

China – UK, WRDMAP Integrated Water Resources Management Document Series

Advisory Note 6.2/2: WUA Institutional Document Guides

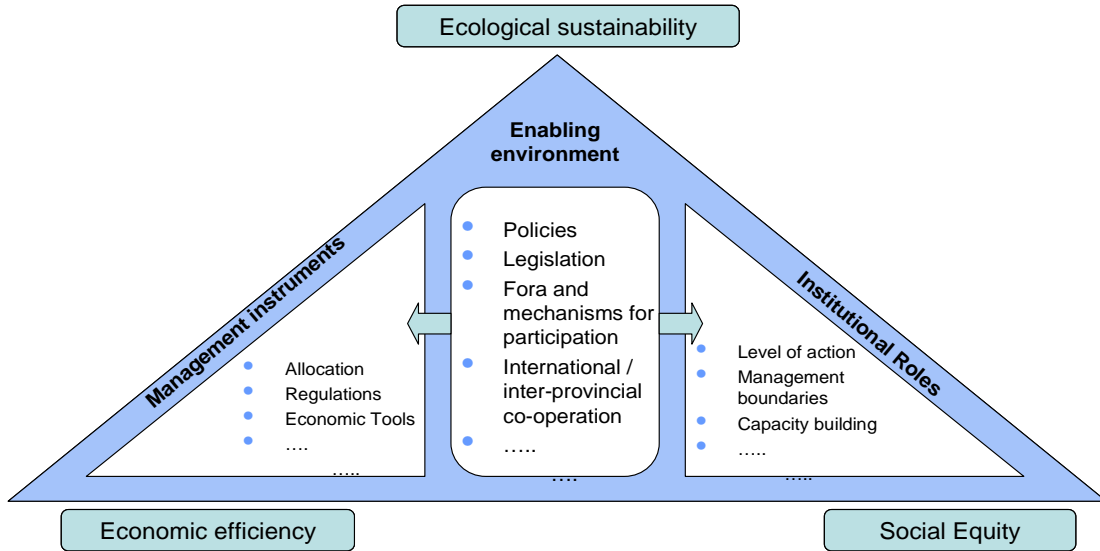
May 2010



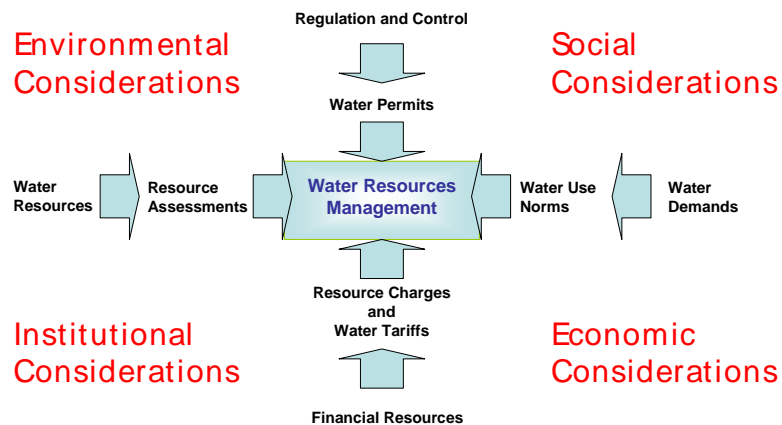
6.
Water
Saving
Society

Integrated Water Resources Management (IWRM)

(Basics after Global Water Partnership)



Driving Elements of Integrated Water Resources Management



(Second figure after WRDMAP)

Summary: This document provides guidance to municipality and county Water Affairs Bureaus, river basin bureaus, water management divisions and water user association on the contents of the charters and other institutional documents for WUAs.

This document covers the following sections:

- Guide for potential contents of a WUA Charter
- Guide for potential contents of WUA By-laws
- Guidelines for a WUA Federation Charter

It provides a template for these three charters and by-laws, to then be edited based on the WUA's specific context. Supporting documents used in the creation of these templates can be found in Section 4 *Legal Documents* at the end of this Advisory Note.

This document is one of a series covering topics on sustainable water resources planning, allocation and management. Details are given in the bibliography.

This document should be read in conjunction with the Advisory Note 6.2/1: 'Administrative Steps for Developing Strong Water User Associations' in the same series, which gives step-by-step recommendations for how to establish WUAs so that they can become effective for managing irrigation at a local level.

The Ministry of Water Resources have supported the Water Resources Demand Management Assistance Project (WRDMAP) to develop this series to support WRD/WAB at provincial, municipal and county levels in their efforts to achieve sustainable water use.

1 Guide for Potential Contents of a WUA Charter

The following acts as a generic template for a potential WUA Charter.

Charter of Authority

_____ Village Water Users Association

_____ Township, _____ County, Gansu Province

(Generic Example)¹

Chapter 1 General Principles and Jurisdiction of the Water Users Association (WUA)

Article 1.1 Purpose of the WUA

The purposes of the WUA are to mobilize mutual aid and cooperation among water users, self management and self service to ensure effective, efficient and equitable operations and maintenance of irrigation within its area of jurisdiction. The WUA may help avert natural disasters effecting agriculture, improve agricultural productivity, increase farmer incomes and develop rural economy.

[*Legal Documents*²: 5]

[*Other justifications*³: *Established progressive practice*]⁴

¹ This WUA Charter is generic in that it is based on general policy and legal principles and it is for use by farmer representatives as they prepare their own specific WUA Charter based on local management conditions and capacities.

² The numbers refer to the legal documents referred to at the end of this document.

³ 'Other justifications' means that items in the article are based on 'Established progressive practice', 'Line agency directions', or are from 'User discretion' of WUA members.

Article 1.2 Scope of management

The _____ WUA (hereafter, WUA) has responsibility and authority to own, operate, regulate, maintain and finance all equipment and infrastructure for irrigation and any other water use within its area of jurisdiction, including tubewells, pumps, water delivery canals, low pressure pipes, water storage and other equipment within its tertiary block.

[Legal Documents: 5,8]

Article 1.3 Boundaries of WUA

Boundaries of the WUA are based on hydraulic or canal system boundaries with consideration for administrative divisions. Boundaries of WUA have been determined in consultation with local governments, village committees, water management organizations and farmer water user representatives. It has been agreed that the size of the WUA is suitable for tasks required and to facilitate mutual aid and cooperation among members.

[Legal Documents: 5,6,7]

Article 1.4 Area of jurisdiction

Annex 2 shows the boundaries and area of jurisdiction for this WUA.

(a). For surface canal irrigation the WUA has jurisdiction for the _____ Tertiary Canals and downstream quaternary channels, which receive water via the _____ Branch Canal of the _____ Primary Irrigation Canal.

(b). For groundwater irrigation, the WUA has jurisdiction for the following lift irrigation systems:

- WUG 1: ____ha, _____ member households
- WUG 2: ____ha, _____ member households
- WUG 3: ____ha, _____ member households
-, etc.

(c). _____ ha is potentially irrigable by surface canal irrigation and _____ha is potentially irrigable by groundwater lift irrigation. The total potentially irrigable area within the WUA is _____ha. This area serves _____ member households.

[Legal Documents: 5,6,7]

[Other justifications: User discretion]

Article 1.5 Objectives of the WUA

Objectives of the WUA are to:

1. raise awareness of democratic management,
2. make closer relations between water supplier and users,
3. improve O&M and on-farm water management,
4. promote water savings,
5. increase water charge collection,
6. reduce agricultural production costs,
7. increase farmer income,
8. improve the rural economy and
9. protect and improve the environment.

[Legal Documents: 5]

Article 1.6 WUA characteristics

⁴ References to Legal Documents and Other Justifications in these brackets are inserted here only for reference, to indicate where the essential principles of each article are supported by the legal framework.

The WUA is the water users' own organization. It is a non-profit association acting on behalf of its member water users. It is set up by democratic election involving all water users. Democratic management, democratic decision-making and democratic supervision should be carried out within this WUA, wherein majority votes must carry decisions. The WUA is a social management entity wherein all WUA members have equal status and enjoy identical rights, responsibilities and obligations.

[Legal Documents: 2,3,5,6,9]

Article 1.7 WUA Principles

This WUA is based upon the following principles:

- (a) Self governance;
- (b) Serves farmers by seeking maximum benefits to them through timely, reliable, efficient, equitable, sustainable and productive provision of irrigation and drainage services;
- (c) All members share equally the responsibilities, rights, benefits and costs of the WUA;
- (d) The WUA ensures open, transparent, and consistent operations in accordance with the needs and interests of farmer water users;
- (e) The WUA reserves the right to adapt the organization according to changing local needs and conditions;
- (f) The WUA follows the national constitution, national water law, government regulations and relevant national policies for irrigation and drainage and other related sectors

(g) Participation of women in all WUA matters, including leadership positions.

[Legal Documents: 1,2,3,5,6,7,8]

[Other justifications: Established progressive practice, User discretion]

Article 1.8 Ownership or use rights

This WUA has either legal ownership or operational and management rights for use of irrigation and drainage infrastructure and equipment within its area of jurisdiction.

[Legal Documents: 5,8]

Article 1.9 Guidance and regulation

This WUA shall accept policy, technical and administrative guidance and regulation from the County Water Affairs and Civil Affairs Bureaus and related offices at the township level.

[Legal Documents: 2,3,5,8]

Chapter 2 Legal Status and Criteria for Membership

Article 2.1 Registration

The Water Affairs Bureau reviews and approves the charter and by-laws of this WUA prior to registration of this WUA. The WUA is registered with the County Civil Affairs Department. For registration the WUA submits to the Civil Affairs Department its official name, defined location, specified number of members, officers and staff members, statement of its capacity to bear civil liabilities and presents a deposit of ¥ 2,000.

[Legal Documents: 1,3,5,6,7]

Article 2.2 Legal status

The WUA is a legal social management entity after having been registered with the Civil Affairs Bureau in Minqin

County. The _____ Water Users Association has legal status as a non-profit social management organization that engages in water management for irrigated agriculture and other uses of water services that arise in the village, including for domestic use, livestock and environmental uses.

[Legal Documents: 1,3,6]

Article 2.3 *Regulatory authority*

The WUA is under the regulatory authority of the _____ Township Government and the township level Water Management Department.

[Legal Documents: 2,3,5]

[Other justifications: Local Govt. & User discretion]

Article 2.4 *Supplemental role of Government laws and regulations*

Issues for the WUA that are not dealt with in the WUA Charter shall be guided by relevant legislation and regulations of the township, county, province and national governments.

[Other justifications: Established legal precedence]

Article 2.5 *Pre-eminence of general laws of the land*

In the case that any provisions in the WUA Charter may be in contradiction with the general laws and regulations of the township, county, province or national government, priority shall be given to the general laws and regulations.

[Other justifications: Established legal precedence]

Article 2.6 *Criteria for membership*

All those who use water within the WUA area of jurisdiction are eligible to

become members of the WUA. Members must be willing to join the Association and support its Charter and By-laws. All adult members of a household who are water users (either for farming, domestic uses, livestock, etc.) should become members of the WUA.

[Legal Documents: 3]

Chapter 3 **Establishment of the Water Users Association and Preparation and Adoption of Charter and By-laws**

Article 3.1 *Process of Establishment*

The WUA is established through the following steps:

(a) A survey is done to identify prospective members and to register member households.

(b) Meetings are held at the Water User Group level, wherein members of the WUG meet, vote whether to establish the WUG and WUA, and then elect a WUG Leader and two WUG Representatives.

(c) After this either a General or Representative Assembly is held and a vote is made whether to establish the WUA. All votes require a vote of at least two-thirds in favour.

(d) Representatives then elect qualified persons for the Executive Committee.

(e) After the Assembly the Executive Committee prepares a Charter and By-laws and organizes another Assembly for discussion and approval.

