

MINISTERIAL DECISION NO. : 2 / 90
REGULATIONS FOR THE REGISTRATION OF
EXISTING WELLS AND NEW WELL PERMITS

MINISTER OF WATER RESOURCES

After reviewing the High Royal Decree No. 82/88 considering water as national wealth,

And High Royal Decree No. 100/89 for the establishment of the Ministry of Water Resources and designation of its duties and responsibilities,

And as necessitated by the Public Interest,

It is decided :

1. The regulations enclosed with this decision shall be enforced for the registration of existing wells and new well permits.
2. The rules of these regulations will be applied to all existing well owners and to those who intend to drill new water wells whether individuals, public or private companies. These rules are also applied on those who are working in the construction of water wells.
3. This decision shall be published in the Official Gazette and shall be in effect as from the date of its publication.

Minister of Water Resources

Issued on : 4 Ramadan 1410 (31 March 1990)

REGULATIONS FOR THE REGISTRATION OF EXISTING WELLS AND NEW WELL PERMITS

CHAPTER I : DEFINITIONS

Article (1) :

The terms used in this regulation shall have the following definitions unless otherwise stated :

- A) The Authorised Minister : Minister of Water Resources
- B) The Ministry or Authorised Ministry : The Ministry of Water Resources.
- C) The Official Staff : The Technical Personnel of the Authorised Ministry.
- D) Water Well : A hole in the ground intended for the detection or exploitation of groundwater, whether dug or drilled, irrespective of the depth, diameter, quantity of water used, or quality of water.
- E) Well Permit : The permit granted under this regulation for construction, development, maintenance, modification, or yield testing of a water well.
- F) Well Owner : Any individual, group of individuals, institution, company, or private or public entity, who has registered his well or wells according to Articles 2, 3 and 16 of this Regulation and holding a valid Well Permit.
- G) Contractor : Any individual, group of individuals, institution, company, or private or public entity registered at the Authorised Ministry, which engages in the construction, development, maintenance, modification, pump installation or yield testing of water wells for himself or others with or without payment.
- H) Aquifer : A geologic layer of rock or soil which can yield water to wells or aflaj or springs.

- Well Development : A technical process to improve the efficiency of a water well.

- Well Completion Certificate : The document prepared by the Authorised Ministry on which a Contractor is to report all the procedures and activities executed by him in the course of construction, development, maintenance, modification, pump installation or yield testing of a water well, including geological and hydrogeological and other information as specified in that document.

- Flow Meter : A device approved by the Authorised Ministry which automatically measures and totalises the quantity of water discharged from the well.

- Well Registration Receipt : The document issued by the Authorised Ministry to a Well Owner acknowledging receipt of his claim to ownership of a well.

- Well Registration Certificate : The document issued by the Authorised Ministry which confirms the ownership of a well.

- Well Registration Plate : The plate issued by the Authorised Ministry which carries the well registration number and such other information as the Authorised Ministry shall decide.

CHAPTER II : REGISTRATION OF EXISTING WELLS

Article (2) :

After the issuance of this regulation, all persons claiming ownership of existing water wells, whether used, unused or abandoned, should apply to the Authorised Ministry, through their Wali's office, for registration of their well or wells on the form prepared for this purpose before the end of Thi Al Hija, 1410 H (July 1990).

Article (3) :

The Authorised Ministry shall issue a Well Registration Receipt to the well owners who apply during the period specified in Article (2) of this Regulation.

At a later date, the information concerning the well will be verified at the site by Official Staff from the Ministry. Following satisfactory verification, the Well Owner will be issued with a Well Registration Certificate confirming his ownership of the well, and a Well Registration Plate. The registration plate shall be clearly displayed beside the well in an appropriate position and shall be preserved in good condition by the Well Owner. If the plate is lost or becomes illegible, the well owner shall inform the Authorised Ministry.

Article (4) :

Any well not registered during the specified period will be considered to be illegal and the Authorised Ministry may order the owner to backfill the well at his own expense.

