

(Unofficial Translation)

KINGDOM OF SAUDI ARABIA
THE MINISTRY OF AGRICULTURE & WATER
Department of Water Resources Development

EXECUTIVE ORDER NO. 14-62
1/7/1409 H. (7 February 1989)

BY-LAWS OF THE WATER RESOURCES PRESERVATION REGULATIONS
ISSUED BY ROYAL DECREE NO. M/34 DATED 24.8.1400 A.H.

The Minister of Agriculture & Water, by virtue of the authority vested in him, and acting under Article No. 12 of the Regulations governing Water Resources preservation, issued by Royal Decree No. M/34 dated 24.8.1400 A.H., giving authorization to the Minister of Agriculture & Water to draw up by-laws for those regulations in the public interest, upon review of the by-laws of the said regulations issued on 20/3/1403 A.H., in order to cope with recent changes in the process of Water Resources exploitation and preservation, hereby decides to issue the following by-laws of the Water Resources Preservation Regulations.

I- General Definitions

Unless otherwise expressly mentioned herein, the following terms shall have the meanings as respectively assigned to them:

Article 1

- A- Regulations : means these Water Resources Preservation Regulations, issued pursuant to Royal Decree No. M/34 dated 24.8.1400 A.H.
- B- Ministry : means The Ministry of Agriculture & Water.
- C- Minister : means The Minister of Agriculture & Water, or his representative as authorized by the Minister.
- D- Water obstruction : means the exploitation of underground water or the act of bringing said water to the ground surface by any means.

- E- **Underground Water** : means all water contained underground which can be abstracted through water wells. This does not cover water reservoirs, pools, or basins which are made by Awqaf.
- F- **Water Resources** : means all waters contained in streams, aquifers, springs, lakes, permanent and semi-permanent lagoons and swamps, treated wastewater or desalinated water.
- G- **Water Well** : means any well or excavation in the ground, or any borehole made by a drill, or a pipe, or any other device that is used or may be used to reach the groundwater or to make such water come up or flow over the ground surface.
- H- **Drilling Contractor**: means any person or entity engaged in the practice of water-well drilling to abstract groundwater, either for himself or for others, solely or in cooperation with others, by hiring them or by joining them, to achieve the above-mentioned objective.
- I- **Drill** : means the device used for drilling, boring, breaking or blasting the ground to reach the groundwater, whatsoever the target or actual depth reached, and regardless of the diameter of the drill, the area occupied, or the method of its operation or the equipment used.
- J- **Drilling License** : is an authorization issued by the Ministry to any drilling contractor permitting him to practice his business according to conditions set forth by the Ministry.
- K- **Drilling Permit** : is a permit issued by the Ministry to a landowner, or his agent, to drill or have drilled, or to deepen, or to develop, or to fill, or to change the specifications of, a water well.
- L- **Restricted Area** : is an area restricted by the Ministry from water well drilling, and such areas are defined by a decision of the Minister.

- M- Defective Wells : are wells which lead to subsidence of the soil either at or below the surface, or which contaminate or change the quality of such waters due to the mixing of water from two or more aquifers.
- N- Supervision : means the presence of one of the Ministry staff concerned with well drilling at the principal stages of the construction of a well in order to guarantee proper execution thereof by insuring that the well will not cause the mixing or contamination of water from different aquifers.
- O- Observation well : means any borehole, pit or trench made in the ground by a machine, pipe or other device used or usable for reaching the level of surface water or of groundwater in accordance with certain technical specifications, and within which water levels can be measured manually or by various type of automatic gauges.
- P- Observation well's housing : a housing or box, constructed or fabricated from steel or concrete as per certain specifications intended to safeguard observation wells and the equipment installed thereon against damage, vandalism or breakage.
- Q- Well site : the area surrounding production or observation wells, in the shape of a circle, with a radius of not less than 50m. The determination of the areas surrounding production wells depends on the number of wells available and on the quantity of water required.
- R- Hydrologic Network : this term includes all climatic, rainfall and runoff stations.
- S- Climatic station : it consists of specific equipment for measuring climatic conditions such as temperature, humidity, evaporation ..etc.

