Dahir (Royal Decree) no. 1-95-154 of 18 Rabii I 1416 (16 August 1995)
promulgating Law no. 10-95 on water
Official State Gazette no. 4325 of 20 September 1995

Law no. 10-95 on Water

Preamble

Water is a natural resource at the heart of life and an essential staple for most of the economic activities of man.

It is also rare, and indeed is a resource whose availability is marked by a pronounced irregularity in time and space. It is, finally, highly vulnerable to the negative effects of human activities.
Social and economic development needs make it imperative to turn to water development to meet the populations' needs. These needs are themselves in continuous growth, and often compete with and even contradict each other, which makes the water management process highly complex and difficult to implement.

To deal with this situation, it is indispensable to have, among other supporting factors, effective legal instruments with a view to organizing the distribution and control of water resource use, and to ensuring the protection and conservation of water resources.

Current water legislation in Morocco

The rules governing the hydrological public domain have diverse origins. However, in Morocco, the first text regarding water dates from 1914. This was the Dahir (Royal Decree) of 7 Chaabane 1332 (1 July 1914) on the public domain that, completed by the Dahirs of 1919 and 1925, comprehends all the waters, whatever their form, in the hydrological public domain.

Since that date, water resources cannot be the object of a private appropriation, except waters to which the rights have been legally acquired. Other texts were drafted afterward in order to deal with the new needs that made themselves felt.

As a whole, the essential texts regarding water date back to the first decades of this century. Because they were written according to needs and circumstances of their time, current Moroccan legislation on water takes the form of a group of scattered texts that have been updated by stages during different periods. Today this legislation is no longer adapted to the modern organization of the country and no longer responds to the needs of its socioeconomic development.

Indeed, the current conditions of water use are no longer those that prevailed at the beginning of the century, when water resources were much less demanded than they are today, because of the low demand for water and inefficient mobilization techniques.

It is for all these reasons that a consolidation of the current water legislation, and its unification in a single law, has proven to be necessary. Within the framework of this consolidation, this law will not be limited to the consolidation of the legislation in effect, but also, and above all, aims to complete it, on one hand, with provisions relative to the domains that it did not previously cover and, on the other hand, to regularize the legal system for water resources.

The benefits of the law on water

The development of water resources must make it possible to ensure the availability of water in sufficient quantity and quality for the benefit of all the users in accordance with the aspirations to a harmonious economic and social development, the orientations of national land use planning and the possibilities offered by the potentials of water for their management, which must be accomplished at the lowest possible cost.

The law on water aims to establish a national water policy based on a long-term view that takes into account, on one hand, the evolution of our resources and, on the other, our national water needs. It makes legal provisions for the rationalization of water use, the generalization of access to water, the fostering of inter-regional solidarity, and the reduction of disparities between town and country in the framework of programs whose objective is to ensure hydrological security throughout the Kingdom.

It will also contribute effectively to the creation of an adequate framework for partnership between the administration and rural communes with a view to quickly reducing the gaps in access to drinking water between town and country.

In this regard, the law on water constitutes the legal basis for the country's water policy and therefore sets the following objectives:

* coherent, flexible planning of water resource use, at both the hydrological basin level and the national level;
* an optimum mobilization and rational management of all the water resources, taking into account the orders of priority set by the National Water Plan;
* water resource management within the framework of a geographical unit, the hydrological basin, which represents a significant innovation enabling the conception and implementation of decentralized water management. Indeed, the hydrological basin is the natural geographic space that is best adapted to the comprehension and solution of water resource management problems, and to the building of an effective regional solidarity between the users concerned by a common water resource;
* a quantitative and qualitative protection and conservation the entire hydrological public domain;
* an adequate administration of water, making it possible to help the conception of water use and the control of the operations cited above, by associating the public authorities and users with all decision making regarding water.

It also aims at developing water resources and making water-connected investments profitable while taking into consideration the economic and social interests of the populations by safeguarding acquired water rights.

To achieve these objectives and reinforce the existing institutional water management framework, the law on water creates basin agencies, public institutions with legal status and financial autonomy. Their mission is to assess, plan and manage the water resources at the hydrological basin level. These agencies may give loans, grants and subsidies to any person investing in water resource development or preservation. Their resources will come from user fees and pollution charges collected from water users, from loans, subsidies, gifts, etc. Thus, thanks to the flexibility in management and decision-making enjoyed by the basin agencies, all the water users in a given basin can benefit from the financial support and technical assistance needed for their operations relative to the hydrological public domain.

The law on water rests on a certain number of basic principles arising from the objectives stated above:

* the public domaniality of waters; according to this principle, laid down in the 1914 and 1919 Dahirs, all waters are part of a public domain, except for acquired and recognized rights. However, the need for a maximum development of water resources imposed by their scarcity has led to legal provisions for a limit on these rights so that the holders of rights over waters only or over waters that they use only partly and only for their lands, cannot assign those rights except to owners of agricultural lands.
* the perfection of development planning and sharing of water resources based on a broad cooperation among users and the public authorities,
* the protection of human health through the regulation of exploitation, distribution and sale of waters for human consumption,
* the regulation of activities that may pollute water resources,
* the rational distribution of water resources during droughts in order to palliate the effects of shortages,
* greater agricultural development thanks to the improvement of the conditions of management and use of waters for agricultural use,
* the provision for sanctions and the creation of a water police force to repress all illicit exploitation of water and all acts that may alter its quality.

Among the benefits of this law is its contribution to the improvement of the environmental situation of the national water resources. Indeed, this law will be an effective means to combat water pollution, in the understanding that the attainment of this objective requires, moreover, additional legislative work in the area of coastal management and the regulation of the chemical products used in productive economic activities.

The law on water will enable the establishment of new rules for water use that will make such use more appropriate for the economic and social conditions of a modern Morocco, and will lay the foundations of an effective water management in the future to meet the expected challenges to the country's water supply security. This new law will, furthermore, enable an even greater development of the considerable efforts agreed for the mobilization and use of water, and will make them compatible with 21st century Moroccan aspirations to economic and social development.

Chapter I: Hydrological Public Domain

Article 1: Water is a public good that cannot be privately appropriated, subject to the provisions of Chapter II below.

The right to use water is granted according to the terms set by this law.

