

Underground water By Law 85 of 2002

The Hashemite Kingdom of Jordan
The Ministry of Water and Irrigation
The Water Authority

By-Law No. (85) of 2002
Underground Water Control By-Law

We Abdullah The Second Bin Al Hussein King of the Hashemite Kingdom of Jordan, in pursuance of Article 31 of the constitution, and upon the decision of the Council of Ministers dated 13/8/1998, decree the adoption and promulgation of the following By-Law:

By-Law No. (85) of 2002
Underground water Control By-Law
Issued in pursuance of Articles 6 and 32
Of the Water Authority Law No. 18 of 1988.

Article 1: This By-Law, is named (The Underground water Control By-Law of 2002), and shall come into effect on the date of publication in the Official Gazette.

Definitions

Article 2: the following terms and expressions incorporated in this law shall have the meanings assigned hereunder thereto, unless the context indicates otherwise:

The law	: The Water Authority Law in effect.
The Ministry	: The Ministry of Water and Irrigation.
The Minister	: The Minister of Water & Irrigation.
The Authority	: The Water Authority.
The Board	: The Authority's Board of Directors.
The Secretary General	: The Secretary General of the Authority.
The person	: Natural or juridical person.
Underground water	: Subsurface Water , which can be

	Pumped upward to surface by drilling a well.
Surface Water	: All Water accumulated on ground surface as: rivers, lakes, seas, permanent current water, dams or pools.
Water Layer	:Solid rock layer either cracked or fragmented containing water, permeable allowing underground water movement and the extraction of water.
Spring	: Water source surfacing from underground due to geological and hydrological factors either incessantly or intermittently.
Catchment Areas	: The areas on which water or snow falls and accumulates on its surface or through which water sources pass, with permeable properties which permit water to penetrate deep into ground for feed-up of underground.
The well	: Any sinkhole or hole made by machine or special tool used to reach the underground water layer to extract water to surface either automatically or by machinery .
Public Well	: The well owned by the official or municipal body.
Private Well	: The well owned and utilized by non- official or municipal body .
Drilling Rig	: The machine used in drilling water wells with the aim to reach underground water layers and extract water therefrom.
Driller	: Any person whose job is drilling wells to extract underground water
Drilling Rig License	: The license issued to a drilling rig to perform the function of drilling wells.
Driller License	:The license issued by the Authority to practice the job of drilling
License for drilling a well	: The license by which it is permitted to drill a new well according to this By-Law.
License for drilling a substitute Well	: A license by which it is permitted to drill a substitute for an existing well.
License for deepening, cleaning or maintaining a well	: A license by which it is permitted to deepen, clean or maintain an existing well.
License for extracting water	: A license by which it is permitted to extract underground water, and limit the quantity by cubic meter of underground

water permitted to be extracted annually, within the conditions of safe pumping , and the capabilities of the aquifer of the well location.

- Safe Yield : The quantity of underground water permitted to be extracted annually from the aquifer without causing depletion, change in static water level, lowering water quality or pollution thereof.
- Depletion : Extracting of underground water in quantities that exceed the safe-limits and lead to alteration in the properties of underground water in a way that limit its use for the purported goals.
- Banned Area : The area defined under the provisions of this By-Law where drilling water wells is prohibited.
- The Jordan Valley : The area as defined by The Jordan Valley Development Law in force.
- General Provisions

Article 3:

- A- The underground water is owned and controlled by the State. Extraction or utilization thereof is prohibited except by a license issued under this By-Law prescribing therein the usage, the extraction quantity and any other condition.
- B- Ownership of the land does not include ownership of underground water therein. The license to extract water issued to the landowner is considered merely as a permit to utilize it within the license conditions.

Article 4:

- A- The Ministry performs the technical studies, the discovery of water resources, the monitoring of the quality and quantity thereof, the identification of these resources and the utilization thereof.
- B- The Board on the submission of the Minister determines the maximum quantity of underground water permitted to be extracted annually from each ground water basin within the limits of safe yield.
- C- The regulatory measures for ensuring safe extracting from any water basin shall be determined by the Board in coordination with the Ministry of Agriculture, which defines the arable area of the land from which the water is extracted and the quantities of water needed for

its irrigation in the light of the sort of the crops and the irrigation methods used for this purpose.

