water supply and (or) sanitation for payment for water supply and (or) sanitation services in accordance with the contract for water supply and (or) sanitation;

2) request technical specifications or technical requirements from the organization for water supply and (or) sanitation in case of an increase in water consumption and (or) sanitation in excess of those specified in the contract for water supply and (or) sanitation.

Article 112. Temporary termination or restriction of the provision of water supply and (or) sanitation and wastewater treatment services

The organization for water supply and (or) sanitation has the right to terminate or restrict the provision of services for water supply and (or) sanitation, as well as wastewater reception in the following cases:

1) occurrence of an accident and (or) elimination of the consequences of an accident on centralized water supply and sanitation systems of settlements;

2) the establishment by the territorial divisions of the state body in the field of sanitary and epidemiological welfare of the population of the discrepancy between the quality of drinking water and the requirements of regulatory legal acts in the field of sanitary and epidemiological welfare of the population;

3) the need to increase the volume of water supplied to extinguish the fire;

4) discharge into a centralized wastewater disposal system of substances, materials, waste and (or) wastewater prohibited for discharge;

5) preventing water consumers from allowing representatives of the organization for water supply and (or) sanitation to control sewage wells for sampling wastewater, as well as to water metering units of water consumers for inspection, monitoring, and taking readings of water metering devices;

6) receiving an order or an appropriate decision from the territorial subdivision of the state body in the field of sanitary and epidemiological welfare of the population and (or) the department of the authorized body in the field of environmental protection on the need to implement measures aimed at ensuring compliance of drinking water quality, wastewater composition with the requirements of the legislation of the Republic of Kazakhstan;

7) unauthorized connection (technological connection) to centralized water supply and sanitation systems of settlements;

8) repeated three- or more-fold excess of permissible concentrations of harmful substances determined in accordance with the standards of maximum permissible wastewater discharges from sewage treatment plants of a settlement established by the environmental legislation of the Republic of Kazakhstan;

9) if a water consumer has no production control system in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare;

10) the emergency condition of the water supply and (or) sewerage networks of the water consumer or the organization for water supply and (or) sanitation;

11) carrying out work on connection (technological connection) of new facilities;

12) carrying out scheduled preventive maintenance;

13) if the water consumer has arrears in payment for the services provided for water supply and (or) sanitation in accordance with the contract for water supply and (or) sanitation.

Chapter 12. USE OF WATER BODIES AND WATER MANAGEMENT FACILITIES IN AGRICULTURE

Article 113. Use of water bodies and water resources for the needs of agriculture

1. The use of water bodies and water resources for the needs of agriculture is carried out in accordance with the procedure of general and special water use.

2. The use of surface water bodies for watering farm animals is allowed outside the sanitary protection zone and in the presence of watering sites and other devices that prevent contamination and clogging of water bodies.

3. The use of water management facilities for the accumulation of meltwater, stormwater and flood waters intended for the needs of agriculture is carried out in accordance with the procedure of special water use.

Part one of this paragraph does not apply to the creation and use, including for the prevention of harmful effects of waters, of water management facilities for the accumulation of meltwater, stormwater and flood waters that are not associated with water bodies and create a negative impact on their water regime, if their capacity does not exceed two million cubic meters, for the purpose of irrigation of agricultural crops and watering places for farm animals.

These water facilities should not pose a threat of harm to human life and health, the environment, or material damage to individuals and legal entities, and information about their creation should be submitted to the basin water inspectorate for inclusion in the register.

4. Individuals and legal entities engaged in gardening and horticulture use water for irrigation in the order of special water use in accordance with the established permitted amounts of water use or on the basis of a contract for the provision of water supply services.

5. Irrigation, drainage, washing of saline soils and other reclamation works should be carried out in conjunction with environmental protection measures to ensure the protection of water bodies and their catchment areas.

6. The quality of water resources used for irrigation, including wastewater, is determined in accordance with the requirements established by the legislation of the Republic of Kazakhstan in the field of technical regulation and regulatory legal acts in the field of sanitary and epidemiological welfare of the population.

Article 114. Use of water bodies and water management facilities for regular irrigation of land

1. Irrigation water is delivered to the lands of regular irrigation and drainage water is removed from them by irrigation and collector-drainage systems.