Article 2: For the intents and purposes of this law, the following are part of the hydrological public domain:

a – all water bodies, whether they are surface or groundwater bodies; watercourses of all types and springs of all sorts;
b – lakes, ponds and sebkhas (salt flats), as well as lagoons, salt-marshes and marshes of all sorts that are not directly linked with the sea. Those lots that, although they are not permanently covered by water, are not likely to be used for agriculture in ordinary years, because of their hydrological potential, are included in this category;
c – artesian wells, wells and watering places for public use made by the State or on its behalf, as well as their protection areas as delimited by regulations. These areas are composed of an immediate area, which part of the hydrological public domain and, as applicable, a proximate area and a distant area which are subject only to easements;
d – navigation, irrigation or wastewater treatment canals assigned to public use, as well as lands that are included within their freeboards and whose width must not exceed 25 meters for each freeboard;

e - dikes, dams, aqueducts, pipelines, water-lines and séguias (open irrigation canals) assigned to public use with a view to protecting lands against waters, irrigating crops, supplying urban centers and rural settlements or for using water-power;
f – the beds of permanent and non-permanent watercourses as well as their sources; the beds of torrents in which the flow of waters leaves visible traces;
g – watercourse banks up to the height reached by water level rises whose frequency is set by regulations for each watercourse or watercourse section and, in addition, in those parts of watercourses subject to the influence of tides, all surfaces covered by tides whose tidal coefficient is 120.
h – freeboards starting from the bank limits:

1) with a width of six meters, on watercourses or defined sections of watercourses: the Moulouya from its mouth to its source, the Sebou from its mouth to its source, the Loukkos from its mouth to its source, the Oum Er Rbia from its mouth to its source and the Bou Regreg from its mouth to the Sidi Mohamed Ben Abdellah dam;

2) with a width of six meters, on other watercourses or sections of watercourses:

Article 3: If, due to natural causes, the bed of a watercourse changes, the limits of the freeboards shift according to the width set in paragraph h of article 2 above, in parallel to the new bed.

The area included between the old and new freeboard limits is, in the event of recession, incorporated into the hydrological public domain without compensation to the riverside resident, who will have only the right to remove the structures and facilities he had established, as well as any standing crops. On the contrary, the said area is, in the event of an advance, returned free of charge to the riverside resident if he gives proof of having been the owner before it was covered by the waters; the said riverside resident shall then be responsible for respecting the easements that arise or could arise, either from custom, law or regulations.

Article 4: The new bed that a watercourse may open for itself naturally, or without human intervention, is incorporated into the hydrological public domain with its freeboards.

If the former bed is not entirely abandoned by the waters, the owners of the lands crossed by the new bed have no right to compensation.

If the old bed is, however, completely abandoned by the waters, the owners shall have the right to the following compensations:

- when the abandoned bed and the new bed open over their entire breadth along one and the same property, the first of these beds with its freeboards are declassified and allocated free of charge to the owner of the property affected.
- when the two beds, old and new, cross lands belonging to different owners, the bed and its freeboards are declassified and the riverside owners can acquire ownership of the said bed and freeboard by pre-emption, each legally up to the axis of the old bed. The price of the old bed is set by experts appointed by the presiding judge of the competent court, at the administration's petition.

In the event that the riverside property owners fail to declare, within three months of the notification given to them by the administration, their intention to acquire the old bed at the prices set by the experts, the administration shall dispose of the old bed according to the rules governing disposals of the State’s private ownership.

The price collected in the sale is distributed to the owners of the lands occupied by the new bed, as a compensation, in proportion to the value of the land taken away from each of them.

Article 5: The boundaries of the hydrological public domain are set in accordance with the provisions of article 7 of the Dahir (Royal Decree) of 7 Chaabane 1332 (1 July 1914) on the public domain.

Chapter II: Acquired Rights over the Hydrological Public Domain

***Article 6*:** The property, usufruct and use rights regularly acquired over the hydrological public domain before the publication of the Dahir of 7 Chaabane 1332 (1 July 1914) regarding the public domain, and prior to the publication of the Dahir of 11 Moharrem 1344 (1 August 1925) relative to the water regime, as modified and completed or, for the areas where these texts are not applicable, on the date of recovery of the latter areas by the Kingdom, are maintained.

The owners or possessors who, on the date of publication of this Law, have not yet presented the administration with claims founded on the existence of these rights, have five (5) years to claim those rights.

Once this period has elapsed, no one may claim any right over the hydrological public domain.

Article 7: Acquired rights over the hydrological public domain are recognized at the behest of and through the good offices of the administration, or upon the request by the interested parties after a public inquiry is conducted according to the terms and conditions determined through normal regulatory channels.

Article 8: Recognized water rights are subject to the provisions regarding water use decreed by the National Water Plan and the general integrated water resources development plans as provided for in Chapter IV of this Law.

The owners whose rights have been duly recognized cannot be dispossessed of the said rights except by expropriation.

This expropriation shall not occur except under the conditions stipulated in Law no. 7-81 regarding expropriation in the public interest and temporary occupation, promulgated by Dahir no. 1-81-254 of 11 Rejeb 1402 (6 May 1982).

Article 9: Waters used to irrigate a given land and belonging to the owner of the said land are assigned either at the same time as the latter, and always for his benefit, or separately from the said land, provided that the purchaser is the owner of an agricultural property to which these water rights will be attached.

In the event of fragmentation of the land, the provisions of article 11 below will be applied.

Article 10: The holders of acquired rights over waters only or over waters that they use only partially for their land must, within five (5) years from the date of publication of this Law or the date of the deed of acknowledgment concerning the owners and possessors cited in article 6 above, totally or partially assign the rights they do not use to natural or legal persons who are agricultural property owners and for the benefit of those lands, or to the State.

Once this time limit has elapsed, the water rights regarding which the owners have not undertaken any assignment proceeding in compliance with the provisions in the preceding subparagraph shall be expropriated for the benefit of the State under the terms stated in the above-cited Law no. 7-81.

Article 11: All assignments or rentals of agricultural properties having waters at their disposal for irrigation, over which waters the rights are recognized to third parties, may not be effected unless the property owner binds the purchaser or tenant to a water lease agreement, drawn up in the latters' names and guaranteeing them, for a given term and price, the waters they need to irrigate the said properties.

