

PERMITTING WATER RESOURCES

What is permitting?

- Permitting is a process through which WRA regulates water abstractions for different uses while ensuring equitable sharing.
- The process involves submitting an application, giving an authorization to construct abstraction works followed by issuance of a water permit

Who Owns Water Resources

- Every water resource is vested in and held by national government in trust for the people of Kenya pursuant to section 5 of the Water Act 2016 subject to any rights of the user granted by or under the Act.

Why Do I Need A Permit?

- To account for water resources
- To ensure equitable sharing of water resources
- For abstracting water where works are involved

Who Issues A Water Permit?

- WRA through a total of 33 offices located at the sub basin, basin and national levels as per Sec. 12 (d) of the water Act 2016.
- The process involves stakeholder participation at all the levels

Who are the Stakeholders Involved?

STAKEHOLDER	ROLE
Water user	<ul style="list-style-type: none">• Submits application• constructs and maintains structures for water use• pays for water use (assessment, permit and water use charges)

WRUA	Gives opinion on the application's impact on water resources
CAAC	Deliberate and advice on issuance of permit
GENERAL PUBLIC	Comments and raise concerns as appropriate
WRA	<ul style="list-style-type: none"> • Advertise category C and D application in one of the dailies • Processes applications for water permits

What is an authorization?

- Authorization is an intermediary stage in permit processing that provides for water abstraction works to be put in place and other conditions fulfilled before a permit is issued.
- The users are therefore obliged to provide feedback to WRA before they are permitted to use water.
- Abstracting water with authorizations is illegal.

What Is A Permit?

- A permit is the document giving a water user permission to use water

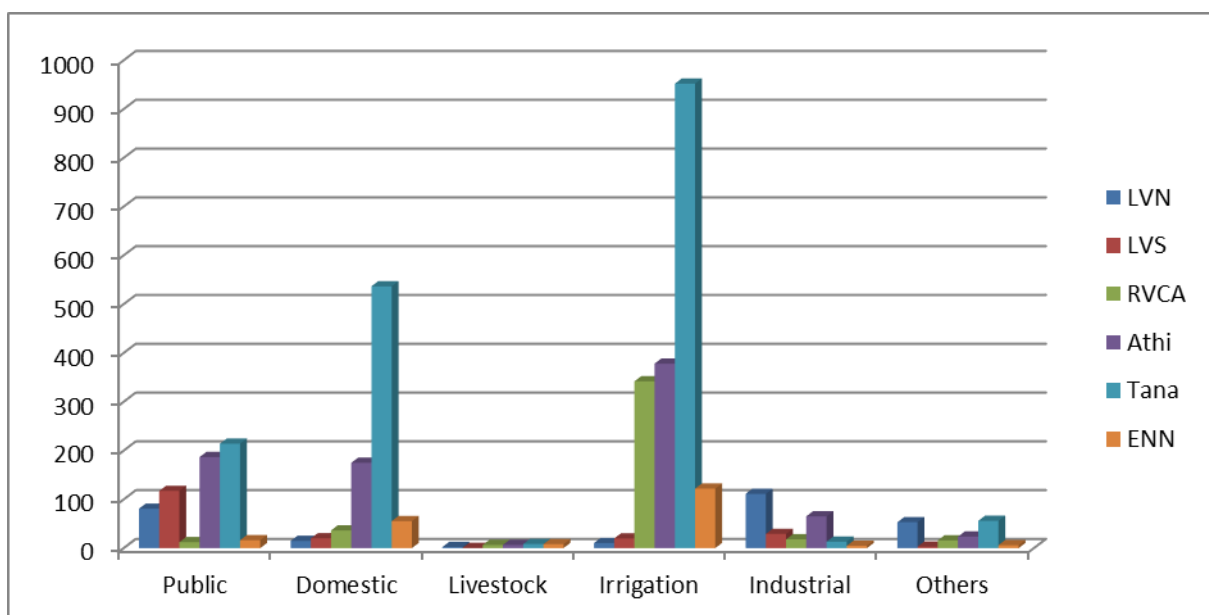
What are the types of permit and their uses?

PERMIT TYPE	WATER USE
SURFACE WATER PERMITS	Diversion
	Abstraction
	In-stream works
	Storage
GROUNDWATER PERMITS	Borehole
	Shallow Well
EFFLUENT DISCHARGE PERMITS	For discharge of effluent into a water body, after treatment
SWAMP DRAINAGE PERMITS	For drainage of any swamp

How Can I Be A Compliant Water User?

- Pay all the charges for water use
- Extend/renew expired authorizations and permits
- Install measuring devices
- Be in possession of valid permits
- Pay water use charges on time
- Abstract water within permitted thresholds
- Use water for permitted activities
- Collaborate with WRUAs to mitigate water use conflicts
- Apply for extensions in cases of expired authorizations
- Renew expired permits
- Apply and legalize illegal abstractions
- Where river flows are currently high, water users are encouraged to store and use water sparingly.
- All water users are urged to report to the Authority any observed misuse of our water bodies.