Irrigation and collector-drainage systems are divided into mainline, inter-farm and intra-farm.

Main irrigation and collector-drainage systems of interstate, interregional and interdistrict significance are in state ownership, inter-farm irrigation and collector-drainage systems may be privately owned.

2. On-farm irrigation and collector-drainage systems connected by unified technological processes for supplying irrigation water and discharging drainage water from irrigated lands are jointly owned by agricultural water consumers.

3. Water consumers are obliged to keep the existing on-farm irrigation and collector-drainage systems in proper technical condition.

The rules for the operation of on-farm irrigation and collector-drainage systems are developed and approved by the local executive body on the basis of standard rules for the operation of irrigation and collector-drainage systems approved by the authorized body.

Article 115. Planning of water use for land irrigation

1. Provision of water supply services for irrigation of lands is carried out on the basis of a contract for the provision of water supply services concluded between agricultural water consumers and water users in compliance with the requirements of the legislation of the Republic of Kazakhstan on natural monopolies on the basis of water use plans (hereinafter for the purposes of this article – plans) and permitted water use volumes.

2. Plans are drawn up by month and decade, with mandatory indication of the types of cultivated crops, irrigation area, irrigation standards in the form approved by the authorized body.

The plan with a decadal breakdown is adjusted by the water user, taking into account the authorized volume of water use and the capacity of irrigation and collector-drainage systems for water supply and drainage.

3. When drawing up plans, water consumers should take into account the patterns of alternation (rotation) of agricultural crops, developed in accordance with the requirements established by the land legislation of the Republic of Kazakhstan.

4. Based on the adjusted plan, water users submit annual applications to basin water inspections for obtaining the permitted amount of water use.

Basin water inspections, taking into account the forecast of the water content of the year compiled by the National Hydrometeorological Service and the provisions of Article 40 of this Code, as well as the implementation by the water user of the action plan to reduce water losses, establish to the water user the permitted amount of water use for the corresponding year.

5. In the event of a change in the permitted volume of water use established for the water user on the grounds provided for in this Code, the water use plans shall be adjusted and brought into line with the newly established permitted volumes of water use.

Based on the adjusted water use plan, water users and water consumers make changes and additions to contracts for the provision of water supply services, depending on the fulfillment by water consumers of plans for measures to reduce losses.

6. When adjusting plans, a water user has the right to take into account the contribution of each water consumer to the performance of his duties provided for in this Code, compliance with the instructions of state control bodies and compliance with the conditions of water use defined in the permit for special water use, as well as compliance by water consumers with the requirements of paragraph 3 of this article.

Article 116. Irrigation condominium

1. An irrigation condominium is a special form of ownership of real estate as a single property complex (hereinafter referred to as the irrigation condominium facility), in which the

property right to land belongs to individuals and (or) legal entities, and irrigation and collector–drainage systems belong to them on the basis of the right of common shared ownership.

2. An irrigation condominium may be formed on irrigated land plots owned by two or more land users or owners of land plots provided with irrigation water from one irrigation canal or its allotment point.

3. The size of the participant's share of the irrigation condominium in the common property is determined by the ratio of the area of the irrigated land plot to which this participant has the right to the total area of the irrigated lands of the irrigation condominium.

Such a share in the property of an irrigation condominium cannot be allocated in kind (an ideal share).

4. The amount of the share in the common property may not be determined by agreement of all participants of the irrigation condominium, in this case the property of the condominium is in common ownership, which is not subject to division.

5. The transfer of the property right to an irrigated land plot (except for the termination of the secondary right of temporary land use) to another person entails the transfer to the acquirer of a share in the property of an irrigation condominium.

6. A participant in an irrigation condominium does not have the right to alienate his share in the property of an irrigation condominium separately from the right to an irrigated land plot

7. The use of the common property of an irrigation condominium as collateral is possible with the consent of all its participants.

8. An irrigation condominium may be liquidated upon transfer of the property right to all irrigated land plots (with the exception of the secondary right of temporary land use) of the irrigation condominium to one person.

Article 117. Registration of an irrigation condominium facility

1. The object of an irrigation condominium is subject to state registration as a single property complex in accordance with the legislation of the Republic of Kazakhstan on state registration of rights to immovable property.