(f) After the Charter and By-laws are approved by members they are reviewed and approved by the Water Affairs Bureau and then reviewed,

approved and registered by the Civil Affairs Bureau at the county level.

[Legal Documents: 3,5,7,8]

[Other justifications: Line agency directions]

Article 3.2 Preparation of the Charter

The WUA Executive Committee prepares the draft charter based partly on a generic sample provided by the Water Affairs Bureau and actual local conditions and aspirations within the WUA area of jurisdiction. The charter is the founding document that includes basic descriptions of the purposes, status, structure, and functions of the organization.

[Legal Documents: 5,7]

[Other justifications: Line agency directions]

Article 3.3 Adoption of the Charter

The Charter will come into effect within 15 days after an approval by at least two-thirds of the Representative Assembly and approvals by the Township Government, Water Affairs Bureau and the Civil Affairs Bureau.

[Legal Documents: 7]

[Other justifications: Line agency directions]

Article 3.4 WUA By-laws

The WUA will carry out its work in strict accordance with the WUA Charter. In order to further stipulate and refine management rules and regulations, the WUA develops, adopts and follows WUA By-laws. These include more specific rules about irrigation water distribution and measurement, maintenance, financial management, fines and other sanctions, using funds allocated by the County Finance Bureau or Water Affairs Bureau to the WUA, and other rules.

[Legal Documents: 7,8]

[Other justifications: Line agency directions]

Article 3.5 Internal approvals for amendment of WUA Charter

Amendment of the WUA Charter should be approved first by a vote of approval by at least two-thirds of the Executive Committee. After this it must be approved by a vote of at least two-thirds of Representative Assembly.

[Other justifications: Established progressive practice, User discretion]

Article 3.6 External approvals for amendment of WUA Charter

After approval of the revised Charter by the Representative Assembly it must be reviewed and approved by the Water Affairs Bureau and the Civil Affairs Bureau. Within 15 days after all such approvals are given, the revised Charter will come into effect.

[Legal Documents: 5,7]

[Other justifications: Established progressive practice, User discretion]

Chapter 4 Basic roles of the Water Users Association

Article 4.1 WUA roles

The WUA should function within its scope of business of irrigation management. The main roles of the WUA are to:

1. Take full responsibility for water distribution and canal maintenance at the tertiary level;
2. Construct, maintain, repair, improve and manage irrigation schemes and facilities via good cooperation with water administrative agencies;

3. Ensure preservation and increase in value of assets within its jurisdiction;
4. Help prepare its part of the Annual Water Resources Allocation Plan and based on the annual Plan issued by town/township governments, WUAs shall develop water abstraction/use plans;
5. Implement the plans under the leadership of town/township governments and water management departments to control GW abstractions and to perform 'gross water control and quota management' within its area of jurisdiction;
6. The arrangement of surface water irrigation sequence between WUG and distribute water in an equitable and fair manner based on the approved water allocation quota;
7. Enter into water supply contracts with the Water Management Station; a copy of the contract should be sent to the Township Government;
8. Collect water charges from water users and convey payments to the Water Management Station, on time and in accordance with actual amounts of water delivered to users;
9. Assist water users to use water in order to promote increased crop yield, agricultural and economic productivity of crops and livestock production and other basic human needs;
10. Develop and implement management regulations for water use, technical management, financial management, and
 - rewards and penalties related to WUA rules;
11. Promote water savings techniques, including those related to encouraging farmers to plant low water consumption crops, consolidated cropping of crops with distinct water requirements in designated areas for efficient irrigation, and water efficient furrow, basin and cultivation techniques, promoting livestock production, forestry and greenhouse production;
12. Support implementation of well closures;
13. Assist WMS to identify and submit requests for well rehabilitation;
14. Assist WMS to inspect and supervise land reclamation and well drilling;
15. Resolve conflicts quickly in consultation with relevant departments as needed and with the intention to balance and share benefits and costs fairly among all parties involved;
16. Be accountable to the Water Management Station, Water Affairs Bureau and other relevant Government agencies;
17. Assist water management departments to manage irrigation of surface water and groundwater at village or branch canals, including measurement of water deliveries.

[Legal Documents: 1,3,4,6,7,8]

[Other justifications: Line agency directions, Established progressive practices]

Article 4.2 *Performance assessment and supervision*

The WUA will set up a performance assessment and supervision system to carry out regular assessment of the functions of the WUAs. It will recommend and adopt modifications of the WUG's and the WUA or their procedures when they may be found not to be able to fully implement their responsibilities in accordance with the Charter or By-laws or Government regulations. Performance assessment and supervision will be used to protect the interests of farmers, ensure a high standard of services, and ensure healthy development of the WUA.

[Legal Documents: 5,9]

[Other justifications: Established progressive practice]

Chapter 5: Obligations of the Water Users Association

Article 5.1 WUA is based on rules

WUA should prepare and strictly follow its charter and by-laws and continuously improve rules to ensure effective & standardized management.

[Legal Documents: 3,7,8,9]

[Other justifications: Established progressive practice]

Article 5.2 Obligations

The following are the primary obligations of the WUA:

1. Provide efficient, equitable and reliable irrigation services to farmers;
2. Ensure full involvement of all WUA members in setting up and managing the WUA;
3. Inform WUA members about government regulations on irrigation and about rational and efficient ways to use water;

4. Make fair and democratic decisions within WUA;
5. Seek maximum benefits of the irrigation system by ensuring just and equitable water distribution and assessment and collection of water charges and WUA fees among all WUA members;
6. Collect water charges and submit payments to the Water Management Station in a complete and timely way;
7. Organize water users to construct, maintain and repair works;
8. Constantly improve water use efficiency, reduce non-productive losses, control soil erosion and salinity;
9. Enter into water supply and use contracts;
10. Ensure the preservation of and needed improvements in the fixed assets of irrigation within the area of jurisdiction of the WUA;
11. Ensure free access of all WUA members to WUA-related information;
12. Ensure environmental safety with irrigation in the WUA area of jurisdiction;
13. Protect rights and legal interests of WUA members and mediate between farmers and between farmers and the Water Management Station in order to resolve conflicts quickly and fairly;
14. Direct water users to undertake water savings practices for irrigation and agriculture in accordance with government policy; and

15. Comply with other water resources regulations and tasks assigned by provincial and local governments.

[Legal Documents: 1,3,5,7,8,9]

[Other justifications: Line agency directions]

Article 5.3 *Internal supervision and performance assessment*

The WUA will set up and continuously improve internal supervision (performance assessment) to ensure transparency and accountability in all business, financial conditions, staff use, etc. before members, government and society.

[Legal Documents: 5,9]

[Other justifications: Line agency directions]

Chapter 6: Rights of the Water Users Association

Article 6.1 *Rights of the WUA*

The WUA or its members have the following basic rights, which shall be recognized by the Government.

1. Household water use rights;
2. Right to own, operate, improve and extend infrastructure;
3. Right to require water users to become WUA members and pay for water services;
4. Right to make rules and enforce them with strong sanctions;
5. Right to chose service providers and hire or remove staff;
6. Right to make and implement an O&M plan;
7. Right to collect and pay the water charges;

8. Right to make legal contracts and own equipment;

9. Right to determine cropping pattern by consensus among water users.

[Legal Documents: 3,5,7]

[Other justifications: Established progressive practice, Line agency directions]

Chapter 7: Obligations of members of the WUA

Article 7.1 *Commonality of obligations*

All members of the WUA share equally and fully the same obligations.

[Legal Documents: 2,3,5]

[Other justifications: Established progressive practices, User discretion]

Article 7.2 *Obligations of WUA members*

WUA members have the following obligations:

1. Learn about the Water Law and regulations relevant for WUA, to learn basic knowledge about scheme construction, irrigation management, and water-saving irrigation techniques;
2. Comply with the WUA Charter and By-laws adopted by the Representative or General Assembly of the WUA and with Government regulations;
3. Follow approved irrigation schedules and receive and delivery water as agreed;
4. Implement WUA decisions and resolutions and follow all WUA operational rules passed by WUA's General Assembly or Executive Committee;

5. All WUA members only use pipes, canals, or other hydraulic equipment within the confines of their plots to ensure sustained performance of the irrigation system;
6. Protect legal rights and benefits of the WUA;
7. Under the leadership of the WUA Executive Committee, WUA members shall properly maintain and protect water resources infrastructure within the WUA's jurisdiction;
8. Ensure careful treatment of the structures and equipment used or owned by the WUA and make timely compensation for any damages caused;
9. Make efforts to provide labor for construction and repair of water resources infrastructure;
10. Repair or replace parts of WUA equipment;
11. Allow WUA staff access to their land plots when carrying out activities related to operation and maintenance of irrigation systems within the WUA area of jurisdiction;
12. Pay water charges and water resources fees on time in accordance with actual amounts of water used;
13. Fulfil water resources related tasks given to the WUA by governmental organizations;
14. Report or prevent those who damage water resources infrastructure, break water allocation rules, and jeopardized collective benefits;

15. Follow irrigation plans, to rationally use water according to plan and save water.

[Legal Documents: 2,3,5,7,8,9]

[Other justifications: Line agency directions]

Chapter 8: Rights of members of the WUA

Article 8.1 Equality of rights

All members of the WUA share equally and fully the same rights.

[Legal Documents: 2,3,5]

[Other justifications: Established progressive practices, User discretion]

Article 8.2 Rights of WUA members

WUA members are entitled to the following rights:

1. A just and equitable share of irrigation water distributed by the WUA;
2. Take part in WUA decision making processes;
3. Vote in WUG and General Assembly meetings (if member is up-to-date with payment of all irrigation charges);
4. Suggest agenda items and decisions for Representatives or General Assembly Meeting;
5. Convey complaints and suggestions to WUA officers;
6. Nominate candidates to WUA management bodies or be elected to a position;
7. Use services provided by the WUA;
8. Examine bookkeeping records and accounts.

9. One adult member per household may elect, be elected and vote on WUA issues;
10. Receive all WUA services fairly;
11. Make criticisms and put forward suggestions about on-farm water management, scheme repairs and construction, infrastructure maintenance, and request WUA leadership to report their work to water management agencies according to facts;
12. When WUA members' legal rights and benefits are jeopardized, they can ask WUA to provide help for protection.

[Legal Documents: 2,3,5]

[Other justifications: Established progressive practices, User discretion]

Chapter 9 Assembly, leadership structure, responsibilities and elections

Article 9.1 Representative Assembly of the Water Users Association

1. The WUA Representative or General Assembly is the supreme authority for the WUA. The Representative Assembly consists of elected Representatives from each of the Water Users Groups (WUG) and members of the Executive Committee.
2. The Representative Assembly has the following authority:
 - Elect and dismiss members of the Executive Committee;
 - Review and approve annual work and water use plans of the WUA;

- Approve management rules and regulations proposed by the Executive Committee;
- Discuss and decide on major issues of the WUA; and
- Review, discuss, approve or modify the WUA Charter and By-laws.

3. The WUA implements decisions of General or Representative Assembly and reports to it.

[Legal Documents: 5,8]

[Other justifications: Established progressive practice]

Article 9.2 Selection of WUA leaders

Leaders of WUA shall be selected democratically who are experienced with irrigation and agriculture, able, impartial, enthusiastic and trusted by farmers. WUA determines what officer positions and number of water user representatives it will have.

[Legal Documents: 2,3,5,6,9]

[Other justifications: Established progressive practice]

Article 9.3 Water User Groups

The WUA consists of several Water User Groups (WUG). In principle the area of water use groups is based on the area of cooperative production teams.

[Legal Documents: 5,7]

[Other justifications: Established progressive practice]

Article 9.4 WUG Representatives

Members of a WUG select Representatives of the WUG. Selection is done by democratic election.

Depending on its size, each WUG will have 2 or 3 Representatives.

