



Research Article

STAGES OF LEGAL REGULATION OF THE USE OF WATER RESOURCES BY FARMS

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ABSTRACT

This article discusses the formation of legal regulatory stages for the rational use of water resources by farms. In this article, the author has shown that the legal nature of the rational use of water resources of farms and the importance of decisions and decrees of the President of the Republic of Uzbekistan in its improvement. In this sense, significant reforms in the legal regulation of the use of water resources of farms, based on the introduction of new institutions, described the specific features of the historical stages of its development. During the historical stages, it is shown that on May 6, 1993, the Law of the Republic of Uzbekistan "On Water and Water Use" No. 837-XII was adopted. It should be noted that the institution of "water consumption" was introduced in these historical stages. In this article, the author states that comprehensive measures to implement modern information and communication and innovative technologies in the water management system have been approved.

KEYWORDS

Farming, water resources, farming, water consumers, natural objects, water users, water limit, ecological, natural resources.



INTRODUCTION

The geographical location and climate of our country require the creation of a solid legal framework that ensures reliable protection of water resources.

In this regard, it is natural that the legislative base aimed at the legal regulation of the use of water resources of farms is consistently developing, and reforms are being implemented based on the initiative and ideas of the President of the Republic of Uzbekistan. [1]

It is worth noting that the history of its development can be divided into three stages, based on the introduction of important and significant reforms in the legal regulation of the use of water resources of farms, and the introduction of new institutions.

The first stage consists of the years 1991-2009, during this period, the legal foundations of the organization of farm activities, the right to use water, and the legal regulation of the use of water resources of farms were created.

At this stage, on May 6, 1993, the Law of the Republic of Uzbekistan "On Water and Water Use" No. 837-XII was adopted. For the first time in this Law, the concept and procedure of water use was regulated in detail.

In particular, in this Law, as one of the tasks of state control over water use and its protection, it is envisaged to ensure that farmers and peasant farms comply with the rules set for water use (Article 9).

It is also confirmed that the limits of water intake for farmers and peasant farms and other water consumers are determined by the associations of water consumers serving them (Article 30).

According to the law, when the farm is terminated, the right to water use or water consumption is also canceled (Article 36), farms conduct water management activities, unreasonable use of water, polluting, reducing it, as well as illegal cancellation of water use and water consumption conditions it is established that the damage caused as a result of making or changing must be compensated (Article 39).

Another important aspect of this Law is the establishment of guarantees of the right to use water for farms. In particular, according to Article 47 of the Law, the use of water for agricultural needs and water consumption is carried out in order to create a favorable water regime in the irrigated lands of farms, and the water intake limits of farms cannot be changed without their consent, except in cases of reduced water sources.

As we have seen, in this case the Law prohibits changing the water intake limits of farms without their consent. Determining such a norm undoubtedly guarantees the effective implementation of the rights of farms to use water.

The law also stipulates the obligations of farms on the use of water bodies. In particular, according to its Article 102, farmers and peasant farms, whose activities have a negative effect on the condition



and regime of small rivers, should take measures to preserve water, its purity and quality.

At the same time, it is established that farmers and peasant farms must compensate damages caused as a result of violation of the water legislation in the amount and in the manner determined by the legislation (Article 117).

Another important law adopted during this period is the Law "On Farming". The Law "On Farming" was first adopted on April 30, 1998 and later on August 26, 2004 in a new version.

As noted above, Article 15 of this Law directly regulates water consumption issues. At the same time, in Article 17 of this Law, three of the 15 obligations of the farm are directly related to the use and protection of water resources.

According to it, farms use water resources in accordance with the agreement on water consumption, take measures to save water, target and rational use of water resources; participate in the prescribed procedure in the cleaning and repair of the irrigation and collector-drainage networks that are on the balance of the water consumers' association of which this farm is a member, as well as keep them in a technically sound condition, comply with the established rules of their use, as well as water protection zones of water bodies, along the coast Regions, protection of sanitary protection zones and compliance with the procedures and conditions of their use is considered mandatory.