Chapter III: Conservation and Protection of the Hydraulic Public Domain

Article 12:

a) it is forbidden to:

1 – bring forward in any way, particularly through construction, on the boundaries of the freeboards of temporary or permanent watercourses, séguias (open irrigation canals), lakes, springs and on the boundaries of the rights-of-way of aqueducts, water-lines, navigation, irrigation or wastewater treatment canals that are part of the hydrological public domain;
2 – place inside the boundaries of the hydrological public domain any obstacles hindering navigation, the free flow of waters and the free movement of traffic along the freeboards;
3 – throw objects into watercourse beds that may partially block the beds or cause aggradations;
4 – cross séguias, water-lines, aqueducts or ground pipes included in the hydrological public domain with vehicles or animals at points other than the crossings specially provided for this purpose, and to let livestock get inside the right-of-way of irrigation or wastewater treatment canals. The points where livestock herds may, under exceptional circumstances, access these canals to drink there are established by the basin agency.

b) it is prohibited, except by previous authorization granted through the procedures established through normal regulatory channels:

1- to make or remove any deposits, plantings or crops on the hydrological public domain
2 – to dredge, deepen, widen, straighten or regulate temporary or permanent watercourses,
3 – to make, on public works, watercourses and any other part of the hydrological public domain, water intakes or draining ditches,
4 - to make excavations of any nature, particularly extractions of construction materials, in the beds of watercourses, at a distance of less than 10 meters from the boundary of the watercourse freeboards, or from the water intake of water-lines, aqueducts or canals. Authorization is not granted when these excavations are of the type that is likely to cause damage to public works, the stability of watercourse banks or aquatic fauna.

Chapter IV: Planning of the Development of Hydrological Basins and the Use of Water Resources

Section I: The High Council for Water and Climate

Article 13: A council called the High Council for Water and Climate is hereby created, which is responsible for formulating the overall guidelines for the national water and climate policy.

Apart from the responsibilities that may be entrusted to it by the government authority, the High Council for Water and Climate shall examine and formulate its opinion on:

* the national strategy for improving knowledge about the climate and the command of its impacts on water resource development;
* the National Water Plan;

* the general integrated water resources development plans for the hydrological basins and, in particular, the distribution of water among the various user sectors and the diverse regions of the country or of a single basin, as well as the provisions regarding the development, protection and conservation of water resources.

Article 14: The High Council for Water and Climate is composed of:

1 - half the membership are representatives of:
- the State,
- the basin agencies,
- the National Office of Drinking Water,
- the National Office of Electricity,
- the Regional Agricultural Development Offices.

2 - half the membership are representatives of:
- water users elected by their peers,
- prefectorial or provincial legislatures elected by their peers,
- institutions of higher education and scientific research that are active in the domains of water resources use engineering, rationalization of water use, protection of water resources, etc.

- professional and scientific associations that are active in the domains of water resource use engineering, rationalization of water use, protection of water resources, etc.

The Council may invite any person to participate in its meetings who is competent or specialized in the area of water.

Section II: The National Water Plan and the General Integrated Water Resources Development Plan

Article 15: The State plans the use of the national water resources within the framework of the hydrological basins.

For the intents and purposes of this law, the term *hydrological basin* is understood to mean:

a – all of the topographical surface drained by a watercourse and its affluents from the source to the sea or as far as a significant flow is detectable within our territorial boundaries.

b – or any regional whole made up of basins or sections of hydrological basins such as those defined in the previous subparagraph and constituting a hydrological unit due to its dependence for its water supply on one resource unit.

The boundaries of each hydrological basin are established through normal regulatory channels.

Article 16: A general integrated water resources development plan is established by the administration for each hydrological basin or group of basins. Its main objective is the management of the basin's water resources, including estuary waters, with a view to meeting, both quantitatively and qualitatively, the present and future water needs of the diverse users of the basin waters.

The general integrated water resources development plan must define, among other things:

1 – the territorial boundaries of the basin or basins to which it applies;

2 – the assessment of the quantitative and qualitative evolution of the hydrological resources and needs in the basin;
3 – the plan for sharing the waters among the various sectors in the basin and the main uses of the water in the basin; this plan will state, as applicable, the quantities of surplus water that may be transferred to other basins;
4 – the operations required to mobilize, share, protect and restore water resources and the hydrological public domain, and particularly hydraulic works;
5 – the quality objectives as well as the time frames and the appropriate measures to accomplish them;
6 – the order of priorities to take into consideration for the water sharing provided for in paragraph 3 above, as well as the measures required to deal with exceptional climatic conditions;
7 – the establishment of the overall hydrological development scheme for the basin that will ensure the conservation of the resources and their adaptation to needs;
8 – the preservation and prohibition zones stipulated respectively in articles 49 and 50 of this Law;
9 – the particular terms of water use, particularly the terms regarding its valorization, the preservation of its quality and the fight against wasting it.

Article 17: The general integrated water resources development plan for the hydrological basin is formulated by the administration for a term of at least 20 years. It may undergo revisions every five years, unless exceptional circumstances arise that impose a modification of its content before this period elapses. The terms and procedure for its preparation and revision are established through normal regulatory channels.

The general integrated water resources development plan for the hydrological basin is approved by decree after obtaining the opinion of the High Council for Water and Climate.

Article 18: When an approved general integrated water resources development plan exists for the hydrological basin, any authorization or concession provided for in this Law whose purpose is the use or exploitation of the hydrological public domain cannot be granted unless it is compatible with the objectives defined in the said plan.

Article 19: A National Water Plan is established by the administration on the basis of the results and conclusions of the general integrated water resources development plans for the hydrological basins cited in article 16 above. It is approved by decree, after obtaining the opinion of the High Council for Water and Climate. It shall, in particular, define:

- the national priorities in the areas of mobilization and use of water resources,
- the program and deadlines for execution of hydraulic developments on the national scale,
- the articulations that must exist between the National Water Plan and the general integrated water resources development plans, the land use plans, etc.,
- the supporting measures, primarily of an economic, financial, regulatory, and organizational nature, as well as measures for sensitizing and educating the populations, all of which are required for implementing the Plan,
- the terms governing the transfer of waters from surplus-producing hydrological basins to hydrological basins showing a shortfall.

The National Water Plan is established for a period of at least twenty (20) years. It may undergo periodic revisions every five years, unless exceptional circumstances arise that make a modification of its content before this period elapses.

Section III: The Basin Agencies

Article 20: At the level of each hydrological basin or set of hydrological basins, under the name of basin agency, a public entity having legal status and financial autonomy, is created.