Article 5:

The competent officials nominated by the Minister or the Secretary General, shall have the right to enter any land for conducting studies or investigation or collection of information related to underground water or for carrying out any measures required by this By-Law.

Article 6

- A- The areas where drilling of wells is prohibited shall be defined by a resolution of the Council of Ministries upon recommendation by the Board, provided such resolutions shall be published in the Official Gazette and in two local daily news papers.
- B- As an exception to the provisions of clause "A" of this article, in the case where the Ministries, Governmental Departments, Official Institutes, Universities, and industry and tourism sector find it impossible to secure their water needs from the public water supply network the Board may grant any of them a license to drill wells in the prohibited areas pursuant to the provisions of this By-Law.
- C- If the person to whom the drilling license was issued failed to commence drilling or to complete same, or to do the pumping test in an area banned after the issuance of the license thereto, the said license shall be deemed ipso- facto cancelled. The Authority shall publish this cancellation by the methods it deems fit.

Article 7:

Without violation of the provisions of The Jordan Valley Development Law in force, the rules governing the construction of public and private water wells, the methods of using the underground water extracted therefrom, and the quantities thereof shall be determined by regulatory decisions issued by the Board upon the submission of the Minister.

The licensing of wells drilling and water extraction:

Article 8:

Everybody is hereby prohibited to commence drilling a well or extracting underground water, or changing the specifications of an existing well or drilling a substitute well unless a license to this effect in accordance with the provisions of this By-Law has been obtained.

Article 9:

- A- The licensee to drill a well should carry out under the supervision of the Authority a pumping test before commencement of the utilization thereof, so that the well production capacity and the water quality may be determined, and an extraction license may be issued in which the allowed pumping quantity annually and the rates thereof is defined. This function should be completed within a period not exceeding six months from the date of the drilling completion. This period may be extended for justifying reasons by a decision of the Board on the submission of the Secretary General.
- B- Extraction of water without performing the pumping test shall constitute a contravention that shall entail a warning to the person who performed the drilling of the well, in order to rectify the violation within thirty days. If the violation continues the license shall be deemed ipso facto cancelled. The Authority thereupon in pursuance of the law shall backfill the well at the expense of the offender by administrative measures, without the need to issue any warning or notice.

Article 10:

Any one who is granted a license to extract underground water is hereby obligated to refrain from causing any water pollution or depletion, and to comply strictly with the conditions of the license.

Article 11:

The owner or the possessor of a private well is hereby prohibited to do the following:

- A- To irrigate any land other than that specified in the water extraction license or to sell this water for irrigation purposes.
- B- To sell the water extracted from the well by water-tankers for drinking purposes or any other purpose without obtaining a prior written approval from the Secretary General, or his delegatee, and according to conditions outlined for this purpose.

Article 12:

If the ownership of the land where the well is located, is transferred to a new owner, it is not permitted to transfer the drilling or water extraction licenses to the name of the new owner unless any sums due for the Authority are paid. The new owner shall comply with the license conditions or any additional conditions imposed by the Authority thereon.

Article 13:

The Authority shall have the right -by virtue of a Board decision and in pursuance of the legislation in force to take over by acquisition- any public or private well together with an appropriate access thereto, to enable the Authority to utilize same.

Article 14:

The Authority is not entitled to sell, rent or assign any of its wells unless by virtue of a decision by the Council of Ministers on the submission of the Board.

Article 15:

In case underground water emerges during implementing works on the land either by the owner, occupier or a contractor, which were not intended for water extraction, any of the said persons must notify the Secretary General of that in writing within a maximum period of seven days from the said emergence.

Article 16:

If any areas were found to be polluted or depleted, the Board shall take a decision to set the appropriate measures that will put an end to such pollution or depletion including the rationalization or reduction of the extraction rate, to an extent that would allow the halt of pollution or depletion, and the restoration of the natural balance to the aquifer or to the underground water basin.

Article 17:

On the submission of the Secretary General, the Board may take a decision to the following effect:

- A- The cancellation of a drilling or an extraction license, if the licensee violates any of the conditions therein, and the shutting down of the well until the breach is rectified.
- B- The cancellation or amendment of the license conditions if the public interest so requires.