[Legal Documents: 5,7]

[Other justifications: Established progressive practice]

Article 9.5 WUA Executive Committee

1. The WUA Executive Committee is elected by all members of the Representative Assembly. Executive Committee members should be limited to between 5 and 19 persons, including one Chairman, two Deputy Chairmen, and several members.
2. The Executive Committee has overall responsibility for developing policy and rules, planning, supervising and monitoring all activities done by the WUA. The Chairman is responsible for and in charge of overall work done by the WUA. Each of the two Deputy Chairmen have separate responsibilities, one is responsible for technical aspects of operations, maintenance and repairs and the other is responsible for financial management.

[Legal Documents: 5,7]

[Other justifications: Established progressive practice]

Article 9.6 Key role of leaders

The WUA will set up and continuously improve internal supervision to ensure transparency and accountability in all business, financial conditions, staff use, and so on before members, government and society.

[Legal Documents: 5,9]

[Other justifications: User discretion]

Chapter 10 Mobilization and use of finances

Article 10.1 Water charge collection

The WUA has the legal authority and responsibility to collect from its members the official water charge, including the water resources fee. Charges are based on volume of water delivered and rates are set only by the Water Affairs Bureau and assessed by the Water Management Station. No other agency is authorized to collect water charges from the WUA.

[Legal Documents: 1,4,6,8]

Article 10.2 Payment of water charges

WUA members are responsible to pay water charges before water is delivered to their fields. The WUA is responsible to deliver payments to the Water Management Station on time, approximately five days before surface water delivery is schedule to occur. WUA members must pay fully and directly to the Electric Power Authority electricity charges for lifting groundwater for irrigation.

[Legal Documents: 1,6,8]

[Other justifications: Established progressive practice, line agency directions]

Article 10.3 Limitation on water charges

WUA shall not collect fees for any other purpose except the water charge and its own operational costs. Neither the WUA nor WAB shall reduce or increase the water official rate for the water charge.

[Legal Documents: 1,4,6,8]

Article 10.4 Financial independence and sources of funds for the WUA

The WUA shall be self financing and financially independent. In addition to collecting official water charges from water users, the WUA may collect additional funds from members for its own uses. Sources of funds for the WUA may include the following:

1. Membership fee (which may be proposed by the WUA Executive Committee, to be approved by the Representative Assembly);
2. Voluntary donations;
3. Governmental assistance;
4. Possible rewards for water savings;
5. Revenue from service and activities within its verified scope of business;
6. Interest from credits given to third parties for services;
7. Other legal sources of revenue.

[Legal Documents: 9]

Article 10.5 *Use of funds*

WUA funds should not be distributed among members, and funds can only be used for the business development specified by the WUA Charter. WUA assets will not be misused or taken by any units or individuals for unofficial purposes.

[Legal Documents: 1,9]

Article 10.6 *Joint investment for irrigation infrastructure*

A combination of government assistance and farmer investment should be used for tertiary level construction of irrigation infrastructure in order to ensure there are adequate and functional water conveyance, control and measurement devices.

[Legal Documents: 8]

[Other justifications: Line agency directions]

Article 10.7 *Financial auditing*

Prior to re-election of WUA officers, the WUA will accept financial auditing by the official Government agency responsible for this.

[Legal Documents: 9]

[Other justifications: Line agency directions]

Chapter 11: Relations with government agencies

Article 11.1 *Obligation to assist Government agencies*

The WUA is under obligation to assist the Water Management Station and other Government authorities as requested. This may include measuring the groundwater table, testing the condition of tubewells, promoting water saving methods, helping with issuance of water rights certificates, water abstraction permits, recharging of IC cards, monitoring irrigation deliveries, and possibly other tasks.

[Legal Documents: 8]

[Other justifications: Line agency directions]

Article 11.2 *Seeking assistance from Government agencies*

The WUA may also request assistance from the Water Management Station and other Government agencies for support and guidance for technical, agricultural, marketing and water savings issues. The WUA will prepare plans for repairs of the tertiary network, seek approval from the Representative Assembly and Water Management Station, and then implement.

[Legal Documents: 8]

[Other justifications: Line agency directions]

Article 11.3 *Obligations of Government toward the WUA*

The WUA understands that the following are key obligations of the Government toward the WUA:

1. Ensure that the WUA has stable water resources upstream;
2. Ensure that the WUA has a reliable water supply and distribution system;
3. Relate to the WUA according to the theory of “Three Represents”, namely, guidance (including training), provision of support services, and regulation aimed at capable self management;
4. Target-based irrigation service contracts will be signed between this WUA, the Township and the Water Management Station;
5. Improve farmer awareness about participatory irrigation management through awareness campaigns, consultations and training;
6. Government assistance should encourage, not discourage, farmer investment and management and a combination of government assistance and farmers investment should be used to ensure functional irrigation infrastructure and adequate water measurement devices.

[Legal Documents: 2,3,5,6,7,8,9]

[Other justifications: Line agency directions]

Article 11.4 *Relationship between WUA and Water Affairs Bureau*

The relationship between the WUA and the Water Management Station is one of mutual cooperation in construction and management and resembles that between buyers and sellers for water service contracts.

[Legal Documents: 5]

[Other justifications: Line agency directions, Established progressive practices]

Article 11.5 *Role of Township Water Management Department*

The WUA acknowledges that the County Water Affairs Bureau can mandate the Township Water Management Department to regulate this WUA.

[Legal Documents: 5,9]

Chapter 12: Building the capacity of the Water Users Association

Article 12.1 *Support from Government for WUA capacity building*

The WUA will seek support from the Government for guidance (including training), provision of support services, and regulation aimed at capable self management. The WUA understands that the Township and Water Management Station will offer regular training for WUA Executive Board members in irrigation management, administration and related matters.

[Legal Documents: 5]

Article 12.2 *Promotion of and participation in training*

The WUA will continually endeavour to improve the technical, managerial and financial capacities of its officers and members. The WUA will seek training opportunities for WUA officers and members about application of improved irrigation methods and technologies,

especially those that support water savings. It will also actively participate in study tours organized by water sector departments.

[Legal Documents: 5]

Article 12.3 *Inspections, supervision and guidance*

WUA will set up and implement internal inspections, supervision and guidance to farmers to ensure transparency, accountability and continual improvement in all its work for irrigation management.

[Legal Documents: 5,9]

Article 12.4 *Representation of women and poor farmers*

The WUA will work to ensure fair representation of women and poor farmers in WUA decisions, work, elections and in taking positions as elected officers.

[Legal Documents: 5]

Article 12.5 *Participate in a network of water users associations*

The WUA will support exchange of information and lessons learned between Village and Branch Canal WUA's in Minqin County.

[Other justifications: User discretion]

Chapter 13 Additive principles

Article 13.1 *Interpretation of the Charter by the Executive Committee*

The WUA Executive Committee reserves the right to give descriptions and explanations for interpreting the Charter, which are to be subsequently approved by the Representative Assembly.

[Other justifications: Established progressive practice]

Article 13.2 *Possibility of a General Assembly*

The WUA has the authority, should it be so desired by its members, to have a General Assembly of all WUA members take over the role and authority of the Representative Assembly. This may occasionally become necessary for major or controversial decisions. A General Assembly will be held upon a signed request by at least one-third of the members of the WUA.

[Other justifications: Established progressive practice]

Signature of WUA Chairmen and date:

Signature of WUA Deputy Chairman 1 and date:

Signature of WUA Deputy Chairman 2 and date:

Acknowledgement of Water Affairs Bureau and date:

Acknowledgement of Township Government and date:

Certification by Registry Office and date:

Charter Annex 1: Policy Support for WUA Charter of Authority

This Charter of Authority for the _____ Water Users Association is developed and adopted in conformity with the following key government circulars:

1. Circular of General Office of the State Council, Implementation of Water Works Management System Reform, State Council Circular No. 45 (2002)
2. Ministry of Water Resources, Rules on Application of Reform of Management Systems for Small Sized Rural Water Resource Facilities (2003, No. 603)
3. Circular of Ministry of Civil Affairs 148 (10-2003)
4. Ministerial Decree, National Development & Reform Committee and Ministry of Water Resources, Regulation of the People's Republic of China on Water Price Management in Water Schemes, No. 4, 3 July 2003
5. Circular of Ministry of Water Resources, National Development & Reform Committee, and Ministry of Civil Affairs, Recommendations on Strengthening Development of Farmer Water User Associations (Document ShuiNong, 2005, No. 502)
6. Circular on Management of Farmer WUA Registration (GSF [2006] No. 327), Provincial Department of Water Resources and Department of Civil Affairs of Gansu Province, September 6, 2006
7. Minister Chen Lei, Speech entitled, "To Carry Out the Essentials of the CPC Central Committee

Rural Work Meeting On a Full Scale To Accelerate the Promotion of Rural Water Development and Reform," at Meeting on Preparation of the Plans for Comprehensive Reform of Agricultural Water Price and Water Saving Reconstruction on Terminal-Canal System, December 2007

8. Minqin County Government Document No. 206 [2007], 30 November 2007. Guidelines for strengthening Village WUA Operation and Management in Minqin County
9. Five Principles for Developing Successful Water Users Associations of the China Pro-Poor Rural Water Reform Project

Charter Annex 2: Situation Map of Area of Jurisdiction of Water Users Association

2 Guide for Potential Contents of WUA By-laws

The following is the recommended generic example of the Village Water Users Association By-laws for Minqin County.

By-laws

_____ Village Water Users Association

(Generic Example⁵)

⁵ This WUA By-laws is generic in that it is for use by farmer representatives as they prepare their own specific WUA Charter based on both local management conditions and capacities as well as general policy guidelines.

Chapter 1: Purpose, contents, preparation and obedience to By-laws

Article 1.1 *Purpose and contents of By-laws*

The purpose of the By-laws is to provide specific rules, procedures and sanctions in support of the Charter. The By-laws contain sections on WUA membership, leadership, water distribution, tubewell management, system maintenance, financial management, and dispute resolution.

[Legal Documents⁶ : 7,8]

[Other justification⁷ : WUA discretion]⁸

Article 1.2 *Preparation of By-laws and commitment to them*

The Executive Committee of the WUA prepares and may continue to improve the By-laws based on local and changing conditions and needs. All WUA Executive Committee members, WUG Representatives and WUA members will follow the By-laws strictly without regard for personal interests.

[Legal Documents: 3,7,8,9]

Chapter 2: Procedure for admitting and removing members

Article 2.1 *Inclusion and exclusion of members*

⁶ The numbers refer to the legal documents referred to at the end of this document.

⁷ 'Other justification' means that items in the article are based on either 'Other legal precedent', 'Established progressive practice', 'Technical/sector instructions', 'Recommendation' or are from 'WUA discretion'.

⁸ References to Legal Documents and Other Justifications in these brackets are inserted here only for reference, to indicate where the essential principles of each article are supported by the legal framework. Such references do not need to be inserted into actual Charters or By-laws documents.

The Executive Committee shall admit every eligible applicant who voluntarily chooses to become a new member. His name is included in the Register of Members that is to be prepared, kept and updated by the WUA Executive Committee. Applicants may be ineligible to be received as new members under the following circumstances:

The person was expelled from the WUA within the previous two years;

If the application is received before the end of an irrigation season.

[Legal Documents: 3,5]

Article 2.2 *Register of Members*

The Register of Members shall be kept by the WUA. A copy of the Register of Members shall be kept with village committee records and another copy will be submitted to the Water Management Station.

[Legal Documents: 5]

Article 2.3 *Membership fee*

At present there is no membership fee for new members. All households that irrigate are automatically eligible to become members of the WUA.

[Other justification: WUA discretion]

Article 2.4 *Participation of Water Management Station staff in WUA*

Water Management Station staff can attend WUA meetings as guests or delegates. They may give opinions and suggestions but may not vote or be elected to office in the WUA.