The basin agency is responsible for:

1 – preparing the general integrated water resources development plan for its area of action;
2 – ensuring the application of the general integrated water resources development plan within its area of action;
3 – issuing the authorizations and concessions for use of the hydrological public domain provided for in the general integrated water resources development plan covering its area of action;
4 – providing all the required financial aid and services, particularly technical assistance, to the public corporations or individuals who request them, either to prevent pollution of water resources or with a view to developing or using the hydrological public domain;
5 – taking all the appropriate piezometric measurements and performing stream gauging as well as conducting hydrological, hydrogeological, planning and water management studies on both the quantitative and qualitative levels;
6 – taking all the necessary quality measurements and applying the provisions of this Law and laws in effect regarding the protection of water resources and the restoration of their quality, in cooperation with the government authority responsible for the environment;
7 – proposing and executing adequate measures, particularly of the regulatory type, to ensure the supply of water in the event of a water shortage declared in compliance with Chapter X of this Law or to prevent flooding risks;
8 – managing and controlling the use of mobilized water resources;
9- creating the infrastructures required to prevent or fight against floods;
10- keeping a record of recognized water rights, concessions and authorizations of water abstractions that are granted.

The area of action of each basin agency and the effective date of the provisions of this article are established by decree.

Article 21: The basin agency is administered by a board of directors presided by the government authority responsible for water resources, whose membership cannot be less than 24 or greater than 48. In any case, it is composed of:

1. for a third of the membership, representatives of the State;
2. for a fourth of the membership, representatives of public entities placed under State supervision, and responsible for the production of drinking water, hydroelectric power and irrigation.
3. for the rest of the membership, representatives of:

- the agricultural councils concerned;
- the chambers of commerce, industry and service concerned;
- the prefectorial and provincial legislatures concerned;
- the ethnic groups concerned;
- the associations of agricultural water users concerned, elected by their peers.

The board of directors:

– examines the hydrological basin's integrated general development plan before it is approved;

– studies the water resources development and management programs as well as the agency's general annual and multi-year activity programs before their approval by the government authority responsible for water resources;
– approves the agency's budget and accounts;
– allocates the pollution charges collected to specific depollution actions;
– proposes to the governmental authority responsible for water resources the fee basis and fee rates constituting the remuneration by the users of the services performed by the agency;
– drafts the agency personnel code, which is approved according to the terms stipulated by the legislation in effect for the employees of public entities;
– approves the agreements and contracts governing concessions granted by the basin agency;

The board of directors may create any and all committees it esteems useful for delegating some of its powers.

Article 22: The basin agency is managed by a director appointed in accordance with the legislation in effect.

The agency director has all the powers and responsibilities required for the management of the basin agency. He executes the decisions of the board of directors and, if applicable, the committees. He issues authorizations and concessions for the use of the hydrological public domain provided for in this Law.

Article 23: The agency budget includes:

1. Resources:
– the operating revenues and profits, as well as those produced by its operations and asset base;
– the revenue from fees and pollution charges constituting the remuneration by the users of its services;
– the revenues from the fees charged to users of the hydrological public domain;
– State subsidies;
– gifts, legacies and miscellaneous revenues;
– advances and reimbursable loans from the State, public or private entities, as well as loans authorized in accordance with the regulations in effect;
– quasi-taxes instituted for its benefit;
– all other revenues related with its activity.

2. Expenses:
– the agency's operating and investment expenses;
– the reimbursement of advances and loans;
– all other expenses related with its activity.

Article 24: The assets of the hydrological public domain needed by the basin agencies to carry out the missions that are assigned to them by this Law are placed at their disposal under the terms established through normal regulatory channels.

For the establishment of the agency's initial asset base, the movable and immovable properties that fall under the private ownership of the State, required by the agency for its smooth functioning, are transferred to the said agency, in full enjoyment according to the procedures set through normal regulatory channels.

Chapter V: General Terms of Water Use

Section I: Property Owners' Rights and Obligations

Article 25: Property owners have the right to use rain waters that fall on their land.

The conditions governing the artificial accumulation of waters on private properties are established through normal regulatory channels.

Article 26: Subject to the provisions of articles 36 ff. of this Law, all owners may, without authorization, dig wells on their lands or drill to a depth no greater than the threshold set through normal regulatory channels. Property owners have the right to use waters, subject to the rights of third parties and to the terms of this Law.

Article 27: All catchments existing on the date of publication of this Law must be declared within a time limit established through normal regulatory channels.

For catchments that are not yet authorized, this declaration is equivalent to an application for authorization and is processed as such, subject to the provisions of articles 6 and 8 of this Law.

Article 28: All land owners who wish to use the waters they have the right to use may obtain the passage of these waters over intermediate lands by paying a fair compensation in advance.

Property owners must receive the waters that can flow from the lands thus watered, subject to compensation if applicable.

Houses, courtyards, gardens, parks and enclosures adjoining habitations are exempt from this servitude.

Article 29: All property owners who wish to drain off waters that are harmful to their lands may obtain the passage of those waters over intermediate lands under the same terms as those established in the preceding article.

However, the owners of the lands crossed have the option of making use of the works executed for this purpose for the flow of the waters from their own lands, subject to a financial contribution to the works executed or remaining to be executed as well as to the maintenance of the facilities that have become common.

Article 30: The provisions of articles 28 and 29 above do not stand in the way of the exercise of special passage rights arising from an undisputed custom, which may exist in certain regions.

Article 31: Properties on the banks or shores of watercourses, lakes, aqueducts, water-lines, irrigation or wastewater treatment canals assigned to public use are subject to an easement limited to a width of four meters measured from the freeboards, intended to allow the free passage of basin agency personnel and equipment, as well as the storage of the products of dredging operations or the execution of facilities and works executed in the public interest.
This easement obligates the owners of shoreline or riverbank properties to refrain from any and all acts that may interfere with or harm the operation, maintenance or conservation of watercourses, lakes and works.
If this easement leads, in fact, to making the lots actually developed unusable, the owner shall have the right to demand their expropriation.

When the easement area is found to be insufficient for the making of a road, the administration or basin agency may, unless the bankside owners give their express consent, acquire the land required through expropriation.

Article 32: The execution of the installations or works mentioned in the preceding article on lands burdened by an easement must be notified in writing to the owners or operators of the said lands.
The damages resulting from this execution are set, if an amicable agreement is not reached, by the competent court.

Article 33: All owners of land burdened by a storage easement whose term is longer than one year may, at any time during the entire term of the easement, demand the acquisition of the said land by the beneficiary.
If this demand has not received a positive response within one year, the owner may take the matter before the competent courts with a view to obtaining a judgment ordering the transfer of property and determining the amount of the indemnity.
This indemnity is set as in cases of expropriation in the public interest.