Article 18

A- The Secretary General may take any of the following measures:

- 1-Backfill any well drilled without a license in pursuance of the provisions of this By-Law.
- 2-0 Backfill any well whose owner did not abide with the conditions of the license granted thereto.

B-The offender shall bear the costs of rectifying the violations specified by clause (A) of this article.

B- If the offender does not rectify the offence set out under clause (A) of this article, the licenses granted thereto shall be cancelled.

Article 19:

- A- If any one was caught performing drilling, deepening, cleaning, maintaining or testing any well or extracting water therefrom, or operating or possessing a drilling rig in contradiction to the provisions of this By- Law, a restraint report against him should be made, and the drilling rig and other equipment shall be seized. The offender shall be referred to the competent court to inflict upon him the punishment provided for under this By-Law.
- B- The provisions of paragraph (A) of this article cover the owner or possessor of the land where the breach took place. The offender shall bear the costs of the seizure act until a decision by the court is made there upon, without affecting the right of the Authority to remove the offence by administrative means in accordance with of the law.

Article 20:

To enable the Authority to collect its dues by virtue of this By-Law, coordination should be made by the Authority with both the Land and Survey Department and the Income Tax Department to make use of the process of transactions through these two departments, by their ascertainment that the transactions submitted to either department by owners of lands with ground water wells, have fulfilled their obligations to pay the amounts due from them to the Authority, in the light of lists containing the names of these persons presented to the said Department from time to time by the Authority .

Article 21:

- A- The application for a drilling-license shall be submitted on the form approved by the Authority, inclosing the supporting documents that are specified by the Secretary General's instructions issued for this purpose, inclosing therewith a recent real estate registration deed for the relevant plot of land.
- B- The Secretary General shall publish the application to obtain a drilling license in two local daily newspapers at the expense of the applicant. Any person with interest may file an objection in writing against this application to the Secretary General within 15 days of the publication provided he deposits a cash insurance of 50 Jordan Dinars un-refundable if the objection was rejected.
- C- After the study of the application and the recite of the sums due under the provisions of this By-Law, the Secretary General- on the expiry of the objection period shall present the application to the Board to take the appropriate decision. If the decision was an approval, the Minister issues the drilling license containing the extent of the permitted depth and any other conditions that govern the license.
- D- The license shall be valid for one year, renewable once for a similar period by a decision of the Minister on the submission of the Secretary General provided that a renewal application has been submitted prior to the expiry of the original license. The license shall be deemed cancelled if the drilling is not completed within the set out period.

Article 22:

A- It is hereby prohibited to grant a license for drilling a well for irrigation purposes in a land of an area of less than one hundred Dunums provided that the applicant proves his ownership of the land on the date of submitting his application through presenting a real estate registration deed issued by the competent authorities and provided that the provisions of the Jordan Valley Development Law in force are abided with. No drilling licenses may be granted in the Jordan Valley areas unless after consultation with the Jordan Valley Authority.

B- It is thereby prohibited to grant a drilling license to any person to drill a well on lands owned by the State unless after the approval of the Council of Ministers on the submission of the Board, based on the recommendation of the Minister.

Article 23:

The Board shall have the right in all circumstances to reject any application for a drilling license if it is so required by public interest.

Article 24:

No license for drilling a well for industrial or touristic purposes or for universities use may be granted, unless the applications enclose supporting documents from the competent official bodies within the conditions requested by the Authority. It is prohibited to extract water therefrom except for the purposes for which it was licensed. However, in case either the project or the license thereof is cancelled, the drilling and extraction licenses shall be deemed ipso facto repealed and the licensee must shut down the well or backfill what was drilled thereof. If the licensee fails to comply within the time limit fixed by the Authority, the Authority shall have the right to implement the said measures and to go back on the licensee for the costs plus 25% as administrative expenses.

Article 25:

The distance between a well and another shall be decided by a decision of the Board upon a submission of the Secretary General provided that such distance shall not be in any case less than one kilometer. Provided in this respect the rules in force governing the agricultural units in the Jordan Valley area are complied with.