It should be noted that Article 16 of the old version of the Law on the obligations of farms did not specify any of their obligations regarding the use and protection of water. From this point of view, it is important that the new Law defines three obligations of farms on water use.

The second stage - 2009 - 2017, during this period, the institute of water consumption of farms was introduced.

As we mentioned above, the "water consumption" institution was introduced by the Law of the Republic of Uzbekistan dated December 25, 2009 No. ORQ-240. According to the main feature of their activity, farms are water consumers, that is, they use water resources to meet their needs, taking them from the water body in the prescribed manner.

2013 of the Cabinet of Ministers of the Republic of Uzbekistan

Section IV of the regulation on water use and water consumption in the Republic of Uzbekistan, approved by the decision No. 82 dated March 19, is directly devoted to "Water intake limits and the procedure for their determination".

According to it, water intake limits are set by water user associations for farmers and peasant farms, self-government bodies of citizens, and other water users located in the service area.

The water consumption plans of farms and peasant households, self-government bodies of citizens and other water consumers are approved by the associations of water consumers serving them. Water user associations summarize water supply plans and draw up association water use plans.

Agreements on water use and water consumption concluded in the prescribed manner by water user associations with farmers and peasant farms, citizens' self-government bodies and other water consumers and water users in the zone they serve are taken into account in district agricultural departments.



Accounting of the water taken by farms for water consumption for agriculture until their respective water intakes are equipped with water accounting tools, by volume, accounting and other methods, the actual irrigated areas, the number of irrigations, the mode of irrigation of agricultural crops, the duration of water intake and can be done taking into account the like. [2]

Another important document adopted during this period was the decision of the Cabinet of Ministers No. 176 dated June 21, 2013 [3] "On measures to effectively organize the implementation and financing of the drip irrigation system and other water-saving irrigation technologies." On the basis of this document, for the first time, measures were determined to effectively organize the rational use of water resources, including the introduction of the drip irrigation system and other water-saving irrigation technologies.

The regulation on the introduction and financing of the drip irrigation system and other water-saving irrigation technologies was approved by the decision. Also, the procedure for providing loans to agricultural producers by commercial banks for experimental introduction of drip irrigation system was introduced at the expense of the credit line of the "Irrigated Lands Improvement Fund" under the Cabinet of Ministers.

The third stage covers the period from 2018 to the present, in this stage, the improvement of the right to use water of farms, including the introduction of mechanisms for rational and economical use of water, "smart".

In particular, with the decision of the Cabinet of Ministers No. 714 of September 10, 2018 "On measures to ensure the introduction of modern

information and communication and innovative technologies into the water management system" [4], implementation of modern information and communication and innovative technologies into the water management system comprehensive measures were approved.

This decision provides for the introduction of a real-time collection and management system based on modern technologies on water consumption and other indicators in hydroelectric networks, reservoirs, main canals and other important facilities of water management, the rational use of water resources, the introduction of modern technologies and programs in the irrigation of agricultural crops. measures to create an automated system of real-time monitoring of water management and electricity consumption at pumping stations in the system of the Ministry of Water Management, as well as establishing water cadastre and creating mobile applications through the wide use of modern information and communication technologies in the water management system.

Decision PQ-3672 of April 17, 2018 [5] of the President of the Republic of Uzbekistan "On measures to organize the activities of the Ministry of Water Management of the Republic of Uzbekistan" served to fundamentally improve state management in the field of water management. In particular, on the basis of this decision, the necessary measures to organize the activities of the Ministry of Water Economy were determined. The decision also defined the tasks of improving the procedure for planning water use and determining water intake limits.

The Cabinet of Ministers' decision No. 255 dated March 31, 2018 [6] "On approval of certain administrative regulations for the provision of state services in the field of nature use" approved



the administrative regulations for the provision of state services for the special use of water or special water consumption. Among other things, it is stipulated that 4 types of documents must be submitted by water consumer associations to obtain a permit for special use of water.