Article 34: In the absence of a previous authorization, the administration may proceed by virtue of office, at the offenders' expense, to demolish all new construction or fixed enclosure, as well as to cut down any crops planted inside the areas subject to the easement if no response is made by the interested parties to the formal notification conveyed to them by the administration in order to commence operations within no fewer than 15 days.
If need be, the administration may request, with payment of damages, the felling of trees and demolition of built structures existing within the boundaries of these areas, and may proceed to do so by virtue of office, within three months, if no response is made to its request.

***Article 35*:** The State, local groups and duly authorized grantees have the right to have water explorations done on private properties, according to the provisions of the law on expropriation in the public interest and temporary occupation.

Section II: Authorizations and Concessions Relative to the Hydrological Public Domain

Article 36: The authorizations and concessions cited in this section relative to the hydrological public domain, and whose approval procedures are set through normal regulatory channels, are granted after a public inquiry. They give rise to the payment of an application fee.
The public inquiry is conducted by a special committee responsible for collecting the claims of interested third parties. For this purpose, the authorization or concession proposal must be made known to the public, through the press or any other appropriate means of publicity, fifteen days before the start of the public inquiry, which may not last longer than thirty days.
The basin agency is required to give a ruling on the application or on any third-party opposition, after considering the opinion of the inquiry committee, within fifteen days of the closing date of the inquiry.

The methods and procedures for conducting the public inquiry and the membership of the committee are set through normal regulatory channels.

Article 37: All natural persons or corporate entities using hydrological public domain waters are subject to the payment of a fee for using the water, according to the terms established in this Law.
The procedures for setting and collecting this fee are established through normal regulatory channels.

The fees can be collected both from the owner and from the operator of water catchment facilities, who are jointly and severally liable for their payment.

Article 38: The following are subject to the authorization regime:

1. the work of exploration, subject to the provisions of article 26 above, for the collection of groundwaters or artesian waters;
2. the digging of wells or drilling to a depth below the threshold stipulated in article 26 above;
3. the collection of waters from natural springs located on private property;
4. the construction, for a period not longer than five years, and renewable, of works whose purpose is the use of public domain waters, such as water mills, dikes, dams or canals, provided that these works do not impede the free flow of the waters and free movement of traffic on the freeboards, and do not give rise to pollution of the waters;
5. abstractions from flows in the groundwater body, whatever their nature may be, greater than a threshold set by regulations.
6. water intakes established in watercourses or canals derived from wadis;
7. the collection of water of any type with a view to selling it or making therapeutic use of it;
8. the operation of crossings or ferries over watercourses.

Article 39: An authorization is granted subject to the rights of third parties. The authorization may grant the beneficiary the right to occupy parts of the hydrological public domain required for the authorized facilities or operations.

The basin agency sets the term of the authorization, which may not exceed twenty years and is renewable, the measures to be taken by the beneficiary of the authorization to avoid the degradation of the waters he uses, either to withdraw or discharge water, the amount and methods of payment of the fee, the operating conditions and the terms governing the extension or possible renewal of the authorization, as well as the measures to be taken by the authorization holder pursuant to the provisions stated in Chapter VI of this Law.

The authorization can be revoked by the basin agency at any time, without payment of damages, after a formal written notice has been given to the interested party, if:

- the terms and conditions stated in the authorization have not been fulfilled;
- the beneficiary has not begun to make use of the authorization within two years;
- the authorization is assigned or transferred without the basin agency's approval, unless the exception provided in article 40 applies;
- the fees to be paid are not paid at the set times;
- the waters are subjected to a use that is not provided for in the authorization.

The basin agency may at any time modify, reduce or revoke the authorization in the public interest, subject to a prior notification of no less than thirty days. This modification, reduction or revocation gives rise to the right to compensation benefitting the holder of the authorization, if the holder incurs direct damages as a result.

Article 40: The authorization to withdraw water for irrigation is granted for the benefit of a specific property. The beneficiary of the authorization may not, without receiving a new authorization, use the waters to benefit other lands.

In the event the land is ceded, the authorization is transferred automatically by law to the new owner, who must declare this cession to the basin agency within three months of the change of ownership.

Any transfer of an authorization that is effected independently of the land it was intended to benefit is void and shall bring about the revocation of the authorization.

In the event of fragmentation of the benefitting land, the distribution of the water among the lots must be the subject of new authorizations, which shall replace the original authorization.

Article 41: The following are subject to the concession regime:

1. the development of mineral and thermal springs, as well as the exploitation of the waters from such springs;
2. the establishment, on the hydrological public domain, for a term longer than five years, of works whose purpose is to protect against flooding or accumulation, or to divert waters, as well as to use those waters;
3. the development of lakes, ponds and marshes;
4. withdrawal of waters from the groundwater body or catchments established in watercourses, canals diverted from wadis or natural springs, when the flows withdrawn exceed the threshold set by the basin agency, or when they are destined for a public use;
5. water intakes on watercourses or canals for the purpose of generating hydroelectric power.

Concessions constitute real rights of limited duration which do not confer on their holder any property rights over the hydrological public domain.

The provisions of this article are not applicable to the water resources and works assigned to areas developed partly or wholly by the State, particularly the areas delimited for the intents and purposes of article 6 of Dahir no. 1-69-25 10 Joumada I 1389 (25 July 1969), which enacts agricultural investment code.

Article 42: The concession contract determines, among other matters:

- the water intake flow-rate granted;
- the mode of water use;
- the concession holder's particular responsibilities and obligations;
- the fee to be paid by the beneficiary of the concession;
- the term of the concession, which may not exceed 50 years;
- the nature of the works and the execution times of the various stages of the facilities and developments planned;
- the measures to be taken by the concession holder to avoid the degradation of the quality of the water resources;
- if applicable, the terms under which the water intake flow-rate granted may be modified or reduced, as well as the compensation to which the modification or reduction of the flow-rate may give rise;
- if applicable, the terms of purchase, withdrawal and forfeiture of rights of the concession, as well as the terms governing the return of works to the State when the concession terminates.

Article 43: The concession of a water intake for irrigation use is granted to any natural person or corporate entity for the benefit of the lands located within a given area.
The concession can be placed in forfeiture or revised as a matter of regular procedure, without compensation, if the waters are utilized outside the area set or for applications other than irrigation.
In the event of change of ownership, the benefits and responsibilities of the concession are transferred automatically by law to the new owners, who must declare the transfer to the basin agency within three months of the change of ownership.
The distribution of the waters granted among the lands belonging to different owners is established by the deed of concession; it may not be modified except under the terms provided for the modification of this deed.