T- Rainfall station : all equipment concerned with the measurement of rate and intensity of rainfall.

U- Runoff station : all equipment concerned with the measurement of water levels and discharges in various streams.

II- Registration & Licenses

Article 2 Anyone intending to practice drilling work is required to obtain a license from the Ministry by submitting an application, together with supporting evidence that he has the necessary manpower and experts, in addition to the availability of drilling equipment. This application shall be made on forms issued by the Ministry's branch offices, supported by work cards or agreements certified by Saudi Embassies, or by any other certified documents required by the Ministry.

Article 3 Drilling Contractors will be registered with the concerned department, after they submit the required documents and complete the above-mentioned procedures (Article 2), within three months of the date on which the license was issued.

Article 4 Drilling Contractors will be judged according to the following criteria:

- A- Technical qualifications.
- B- Administrative qualifications.
- C- Financial resources.

Article 5 The Minister, or anyone from the Ministry authorized by the Minister, has the right to enter upon any land or facility to inspect, survey, investigate, or obtain information about water. He may also make any measurements, as required by these Water Resources Preservation Regulations, after notifying the landowner or the tenant in advance.

Article 6 Drilling License holders shall leave a certified copy of their Drilling License with the workers who work on any drilling jobsite so that such license will be available for inspection by a representative of the Ministry at all times. The drilling contractor shall display his name and his Drilling License number in a prominent place on his drilling rig at the jobsite.

Article 7 A Licensee who has obtained a well Drilling Permit shall keep the same with the drilling contractor or his employees on site and the Ministry representative shall, during the drilling period or thereafter, have the right to examine the permit and to ensure that it is correct and valid. The drilling contractor shall make the Drilling Permit available to the Ministry representative and he shall surrender it when requested.

Article 8 The drilling contractor shall provide the concerned Ministry's Branch Office with a drilling completion report, on a form prepared by the Ministry, within fifteen (15) days of completion. He is required to report to the Ministry's Branch Office the locations and movements of his drilling rigs.

After completing the drilling of the well and finishing the completion report, the contractor shall submit a copy of that report to the Ministry, together with borehole soil samples taken every three metres, as well as water samples and a work progress report.

III- Drilling Contracts

Article 9 The drilling contractor shall conclude written contract agreements with water well owners, or with their authorized representatives, and such contracts shall be duly signed by both contracting parties, or their representatives, before the commencement of any work. Such contracts must follow the contract form prepared by the Ministry. They will be in accordance with instructions issued by the Ministry regarding the methods of drilling, the diameters, the suitability of materials, and the lengths of the casings. The permit issued by the department of water preservation shall be considered as a general regulation controlling the relations between the contractor and the owner and it shall be signed by the contractor, the owner and the supervisor. The owner shall be firmly advised, when given such a permit, to enter into a water well drilling contract with the contractor and to provide the department of water preservation with a copy therefore to be held as reference in case of a dispute.

Article 10 The technical specifications stated in the drilling permit issued by the Ministry are deemed to be an integral part of any contract made between the owner and the drilling contractor, even if they are not specifically mentioned in the contract.

IV- Water Utilization

Article 11 Permits for drilling and for agricultural water use shall be issued according to the following priorities:

A- Old farms according to the dates of their rehabilitation, on a first-come first-serve basis.

B- Lands distributed according to the lands regulations, on a first-come first-serve basis.

C- Lands granted under Royal Decrees on a first-come first-serve basis.

In all cases the highest priority shall be given to those those lands on which irrigation technology approved by the Ministry will be used, which is aimed at preserving water resources.

Article 12 In case the priorities stated in Article 11 above are equal, the higher priority will be given to those water users who are involved in agricultural and livestock production with a government subsidy in order to help achieve the Kingdom's food self-sufficiency.

Article 13 Within the scope of its capabilities the Ministry shall supervise the drilling and the construction of water wells for large-scale agricultural projects, implemented by agricultural firms and establishments, and for those persons who obtained many water-well Drilling Permits, but the cost of such supervision shall be born by those firms or persons; in addition, some observation wells shall be drilled in accordance with the specifications of the Ministry.