Article 26:

It is hereby prohibited to issue a license to drill a new or a substitute well, or to deepen an existing well in spring areas unless the drilling site is not less than three km far from the nearest spring,

provided that the applicant submits a written undertaking that the extracted water will not have an effect in any way on the average output of the spring. If it was proved that the average output of the spring has been affected or its natural flow has been halted, then the license shall be cancelled by a decision of the Board on the submission of the Secretary General who shall take the necessary measures to backfill the said well.

Article 27:

I- A license for a substitute well shall be granted by a Board's decision on the submission of the Secretary General in accordance with the following conditions:

- 1- The well should be existent and licensed.
- 2- The new license should contain the rules relating to drilling wells in the region and the distances fixed between them.
- 3- There should be technical and mechanical reasons but not reasons of water scarcity in the first well.
- 4- The distance between the substitute well and the old well should not exceed 50 meters provided that the distances between the wells in the region are complied with, and that the drilling depth should not exceed the depth of the first well.

B-A license for a substitute well shall not be granted if the preceding well was located in the banned area and was not utilized or was back filled, or the drilling therein did not penetrate the underground water layer. In all instances, the first well shall be deemed as if non-existent.

C- The license for water extraction shall not be granted and shall not be utilized unless the preceding well has been back-filled. If the licensee does not abide with this condition, the Authority shall have the right by a decision of the Minister to repeal the original and the substitute licenses, and to back-fill the well by administrative measures without the need for the issue of a notice or warning.

D- A technical report should be enclosed with the application from a specialized and authorized engineering or geological office.

Article 28:

Licenses for deepening, cleaning or maintaining an existing well shall be granted by a Board decision in accordance with the following conditions:

A -The existence of technical justifications confirmed by a report from a specialized and authorized engineering or geological office if the need arises.

B -The well depth should be fixed in the license provided it does not exceed the level of the water-layer where the well is drilled, and provided that the drilling does not affect the water layer utilized by the Authority for drinking purposes.

Article 29:

A- Every owner of a well drilled and tested in accordance with the provisions of this By-Law should obtain before commencement of utilization thereof a license for water extraction issued by the Secretary General or delegatee containing the conditions that the licensee should comply with, including the following:

- 1- The maximum amount of water that may be extracted from the well within a fixed period of time.
- 2- The purpose of water use.
- 3- The maximum area that may be irrigated from the water of the well licensed for agricultural purposes.
- 4- The installation, at the expense of the owner of the well, of a water-meter after it has been approved and stamped by the Authority. This condition should be complied with prior to the issuance of water extraction license.
- 5- Notification of the Authority within a period not exceeding 48 hours in case of non-function of the water-meter. The owner of the well shall reimburse the Authority for the fixed maintenance expenses. Of the water-meter
- 6- Refrainment from taking any measures that impede the flow of water from the well to water-meter directly for the measurement thereof.
- 7- Obligation by the licensee to pay to the Authority in time the prices fixed for the extracted water.
- 8- The keeping by the licensee of a register-approved by the Authority where all data relating to the well, and extraction process shall be registered regularly in accordance with instructions issued by the Authority. The competent Authority officials have the right to inspect this register.

B- The water-meter referred to in paragraph 7 of this article shall be considered sufficient evidence on the extracted amount of water from time-to-time, unless the Authority finds the meter non-operative or has been manipulated with. In such cases, the water quantity shall be calculated in the light of the irrigated area, type of crop, or consumed electricity power and in accordance with rules adopted by the Board for this purpose in coordination with Ministry of Agriculture.

Article 30:

A - It is hereby prohibited to grant more than one drilling or extraction license for one plot of land.

B -No drilling or extraction license may be granted to any person who has been previously given a valid drilling license unless he had commenced drilling work and completed same in accordance with of the previous license.

Article 31:

No drilling or extraction licenses may be granted under the provisions of this By-Law- to any person who has been indicted by a final criminal court decision more than once for violating the provisions of the Law or this By-Law or the instructions issued thereunder.

The licensing of drilling Rigs and Drillers

Article 32:

- I- Every person is hereby prohibited to possess or use directly or indirectly a drilling rig unless he has obtained a license from the Authority in pursuance of the provisions of this By-Law.
- II- Every person is hereby prohibited to take on the job of well drilling unless after the obtainment of a license from the Authority.
- III- The license referred to in clauses (A and B) of this article shall be issued by the Secretary General or the delegatee therefrom in accordance with the rules and conditions specified by the Board by virtue of instructions issued for this purpose.