Article 44: The concession contract may confer on its beneficiary the right to:

1. construct, after approval of the plans by the basin agency, works whose purpose is to use the authorized flow;
2. occupy the parts of the public domain that are needed for his facilities;
3. stand in for the basin agency for the expropriation or temporary occupation of the lands needed for the grantee's facilities in compliance with Law no. 7-81 relative to expropriation in the public interest and temporary occupation.

Article 45: Without prejudice to the particular clauses included in the concession contract, the forfeiture of the concession may be decided due to:

– use of the waters for purposes other than the purpose authorized or outside the area of use provided for;
– non-payment of the fees at the agreed times;
– failure to use the waters granted within the time frames provided in the concession contract;
– non-fulfillment of health obligations, particularly in cases of thermal springs.

In the event of forfeiture of the concession, the basin agency may order the site restored to its initial state and, if need be, to have this restoration done as a matter of regular procedure at the forfeited grantee's expense.

Article 46: If the public interest makes it necessary to suppress or modify duly erected facilities, by virtue of an authorization or concession, unless there is a stipulation to the contrary in the deed of authorization or concession, the grantee shall have a right to compensation corresponding to the value of the damage incurred.

Article 47: The basin agency may order that any works executed without authorization or concession, or which violate the regulations on waters, be demolished and that, if appropriate, the site be reestablished in its initial state by the offenders within a time period that cannot be less than fifteen (15) days. Once this period has elapsed, the basin agency may proceed to perform these operations as a matter of regular procedure and at the offenders' expense.

Article 48: As a supplement to the provisions of the Dahir of 9 Ramadan 1331 (12 August 1913) on the registration of buildings and other texts regulating the land tenure registration system, water collection authorizations and concessions may be recorded in the real estate register, as well as the deeds recognizing the acquired rights over water.

Section III: Preservation and Prohibition Zones

Article 49: Some areas called preservation zones may be delimited in the areas where the extent of exploitation of groundwaters runs the risk of endangering the existing water resources. Inside these zones, the following must be given prior authorization:

– all execution of wells or drilling;
– all works to replace or redevelop wells or boreholes;
– all exploitation of groundwaters, whatever the collection flow-rate may be.

The terms governing the delimitation of these zones and the granting of authorizations are set through normal regulatory channels.

Article 50: If need be, prohibition zones may be delimited, by decree, in areas where the groundwater bodies or the quality of the waters are declared in danger of overexploitation or degradation.

In each of these zones, the authorizations or concessions of water collection are only granted when the water withdrawn is to be used for human consumption or for watering livestock.

Chapter VI: The Fight Against Water Pollution

Article 51: For the intents and purposes of this Law, the following terms are defined as:

- wastewater: water that has undergone a modification of its composition or state as a result of being used;
- polluted water: water that, due to human activity, has directly or indirectly or through the action of a biological or geological effect, undergone a modification of its composition or state which has made it unfit for the use for which it is intended.

The administration establishes quality standards with which water must comply according to the use that is to be made of it.

Article 52: No discharges, spills, disposals, and direct or indirect releases into surface water or groundwater that are likely to modify its physical characteristics, to include thermal, radioactive, chemical, biological or bacteriological properties, may be effected without previous authorization granted by the basin agency after conducting an inquiry.

In the event that the authorization mentioned in the subparagraph above must be issued at the same time as the authorization provided for in article 38 or the concession stipulated in article 41 of this Law, this authorization or concession defines the terms of collections and discharges. The public inquiry is conducted simultaneously and must not take longer than 30 days.

This authorization gives rise to the payment of fees under the terms set through normal regulatory channels.

The fees can be collected, according to the terms set through normal regulatory channels, both from the owner of the discharge, spill, disposal, or direct or indirect release facilities, and from the operator of the said facilities, who are jointly and severally liable to pay these fees.

Article 53: All discharges, spills, disposals, and direct or indirect releases into surface water or a groundwater body cited in article 52 above that exist on the date of publication of this Law must, within a time limit set by the basin agency, be formally declared.

The declaration is equivalent to an application for authorization and is processed as such, on the basis of the provisions of this Law.

Article 54: It is forbidden to:

1. dump wastewaters or solid wastes into dry wadis, wells, livestock watering places, public wash houses, boreholes, canals or water collection tunnels. The only permitted action of this type is the discharge of domestic wastewater into soaking pits preceded by a septic tank.

2. perform surface spreading or burial of effluents and any discharge of wastes likely to pollute groundwaters by infiltration or surface water by runoff;

3. wash clothing and other objects, particularly meats, skins or other animal products, in the waters of séguias, water-lines, aqueducts, pipelines, reservoirs or wells that supply towns or cities, public places and inside the protection areas surrounding these same séguias, water-lines, aqueducts, pipelines, reservoirs or wells.

4. bathe or swim in the said facilities, or allow livestock to drink, or to wash or bathe them there;

5. dump health-damaging materials, install pit privies or sumps inside protection areas surrounding the said séguias, water-lines, aqueducts, pipelines, reservoirs or wells;

6. throw dead animals into watercourses, lakes, ponds, or marshes; bury them near wells, drinking fountains or public drinking troughs;

7. dispose, inside the boundaries of towns, delimited centers and rural settlements having a development plan, of any wastewater or material that is damaging to public health outside the places indicated for this purpose or in ways that are contrary to those established by this Law and the regulations in effect.

Article 55: When known nuisances result in a danger to public health, safety or community sanitation, the administration may take any immediately enforceable measure in order to eliminate these nuisances. In all cases, the rights of third parties with regard to the authors of these nuisances are and remain reserved.

Article 56: With a periodicity set through normal regulatory channels in each case, the basin agency conducts an inventory of the pollution levels of surface waters (watercourses, canals, lakes, ponds, etc.) and of groundwater bodies.

Inventory record sheets shall be drawn up for each one of these waters according to physical, chemical, biological and bacteriological criteria to determine the state of each of them. Pollution vulnerability indices of the groundwater bodies, according to the nature of the lands, shall be drawn up for the main bodies.

These documents will undergo periodic general revisions, and an immediate revision will be made each time an exceptional or unexpected change affects the state of the waters or of the receiving environments.

The administration will define the procedure for drawing these documents up and for conducting the general inventory.

It will define, on one hand, the technical specifications and the physical, chemical, biological and bacteriological criteria that the watercourses, sections of watercourses, canals, lakes or ponds must fulfill, particularly for catchments providing water supply to populations, and, on the other hand, the time limit for improving the quality of each receiving environment.