2. The clarification of the land cadastre documentation and the issuance of an identification document for the land plot that is part of the irrigation condominium facility are carried out in accordance with the legislation of the Republic of Kazakhstan.

Article 118. Rights of participants in an irrigation condominium

1. All participants in an irrigation condominium have the right to manage common property commensurate with their share of participation in the irrigation condominium.

2. Each participant of an irrigation condominium has the right to use the common property. The order of use of the common property of the irrigation condominium is determined by the agreement of the participants of the irrigation condominium.

The transfer of a land plot to other persons does not entail the termination of the lessor's participation in an irrigation condominium.

3. Participants in an irrigation condominium may have other rights established by the laws of the Republic of Kazakhstan.

Article 119. Responsibilities of the participants of the irrigation condominium

1. The participants of the irrigation condominium are obliged to:

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

2. Participants of an irrigation condominium may also bear other duties established by the laws of the Republic of Kazakhstan.

Article 120. Features of participation in an irrigation condominium

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

2. If the irrigated land plot in an irrigation condominium is not used by its participant, he is not exempt from the costs of maintaining the common property.

3. Tenants of irrigated land plots do not have the right to vote and may not otherwise participate in the management of the irrigation condominium facility, but they must comply with the rules common to the participants of the irrigation condominium.

4. Participants in an irrigation condominium do not have the right to alienate the common property of an irrigation condominium on their own behalf.

Article 121. Management of the irrigation condominium facility

1. The participants of an irrigation condominium are obliged to resolve the issue of the form of its management within one month after the registration of the irrigation condominium facility.

2. The form of management of an irrigation condominium facility is determined by an agreement of its participants in accordance with the legislation of the Republic of Kazakhstan.

3. In the absence of state registration of an irrigation condominium facility as a single property complex, the local executive body has the right to register an irrigation condominium facility in accordance with the procedure established by the legislation of the Republic of Kazakhstan on state registration of rights to immovable property and to introduce external management of the irrigation condominium facility.

Article 122. Accounting of water resources used for irrigation of lands

1. Unless otherwise provided by the agreement of the participants of the irrigation condominium, the volume of irrigation water is recorded by the managing organization of the irrigation condominium, and in the event of its absence – by the water user supplying water to water consumers.

2. The volume of irrigation water supplied to water consumers who are part of an irrigation condominium is recorded based on the readings of water metering devices installed at the water supply points from the management organization of the irrigation condominium to the water consumer.

In the absence of water metering devices or an irrigation condominium, the volume of irrigation water supplied to water consumers is calculated. At the same time, the volume of losses through on-farm channels is distributed among water consumers in proportion to the areas of their irrigated land.

Chapter 13. USE OF WATER BODIES AND WATER MANAGEMENT FACILITIES IN OTHER SECTORS OF THE ECONOMY

Article 123. Use of water bodies and water resources for industry and thermal power engineering

1. The use of water bodies and water resources for the needs of industry and thermal power engineering is carried out in accordance with the procedure of special water use.

2. Industrial organizations and heat-producing entities are obliged to use water resources rationally through the introduction of recycling and (or) re-water supply systems.

3. Groundwater that is not classified as drinking and mineral waters may be used for technical water supply and other industrial needs under special water use conditions in compliance with the requirements for the protection and use of groundwater established by the legislation of the Republic of Kazakhstan.

4. The discharge of groundwater collected simultaneously during subsurface use operations and their injection into the subsurface, with the exception of the injection of reservoir waters extracted simultaneously with hydrocarbons, in order to maintain reservoir pressure, is allowed only if there are environmental permits and permits for special water use.

5. The use of drinking water in industry, if it is possible to use water of a different quality, is not allowed, except in cases where their use is provided for by the technological process.

In case of emergency situations of a natural and man-made nature, local executive bodies of the region, cities of republican significance, and the capital have the right to temporarily allow the consumption of drinking water for industrial purposes, taking into account the primary satisfaction of drinking and household needs of the population.

The terms of drinking water consumption for industrial needs are established in coordination with the basin water inspectorate.

