

## Country Report III

### WATER RIGHT SYSTEM IN CITARUM RIVER BASIN - INDONESIA

Items	Contents	Remarks
Legal backgrounds of water right system	Paragraph 6, 7, 8, 9 the Water resources Law number 7/2004 and paragraph 10 : water right regulation that intended in paragraph 7.8 and 9 will be arrange by government regulator	
Ownership of water	Water resources is state property and to be use for public prosperity (paragraph 6)	
Character of water	Right to use water. Water right is regarded as purpose right	
Contents of Right	<ul style="list-style-type: none"> <li>- Purpose of water use</li> <li>- Venue of water intake</li> <li>- The method of water intake (ex. Pump up, gravity flow)</li> <li>- The amount of water intake</li> <li>- Drop regarding hydropower generation</li> <li>- The amount of storage in a reservoir</li> <li>- Permitted period</li> </ul>	
Necessity or not of permission	Not necessary if right to use water for principal needed and agrikultur populance, for other puposes are necessary to get permission	
Permitter	Government is ministry of public work and local government is governor	
Limitation of water right holder	The River Law doesn't provide the limitation of water right holder, but the purpose of water use is investigated by Government strictly from the viewpoint of public interest. Most of water use is occupied by irrigation, water supply, hydropower generation and industrial use	
Charges for water	charger for water use (paragraph 80, art1)	
Permitted period	Permitted period is usually decided at discretion of Ministry/Governor	
Register of river	Paragraph 14,15, 16 and 17 the Water Resources Law: Government have to prepare the register of water	
Compulsory measure	Any person who intake water without permission for water use from river shall be punished with penal servitude for not more than 3 year or a fine of not more than five hundred million rupiah (Art 3, Paragraph 94).	
Procedure of permission for water use	on the proces for Government regulation	
Documents which has to be attached with application		
Coordination among stakeholders in the procedural flow of permission	Art 1, 2, 3, 4, and 5 Paragraph 87, The water resources law arrange to coordination in several level ( National, Province, Distrik, Village and among level)	
Criteria for permission		
Transfer of water	Art2, Paragraph 7 the Water resources Law: Water right cannot be transferred	
Consideration of environmental flow in granting water right		
Coordination of water use in drought	see Coordination among stakeholder	
Customary Water		
Issues on water right system 1		
Issues on water right system 2		
Other information 1	Water right system has not existed with regard to ground water. However, extraction of ground water is restricted from the viewpoint of prevention of ground sink or salt contamination.	