Article 33:

The license is valid for one year and renewable for a similar period. Any person licensed to perform drilling works, maintenance, cleaning, testing or deepening of wells must make sure before the commencement of work that he has obtained a license to that effect in pursuance of the provisions of this By-Law.

Article 34:

The owners of drilling rigs that are used for petroleum exploration, soil tests or mining are hereby prohibited to perform drilling thereby for the purpose of extracting water, unless after the obtainment of a license to that effect in accordance with the provisions of this By-Law.

Article 35:

The competent departments in the Authority shall keep official records of rigs and drillers and all activities related to the profession of well drilling whereby technical and regulatory data and measures taken against the licensee are registered.

Article 36:

It is hereby prohibited to transfer the drilling rig from one site to another without a written permit issued by the Authority indicating the destination of the rig, purpose of the permit and its validity period. The said permit should be kept in the rig during its movement, and should be presented to the competent Authority officials and the police whenever they demand that.

Licenses fees , water prices and services charges

Article 37:

The following fees shall be levied by the Authority for issuance of licenses:

Drilling license	JD (1000) one thousand Jordan Dinars
Renewal of drilling license	JD(500) five hundred Jordan Dinars
Water extraction license	JD (100) one hundred Jordan Dinars
Renewal of extraction license	JD (50) fifty Jordan Dinars
Substitute drilling license	JD (750) seven hundred and fifty Jordan Dinars
Well Deepening license	JD (500) five hundred Jordan Dinars.
Well maintenance or cleaning license	JD (300) three hundred Jordan Dinars.
Possession or use of a drilling rig license	JD (500) five hundred Jordan Dinars.
Renewal of Possession or use of a drilling rig license	JD (100) one hundred Jordan Dinars.
Driller license	JD (50) fifty Jordan Dinars.
Renewal of driller license	JD (10) ten Jordan Dinars.

Water prices

Article 38:

Subject to the conditions of the water license and the quantities specified therein for permitted extraction, the prices levied by the Authority for the water extracted annually are fixed as follows:

I- Agricultural water wells

(1) Licensed agricultural wells

	Water quantity	Water price
1-	Zero-150 thousand cubic meters.	Free
2-	151-200 thousand cubic meters.	25 Fils per cubic meter
3-	More than 200 thousand cubic meter	60 Fils per cubic meter

(2) The quantities of water that are extracted in Al-Azraq area from wells licensed with specified quantities shall be gratis. The quantities exceeding that up to (100,000 cubic meter), shall be charged 20 Fils per cubic meter, and what exceeds that shall be charged of 60 (sixty) Fils per cubic meter.

(3) The prices of water extracted annually from active unlicensed agricultural wells whose status will be rectified in pursuance of article (41) of this By-Law, shall be as follows:

No.	Water quantity	Water price
1	Zero à€“ 100 thousand cubic meters.	25 Fils per cubic meter.
2	101-150 thousand cubic meters.	30 Fils per cubic meter.
3	151-200 thousand cubic meters.	35 Fils per cubic meter.
4	More than 200 thousand cubic meter.	70 Fils per cubic meter.

B- Wells, which belong to Government Departments, official public institutions, public institutions and municipalities:

1-Twenty-five Fils per cubic meter of water used for agriculture.

2-One hundred Fils per cubic meter of water used for drinking or any other purpose.

3-One hundred Fils per cubic meter if the water well was designated for drinking purposes and was partly used for any other purposes.

C- 250 Fils per cubic meter of water from wells for industry, production, tourism or university purposes.

IV- 250 Fils per cubic meter for the price of the sale of water extracted from wells designated for drinkable water.

V- One hundred Fils for each cubic meter for the price of the sale of water extracted from wells of non-drinkable water.

Services Charges

Article 39:

The Board shall fix the charges to be levied by the Authority for any services rendered to the well owners including the following:

- A- Technical field inspection.
- B- Supervision of pumping test.
- C- Monitoring of drilling, cleaning, deepening and maintenance works.
- D- Electrical probing of the well (geophysical logging).
- E- Testing of rock samples extracted from the well
- F- Testing of well water samples and lab assessment thereof.