Article (5) :

The Authorised Ministry shall specify the permissible water quantity discharged from any well or instruct a registered Well Owner to install a Flow Meter on his well to measure the quantity of water discharged, or may itself install a Flow Meter on the well. The Well Owner will preserve the Flow Meter in good working order.

Article (6) :

The Well Owner shall facilitate access to his well for Official Staff at any reasonable time to inspect, sample, or carry out measurements or tests on his well and shall also provide Official Staff with the available information and data concerning the well.

CHAPTER III : NEW WELL PERMITS

Article (7) :

Individuals, groups, companies, institutions, or private or public entities who wish to construct, develop, modify, or maintain a water well or install a pump to carry out a yield test on a water well must apply to the Authorised Ministry for a Well Permit.

Article (8) :

A requested Well Permit referred to in Article (7) may be for one or more of the following activities :-

Construction of a new well.

Modification of an existing well either by deepening or by increasing the diameter.

Cleaning, maintenance or repair of an existing well, not involving any increase in depth or diameter of the well.

Replacement of an existing well by a new well.

Change in the use of the well from the existing use.

Installation of a pump in borehole by a rig.

Article (9) :

Permits will be granted only to applicants having legal ownership of the site or having clear approval from the Ministry of Housing if the site is not the land owned by them. Exemption from this rule may be granted in the following cases :-

Government projects which require a temporary nearby water supply in order to complete the work.

Government or public authorities requiring emergency or temporary water supplies.

Wells constructed solely for exploratory or monitoring work.

Wells constructed in the furtherance of petroleum exploration.

Article (10) :

The Authorised Ministry shall review the applications for Well Permits and may issue a Well Permit or may request additional information about the location, water requirement, site location, or may require a change in location of the well, or may refuse a Well Permit based on the water resources conditions in the area or proximity of aflaj to the well site, or may

approve the modification of an existing well instead of permitting a new well. The concerned applicant may appeal to the Authorised Minister against the Ministry decision within one month from its issuance. The decision of the Authorised Minister is final.

Article (11) :

An applicant issued with a Well Permit for any of the activities mentioned in Article (8) of this regulation shall deposit with the Authorised Ministry a guarantee of R.O. 100 for a dug well or R.O. 200 for a borehole.

Article (12) :

The Well Permit is valid only for one well and for the specific site and purpose specified in the Well Permit. The Well Permit is valid for a period of six months from the date of issue.

Article (13) :

The activities referred to in Article (8) shall only be implemented by a Contractor registered at the Authorised Ministry. The Ministry may allow an individual or group of individuals to carry out the activities of Article (8) by themselves in which case they must submit the exemption application with the well permit application.

Article (14) :

A Permit holder shall facilitate access to his well for Official Staff at any reasonable time to inspect, sample, or carry out measurements or tests on his well and shall also provide Official Staff with the available information and data concerning the well.

Article (15) :

When stipulated in the Well Permit, a Permit holder shall purchase and install a Flow Meter on his well to measure the quantity of water discharged. Alternatively, the Authorised Ministry may purchase and install a Flow Meter on the well. The Permit holder shall preserve the Flow Meter in good working order.

Article (16) :

On completion of any work mentioned in Article (8) of this regulation, the Permit holder shall register his well at the Authorised Ministry and provide the required information within an utmost period of 15 days from the date of work completion. When the Authorised Ministry is satisfied that the conditions in the permit have been complied with and that complete and correct information has been supplied, the Ministry shall refund the Permit holder's deposit and issue a Well Registration Certificate and Well Registration Plate.

CHAPTER IV : REGISTRATION OF CONTRACTORS

Article (17) :

As from the date of publishing this regulation in the Official Gazette, no well construction, development, maintenance, modification, yield testing or pump installation on boreholes, shall be carried out except by a Contractor registered at the Authorised Ministry.

Article (18) :

Those who are exempted from the rules of Article (13) of this regulation are exempted from the rules of Article (17).

Article (19) :

Contractors who intend to engage in the business of well construction, development, modification, maintenance, or yield testing, shall register at the Authorised Ministry on the forms provided for that purpose.