6. In cases of natural and man-made emergencies, the authorized body has the right, in accordance with the procedure established by the laws of the Republic of Kazakhstan, to restrict, suspend or prohibit the use of water bodies and water resources by industrial and thermal power enterprises.

Article 124. Use of water bodies and water resources and water management facilities for hydropower

1. The use of water bodies and water resources and water management facilities for hydropower is carried out in accordance with the procedure of special water use, taking into account the interests of other sectors of the economy (integrated use) and compliance with the requirements for the protection and use of water bodies established by the legislation of the Republic of Kazakhstan.

2. Organizations operating hydropower and hydraulic engineering structures on water bodies are obliged to:

- 1) observe the established regime for filling and emptying the reservoirs, releases from them, and fluctuations in the water level in the upper and lower reaches;
- 2) ensure the unhindered passage of ships and other floating objects;
- 3) carry out the established environmental and emergency releases;
- 4) perform other duties stipulated by this Code.

3. If, as a result of changes in the level of water bodies resulting from violations of the rules of operation of hydraulic structures, harm has been caused to individuals and (or) legal entities, the perpetrators are obliged to compensate it in accordance with the laws of the Republic of Kazakhstan.

4. In the high-water period of the year, in order to reduce the idle discharge of water, the operation mode of hydroelectric power plants is planned according to the maximum capacity of turbines.

When carrying out an environmental release, it is prohibited to reduce the established water discharge regime. In the absence of consumers of electric energy, compliance with the established regime of environmental release is carried out by means of spillway and water outlet facilities and (or) by idling discharge through turbines.

Article 125. Use of water bodies for health and recreational purposes

1. Water bodies, the resources of which possess natural healing properties, as well as favorable for therapeutic and preventive purposes, belong to the category of health-improving and are used for health-improving purposes in accordance with the legislation of the Republic of Kazakhstan.

2. The use of water bodies for recreational purposes is carried out in accordance with the procedure of general water use. The use of water bodies that pose a potential mudflow hazard for recreational purposes is prohibited.

3. The extraction of water resources from a water body possessing natural medicinal properties, as well as favorable for therapeutic and preventive purposes, is carried out in accordance with the procedure of special water use.

4. Places for mass recreation, tourism and sports on water bodies are established by local executive bodies of the region, the city of republican significance, the capital in accordance with the rules of general water use.

Article 126. Use of water bodies and water resources and water management facilities to extinguish fires

1. Water intake for fire extinguishing is allowed from any water bodies without special permission.

2. The choice of the place of water intake for extinguishing fires, its arrangement (piers, entrances, light signs) must be carried out by local executive bodies of regions, cities of republican significance, the capital in coordination with the territorial divisions of the department of the authorized body in the field of civil protection in compliance with the conditions imposed by the department of the authorized body.

3. Individuals and legal entities that have appropriate structures and fire extinguishing devices on their water supply networks are required to maintain them in good condition.

4. It is prohibited to use for other purposes water from water bodies and water management facilities specifically designed to extinguish fires.

Article 127. Use of water bodies and (or) their areas for hunting

1. When operating water bodies and (or) their sections, as well as structures located in the water area of water bodies, the mode of use of which affects the habitats of birds and aquatic animals, compliance with the necessary hydrological regime of wetlands and the interests of hunting must be taken into account.

2. The assignment of a hunting ground does not entail the transfer of the right to use and dispose this water body and (or) its land or its water resources.

Article 128. Use of water bodies and (or) their plots for fishing and aquaculture

1. Surface water bodies and (or) their areas classified as fishery reservoirs and (or) areas are assigned for fishing and aquaculture in accordance with the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife and aquaculture. The use of surface water bodies and (or) their plots for fishing, commercial lake and (or) cage farming does not apply to special water use.

2. Individuals and legal entities that are assigned fishing ponds and (or) areas for fishing and (or) aquaculture must:

1) carry out, in coordination with the basin water inspectorate, fisheries reclamation of water bodies and (or) dredging operations to improve the condition of fisheries reservoirs and (or) sites;

2) carry out activities provided for by the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife and aquaculture;

3) prevent contamination and clogging of surface water bodies assigned for fishing and aquaculture, as well as violations of the regime of economic activity in water protection zones and strips in their places of use;

4) not to allow restrictions on the rights of general water use, except in cases stipulated by this Code and other laws of the Republic of Kazakhstan.