[Other justification: Recommendation, WUA discretion]

Article 2.5 *Voluntary removal of membership*

WUA members have the right to remove themselves from membership in the WUA. Any member who wants to be removed from membership in the WUA should submit an application for removal of membership to the WUA Executive Committee for approval. An announcement about removal of the member shall be made after the application is approved.

[Legal Documents: 3.5]

Article 2.6 *Expulsion of members*

A member of the WUA shall lose his or her membership under the following circumstances:

Loss of use rights to irrigated land within the area of jurisdiction of the WUA;

The member is expelled from the WUA by the Executive Committee with approval of members of the Representative Assembly for serious violation of basic WUA rules, water distribution schedules or plans; chronic non-payment of water charges; or refusal to compensate for damages caused to the irrigation system.

[Other justification: Recommendation, WUA discretion]

Article 2.7 *Settlement of debts with the WUA*

A member who opts to leave the WUA or who is expelled shall be obliged to pay all of his or her debts to the WUA and fulfil all other obligations to the WUA, including completion of maintenance labour contributions.

[Other justification: Line agency direction]

Article 2.8 *Appeals against expulsions*

A WUA member who has been expelled from the WUA may appeal to the judicial

system if he or her believes that their legal rights have been violated.

[Other justification: Established progressive practice, Other legal precedent]

Chapter 3: WUA Structure, Leadership Positions and Distribution of Responsibilities and Authority

Article 3.1 *Representative Assembly*

The highest authority of the Association is the Representative Assembly, which consists of the Executive Committee and WUG Representatives. The Representative Assembly has the following roles and authority:

1. Formulate and revise the Charter and By-laws of the Association;
2. Elect and recall members of the Executive Committee;
3. Review and approve work plans, work report, financial report, water use plan and management regulations.

[Legal Documents: 5, 10]

[Other justification: Established progressive practice]

Article 3.2 *Election of WUA Executive Committee*

The WUA Executive Committee is elected by the Representative Assembly. Executive Committee consists of _____ members, including one Chairman, two Deputy Chairmen, and several members. The Chairman of the Executive Committee is the legal representative of the WUA. Heads of Production Teams will often be the Leaders of Water User Groups (WUG). However, WUG members may elect another of their members to be the WUG Leader.

[Legal Documents: 5.7]

[Other justification: Established progressive practice]

Article 3.3 *Terms of office for Executive Committee members*

The term of office for Executive Committee members is three years. In case of delayed elections, unexpected resignations and temporary replacements, the Executive Committee will vote for such approvals. Executive Committee members can be consecutively elected for office positions. Prior to resignation, Executive Committee members should submit a written application to the Chairman. In the subsequent Representative Assembly a vote will be held to obtain general approval of the resignations or appointments made since the previous Assembly.

[Legal Documents: 5,7,8]

[Other justification: Established progressive practice, WUA discretion]

Article 3.4 *Qualifications for WUA Chairman and Deputy Chairmen*

The WUA Chairman and Deputy Chairmen should have the following qualifications:

1. Follow the Party's principles, guidelines, and policies and have good political qualities and attributes;
2. Have experience or abilities to coordinate and organize social groups and have water resources management skills;
3. Be enthusiastic about work related to water resources and be totally devoted to service for water users;

4. Be decent, fair, incorrupt, diligent, and hardworking;
5. Be in good health, be prepared to work normally;
6. Have full capability to behave in a patient and civil manner.

[Legal Documents: 5.7]

[Other justification: Established progressive practice, line agency direction]

Article 3.5 *Responsibilities and functions of the Executive Committee*

The Executive Committee is responsible to the Representative Assembly. The Executive Committee has the following responsibilities and functions:

1. Prepare for and conduct Representative Assembly meetings;
2. Elect or dismiss Executive Committee members;
3. Help prepare the annual work plans, reports and budgets for water delivery, maintenance, special repairs and propose these for approval by the Representative Assembly;
4. Implement or enforce decisions made in Representative Assembly meetings and report back on the status of work status in the next Representative Assembly meeting;
5. Monitor performance of WUA plans and activities;
6. Review applications for admission of new members and expelling of existing members;
7. Take full responsibility for management and maintenance of on-farm development works and

- supervise agreed contract responsibility activities organized on the basis of beneficiary households and irrigated areas within the WUA. According to the contract responsibility requirements for designated sections, sign contracts between beneficiary WUG and the WUA and see that beneficiary WUG sign agreements with beneficiary households;
8. Assist the Water Management Station (WMS) to carry out irrigation repair works, including to fairly and equitably distribute water to households or WUG according to the annual water allocation plan issued by the WMS and to implement the plan under the supervision of the WMS;
 9. Implement regulations and policies related to water resources management set out by the County Government;
 10. Assist water management agencies to investigate issues related to reclamation of wasteland and excavation of wells done without permission or authorization;
 11. Actively cooperate with relevant departments to fulfill tasks for reducing arable area and closing down tube-wells in the WUA command area;
 12. Settle water disputes and, as needed, consult with relevant Government departments to solve disputes;
 13. Distribute benefits and bear reasonable costs equally and equitably;
 14. Collect water charges and water resources fees from water users in accordance with the official rates and hand over water fees collected to the Water Management Station;
 15. Assist water management agencies to carry out identification, site selection, submission of proposals and work approvals for rehabilitation of old tubewells within the area of jurisdiction of the WUA, in accordance with the water permit system;
 16. In accordance with rules for water conservancy schemes, develop plans related to special maintenance and requirements for labor and funds and submit plans to the Representative Assembly for discussion and approval. After this, submit plans to the appropriate water management department for review, inspection and approval. After receiving approval implement the approved plan;
 17. Develop WUA regulations and management rules and organize resources for implementing them. Such rules include water use management measures, engineering management measures, financial management measures, reward and penalty measures, and so on;
 18. Advocate and promote water savings techniques;
 19. Prepare and conclude service contracts with third parties;
 20. Represent the WUA in relationships with the Government and third parties;
 21. Implement other tasks specified in the Charter, By-laws or general laws;

22. Assist water management departments to undertake other management work, as needed.

[Legal Documents: 5,7,8]

[Other justification: Established progressive practice, Recommendations]

Article 3.6 *Fairness and objectivity of the Executive Committee*

The members of the Executive Committee shall at all times act in the best interests of the WUA as a whole and shall not unfairly favour one member or one group of members at the expense of other members.

[Legal Documents: 5]

[Other justification: Established progressive practice]

Article 3.7 *Responsibilities of the WUA Chairman and Deputy Chairmen*

The WUA Chairman's responsibilities and functions include:

1. Follow the WUA Charter and By-laws and teach them to the Executive Committee and Representative Assembly members;
2. Call for, prepare agendas and preside over meetings of the Representative Assembly and Executive Committee;
3. The Chairman and Deputy Chairman supervise members of the WUA Executive Committee;
4. Monitor and supervise implementation and performance of resolutions and plans approved by the Representative Assembly and the Executive Committee;
5. Oversee preparation of WUA plans;

6. (s) Conduct performance assessment and keep and submit records;

7. Request training and technical guidance as needed by the Executive Committee or Representative Assembly;

8. Attend meetings at Government offices as required and sign important documents on behalf of the WUA;

9. In the absence of the WUA Chairman, the senior Deputy Chairman will substitute for the Chairman;

10. One of the Deputy Chairmen will be the chief financial officer or bookkeeper. The other Deputy Chairman will be the chief technical officer for irrigation operations, maintenance and system repair and improvements.

[Legal Documents: 5,7]

[Other justification: Established progressive practice, Recommendations]

Article 3.8 *Responsibilities of Water User Group Leaders*

The responsibilities and functions of water use group leaders are as follows:

1. The Water User Group (WUG) shall undertake its activities under the leadership of the WUA Executive Committee;
2. Participate actively in WUA Representative Assembly meetings;
3. Regularly convene WUG meetings and implement decisions made in WUA Representative Assembly and WUG meetings;

4. Manage irrigation infrastructure in the area of the WUG and help develop and supervise implementation of the annual scheme maintenance work plan;
5. Support water conservancy projects and facilities in the WUG area and help develop the annual water use plan;
6. Reconcile water disputes among members of the WUG and report member's opinions and suggestions about water problems to the Executive Committee;
7. Collect water charges and water resources fees from water users and hand over collected fees to the Water Management Station;
8. Fulfill tasks given by government agencies at different levels.

[Legal Documents: 5,7]

[Other justification: Recommendations]

Article 3.9 *WUG Representatives*

Each WUG will have three Representatives; if possible at least one of which will be a woman and one of which will be a relatively poor person. Each Representative is to be elected by a majority of WUG members. Each Representative will have one vote at the Representative Assembly.

[Legal Documents: 5,7]

[Other justification: WUA discretion]

Article 3.10 *Organizational chart for the WUA*

An organizational chart of the WUA shall be attached to the By-laws as an annex and shall be updated every three years.

[Other justification: Established progressive practice, WUA discretion]

Chapter 4: Procedure for elections, tenure and removing of officers

Article 4.1 *Voting members*

Only one member of a household may vote in WUA elections and decisions. The household will decide who will vote but normally it should be the member who does the most work with water, on farm or with water for domestic use.

[Other justification: Established progressive practice]

Article 4.2 *Qualifications for WUA officers*

WUA officers, WUG Leaders or Representatives must be WUA members. Generally, members will be preferred for these positions who have the following qualifications:

1. At least a junior high school education;
2. Good reputation as being fair and not corrupt;
3. Obedient to laws and regulations;
4. Extensive water resources management experience;
5. Hardworking, have good organizing and coordinating abilities, are selfless and are willing to serve water users.

[Legal Documents: 5,7]

Article 4.3 *Quorum sizes and voting margins*

Members, Representatives and other WUA officers can hold voting in Representative or General Assembly meetings, Executive Committee

meetings or WUG meetings when at least two thirds of the members, Representatives are present to vote. Alternatively, surveys to the houses of Representatives may be done if well controlled and with at least two surveyors working together. Voting for officers will be done only by secret ballots. A vote is decided when over half of voters select a candidate or approve a policy or plan.

[Other justification: Established progressive practice]

Article 4.4 *Decisions on policies and plans*

Decisions to approve or reject policies, plans, water charges and other matters shall take place by a raise of hands and be decided by majority votes.

[Other justification: Established progressive practice]

Article 4.5 *Elections of Executive Committee*

Elections of members of the Executive Committee will be conducted in the Representative or General Assembly meeting.

[Legal Documents: 5]

Article 4.6 *Elections of WUG Representatives*

WUG Representatives will be elected by WUG members in meetings of each WUG. There will be three representatives from each WUG who will be voting members of the Representatives Assembly meeting. Each member of the WUG has one vote in WUG meetings irrespective of the area of land irrigated by the member. All elections are to be done by secret ballot.

[Legal Documents: 5,7]

[Other justification: WUA discretion]

Article 4.7 *Tenure of offices*

Each elected position in the WUA or WUG lasts for three years. Officers can be re-elected indefinitely.

[Other justification: Established progressive practice, WUA discretion]

Article 4.8 *Resignations from WUA offices*

Officers of the Executive Committee and WUG Leaders or Representatives may resign from their positions at any time by submitting a written request to the Executive Committee.

[Legal Documents: 5]

[Other justification: Established progressive practice]

Article 4.9 *Dismissals*

The Representative Assembly may dismiss any officer from the Executive Committee (including the Chairman) or any WUG Representative in the case of proof of fraud, corruption, bad management, misuse of WUA funds, neglect of duty or any other illegal activity.

[Legal Documents: 5]

[Other justification: Recommendation]

Article 4.10 *Replacements*

Replacements of officers who resign or officers who are dismissed will be replaced by temporary appointments made by the Executive Committee. Such appointees will have a normal election in the next Representative or General Assembly meeting.