Article 57: The administration defines the conditions governing the use of wastewaters. All utilization of wastewaters is subject to authorization by the basin agency.

All wastewater users may benefit from financial aid from the State and technical assistance from the basin agency if the use they make of the wastewaters is compliant with the terms set by the administration and has the effect of saving water and preserving water resources against pollution.

Chapter VII: Water for Human Consumption

Article 58: Waters for human consumption include:

a) waters intended directly for drinking,

b) waters intended for the preparation, packaging or preservation of foodstuffs to be distributed to the public.

Article 59: Waters for direct or indirect human consumption must be potable. For the intents and purposes of this Law, water is considered potable when it fulfills the quality standards set through normal regulatory channels.

Article 60: It is forbidden to offer, sell or distribute, in any form whatsoever, non-potable water for human consumption.

It is also forbidden to use waters that do not comply with the standards cited in article 59 above for the preparation, packaging and preservation of foodstuffs.

However, in case of need linked to the natural composition of the water, the administration may, under certain conditions, authorize the local, temporary use of water that does not fulfill all the standards mentioned in article 59 above.

Article 61: Any construction or modification of waterworks for the needs of a community is subject to previous authorization by the administration in order to monitor the quality of the water.

The operators of private waterworks existing on the date of publication of this Law are required, within two years after the said date, to apply for administrative authorization according to the terms set for new waterworks.

Article 62: Water may not be supplied to populations in barrels or portable tanks except under conditions established in regulations. In all cases, the water must come from a controlled public waterworks or, in its absence, from an authorized water supply point.

Article 63: Protection areas must be established around the public supply catchments such as springs, wells, boreholes and impluviums.

These areas include:

a) an immediate protection area around the facilities vis-à-vis bacterial pollution, where the lands must be acquired and protected by the entity responsible for operating the facilities; these lands are an integral part of the facility for the benefit of which they were acquired;

b) if needed, a proximate protection area close to the water collection points vis-à-vis chemical pollution, within which any activity or installation likely to be a permanent source of pollution is prohibited and where all facilities constituting an accidental water pollution risk must be controlled.

The procedure for delimiting proximate protection areas is established through normal regulatory channels.

Similar protection areas can be delimited, under the same conditions around waters in storage dams, underground reservoirs and storage, collection and distribution facilities.

Article 64: The use of open water distribution systems to carry water for human consumption is prohibited.

Article 65: All methods of correcting waters or any use of a method of treatment of these waters by using chemical additives must be previously authorized under the conditions set through normal regulatory channels.

Any additives that may be used must in no case harm the potability of the water nor alter its organoleptic properties.

Article 66: The producer and distributor must continuously monitor water quality.

For this purpose, the water must be analyzed periodically by laboratories specially approved through normal regulatory channels.

The control of water quality and the conditions under which water is produced and distributed are ensured by the administration according to the methods and procedures established through normal regulatory channels.

Chapter VIII: Provisions Regarding the Exploitation and Sale of Natural Waters Having Medicinal Properties, So-called "Spring Waters" and "Table Waters"

Article 67: For the intents and purposes of this Law, natural waters having medicinal properties are those waters that, totally free of harmless elements, can be used as therapeutic agents due to their heat and their calcium, gas and radioactive materials content.

By-products such as thermal gases, mother waters, peloids and pharmaceutical and cosmetic preparations can be obtained from natural waters having medicinal properties.

For carbonated natural waters having medicinal properties, the gas content may be increased by adding pure gas taken exclusively from the spring vent. If gas has been added, this must be stated with the indication of the nature and origin of the gas used on all forms of packaging or in the places of use placed at the public's disposal.

Article 68: No natural water having medicinal properties may be collected and exploited under conditions other than the general conditions established by this Law and its regulations.

Article 69: Natural waters having medicinal properties or their by-products can be only used as therapeutic agents if their exploitation has been officially authorized and subjected to control by the administration, and if their method of collection has been approved.

If they are used on site, they may only be used in establishments whose layout, plans, construction, facilities and equipment have been approved by the administration.

If this use takes place away from the point of emergence of the spring, these waters may not be used unless they are transported under particular conditions determined or approved by the administration.

Article 70: The use of natural waters having medicinal properties in crenotherapy (spring therapy) is subject to authorization under conditions set through normal regulatory channels.

Article 71: All natural waters having medicinal properties must be used as they come out of the spring.

Nevertheless, they may undergo handling and other operations that are unavoidable for their exploitation, such as transport, mixing, storage and specific treatment provided that these

operations do not modify the characteristics of these waters, and that they are duly authorized.

Natural waters having medicinal properties may not be mixed unless they come from the same hydrothermal deposit, are of the same composition and have the same therapeutic action.

Article 72: Whatever their origin, waters to which medicinal principles are extemporaneously added may not be labeled or presented as natural waters having medicinal properties.

Waters called “spring waters” or “table waters” whose natural composition does not allow any therapeutic property to be attributed to them may not be labeled or presented as natural water having medicinal properties.

Article 73: For the intents and purposes of this Law:

– waters called “spring waters” are natural potable waters from resurgences,
– waters called “table waters” are potable waters from public drinking water supply systems; these waters may undergo additional treatments approved by the administration.

Waters called “spring waters" and "table waters" may only be put on sale and sold if they are officially authorized and subjected to control by the administration and if their collection and packaging methods have been approved.

Article 74: All products extracted from natural waters having medicinal properties that may be packaged as a medication are subject to the legislation and regulations on medications.

Article 75: Only natural waters having medicinal properties and so-called "spring waters" may be imported, subject to authorization by the administration under the terms provided through normal regulatory channels.

Article 76: According to Law no. 13-83 regarding prevention of merchandise fraud, promulgated by Dahir (Royal Decree) no. 1-83-108 of 9 Moharrem 1405 (5 October 1984), the following constitute criminal offenses and are punished according to the provisions of this law:

1. holding in order to sell, putting on sale or selling under the name “natural water having medicinal properties”, “table water” or “spring water” a water whose exploitation, placement on sale and sale are not officially authorized;
2. holding in order to sell, putting on sale or selling an artificially carbonated water, or one whose gas content has been fortified, under a name that is applicable to naturally carbonated waters, if the addition or fortification has not been authorized and is not expressly stated on all the forms of packaging placed at the public's disposal;
3. holding in order to sell, putting on sale or knowingly selling one and the same water under various names;
4. holding in order to sell, putting on sale or knowingly selling a water under a determined name when the water is not of the indicated origin;
5. indicating on the containers a composition that is not the composition of the water they contain;
6. putting on sale or selling a water that is not free of pathogenic germs or is unfit for consumption;
7. indicating on the containers that the water they contain is sterilized when it contains live germs;

8. using, on business papers, invoices, catalogs, brochures, posters, advertisements and any other means of publicity, any indication or sign that may create confusion in the consumer's mind regarding the nature, volume, qualities or origin of waters;
9. holding in order to sell, putting on sale or selling natural water having medicinal properties in containers that may alter the quality of the water;
10. not indicating on the product the date on which it was put on sale and its expiration date.