3. The assignment of a fishery reservoir and (or) a site for fishing and aquaculture does not entail the transfer of the right to use and dispose this water body and (or) its site or its water resources.

4. Withdrawal of water resources from surface and underground water bodies for aquaculture is carried out in the order of special water use.

Article 129. Operation of reservoirs

1. Reservoirs are created in order to regulate surface runoff, meet the water needs of water users and increase the hydropower potential.

2. The design, construction and operation of reservoirs are carried out taking into account all possible negative consequences of such interference in existing natural and economic complexes.

3. The operation of reservoirs is carried out in accordance with the rules for the use of water resources of reservoirs and the rules for the technical operation and improvement of reservoirs.

4. The rules for the use of water resources of reservoirs determine the mode of their use, including the mode of filling and emptying, modes of flood passage and environmental releases.

5. Rules for the use of water resources of reservoirs are developed within the framework of the construction project. As you gain operational experience, these rules are subject to adjustment, but at least once every five years. Uniform rules are being developed for the cascade of reservoirs.

6. The rules of technical operation and improvement of reservoirs determine the procedure for using their bottoms and shores, conducting scheduled inspections, repairs and maintenance of a complex of hydraulic structures of the reservoir.

7. Environmental releases are carried out to ensure the volume of ecological runoff from the reservoir.

Environmental releases are carried out based on the need to preserve the natural regime of the water body, fish resources and other aquatic animals, as well as ensure the flushing of riverbeds during floods.

8. Environmental releases are a priority.

9. The volumes of environmental releases are established by the basins of water bodies by the relevant basin water inspections on the basis of scientific recommendations.

10. Standard rules for the use of water resources of reservoirs and rules for the technical operation and improvement of reservoirs are approved by the authorized body.

Chapter 14. INTERNATIONAL COOPERATION IN THE FIELD OF PROTECTION AND USE OF TRANSBOUNDARY WATER BODIES

Article 130. Principles of international cooperation in the field of protection and use of transboundary water bodies

The Republic of Kazakhstan, when implementing international cooperation in the field of protection and use of transboundary water bodies, is guided by the principles of:

- 1) protection of the interests of the Republic of Kazakhstan in the field of protection and use of transboundary water bodies;
- 2) ensuring environmental safety and developing international cooperation in the field of protection and use of transboundary water bodies;
- 3) ensuring the right of all countries of transboundary watercourses to fair, reasonable and mutually beneficial use of transboundary water bodies, taking into account generally recognized principles and norms of international water law;
- 4) management of transboundary water bodies, taking into account the needs of the current generation without prejudice to the needs of future generations;
- 5) maintaining a balance between the ability of the natural environment to recover and anthropogenic pressure caused by the needs of economic development in the basins of transboundary water bodies;
- 6) mutual assistance and peaceful settlement of disputed issues in solving problems of protection and use of transboundary water bodies;
- 7) ensuring measures to prevent possible transboundary impacts on the condition of transboundary water bodies;
- 8) international liability and compensation for damage caused by transboundary impacts.

Article 131. Mechanism of interstate cooperation in the field of protection and use of transboundary water bodies

1. Interstate cooperation in the field of protection and use of transboundary water bodies is carried out within the framework of permanent interstate commissions established in accordance with international treaties ratified by the Republic of Kazakhstan.

2. The composition and functions of the government delegation of the Republic of Kazakhstan in regular interstate commissions on transboundary water bodies shall be determined by the Government of the Republic of Kazakhstan.

3. The authorized body is the working body of the commissions of the Republic of Kazakhstan on transboundary water bodies.

Chapter 15. RESPONSIBILITY FOR VIOLATION OF THE WATER LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN. TRANSITIONAL AND FINAL PROVISIONS

Article 132. Responsibility for violation of the water legislation of the Republic of Kazakhstan

Violation of the water legislation of the Republic of Kazakhstan entails liability established by the laws of the Republic of Kazakhstan.

Article 133. Transitional provisions

1. The owners (owners) of dams on water bodies, regardless of the form of ownership, are obliged to ensure the availability of the documents provided for in paragraph 1 of Article 71 of this Code, within two years from the date of entry into force of this Code.