Article (20) :

A registration request may be for work in one or more of the following activities :-

- A) Construction, development, deepening, modification, maintenance, or yield testing of dug wells.
- B) Construction, development, deepening, modification, maintenance, pump installation, or yield testing of boreholes.
- C) Such other activities as may be decided by the Authorised Ministry from time to time.

Article (21) :

The Ministry may classify Contractors in categories according to their technical capacities and the qualifications of their personnel. The Minister may add other activities related to water wells, that necessitate those who are intending to engage in these activities to register at this Ministry.

Article (22) :

The Authorised Ministry may refuse the registration or re-registration of a contractor, on grounds to be stated. In case of a refusal not resulting from Article (35), the contractor may submit a new application fulfilling the refusal justifications. The contractor whose registration is refused after he has satisfied the objections which led to the refusal may appeal to the Authorised Minister within one month from date of being refused registration. The Authorised Minister's decision is final.

Article (23) :

Registration of a contractor shall be valid for one year, and subject to renewal if the contractor complies with the conditions of registration.

CHAPTER V : OBLIGATIONS OF CONTRACTORS

Article (24) :

The Registered Contractor shall ensure that any well on which he works is covered by a valid Well Permit, and that the well is in the place and size stated in the Well Permit.

Article (25) :

The Registered Contractor shall keep a copy of his registration certificate and a copy of the relevant Well Permit at the work. The Authorised Minister may stop the contractor's work at the contractor's expense until he presents the registration certificate and Well Permit.

Article (26) :

The Registered Contractor shall comply with the conditions stated in the Well Permit when implementing work on any well.

Article (27) :

The Registered Contractor shall conduct his work in accordance with good professional standards and at all times shall take any precautions or actions necessary to protect the aquifer.

Article (28) :

Upon completion of work, the Registered Contractor shall fill in the Well Completion Certificate in duplicate, and shall submit the original certificate to the Authorised Ministry, and the copy to the Permit holder.

Article (29) :

Where the well has been constructed and then backfilled or plugged for any reason, the Registered Contractor shall state this in the Well Completion Certificate.

Article (30) :

The Registered Contractor shall comply with the Authorised Ministry's instructions and work specifications which are issued from time to time.

Article (31) :

The Registered Contractor shall deposit an amount in cash or bank guarantee with the Authorised Ministry for each well on which he will work. The deposit shall be R.O. 200 for each dug well and R.O. 300 for each borehole. The deposit shall be refunded to the Contractor after fulfilling the conditions stated in Articles (25), (26), (27), (28), and (29) of this regulation. The Authorised Ministry may require higher deposits in some areas designated by the Ministry where special care is required due to aquifer conditions.

CHAPTER VI : PENALTIES

Article (32) :

Without contradicting the rules of Articles (13) & (18) of this regulation, anyone who is working on the construction, deepening, modification, maintenance, for himself or others with or without payment, and is not registered at the Authorised Ministry shall be liable to a fine of R.O. 5000 for each well at each time.

Article (33) :

Any Registered Contractor working on the construction, deepening, modification, maintenance, pump installation, or yield testing of a water well for which a valid Well Permit is not in force shall be liable to a fine of R.O. 3000 for the first offence. If the offence is repeated the penalty shall be doubled for each subsequent violation. In addition, the owner of the new well will be required to backfill the well or to restore the situation to its original condition if any of the offences mentioned in this Article have been committed. The execution cost will be borne by the well owner.

Article (34) :

Any Registered Contractor working on the construction, deepening, modification, maintenance, or yield testing of a water well in violation of Articles (24) and (26) of this regulation shall make good the consequences of the violation at his own expense. If the offence is repeated, his registration at the Authorised Ministry may be cancelled.

Article (35) :

Any Registered Contractor working on the construction, deepening, modification, maintenance, or yield testing of a water well in violation of Articles (27), (28), (29) and (30) of this regulation shall be liable to forfeit the deposit paid under Article (31) of this regulation. In the case of frequent violation his registration at the Authorised Ministry shall be cancelled.