Closing and Transitional provisions:

Article 40:

Any body to whom the Authority approved to issue any license in pursuance of the provisions of this By-Law, must present thereto a cash deposit or a bank guarantee prior to the issue of the license in compliance with the rules, conditions and amounts decided by the Council of Ministers on the submission of the Board.

Article 41 :

A (1) The owners of wells, active prior to the coming into effect of this By-Law, whether licensed or unlicensed must adapt their status in compliance therewith within a period not exceeding six months from its coming into effect in order to avoid the responsibility of legal measures taken against them, including the backfilling of these wells by administrative measures.

(2) The above-mentioned period under item (1) of this clause may be extended for a similar period by a decision of the Council of Ministers on the submission of the Minister.

II- Notwithstanding the provision of clause "A" of this article if there are economic or social factors justifying continuation of water extraction out of unlicensed wells prior to the coming into effect of this By-Law, the Board, on the basis of principles approved by the Council of Ministers, may approve the extraction of water from these wells for limited periods and on the condition, set out thereby in return for the payment of a sum of one hundred and fifty Dinars for each meter length of the well depth, provided no losses are inflicted on the interest of the neighboring licensed well owners, and provided also that the well owner shall bear any claim for compensation for any loss sustained by a third party.

C- The approval to extract water granted in accordance with the provisions of clause B of this article shall not be deemed as a drilling license issued under the provisions of this By-Law.

Article 42:

A- The owners of unactive wells licensed prior to the coming into effect of this By-law must notify the Authority of their wish not to utilize the well so that the license issued thereto shall be repealed and they shall be obligated to backfill the wells within a period fixed by the Board. Otherwise the Authority shall backfill the well at their expense.

II- The owners of unactive, unlicensed and existing wells at the coming into effect of this By-Law, must take the necessary measures to backfill these wells under the supervision of the Authority and at their own expense within a period to be fixed by the Board by an advertisement published for this purpose. Otherwise they shall be subjected to the legal responsibility resulting therefrom.

Article 43:

The Underground Water Control By-Law No. 26 of 1977 is hereby repealed, provided that any instructions issued thereunder shall remain in force until they are substituted.

Article 44:

The Minister shall issue the instructions that are necessary to implement the provisions of this By-Law.

13/8/2002

Abdullah The Second Ibn Al-Hussein

The Prime Minister

Minister of Justice

And Minister of Defense

and State Minister for Legal Affairs

Ali Abu Ragheb

Faris Al- Nabulsi

Minister of National Economy

Minster of State for

And Minister of State

Prime Ministerial Affairs

Mohammed Al- Haliega

Mustafa Al- Qaisi

Minister of state

Minister of Municipal, Rural

For political Affairs

and Environment Affairs

And Minister of Information

Dr. Mohâ€™d Affash Al-Odwan

DR. Abdul Razzaq Tubeishat

Minister of Public Works
And Housing

Eng. Husni Abu Ghaidaâ€™

Minister of Finance

Michael Marto

Minister of Foreign Affairs

Dr. Marwan Al- Moâ€™Asher

Minister of Administrative Development

Dr. Mohammed Thunaibat

Minister of Communication
And Information Technology

Dr. Fawaz Hatim Al- Zoâ€™ubi

Minister of Social development

Tamam Al- Ghoul

Minister of Education

Dr, Khalid Touqan

Minister of Tourism & Antiquities

Dr. Taleb Al-Rifai

Minister of Health

Dr. Faleh Al- Naser

Minister of Water & Irrigation

Dr. Hazem Al- Naser

Minister of Energy & Mineral Resources

Eng. â€™Mohâ€™d Aliâ€™ Batayneh

Minister Awkaf & Islamic Affairs

Dr. Ahmad Helayel

Minister of Planning

Dr, Basem Awadallah

Minister of Agriculture

Dr. Mohammed Ayed Al- Deweri

Minister of Transport

Nader Al- Dahabi

Minister of State For foreign Affairs

Shaher Bac

Minister of Industry & Trade

Dr. Salah Eddin Al- Basheer

Minster of Labour

Eng. Muzahim Al- Mohaisen

Minister of Culture

Hayder Mahmoud

Minister of Higher Education
& Scientific Research

Dr. Walid Al-Muaâ€™Ni

Minister of Interior
Quftan Al- Majali