During this period, more precisely, the Tax Code of the Republic of Uzbekistan, adopted on December 30, 2019, served as an important legal source in regulating the right to use water for farms. In particular, Section 17 of the Code is devoted to the tax for the use of water resources.

According to it, the taxpayers for the use of water resources are persons who carry out the primary use of water or water consumption in the territory of the Republic of Uzbekistan (Article 441), and water resources used from surface and underground sources are the object of taxation for the use of water resources (Article 442), the amount of water used is the tax base (Article 443).

At the same time, in the case that there are no means of accounting for water resources in agriculture, including fish farming, and it is not possible to determine the actual volume of water resources used, the tax base is determined according to the norms of water resources consumption approved by the competent body in the field of water use and water consumption (444- substance).

In accordance with the Decree No. PF-5742 dated June 17, 2019 of the President of the Republic of Uzbekistan "On measures for the effective use of land and water resources in agriculture", forecast indicators for the introduction of water-saving technologies on 253,381 hectares of cropland during 2019-2022 have been approved. [7]

In addition, according to this Decree, new farms and associations of water users will be established on the condition that they must be equipped with water management and accounting tools in the places of water use, and the use of land areas using water-saving technologies (drip, rain, drip irrigation under the soil, etc.) was determined to be carried out without.

The activity of water consumer associations was improved by the decision of the Cabinet of Ministers No. 982 dated December 11, 2019 [8] "On measures to improve the activities of water consumer associations". Based on the decision, one of the main directions of the association's activity was the regulation of mutual water management relations between farmers and peasant households and other water consumers, as well as the establishment of contractual relations on water consumption. At the same time, approval of water consumption plans, water intake limits, business plans by the general meeting of the association was strengthened.

Most of the normative legal documents adopted during this period set the mechanisms for encouraging the introduction of water-saving technologies.

By the decision of the President of the Republic of Uzbekistan "On measures to further improve the water resources management system" dated October 9, 2019 No. tasks were set to ensure full collection of fees for services, as well as to review the location of water consumer associations and the boundaries of the areas served by them.

At this stage, the Decree No. PF-6024 of July 10, 2020 [10] of the President of the Republic of Uzbekistan "On approval of the concept of water management development of the Republic of



Uzbekistan for 2020-2030" was also adopted. With this Decree, the concept of the development of the water industry of the Republic of Uzbekistan for 2020-2030 and the "roadmap" for the implementation of the tasks defined in it in 2020-2022 have been approved.

In this document, the improvement of the water resources management system, the introduction of "Smart Water" ("Smart water") and similar digital technologies in the management of water use and water consumption accounting, as well as the further expansion of the introduction of water-saving irrigation technologies in the cultivation of agricultural crops, and the state Tasks such as promotion were defined.

In this document, by 2030, the efficiency ratio of irrigation systems should be increased from 0.63 to 0.73, "Smart Water" water measurement and control devices will be installed in all irrigation system facilities, and digital technologies will be introduced in water accounting. Automation of water management processes in 100 large water management facilities, the total area of land covered by water-saving technologies for irrigation of agricultural crops up to 2 million hectares, including drip irrigation technology up to 600 thousand hectares (up to 2025 to 1.0 million hectares, including drip irrigation technology It is set to reach indicators such as delivery up to 300 thousand hectares.

At the same time, in the "road map" approved by the Decree, in 2022, a part of the tasks of water management and water management is assigned to large cluster organizations and farms for gradual use. changes the level.

Another important document adopted at this stage is the decision No. 174 of April 3, 2021 [11] of the Cabinet of Ministers "On measures to

further improve the procedure for accounting and reporting and monitoring of water resources in water use and water consumption" [11], in which water use and served to improve the procedure of accounting and reporting and monitoring of water resources in water consumption.

In short, the right to water use of farms is a complex legal institution, and relations related to it are regulated by a number of regulatory legal documents. In particular, the Laws of the Republic of Uzbekistan "On Farming", "On Farming", "On Land Management", "On Pastures", as well as the Land Code, Civil Code, Tax Code, Criminal Code, Codes on Administrative Responsibility can be specified.

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