What are the different uses of water?



What Permit Categories are there in place?

The water resources management rules provides for four different categories into which water use permits shall be classified:

Category A

Water use activity deemed by virtue of its scale to have low risk of impacting the water resource. Applications in this category will be determined by WRA Regional Offices

Category B

Water use activity deemed by virtue of its scale to have potential to make a significant impact on the water resource. Permit applications in this category will be determined by WRA Regional Offices.

Category C

Water use activity deemed by virtue of its scale to have a measurable impact on the water resource. Permit applications in this category will be determined by WRA Regional Offices after consideration by the Basin Area Advisory Committees (CAACs)

Category D

Water use activity which involves either international waters, two different Basin areas, or is of a large scale or complexity and which is deemed by virtue of its scale to have a measurable impact on the water resource. Permit applications in this category will be determined by WRA Regional Offices after consideration by Basin Area Advisory Committees (BAACs) and approval by WRA Headquarters.

What is the Process of Acquiring a Water Permit?

The Permitting Process begins when an application for a water permit is received and ends with the issuance of a water use permit. This permit is renewable every 5 years. Permitting process is done manually through the various application steps, as well as electronically through the Permit Database. The following are the permitting processes as per the ISO Procedure for Water Use Permitting and the Water Act.

Step 1: Receipt of an Application for Water Use Permit

An application is received together with the attachments and verified as per the Application Check List. Attachments include Hydrological/Hydrogeological Assessment reports. If requirements are met, assessment fees paid as per category of the application. Applicant to be notified if requirements are not met.

Step 2: Application Entered into the Permit Database

The application is entered into the Permit Database where **a unique file number** containing WRA/Basin area code/Sub region/Sub Basin number/Application number/initial determining whether the application for Surface water (/S), groundwater (/G), effluent discharge (/E) or Swamp Drainage (F).

Step 3: Public Notification of the Application as Per Water Resources Management Rule 29.

Application is subjected to public notification; site verification undertaken by WRA.

Step 4: Technical Evaluation of the Applications

Application is evaluated by the Technical Evaluation Committees (TECs) at the 6 regional offices.

Step 5: Issuance of Authorizations to Construct Works

- Category A Approvals issued
- Category B Authorizations issued
- Categories C and D applications evaluated by Basin Area Advisory Committees (CAACs).
- If approved, Category C Authorizations issued at the regional offices while category D forwarded to WRA headquarters for further evaluation by the Headquarter TEC

If approved Category D Authorization issued

Step 6: Construction of Authorized Works

- If Works are constructed as authorized, then proceed to Step 7
- If not constructed apply for extension of Time Limit to Authorizations

Step 7: Submission of Requirements For Issuance Of Water Use Permits

- Completion Certificate
- Borehole Completion Record (applicable to Ground Water applications only), Water quality analysis report, collection of Water abstraction permit fees as per category of application.

Step 8: Final Inspection of Constructed Works

WRA technical officers carry out inspections to verify construction as per the authorized conditions.

Step 9: Permit Issuance

Water use permits issued for categories B, C and D applications or varied as per the Recommendations of the inspecting officer and subsequent payments.

Step 10: Permit Renewal

- Collection of permit renewal fees per category of permit.

Are there offenses in permitting that contravene Water Resources Management Rules 2007 and Water Act 2016?

Yes. The following offenses are punishable by law:

1. Obstructing /Abstracting water beyond permitted thresholds
2. Irrigating beyond permitted thresholds
3. Illegal drilling without authorizations from WRA
4. Using water with an Authorization instead of a permit

5. Pumping water from boreholes beyond permitted thresholds
6. Supplying water with domestic permits
7. Practicing without professional licenses
8. Dumping soil, effluent, solid waste materials in undesignated areas
9. Uncontrolled sand harvesting
10. Discharging untreated effluent to a water body in contravention with Effluent Discharge Control Plans
11. Failure to irrigate using storage thereby depleting reserve flow /direct abstraction by irrigators instead of irrigation from their storage

What powers does Water Resources Authority have in enforcing the rules and regulations?

1. Disconnecting their water systems
2. Demolitions and destruction of illegal infrastructure at owner's cost
3. Confiscating of water pumps or any other equipment used to divert water
4. Cancellation of permits
5. Enforce restoration conditions
6. Prosecution

What role do I have to play in complying with WRM Rules 2007 and Water Act 2016?

You must adhere to the following:

1. Be in possession of valid permits
2. Pay water use charges on time
3. Abstract water within permitted thresholds
4. Use water for permitted activities
5. Collaborate with WRUAs to mitigate water use conflicts
6. Apply for extensions in cases of expired authorizations
7. Renew expired permits
8. Apply and legalize illegal abstractions
9. Where river flows are currently high, water users are encouraged to store and use water sparingly.
10. All water users are urged report to the Authority any observed misuse of our water bodies.

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