Article 14 The following procedure shall be followed by any farmer whose land exceeds an area of 25 donums (2.5 hectares):

A- A list shall be submitted of the crops to be grown and of the areas assigned to each type of crop, in addition to the working hours to be devoted to supervise the farm.

R- The Agricultural Department of the Ministry shall assess the water requirements of the farmers.

C- The Water Resources Development Department shall determine the number of wells required, together with their specifications and their locations.

Farms with areas less than 25 donums shall be exempted from the above.

Article 15 The owner of each farm has to provide for the following:

A- A reinforced concrete pool to store water in a size related to the area of cultivated land.

B- Irrigation canals with an efficiency of at least 90%.

The Ministry's representative may check and inspect these facilities on the spot.

Article 16 After the date of issue of these by-laws and in the absence of a permit from the Ministry, any water well or facility constructed on government property, as determined by the uncultivated land distribution, will be deemed to be a public utility and will be used by the Ministry without any compensation, in addition to set fines as specified below.

V- Violations and Penalties

Article 17 Any drilling contractor who has no license to practice this business will be fined an amount not exceeding SR. 50,000; moreover, his drilling operations will be suspended unless he gets such a license. The fine will be increased to SR. 100,000 for any further violation.

Article 18 A Drilling Contractor holding an expired license will be fined SR. 25,000, and his operations will be suspended until he pays this fine and renews the validity of the license. The above fine will be doubled if the contractor practices his job on more than one occasion before he discovers his violation. A drilling contractor will be fined SR. 5,000, if he fails to provide the concerned Ministry Branch Office with a drilling inspection report within 15 days of the completion date, or if the Ministry discovers incorrect information, or if the contractor does not inform the Ministry of his job sites or of the movements of his equipment.

Article 19 The drilling contractor and the well owner will be fined SR. 25,000 each for any water well drilled without a Drilling Permit, or drilled with a permit that was previously used, and each of them will be suspended from working unless the fine is paid and a permit is obtained.

Article 20 The Drilling Contractor and the well owner will be fined SR. 10,000 each if they drill a well with an expired permit and both will be suspended from working unless the fine is paid and the permit is renewed.

Article 21 A farm owner will be fined no more SR. 5,000, if he violates the provisions of Article 14 or 15 hereof.

Article 22 A- Should the farm owner develop a well situated on his own land without a permit, he will be fined SR. 5,000.

B- If a farmer uses a Drilling Permit to drill at a location other than the one specified by the Ministry in the permit, or if he drills in a restricted formation, or in areas restricted by Royal Decrees, then he will be fined SR. 25,000.

C- The drilling contractor and the farm owner will be fined SR. 10,000 each if they exceed the permitted depth and they shall bear the cost of seating such increased portion.

Article 23 In the event of repeated violations of Article 19 above the drilling license will be withdrawn for a period of not more than one year, and a fine of the same value shall be imposed on the owner of the farm.

Article 24 The owner of the well and the drilling contractor will be fined SR. 10,000 each if, when drilling a well, they disregard the relevant instructions concerning water preservation and aquifer mixing, and their operation shall be suspended until they have backfilled the well at their own expense.

Article 25 The Ministry of Agriculture and Water shall have the right to take necessary and suitable action against anyone who drills a well without a permit, and penalties therefor may include suspension of loans or subsidies, or of the use of agricultural facilities, and the acceptance of crops such as dates wheat etc., pending the removal of the reasons necessitating such penalties.

Article 26 A farmer or a company constructing wells without the supervision of the Ministry, or without drilling an observation well on the site, will be fined a maximum of SR. 150,000; in addition, drilling operations will be suspended until the above requirements are met.

Article 27 Any person (or persons) who siezes a Ministry well for the purpose of private exploitation in farming, and who annexes same to his/their farm will be fined SR. 200 for each day of such exploitation, provided the amount does not exceed RS. 25,000.

Article 28 Should a citizen objects to the construction of a Ministry well, thereby causing a delay in the construction thereof, on the pretext that such a well is situated on his property, when in fact the said well is being drilled on Government property, then said citizen shall be fined SR. 200 for each day of the delay, provided the fine shall not exceed SR. 25,000.