[Other justification: Established progressive practice]

Article 4.11 *WUG Representatives, women and the poor*

Each WUG shall select three Representatives

[Other justification: Recommendation]

Article 4.12 *Ineligibility to vote*

Members and Representatives who may be behind in paying their water charges may not vote until after they have caught up on all such payments. Also, they may not stand for election or re-election until all debts are paid off.

[Other justification: Established progressive practice, Line agency directions]

Chapter 5: Meetings and records

Article 5.1 *Executive Committee quorum size and decisions*

Meetings of the Executive Committee should have at least two-thirds of its members present in order to conduct business and make decisions. Decisions of the Executive Committee require at least a simple majority of 51%.

[Other justification: Established progressive practice, Recommendation]

Article 5.2 *Who participate in meetings*

All adults within a household who farm or use water for other purposes are members of the WUA and may participate in WUA meetings. Staff of the Water Management Station or other water resources offices and government offices may attend any WUA meeting as advisors and observers. They may speak but not vote.

[Other justification: Recommendation]

Article 5.3 *Open participation in meetings*

WUA meetings are opportunities for members to openly express their opinions, complaints and suggestions. WUA officers and members will listen to these voices and endeavour to respond positively to them insofar as they are consistent with WUA policies and majority views.

[Legal Documents: 5]

[Other justification: Established progressive practice, Recommendation]

Article 5.4 *Chairing and reporting of Representative Assembly meetings*

Meetings of the Representative Assembly shall be chaired by the Chairman of the WUA or in his absence, by one of the Deputy Chairmen of the WUA. Following each Representative Assembly the Representatives shall inform the members of their WUG about the proceedings and outcomes of the meeting.

[Other justification: Established progressive practice]

Article 5.5 *Subjects for Representative or General Assembly meetings*

The Representative or General Assembly shall deliberate on the following subjects:

1. The main policies, directions and work plans for the WUA;
2. Issuance of decisions, instructions and regulations for the WUA;
3. Review and approval of annual budget of the WUA;
4. Elect and remove WUA officers;
5. Amendments to the Charter or By-laws;

6. Decisions on liquidation, repairs, or extension of WUA assets;
7. Approval for the WUA to participate in other organizations;
8. Settlement of difficult WUA-related disputes;
9. Decisions regarding undertaking of other tasks in compliance with the Charter, law or special requests by Government.

[Legal Documents: 5,8]

[Other justification: Recommendations]

Article 5.6 *Minutes of meetings*

Minutes of all Representative Assembly and Executive Committee meetings shall be kept by the Secretary of the Executive Committee. Minutes must be signed by the Chairman and Secretary and be kept secure by the Executive Committee.

[Other justification: Established progressive practice]

Article 5.7 *Inspection of minutes*

All members of the WUA have a right to request to inspect minutes of all WUA meetings, except minutes kept on confidential matters.

[Legal Documents: 1,2,3,5,6,7,8]

[Other justification: Recommendation]

Article 5.8 *In case of deadlock*

In case of a deadlock over a decision in the Executive Committee, the Chairman of the WUA shall have the deciding vote. In case of a deadlock over a decision in the Representative Assembly the matter will be referred to a subsequent meeting of the General Assembly.

[Other justification: Established progressive practice, Recommendation]

Article 5.9 *Calls for special Assembly meetings*

WUA General Assembly and Representative Assembly meetings can be called for on requests from at least one fifth of the members or representatives and convened with at least two-thirds of members present. Decisions shall be made on the basis of at least 50% of the votes in General Assembly and Representative Assembly meetings.

[Legal Documents: 5]

[Other justification: Recommendation]

Article 5.10 *Votes in Executive Committee meetings*

Executive Committee meetings can be held if at least two thirds of members are present. Consistent with the principles of transparency and democratic governance, WUA members are welcome to attend all WUA Executive Committee meetings as observers. They may also inspect any WUA records upon request.

[Legal Documents: 5,9]

Article 5.11 *Frequency of meetings*

The Executive Committee and WUG Leaders will hold meetings at least monthly during the irrigation season. Representative Assembly meetings will be held at least twice a year, once before the first irrigation and once before the annual maintenance activity. The WUA will hold a General Assembly meeting at least once every three years. WUA are to implement decisions made by the General or Representative Assembly and will later report back to the General or Representative Assembly about how it has

implemented decisions of the General or Representative Assembly.

[Other justification: Established progressive practice, WUA discretion, Line agency directions]

Article 5.12 *Records to be kept by WUA*

The WUA shall create and keep the following records:

1. Register of Members, including their landholding sizes and locations;
2. Map showing the irrigation service area, canals and pumps;
3. Record of dates and quantities of water supplied to the WUA and to individual members;
4. Record of cropping patterns in different WUG;
5. Record of water charges owed and paid by members;
6. Minutes of meetings of the Representative Assembly and Executive Committee;
7. Record of service contracts;
8. Inventory of assets;
9. Financial accounts.

[Legal Documents: 5,7,9]

[Other justification: Recommendation]

Chapter 6: Water Rights Certificates and the Annual Water Resources Allocation Plan

Article 6.1 *Household water rights certificates*

The Household Water Rights Certificates last seven years and are

adjusted annually. The Water Rights Certificate is for each household for both surface water and groundwater. The WUA will update and verify or the accuracy of the data upon which the certificates are based, and will adjust the certificates to suit norms as they are revised each year, for each household.

[Other justification: Line agency directions]

Article 6.2 *Use of water rights certificates*

All water users must obtain water rights certificates after which the WUA verifies and issues water abstraction permit amounts to water users for groundwater abstraction. Water users then become eligible to obtain water allocations upon purchase of water tickets through payment of the water charge and water resources fee.

[Other justification: Line agency directions]

Article 6.3 *Water Resources Allocation Plan*

The WUA is to assist water management departments to manage irrigation of surface water and groundwater. Based on the annual Water Resources Allocation Plan issued by town or township governments, the WUA will develop water abstraction and use plans. The WUA will implement the plans under the leadership of town or township governments and water management departments. The plans will be aimed to control groundwater abstractions and to undertake gross control and quota management.

[Other justification: Line agency direction]

Article 6.4 *Applications for water use*

Applications for water use will be made through WUG meetings and will then be

reported by WUG Leaders to the WUA and Water Management Station.

[Other justification: Line agency directions]

Article 6.5 *Water allocation for domestic and livestock needs*

Provisions will be made in the Household Water Rights Certificate and Water Resources Allocation Plan to include allocations of water to meet water requirements for household domestic needs and livestock.

[Other justification: Line agency directions, Established progressive practice]

Chapter 7: Water Services Contracts

Article 7.1 *Water Service Contracts*

The WUA and Water Management Station of the Water Affairs Bureau will enter into seasonal water supply and use contracts. The water supply and use contracts contain agreements about the nature, terms and conditions for delivery of water to the WUA and for responsibilities of the WUA pertinent to the contract (such as payment of water charges and pre-season maintenance).

[Legal Documents: 1,4,6,7,9]

[Other justification: Line agency direction, WUA discretion]

Article 7.2 *Accountability of Supplier to the WUA*

It is the understanding of this WUA that under the water supply and use contract, the supplier (Water Management Service) bears liability to compensate for damages to WUA for failure to supply water consistent with the contract and for damages that may be caused by the Water Management Service.

[Legal Documents: 1,4]

Article 7.3 *Accountability of WUA to Supplier*

It is the understanding of this WUA that the water supplier can suspend deliveries to the WUA if the WUA does not pay the official water charge within the agreed time period.

[Legal Documents: 4]

Chapter 8: Surface water delivery objectives, procedures and rules

Article 8.1 *Application for surface water*

Water users must apply for surface water through the WUA to the Water Management Station.

[Legal Documents: 8]

Article 8.2 *Responsibility for tertiary network*

The WUA is to take full responsibilities for distribution of water along tertiary and quaternary canals within the area of jurisdiction of the WUA.

[Legal Documents: 8]

Article 8.3 *Supervising, monitoring and guarding water distribution*

It is the duty of WUA and WUG officers to monitor, supervise and guard distribution of water during irrigation deliveries to ensure that water is delivered in accordance with agreed plans.

[Legal Documents: 5,9]

[Other justification: Established progressive practice, Recommendation]

Article 8.4 *Groundwater not substitutable for surface water*

It is not possible to substitute abstraction of additional supplies of

groundwater when surface water is not delivered as much as is planned.

[Other justification: Line agency direction]

Article 8.5 *Water allocation per person*

Water allocation is based on the area farmed and number of people in the area. Surface water is allocated for 3 mu per person, but this will decrease to 2.5 mu per person by the year 2010.

[Other justification: Line agency direction]

Article 8.6 *Delivery method for surface water*

Surface irrigation water delivery is done in turn by tertiary blocks in turn, by quaternary canals by turn and within quaternary blocks normally to two farm outlets at a time.

[Other justification: Line agency direction, WUA discretion]

Article 8.7 *Measurement of surface water delivery*

An officer of the WUA and staff of the Water Management Station must both be present to observe and measure flows at the beginning and ending of surface water deliveries into the village or tertiary block.

[Legal Documents: 5,8]

Article 8.8 *WUA role in measurement of water*

The WUA works with the WMS to measure surface water deliveries into the village tertiary block and to measure flows from groundwater lifting.

[Legal Documents: 5,8]

Chapter 9: Delivery and regulation of groundwater

Article 9.1 *Water abstraction permits*

Water users must be included as part of Water Abstraction Permits that are granted to each well. Water Abstraction Permits last four years, after which they must be updated and reissued.

[Legal Documents: 8]

[Other justification: Line agency direction]

Article 9.2 *Level at which Permits are given*

Water Abstraction Permits will be adjusted down to the well level by the WMS. The WUA or WUG may assist with this as requested by the WMS.

[Other justification: Line agency direction]

Article 9.3 *Role of WUA in Water Abstraction Permits*

The role of the WUA in preparation of the Water Abstraction Permits is as follows:

1. The WUA submits data to WMS, including information on each well pump capacity, abstraction rate per hour, longitude/latitude of well, year well was built, depth of well and area irrigated by the well. The WUG submits the old permits to the WMS/WAB.
2. The WMS and WAB compile and summarize data, compare it with the water supply and the Water Resources Allocation Plan, make adjustments as needed and issues new permits.
3. The new Water Abstraction Permit is given to the WUG Leader and then is adjusted yearly according to a supply/demand assessment in the Water Resources Allocation Plan.

[Legal Documents: 8]

[Other justification: Line agency direction]

Article 9.4 *Payment of electricity charges*

Water users must apply to the Electricity Power Management Stations to obtain electricity for abstracting groundwater. Payments are made after the irrigation season.

[Other justification: Line agency direction, established practice]

Article 9.5 *Water required per tubewell*

It is the responsibility of the Water User Group to register gross water use amounts required for each tubewell without volumetric measuring equipment and then submit applications to the Water Management Station for review and approval.

[Other justification: Line agency direction]

Article 9.6 *Water use applications*

Water users should submit water use applications in accordance with the given time, procedures and service areas. They should not submit applications to higher levels but only to the Water Management Station. Each application should be submitted for the entire WUG.

[Other justification: Line agency direction]

Article 9.7 *Plan for irrigation deliveries*

Before each irrigation, the WUG will meet to plan the order of irrigation deliveries between members on the basis of crop water demand. The WUG takes full responsibility to plan and implement delivery of water lifted from pumps within the WUA area of jurisdiction.

[Other justification: Line agency direction, established progressive practice, WUA discretion]

Article 9.8 *Measurement of depth to water table*

After receiving training and with periodic guidance, the WUA will arrange to conduct periodic measurement of depth to the water table.

[Other justification: Line agency direction, Established progressive practice, WUA discretion]

Article 9.9 *Water supplied after payments for water charge*

Normally water will be supplied only after payments are made for the water charge.