2. Local executive bodies of regions, cities of republican significance, and the capital are required to establish the boundaries of water protection zones and strips of surface water bodies within the boundaries (boundaries) of settlements in the relevant administrative-territorial units within two years from the date of entry into force of this Code.

Until the boundaries of water protection zones and strips are established in accordance with part one of this paragraph, the boundaries of water protection zones and strips of surface water bodies within the boundaries (lines) of settlements are recognized as the boundaries defined in accordance with Article 87 of this Code.

3. Local executive bodies of regions, cities of republican significance, and the capital, within two years from the date of entry into force of this Code, are required to ensure that the data of the state land cadastre are aligned with established water protection zones and strips of surface water bodies.

4. Paragraph 2 of Article 86 of this Code does not apply to buildings and structures erected within the boundaries of water protection strips and put into operation before July 1, 2009, or on land plots provided before the entry into force of this Code, for which no water protection strips were installed at the time of provision.

At the same time, their operation is allowed only if there is an organized centralized sewerage system, another system for the discharge and treatment of contaminated wastewater, or devices for waterproof cesspools to ensure the removal of their contents.

5. Industrial organizations and heat-producing entities that do not have recycling and (or) re-water supply systems, in order to fulfill the obligation provided for in paragraph 2 of Article 123 of this Code, must submit a plan for the transition to these systems no later than two years from the date of entry into force of this Code.

At the same time, the implementation period of the plan should not exceed five years.

6. Contracts of property lease (lease) or trust management of state-owned water facilities concluded before the entry into force of this Code shall be brought into compliance with the requirements of paragraph 6 of Article 13 of this Code by January 1, 2027.

7. The prohibition established by Article 86 of this Code on conducting subsurface use operations on surface water bodies and within water protection strips does not apply in accordance with paragraph 3 of Article 277 and paragraph 25 of Article 278 of the Code of the Republic of Kazakhstan "On Subsoil and Subsurface Use" to subsurface use operations for solid minerals (including widespread minerals), conducted on the basis of licenses and contracts for subsurface use issued and concluded prior to the enactment of the Code of the Republic of Kazakhstan "On Subsurface Resources and Subsurface Use", including in case of transition to a licensed subsurface use regime (renewal of the right of subsurface use).

At the same time, subsurface use operations must be carried out in accordance with the requirements of the environmental and water legislation of the Republic of Kazakhstan.

8. Permits and approvals obtained before the entry into force of this Code, as well as all related acts of the executive authorities of the Republic of Kazakhstan, remain valid until the

expiration of the period for which they were issued and received, except for the cases provided for in this article.

Article 134. Procedure for the implementation of this Code

1. This Code shall enter into force sixty calendar days after the date of its first official publication, with the exception of Articles 9, paragraph 3 of Article 39, paragraphs 2 and 3 of Article 40, subparagraph 7) of paragraph 4 and paragraph 7 of Article 45, Article 87, which shall enter into force on January 1, 2027.

2. To establish that subparagraphs 4) and 5) of paragraph 1 of Article 25 of this Code are valid until January 1, 2028.

3. To suspend until January 1, 2028 the effect of paragraph 3 of Article 46 of this Code, having established that during the period of suspension this paragraph is valid in the following wording:

"3. Basin water inspections, after receiving documents for issuing permits providing for the extraction and (or) use of groundwater with a withdrawal volume of more than fifty cubic meters per day, with the exception of mineral groundwater, send a request to the relevant territorial subdivision of the authorized body for the study of subsurface resources within three working days to coordinate the conditions of this water use.

The territorial divisions of the authorized body for the study of subsurface resources are required to submit a positive or negative opinion on the request regarding the presence or absence of approved balanced groundwater reserves to the basin water inspections within five working days.

In the absence of approved balanced groundwater reserves and a declared water demand of more than fifty cubic meters per day, approval is issued for up to three years, subject to monitoring studies within the framework of the issued permit for the purpose of assessing and examining groundwater reserves based on operational experience."

4. Invalidate the Water Code of the Republic of Kazakhstan dated July 9, 2003.

President of the Republic of Kazakhstan K. TOKAYEV