If a citizen objects to the construction of a well belonging to another citizen, under the pretext that such a well is located on his property, although in fact its location is not on his property, then said citizen shall be fined not more than SR. 1,500.

Article 29 If any citizen deliberately disturbs the hydrological network without damaging the same, then he will pay a fine of SR. 2000, or SR. 1000 if the disturbance was not made deliberately. In addition, such citizen shall undertake not to repeat such disturbance.

Article 30 If any citizen deliberately damages the fence around a climatic station he shall pay a fine of SR. 5000; if such damage is not committed deliberately he shall pay a fine of SR. 2000. In either case he shall pay the expense of repairing and restoring said fence.

Article 31 If any citizen deliberately damages any of the equipment of the hydrological network he will be fined SR. 3000; if the damage is not committed deliberately he shall pay SR. 1000. In all cases shall they shoulder the expenses of repairing the damaged equipment, or of purchasing a new, similar equipment, if the same is completely destroyed.

Article 32 These general regulations shall apply to anyone who trespasses on hydrologic or runoff field stations or on any other facilities associated with the network of stations, and he shall be obliged to pay the cost of repair for any damages caused thereto.

Article 33 If any citizen deliberately damages or destroys an observation well belonging to the Ministry, he shall be sentenced either to one year imprisonment with a fine of SR.10,000, or to either one of these two penalties, provided that he shall, if possible, repair such a well or drill another one subject to the specifications of the Ministry; moreover, he shall be obliged, if completely destroyed to purchase and install new measuring devices provided, and to bear all expenses incurred therefore. If such offence is repeated by the same person then the said fine and imprisonment will be doubled.

Article 34 Any citizen who trespasses against, including vandalizing, defacing or damaging, the equipment installed on the observation wells of the Ministry, shall be sentenced either to six months imprisonment, along with a fine not exceeding SR. 5,000, or to either one of these two penalties, provided that he shall be obliged to install, at his own expense, new equipment in accordance with the specifications of the Ministry. If such offence is repeated by the same person then the said penalties shall be doubled.

Article 35 Any citizen who trespasses on the grounds or shelters of any type of observation well, or defaces or damages any part thereof, shall be sentenced either to six months imprisonment plus a fine of not more than SR. 5,000, or to either one of those penalties, provided that he shall build or install, at his own expense, another new shelter as per the specifications of the Ministry. The provisions of this article shall also be applicable to the hydrological stations.

Article 36 Anyone who trespasses on sites of observation wells belonging to the Ministry, or on farms or buildings thereon, or who exploits same or creates any structures that may hinder access thereto, shall be sentenced to either a fine of SR. 5,000 plus six months imprisonment, or to either one of those penalties; should such offences be repeated by the same person then the said penalties shall be doubled and he shall be obliged to remove what he has built.

Article 37 A warning notice shall be served by the Emirate on anyone who prevents the representatives of the Ministry from carrying out maintenance and operation works, or from having access to observation wells of the Ministry, and he shall be obliged to undertake not to prevent those representatives from performing their duties. In the event of repeating such an offence he shall be sentenced either to not more than six months imprisonment and a fine not exceeding SR. 2,000, or to either one of those two penalties.

Article 38 A warning notice shall be served by the Emirate on anyone who prevents the Ministry's representatives from entering or having access to observation wells in order to carry out maintenance and operation works; a special access way shall be allocated for wells located on private lands or farms, in addition to reserving the particular sites of these wells. If no access is granted he shall be sentenced either to not more than six months imprisonment or to a fine not exceeding SR. 1000, or to both of these, and in the event of repeating the offence the said penalties shall be doubled; in addition, he shall undertake in writing not to repeat the same offence. The above provisions shall also be applicable in case of obstructions created to hinder access by the Ministry's representative to any observation wells.

VI - Procedures

Article 39 In case of a violation of any of the above-mentioned provisions, will make a report and submit it to the office of the Ministry of Agriculture and Water in the area where the violation occurred. This office shall forward the report to the Ministry in Riyadh to determine the required penalty on any violator; if there is no representative of either of these two Ministries in the said area a similar report must be prepared by the area or branch office of either Ministry and sent to the Ministry of Agriculture and Water in Riyadh. An investigation shall be made by a representative of the Ministry of Agriculture and Water in co-operation with a representative of the Ministry of the Interior and the -----

Article 40 The Minister of Agriculture & Water, or his authorized representative, will decide on the proper penalty for the violators in a standard form prepared by the Ministry listing the name of the violator, the place of the violation and reporter's name.