[Legal Documents: 8]

[Other justification: Line agency direction]

Article 9.10 *Use of IC card system*

For each tubewell with volumetric measuring equipment and the IC card system, it is the responsibility of each WUG within the WUA to get the IC card for each tubewell recharged at the Water Management Station and to only abstract water with use of the IC card.

[Legal Documents: 1.6,8]

[Other justification: Line agency direction]

Article 9.11 *Role of WUG Leader in IC card system*

It is the responsibility of the WUG Leader to oversee use of the IC Card system to regulate pump and irrigation operations. The IC card will be recharged prior to each irrigation for each well. The WUG Leader will assist the Water Management Station with installation, use and recharging of IC Cards, as needed.

[Other justification: Line agency direction]

Article 9.12 *Application for additional water deliveries*

When water users use up their permitted amounts according to the water allocation plan but still need additional water, they should apply for extra water (if available) only through official procedures. Any personal attempts by water users to take additional water will be considered illegal and will result in application of penalties by the WUA.

[Other justification: Line agency direction]

Article 9.13 *Start up and completion of lift irrigation seasons*

In order to avoid bursting of low-pressure pipes, the WUG Leaders will ensure that proper start-up procedures are followed. When irrigation is to begin, outlets will be opened before the pump is started. To switch irrigations between farms, the outlets of the next farm or group to be irrigated will be opened first, then outlets of the group already irrigated will be closed. When an irrigation is completed for a WUG, the pump will be stopped first after which the outlets will be closed.

[Other justification: Line agency direction]

Article 9.14 *Use of large capacity, high lift, large flow pumps*

The WUA will see that its Water Users Groups do not use large capacity, high lift and large flow pumps to abstract water.

[Other justification: Line agency direction]

Article 9.15 *Supervising distribution of water*

It is the responsibility of the WUG Leader to oversee distribution of water

to individual farms via ditches, doing each field in turn.

[Other justification: Line agency direction, WUA discretion]

Article 9.16 *Monitoring and guarding water distribution*

It is the duty of WUA and WUG officers to monitor and guard distribution of water during irrigation deliveries to ensure that water is delivered in accordance with agreed plans.

[Legal Documents: 5]

[Other justification: Line agency direction, Established progress practice]

Article 9.17 *Rehabilitation of tubewells*

Based on the Water Abstraction Permit system, WUAs shall assist water management departments to locate and identify existing tubewells in need of rehabilitation, and submit reports recommending rehabilitation within their command areas.

[Legal Documents: 8]

[Other justification: Line agency direction]

Chapter 10: Closure of tubewells

Article 10.1 *WUA to inspect and identify illegal land reclamation and tubewells*

The WUA shall assist the water management departments to inspect and identify illegal land reclamation and illegal excavation of tubewells in their jurisdiction.

[Legal Documents: 8]

[Other justification: Line agency direction]

Article 10.2 *Role of WUA in well closures*

WUAs shall support relevant Government departments to fulfill well closure quotas within the WUA's area of jurisdiction. The WUA and village government will apply acceptable criteria for selecting which wells to close, such as illegal wells, wells with saline water or poor soils, etc. The WUA will also regulate which land will be abandoned for cultivation, and elsewhere, how cropping patterns will change.

[Legal Documents: 8]

[Other justification: Line agency and County/Township government directions]

Article 10.3 *Promotion of low water consumption crops*

The WUA will promote use of wells for cultivation on better land with higher profitability. The WUA will arrange to change cropping patterns to reduce cultivation of wheat and corn and other crops with high water requirements. The WUA will promote cultivation of crops that need less water and are more profitable, such as cotton, sunflower, watermelon, sweet melons, red pepper, fennel, etc.

[Other justification: Line agency direction (Water Affairs & Agriculture Bureaus)]

Article 10.4 *Adjustments in land and well access needed due to well closures*

The uneven distribution of land and wells results in unbalanced acreage among households after the closure of some wells. It is necessary and feasible to make adjustments in land among the households to resolve the imbalance. However, will be done in a manner that is consistent with the principles of water scarcity adaptation.

[Other justification: Line agency directions, Recommendations]

Article 10.5 *Assistance to WUA members whose wells have been closed*

The WUA and village government assists members whose wells have been closed to make adjustments consistent with the principles of water scarcity adaptation. The village may provide compensatory payments to households whose wells have been closed. Payments will be less for older wells.

[Other justification: Established practice, Recommendation]

Chapter 11: System maintenance and improvement

Article 11.1 *Role of WUA in irrigation system maintenance*

It is the responsibility of the WUA to maintain, clean and repair all irrigation canals, channels, ditches and water control and measurement structures within the area of jurisdiction of the WUA. This includes all lift irrigation systems within the village boundary and the tertiary and quaternary canal networks for surface irrigation that are located within the WUA area.

[Legal Documents: 8]

Article 11.2 *Annual maintenance plan*

Based on accepted maintenance standards for water resources works, each year the WUA Executive Committee will develop a plan for repairing works, including specification of required labour and funds needed to implement the plan. The Executive Committee will then submit the plan to the Representative Assembly for discussion and approval. It will then submit the plan approved by the WUA to the Water Management Station for its approval. Once approval and any

financial and technical assistance is given by the WMS, the WUA will implement the plan.

[Legal Documents: 8]

[Other justification: Line agency direction]

Article 11.3 *Routine maintenance of canals*

The WUA organizes canal maintenance, repairs, cleaning and possibly lining, based on requests from WUG and guidance from the WMS. This is to be done before the first irrigation each year. Maintenance and repair costs are to be covered by water users based on specific prior agreements for each type of maintenance or repair work. Members are required to provide labour for as many days as required and agreed in order to complete maintenance in a timely fashion. It is the responsibility of individual members to clean weeds from their sections of farm ditches.

[Legal Documents: 8]

[Other justification: Established progressive practice, Line agency direction]

Article 11.4 *Guidance of the WMS and Branch Canal Federation of WUAs*

Maintenance of irrigation infrastructure in the WUA area is to be done with the guidance and technical support of the Water Management Station and Branch Canal Federation of WUA.

[Other justification: Line agency direction, Established progressive practice, Recommendation]

Article 11.5 *Emergency repairs*

In case of occurrence of sudden damages such as a collapsed embankment, water users affected will be mobilized by the WUG or WUA to make emergency repairs.

[Other justification: Line agency direction, Established progressive practice]

Article 11.6 *Major repairs and rehabilitation*

Costs for major repairs and rehabilitation of the tertiary level will be financed by cost sharing between the township, WUA and possibly higher governmental levels.

[Other justification: Line agency direction, Established progressive practice]

Article 11.7 *Training for tubewell maintenance and monitoring*

The WUG will appoint and arrange training for persons to handle tubewell maintenance. The WUA will arrange for WUG representatives to follow a routine program to inspect and evaluate tubewell conditions.

[Legal Documents: 5]

[Other justification: Line agency direction]

Article 11.8 *Maintenance and protection of well equipment before winter*

Soon before winter arrives, iron parts of the pump and pipe system will receive rust-proof treatment, such as to be oiled or spray painted. Outlets should be covered by straw and earth.

[Other justification: Line agency direction, Established progressive practice]

Chapter 12: Collection and payment of water charges

Article 12.1 *Financial status of the WUA*

The WUA is a non-commercial, non-profit social organization that raises funds and mobilizes resources strictly for the purpose of ensuring the productivity, efficiency, reliability and

sustainability of its irrigation services and structures.

[Legal Documents: 5,6]

Article 12.2 *Water charges set by Government but based on amount used*

The irrigation water charge is set by the Water Affairs Bureau (WAB). The charge includes a volumetric payment for surface water and a water resources fee for groundwater. Farmers also pay electricity charges for pumping. All water user members of the WUA are responsible to pay the water charge and the water resources fee based on the level of water charges set by the Government and the amount of water used within the WUA.

[Legal Documents: 1,4,6]

Article 12.3 *Collection and submission of water charges*

The WUA will collect water charges from members and submit payments to the Water Management Station at least five days before water is to be supplied. The WMS conveys payments to the County Finance Bureau. The WUA will not collect additional fees under the name of water charges. The WUA will inform members about water charges and then will collect water charge payments and give water tickets to farmers after they pay for the water charge.

[Legal Documents: 5,8]

[Other justification: Line agency direction]

Article 12.4 *Water charges and actual deliveries*

WUA members will only be liable to pay water charges in accordance with actual delivery of planned and measured water supplies to their fields. When water deliveries are not measured or

witnessed by at least two witnesses it will be assumed that delivery has occurred in accordance with the plan.

[Legal Documents: 1,6,8]

Article 12.5 *Payments by those who do not receive water*

Tail end farmers and others who do not receive water are eligible to have their payment of the water charge be credited to the next irrigation turn. However, they are under obligation to inform their WUG Leader to witness the situation.

[Other justification: Line agency direction, Established progressive practice]

Article 12.6 *Financial sources and funds for WUA operation and management*

Standards for funding WUA operations and maintenance are determined by the volume of work load and the amount of water resources fee collected by the WUA.

[Legal Documents: 1,9]

Article 12.7 *Funds for WUA operations and maintenance*

In general 5% of annual water resources fee collected will be used for funding WUA operations and maintenance. Funds for WUA operations and maintenance can also be raised from the following sources:

1. Governmental financial assistance;
2. Rewards for water savings;
3. Donation;
4. Revenue generated from service and activities within its business scope;

5. Other legal revenue.

[Legal Documents: 1,9]

Article 12.8 *Strict control over WUA funds collected*

The WUA will record any incoming funds immediately and is forbidden to have any WUA funds be retained in the hands of individuals for private use. The WUA may not use or lend WUA funds for personal or profit-making activities. No WUA property or funds may be used as guarantees for financial transactions for non-WUA activities.

[Legal Documents: 1,4]

Article 12.9 *Records of funds and assets*

The WUA is responsible to keep accurate, timely and complete records of all incoming and outgoing funds and of all inventory items, including irrigation canals and structures, equipment and consumable supplies. (see Annex 1)

[Legal Documents: 5]

[Other justification: Established progressive practice]

Article 12.10 *Reporting to WUA members*

The WUA Executive Committee is to report financial revenues and expenditures to the Representative Assembly each year.

[Legal Documents: 5,9]

[Other justification: Established progressive practice]

Article 12.11 *Contracts and control over use of funds*

Target-based contracts will be signed between each WUA and the Township Government and the Water Supply

Station. Use of funds for WUA operations and maintenance should be strictly used for its specified purposes according to WUA financial management rules.

[Legal Documents: 1,5,9]

Article 12.12 *Misappropriation of assets or funds of the WUA*

No entity or individual may embezzle, distribute or misappropriate the assets or funds of the Association. Decisions regarding water delivery and maintenance priorities shall be made on the basis of the needs and interests of all members of the WUA.

[Legal Documents: 1,9]

Article 12.13 *WUA bank account*

The WUA may open and use its own bank account.

[Other justification: Line agency direction, Established progressive practice]

Article 12.14 *Compliance with Government regulations*

Financial officers of the WUA must comply with national, provincial, county and township regulations, follow strict and transparent accounting practices and prepare and submit timely and accurate reports.

[Other justification: Line agency direction, Established practice]

Article 12.15 *Unannounced inspections*

The WUA permits unannounced inspections of financial records by any member and accepts audits and inspections of records by appropriate government agencies. Financial staff of townships and water management units of irrigation districts should carry out

routine audits and supervision of WUA financial management to ensure safe and proper use of WUA funds.

[Legal Documents: 9]

Article 12.16 *Salaries for Chairman and Deputy Chairmen*

The Chairman and two Deputy Chairmen of the WUA will receive salaries. The County Finance Bureau will uniformly allocate funds from water resources fees collected to cover salary of these WUA officers. At present, the standard salary for the Chairman is 100 yuan per month, in total 1200 yuan per year. The standard salary for the Deputy Chairman is 80 yuan per month, in total 960 yuan per year.

[Legal Documents: 1,9]

[Other justification: Line agency direction]

Article 12.17 *Conditions for payment of salaries*

The salary of the WUA Chairman and Deputy Chairmen are closely linked to performance and completion of tasks of the WUA. Townships and water management units of irrigation districts will jointly carry out assessment and examination on the work and performance of each WUA by the end of each year. Based on the results of assessment annual salaries will be paid at that time. Salaries will not be paid if the WUA officers do not fulfil the tasks specified in the water resources allocation plan or if water charges are not fully collected and handed over by the WUA.

[Legal Documents: 1,9]

[Other justification: Line agency direction]

Article 12.18 *Assistance for poor households*

Poor households could get assistance from other members of the WUG or WUA when they have a shortage of labour available for surface water irrigation. When poor households are unable to pay the water charge in advance, the WUG or WUA may decide to pay it for them in advance and get it back from them later, but not later than just after harvest.

[Other justification: Line agency direction]

Article 12.19 *Payments for Water Abstraction Permits*

Water users must pay every three years to extend the groundwater abstraction permit. Farmers make their payments to their WUG Leader who relays payments to the WMS.

[Other justification: Line agency direction]

Chapter 13: Dispute resolution and sanctions

Article 13.1 *Responsibility of the WUA for dispute resolution*

The WUA is responsible for preventing or resolving conflicts that arise within the purview of water distribution, maintenance, payment of water charges, application of sanctions, and so on. The WUA will attempt to first settle disputes within the WUG, then within the WUA and then with relevant Government departments, including the Justice Department.

[Legal Documents: 7,8]

Article 13.2 *Emphasis on negotiation*

The WUA will emphasize settlement of disputes through negotiation in so far as is possible through making efforts to balance benefits and costs and making all parties involved share benefits and costs.

[Other justification: Established progressive practice, Recommendation]

Article 13.3 *Use of sanctions*

1. In the case of intentional breaking of WUA rules by members, a series of three-stage graduated sanctions will be applied. In the first instance of breaking a rule, the WUG or WUA leader will speak with the offending member to correct and advise him or her.
2. If the member repeats the offence after this the WUG or WUA will assign a small fine or punishment, such as requiring one extra day of labour for a maintenance activity or requiring the offender to pay a fine to the WUA.
3. In the case of a third offence by the same member, more severe action could be taken such as cutting off the water supply to the member's land for the rest of the season or requiring a much larger unpaid maintenance labour contribution. In more serious breaking of rules or conflicts, offenders may be handed over to judicial authorities.

[Legal Documents: 3,7,8,9]

[Other justification: Established progressive practice]

Article 13.4 *Sanctions against water theft*

Whoever is found to have stolen water by taking water out of term or in extra amounts without permission will pay an amount five times greater than the normal water charge and water resources fee for the estimated amount of water taken illegally. The offender may also be required to perform additional maintenance labour.

[Legal Documents: 3,7,8,9]

Article 13.5 *Handling complaints of WUA members*

Farmers with complaints or suggestions about water distribution or matters of concern to the WUG or WUA should first discuss matters with their WUG Leader. The WUG Leader will mediate, with the assistance of a member of the WUA Executive Committee as witness. Disputes between users from different WUG within the WUA, will be settled by negotiations between disputing parties between disputants. Water users may appeal for mediation to higher authorities at the township level for cases at the branch canal level between different Village WUA. More difficult cases may be settled with the Judicial Department.

[Other justification: Recommendation, Established progressive practice]

Article 13.6 *WUA not liable for unauthorized behaviour of members*

The WUA shall not be liable for the unauthorized behaviour of any of its members.

[Other justification: Recommendation]

Chapter 14: Procedure for amending By-laws

Article 14.1 *Amending By-laws*

Recommendations for amendment of the WUA By-laws should be first reviewed and approved by the Executive Committee and by a two-thirds vote of the Representative Assembly.

[Other justification: Established progressive practice]

Article 14.2 *Review of amendments by Government*

After approval of the revised By-laws by the Representative Assembly and review and approval of the amendments by the Township Government and Water Management Department, the revised WUA By-laws will come into effect within 15 days.

[Other justification: Established progressive practice]

Article 14.3 *Deference to Government laws and regulations*

Issues not dealt with in these By-laws shall be guided by relevant laws and regulations of the township, county, province and national governments.

[Other justification: Other legal precedent]

Article 14.4 *Contradictions with laws and regulations*

In the case that any provisions in these By-laws may be in contradiction with the general laws and regulations of the township, county, province or national government, priority shall be given to the general laws and regulations.

[Other justification: Other legal precedent]

Signature of WUA Chairmen and date:

Signature of WUA Deputy Chairman 1 and date:

Signature of WUA Deputy Chairman 2 and date:

Acknowledgement of Water Affairs Bureau and date:

Acknowledgement of Township Government and date:

Certification by Registry Office and date:

By-laws Annex 1: Inventory of infrastructure and equipment

Canals

(Name and location of canal, length, lined/unlined, functional condition, maintenance program, date of inspection)

Water control and measurement structures

(Name and location of structure, type of structure, functional condition, maintenance program, date of inspection)

Equipment

(Name and location of equipment, type of equipment, functional condition, maintenance program, date of inspection)

Office

(Location of office, who owns office, condition of office, maintenance program, date of inspection)

Supplies

(Types, amounts and uses of supplies, how supplies will be replaced, date of inspection)

3 Guidelines for a WUA Federation Charter

The following acts as a generic template for a potential WUA Federation Charter.

Federation of Water Users Associations⁹

_____ Branch Canal

Charter

(Generic Example)

Chapter 1 General Principles

Article 1.1 Purpose of the Federation of Water Users Associations

The purpose of the _____ Branch Canal Federation of Water Users Associations (referred to hereafter as the FWUA) is to serve the needs for water for agriculture, and possibly other approved uses for water, of all members of the water users associations that belong to the FWUA.

⁹ It is suggested that the Branch Canal level Federation of Water Users Associations be an informal organization rather than a legal entity. Nevertheless, we indicate which aspects of the articles of the Charter are related to which legal documents or other justifications. This is to show that they are compatible with, not in contradiction with, the existing legal framework.

[Legal Documents¹⁰ : 5]

[Other justifications¹¹ : Established progressive practice]¹²

Article 1.2 Area of jurisdiction of the FWUA

The _____ Branch Canal Federation of Water Users Associations includes the hydraulic service area of the _____ Branch Canal, including the service areas of all Water Users Associations (WUA) located along the Branch Canal. This includes both the network and service areas of surface canals and all approved tubewell service areas within each WUA.

[Legal Documents: 5,6,7]

[Other justifications: User discretion]

Article 1.3 Characteristics of FWUA

The FWUA is a federation of water users associations (WUA) constituted and established by the voluntary decision of officers of its member WUA. It represents the interests of its member WUA through authorized representatives of those WUA who come together to assess problems, negotiate among themselves and with offices of the Water Management Station and make recommendations in behalf of the needs of their water users. The FWUA is a non-profit and informal organization.

[Legal Documents: 2,3,5,6,9]

Article 1.4 Basic principles of FWUA

¹⁰ The numbers refer to the legal documents referred to at the end of this document.

¹¹ 'Other justifications' means that items in the article are based on 'Established progressive practice', 'Line agency directions', or are from 'WUA discretion'.

¹² References to Legal Documents and Other Justifications in these brackets are inserted here only for reference, to indicate where the essential principles of each article are supported by the legal framework. Such references do not need to be inserted into actual Charters or By-laws documents.

The FWUA operates based on the principle of democratic representation of the interests of its members. It follows all laws and regulations of the Government and supports rational, efficient and equitable use of water resources and protection of the natural environment. It supports the principle that all water users who benefit from the scheme will bear the costs of construction, water distribution, maintenance and repair insofar as official regulations require and they are able to do so. It has a strong commitment to conservation of water and water savings. It also seeks to keep the cost of irrigation as low as possible in order to minimize the physical and financial burdens of farmers.

[Legal Documents: 1,2,3,5,6,7,8]

[Other justifications: Established progressive practice, User discretion]

Chapter 2 Scope and Responsibilities

Article 2.1 Scope

The scope of work of the FWUA is to coordinate between member WUA and with the Water Management Station (WMS) to ensure support, unity, capacity building and resolution of disputes among all water users in its area of jurisdiction for efficient and effective management of the Branch Canal, including water allocation and distribution, canal maintenance and repair and mobilization of resources, as needed.

[Legal Documents: 5,10]

Article 2.2 Shared responsibilities between FWUA and WMS

The FWUA acknowledges that the WMS has primary authority and responsibility to manage the ___ Branch Canal. However, since coordination and

support among member WUA is essential for effective management, the FWUA will participate in discussions, planning, scheduling and implementation of water distribution and canal maintenance and repairs, in order to assist the WMS in management of the canal as needed and insofar as is possible.

[Other justification: Recommendation]

Chapter 3 Status of the Federation of Water Users Associations

Article 3.1 Legal Status of the Federation

The FWUA is not registered as a formal legal organization but is an informal association of its member water users associations, which are legal entities. It relates to its member water users associations, to the Water Management Station, and to other government and private sector organizations and companies in informal arrangements for consultation, public awareness, planning, negotiation, agreement and service.

[Other justification: Recommendation]

Article 3.2 Relationship of FWUA to member village WUA

Inasmuch as the FWUA is not a legal entity it does not have authority over WUA. Therefore, decisions by the FWUA are not binding on member WUA and such decisions must be further approved by WUA Executive Committee members and possibly WUA Representative Assemblies before they become binding upon WUA.

[Other justification: Recommendation]

Article 3.3 Guidance and Regulation

The FWUA shall accept and support policy, technical and administrative

guidance and regulation from the County Water Affairs and Civil Affairs Bureaus, the Water Management Station and related offices at the township level.

[Legal Documents: 5,8]

Article 3.4 Use Rights

The FWUA will only have rights to use, maintain or repair the Branch Canal insofar as it has an agreement to do so with the Water Management Station or Water Affairs Bureau.

[Other justification: Recommendation]

Article 3.5 Future status of FWUA

If in the future it is decided by the Government and FWUA that the FWUA should take on a more substantial role in managing the Branch Canal and functioning more formally, it may be decided that the FWUA should become a legal entity. However, for the present, it will be an informal association for purposes of coordination, consultation and support.

[Other justification: Recommendation]

Chapter 4 Establishment and Membership of Federation of Water Users Associations

Article 4.1 Establishment

The FWUA is established after a vote in favour of its establishment by all member WUA along the Branch Canal. This should be preceded by a vote at the level of each member WUA in favour of its establishment by the WUA Executive Committee. After its establishment the FWUA Executive Committee will provide copies of its Charter to the Water Management Station and County Water Affairs Bureau.

[Legal documents: 1,3,5,7,8]

Article 4.2 By-laws not necessary

Since the FWUA is an informal association with limited roles, it is considered unnecessary for it to have a set of By-laws at the present time. However, if in the future the FWUA takes on more substantial responsibilities it may become necessary to have a By-laws document.

[Other justification: Recommendation]

Article 4.3 Criteria for Membership

All members of the Executive Committees of member WUA are members of the FWUA. Members must be willing to support the Charter of the FWUA.

Article 4.4 Removal of Membership

Any member WUA can remove itself from membership in the FWUA by a majority decision of its WUA Executive Committee.