Article 41 The Ministry of Agriculture and Water will collect the fines mentioned above, according to these regulations and in a manner properly adopted.

VII - General Regulations

Article 42 The Minister of Agriculture and Water may modify these by-laws by adding or deleting any provisions for the benefit of the public interest or for improved application.

Article 43 The provisions of these by-laws shall be implemented effective the date of their issuance and they shall be published in the Official Gazette as well as being reported to the Emirates in the regions villages and rural areas, to be circulated for the information of all Citizens.

The Minister of Agriculture & Water

Abdul Rahman A. Al-Shaikh

Kingdom of Saudi Arabia
Ministry of Agriculture & Water
Water Preservation Dept.

No. 18
Date:

Permits & Control Section Serial No. Subject: Drilling Permit
.....

The Director of
Branch Office of the Ministry

Dear Sir,

Reference is made to the request of Mr. _____ submitted to this Dept. with your letter No.....dated...../.../.....regarding a permit for drilling aon a farm, located in , owned by, the boundaries of which are; eastwest south north, for the purpose of irrigation. The information forwarded by you indicates that the said farm is already existing and that it is in need of a water well. Therefore, the concerned Tech. Dept. of this Ministry sees no objection to issuing this permit provided that the drilling shall be performed within the farm limits and that no trespassing shall occur on the lands of any other farmer. The Drilling Contractor shall abide by the following:

The Contrator shall undertake to use the equipment necessary to execute the contractual work and he shall supply all the required technicians and labour to carry out the job.

Both parties to the drilling contract shall follow these conditions:

- 1- The well depth shall not exceedm.
- 2- Well casing pipes shall be used, and cement shall be used around the casing to fill the space between the casing and the well walls.
- 3- The distance between the proposed well and any other well on the same farm shall not be less than 500 m.

The contractor shall comply with the following:

- 1- The well must be drilled vertically using safety materials, the necessary casing, cement and well screens.
- 2- The verticality of the well shall be tested every 100 feet, and in case of any deformity of the bore the contractor shall correct it, or drill a replacement well at his own expense.

If the well is drilled in an improper way resulting in water leakage, or if it shows within one year of its drilling, any defect that may affect the best use of it, the Contractor shall plug it tightly and replace it by another one.

If the well is drilled in areas which have some water problems, like a high water level, flowing water etc., the Contractor shall then use some control facilities to preserve water resources.

- 1- The Contractor shall use good quality materials such as API H (40) casing pipe specifications and the weight shall not be less than 48 lbs/ft for 13½ inch pipe, but 36 lbs/ft for 9 5/8 inch pipe, and 23 lbs/ft for 7 inch pipe.
- 2- The Contractor shall be responsible for the installation of casing and in case pipes used are different in specifications he will be responsible. Moreover he will be responsible for any violations of the permit provisions, such as drilling on a farm not covered by a permit.

The Contractor shall not start his operations in an area already covered by a permit, and where the conditions above prevail, until often period of 15 days has elapsed after providing the Ministry with details on those conditions signed by both parties.

The Contractor shall provide the Ministry's Water Resources Development Dept. with soil samples taken at 3m intervals in the well, some water samples, well conditions, static water level, production capacity, etc.

The Ministry may supervise and inspect the well drilling contractor's operation to check his compliance with these rules and specifications.

The Ministry shall decide in any disputes pertaining to the drilling operations.

Both parties shall sign this permit (in 1 original and 3 copies) and each party shall retain one of the copies; the third copy shall be filed with the concerned Ministry Branch or Dept. Branch. This permit will be valid until the contractor starts working by it, or for three years from its date.

Director General, Water Preservation Dept.

Signed

CC: the drilling permits file with the
complete file
the applicant
the contractor
the outgoing mail for reference.

The Supervisor

The Contractor

The Land Owner

Signed

Signed

Signed