[Legal documents: 2,3,5,6,9]

Chapter 5 Basic Roles of the Federation

Article 5.1 Coordination with the Water Management Station

All activities undertaken by the FWUA that affect management of the Branch Canal will be done only with close coordination and agreement with the Water Management Station. The FWUA will collaborate with the Water Affairs Bureau as needed to:

1. Support development and implementation of management regulations for water use, technical management, financial management, and rewards and

- penalties related to FWUA and WUA rules;
- 2. Be accountable to the Water Management Station, Water Affairs Bureau and other relevant Government agencies;
- 3. Assist water management departments to manage irrigation of surface water and groundwater at village or branch canals, including measurement of water deliveries.

[Legal documents: 5,8,9]

Article 5.2 *Coordination and dispute resolution among member WUA*

The FWUA will coordinate all matters effecting two or more member WUA in the FWUA. For matters of prevention and resolution of disputes, the FWUA will:

- 1. Resolve conflicts quickly in consultation with relevant departments and members as needed and with the intention to balance and share benefits and costs fairly among all parties involved;
- 2. Convene meetings between member WUA and act as mediator to resolve disputes that may arise between member WUA;
- 3. In times and places of high risk for water deliveries and with agreement with the Water Management Station, the FWUA may assist the WMS with patrolling of the Branch Canal.

[Legal documents: 7,8]

Article 5.3 *Roles of the FWUA for water allocation, distribution and use*

The FWUA will:

- 1. Rationally and democratically support and coordinate the allocation, distribution, use, conservation and protection of water resources along the Branch Canal and within its tertiary blocks;
- 2. Help prepare annual water use plan and based on annual water allocation plans issued by town/township governments, WUAs shall develop water abstraction/use plans, and will implement the plans under the leadership of town/township governments and water management departments to control GW abstractions, and to perform 'gross water control and quota management';
- 3. The arrangement of surface water irrigation sequence between sub-village groups and distribute water in an equitable and fair manner based on the approved water allocation quota;
- 4. Sign water supply contracts with the agency responsible.

[Legal documents: 5]

[Other justification: Line agency direction]

Article 5.4 *Roles of the FWUA for canal maintenance, repairs and improvements*

The FWUA will:

- 1. Help mobilize farmer labour to construct, maintain, repair, improve and manage irrigation schemes and facilities in accordance with agreements with the Water Management Station;
- 2. Support the preservation and increase in value of irrigation

system assets along the Branch Canal;

3. Investigate, help prevent, stop and report damage done to water resources infrastructures, violation of water allocation rules, and other interference with the collective rights and benefits of water users served by the Branch Canal and its tertiary blocks.

[Other justification: Line agency direction, Recommendation]

Article 5.5 *Roles of the FWUA to build capacity in member WUA*

The FWUA will do the following to build the capacity of itself and its member WUA:

1. Seek to build capacity in all matters effecting successful management of the Branch Canal and tertiary canals, including promoting regulator training activities for its members;
2. Assist water users to use water in order to promote increased crop yield, agricultural and economic productivity of crops and livestock production and other basic human needs;
3. Promote water savings techniques, including those related to encouraging farmers to plant low water consumption crops, consolidated cropping of crops with distinct water requirements in designated areas for efficient irrigation, and water efficient furrow, basin and cultivation techniques, promoting livestock production, forestry and greenhouse production.

[Legal documents: 5]

[Other justification: Recommendation]

Article 5.6 *Performance Assessment*

The FWUA will develop a simple system to monitor the performance of its member WUA and management of the Branch Canal according to a few essential performance criteria that are agreed upon by the FWUA Executive Committee. These will relate to the quality of water distribution and system maintenance at levels of the Branch Canal and tertiary blocks.

[Legal documents: 5,9]

Chapter 6 **Organization and Leadership**

Article 6.1 *FWUA Coordination Committee*

The FWUA Coordination Committee is the active body of the FWUA. It has the following functions:

1. Consult with the Water Management Station and make recommendations about preparation and implementation of the annual Water Resources Allocation Plan for the Branch Canal and tertiary blocks;
2. Consult with the Water Management Station and make recommendations about the annual plan for maintenance and repairs of the Branch Canal;
3. Consult with member WUA Executive Committees about issues and decisions made by the Water Management Station, in consultation with the FWUA, that are relevant and significant for member WUA;
4. Help plan coordinated activities between member WUA;

5. Assist with resolution of disputes that rise to the level of the FWUA;
6. Assist the Water Management Station with its work as needed.

[Other justification: Recommendation]

Article 6.2 FWUA Coordination Committee positions

The FWUA Coordination Committee has a Chairman, a Deputy Chairman, a Secretary and one Representative from each village WUA (normally the Chairman).

[Other justification: Recommendation, Reflection of WUA level arrangements]

Article 6.3 Representative Assembly

The FWUA Representative Assembly is the highest authority for the FWUA. It consists of all members of the Executive Committees of each member WUA. Normally, the Assembly will not meet in one place but issues for its consideration and action may be handled in each of the member WUA, with results reported to the FWUA Coordination Committee. Matters of concern for the FWUA Representative Assembly may be:

1. Review, approval or modification of the FWUA Charter;
2. Election and dismissal of members of the FWUA Coordination Committee;
3. Review and approval of major rehabilitation work involving farmer labour contributions;
4. Approval of special management rules and regulations proposed by the Water Management Service and FWUA Coordination Committee;

5. Discussion and views on major issues for the FWUA.

[Legal documents: 5,8]

[Other justification: Recommendation, Reflection of WUA level arrangements]

Article 6.4 Village WUA

Normally, the Chairman of each member village WUA will represent the village WUA in the FWUA Coordination Committee. One of the Deputy Chairmen of the village WUA may replace the Chairman in FWUA Coordination Committee matters as the need for this may arise.

[Legal documents: 5]

[Other justification: Recommendation]

Chapter 7 Establishment of the FWUA and Adoption of the Charter

Article 7.1 Establishment of the FWUA

The FWUA is established after a vote for its establishment is made by at least two-thirds of the FWUA Representative Assembly. This may be done in segments within each member village WUA.

[Legal documents: 3,5,7,8]

Article 7.2 Adoption of the FWUA Charter

After the FWUA Coordination Committee prepares the draft Charter for the FWUA, it is presented within each village WUA to members of the FWUA Representative Assembly. A vote in favour of adoption by at least two-thirds of FWUA Representative Assembly members will carry the decision to adopt. Copies of the approved Charter will be given to the Water Management Station and County Water Affairs Bureau.

[Legal documents: 5,7]

Article 7.3 *Amendments to the Charter and By-laws*

Over time amendments to the Charter may be required. These may be made by approval of two-thirds of the members of the FWUA Representative Assembly.

[Legal documents: 5,7]

Chapter 8 Elections, Meetings and Relationship with Government

Article 8.1 *Elections*

At the establishment of the FWUA, the FWUA Representative Assembly will present nominations and vote for candidates of all positions in the FWUA Coordination Committee, except for the Representative from each WUA. Simple majority votes will be sufficient to decide winners.

[Legal documents: 5,6,9]

Article 8.2 *Tenure of office*

Members of the FWUA Coordination Committee are elected for a period of duty of three years after which time another election must be held. In each subsequent election Committee members may be re-elected or replaced.

[Other justification: Established progress practice at WUA level]

Article 8.3 *Meetings*

The FWUA Coordination Committee should hold at least two meetings per year, one meeting before the irrigation season and one near the end, prior to annual maintenance activities. Representatives of the FWUA Coordination Committee will also meet periodically with the Water Management Station as circumstances require.

[Legal documents: 5]

[Other justifications: Established progressive practice, Recommendations]

Article 8.4 *Supplemental role of Government laws and regulations*

Issues for the WUA that are not dealt with in this Charter shall be guided by relevant legislation and regulations of the township, county, province and national governments.

[Other justifications: Other legal precedents]

Article 8.5 *Pre-eminence of general laws of the land*

In the case that any provisions in this Charter may be in contradiction with the general laws and regulations of the township, county, province or national government, priority shall be given to the general laws and regulations.

[Other justifications: Other legal precedents]

Chapter 9 Additive Principles

Article 9.1 *Interpretation of the Charter by the FWUA Coordination Committee*

The FWUA Coordination Committee reserves the right to give descriptions and explanations for interpreting the Charter. Any differences of interpretation may be decided by the FWUA Representative Assembly.

[Other justifications: Established progressive practice]

Article 9.2 *Abolishment of the FWUA*

The FWUA may be abolished upon a vote to do so by at least two-thirds of the members of the FWUA Representative Assembly.

[Other justifications: Recommendation]

Charter Annex 1: List of member water users associations and basic information about each

Charter Annex 2: Map of the Federation of Water Users Associations

Charter Annex 3: Supporting Policies and Legal Issuances for WUA Charters and By-laws

4 Supporting Legal Documents

The Improved Sample WUA Charter of Authority and By-laws and FWUA Charter, recommended herewith, are developed and adopted in conformity with the following government circulars and policy documents:

1. Circular of General Office of the State Council, Implementation of Water Works Management System Reform, State Council Circular No. 45 (2002)
2. Ministry of Water Resources, Rules on Application of Reform of Management Systems for Small Sized Rural Water Resource Facilities (2003, No. 603)
3. Circular of Ministry of Civil Affairs 148 (10-2003)
4. Ministerial Decree, National Development & Reform Committee and Ministry of Water Resources, Regulation of the People's Republic of China on Water Price Management in Water Schemes, No. 4, 3 July 2003
5. Circular of Ministry of Water Resources, National Development & Reform Committee, and Ministry of Civil Affairs, Recommendations on Strengthening Development of Farmer Water User Associations (Document ShuiNong, 2005, No. 502)
6. Circular on Management of Farmer WUA Registration (GSF [2006] No. 327), Provincial Department of Water Resources and Department of Civil Affairs of Gansu Province, September 6, 2006
7. Minister Chen Lei, Speech entitled, "To Carry Out the Essentials of the CPC Central Committee Rural Work Meeting On a Full Scale To Accelerate the Promotion of Rural Water Development and Reform," at Meeting on Preparation of the Plans for Comprehensive Reform of Agricultural Water Price and Water Saving Reconstruction on Terminal-Canal System, December 2007
8. Minqin County Government Document No. 206 [2007], 30 November 2007. Guidelines for strengthening Village WUA Operation and Management in Minqin County
9. Five Principles for Developing Successful Water Users Associations of the China Pro-Poor Rural Water Reform Project

Document Reference Sheet

Glossary:

N/A in this document

Bibliography:

See Section 4 *Legal Documents* for source documentation

Related materials from the MWR IWRM Document Series:

Advisory Note 6.1/1	Role of Water Use Associations in Water Saving in Groundwater
Advisory Note 6.1/2	Farmers Guide to Groundwater Water User Associations
Advisory Note 6.2/1	Administrative Steps for Developing Strong WUAs
Advisory Note 6.2/3	Village Level Planning of WUAs
Advisory Note 6.2/4	Promoting and Training WUAs
Thematic Paper 6.3/2	Assessing the Impact of IWRM on Women's Status and Conditions

Where to find more information on IWRM – recommended websites:

Ministry of Water Resources: www.mwr.gov.cn

Global Water Partnership: www.gwpforum.org

WRDMAP Project Website: www.wrdmap.com

China – UK, WRDMAP

Integrated Water Resource Management Documents

Produced under the Central Case Study Documentation Programme of the GoC, DFID funded, Water Resources Demand Management Assistance Project, 2005-2010.

Documents will comprise of:

Thematic Papers

Advisory Notes

Manuals

Examples

Training Materials

IWRM Document Series materials, English and Chinese versions, are available on the following project website

WRDMAP Project Website: www.wrdmap.com

Advisory Services by : Mott MacDonald (UK) leading a consultancy team comprising DHI (Water and Environment), HTSPE (UK), IWHR, IECCO (Comprehensive Bureau), CIAD (China Agricultural University), Tsinghua University, CAAS-IEDA, CAS-CWRR, Gansu WRHB and Liaoning WRHB.

6. Water
Saving
Societies