Article 77: The terms of authorization, exploitation and control of natural waters having medicinal properties, of waters called "spring waters" or "table waters", as well as the rules governing packaging and labeling, are set through normal regulatory channels.

Article 78: In the event of infraction of articles 73 and 75 above, and without prejudice to the sanctions provided for in article 116 below, the administration may, after giving formal notice to no avail, withdraw the authorization to exploit and sell the waters involved.

Chapter IX: Provisions Regarding the Development and Utilization of Water for Agricultural Use

Article 79: When there are general integrated water resources development plans for the hydrological basins that have been approved according to the provisions of this Law, the authorization provided for in article 38 is only issued when it is compatible with the prescriptions of the said plans.

Article 80: All individuals or corporate entities wishing to obtain an authorization to use waters for the irrigation of agricultural lands are required to submit, against receipt, their plan to the basin agency. If the basin agency's response to the plan submitted is administrative silence after a period of sixty days counted from the date of the said receipt, the plan is considered approved and the authorization is held to be granted.

No agricultural plan can be approved when the conditions of execution envisaged in it may bring about the degradation of water resources or arable soils.
When the agency's opinion is unfavorable, it must be explained.

Article 81: The agents especially appointed for this purpose by the administration are responsible for verifying the compliance of the equipping works and development programs with the authorization granted.
In case of infraction, the administration gives formal notice to the owner or operator of the land to comply with the provisions decreed by the authorization within a period that may not be less than 30 days. During this period, the interested party may provide the administration with the explanation he deems appropriate relative to the infraction.
If the infraction continues, the owner or operator of the land may be compelled by the administration to pay, in compensation, a sum of 500 to 2,500 dirhams.
If, despite the fine assessed, the infraction persists, the authorization cited in article 28 is revoked without compensation.

Article 82: In those areas that are fully or partially equipped by the State, the administration may prescribe the modification of the irrigation systems installed or any method of watering already in practice in order to save water or make better use of the water resources, while taking into account the existing annual crops. The users are required to comply with these modifications.
Moreover, the administration may prescribe any and all measures intended to fight against any form of pollution of the groundwater body as the result of excessive spreading of chemical or organic products and any and all measures to prevent excesses in the use of water.

In case of a duly verified infraction, the administration gives formal notice to the users to comply with the prescribed measures within the time frames notified, on pain of payment, in compensation, of a sum ranging from 500 to 2,000 dirhams.

Article 83: When, in the areas supplied by a public system constructed and developed at the State's expense, the administration detects a dangerous phreatic rise, it may oblige the users to irrigate their lands temporarily with groundwater. The deed that records the phreatic rise defines the methods and techniques for collecting the groundwater to be used and, if appropriate, the granting of financial aid.

Article 84: The use of wastewaters for agricultural purposes is prohibited when these waters do not comply with the standards set though normal regulatory channels.

Article 85: In agricultural areas likely to suffer damages as a result of floods, the State may execute, either on its own initiative or when the public interest demands it, or at the request of the owners and at their expense, all the works needed for the protection of their assets and the use of the waters on their properties.

Chapter X: Provisions Regarding the Use of Water in the Event of Shortage

Article 86: In the event of water shortage due to overexploitation or exceptional events such as drought, natural disasters or force majeure, the administration declares the state of shortage, defines the disaster area and decrees temporary local regulations for the purpose of ensuring the top priority for water supply to populations and for watering livestock.
The state of water shortage and its end are declared by decree.
The temporary local regulations cited above may provide for restrictive measures affecting, in particular:

- the use of water for domestic, urban and industrial purposes,
- the digging of new wells for uses other than for supplying water to populations,
- the catchments authorized,
- the exploitation of public water supplies and the supply of water to population centers and public places.

Further, the administration may delimit, in certain regions, areas declared "domestic water supply areas" where all collections of water in the groundwater body are destined exclusively to supplying populations and watering livestock.

Article 87: In addition to the provisions stated in article 86 above, and in the absence of an amicable settlement with the interested parties, the administration may make, in accordance with the regulations in effect, requisitions intended to mobilize the water resources needed to ensure the supply of water to populations.

Article 88: In areas under irrigation, the administration may, in the event of water shortages resulting from overexploitation or droughts declared as provided in article 86 above, prescribe temporary local regulations in order to palliate the depletion of the hydrological reserves.

These regulations may decree measures entailing, in particular, the following:

- the obligation for private individuals to exploit the groundwater bodies within the areas normally served by a public system using surface waters,
- the prohibition against supplying water to agricultural undertakings that have been newly developed for irrigation,
- the reduction of the surfaces to cultivate under irrigation, or the prohibition of certain summer crops and plantings of new trees,

– the establishment, for the exploitation of unauthorized water supply points, of conditions different from those provided in Chapter V of this Law.

The costs arising, if such is the case, from the obligation imposed on private individuals to exploit groundwater bodies provided above, may be paid in part by the State according to the terms determined through normal regulatory channels.

Chapter XI: Miscellaneous and Transitional Provisions

Section I: Ground Water Explorations Inventory of Hydrological Resources

Article 89: Anyone who undertakes drilling in search of water is required to:

– declare to the basin agency, before beginning to drill, the purpose, position and coordinates of the proposed drilling site, as well as any other relevant indications,

– and, when the drilling work is complete, convey all the details of the results obtained to the basin agency.

Article 90: The administration furnishes to anyone who wishes to undertake drilling, and upon his request, within the limit of the assessment of the elements it may have at its disposal, all information, particularly information of a technical, hydrological and hydrogeological nature, that may be requested.

Article 91: The holders of exploration authorizations, prospecting licenses or mining or hydrocarbon leases, as defined respectively by the Dahir of 9 Rajab 1370 (16 April 1951) regulating mining activities and by Law no. 21-90 relative to prospecting and exploiting hydrocarbon pools promulgated by Dahir no. 1-91-118 of 27 Ramadan 1412 (1 April 1992), are required to declare the discoveries they may make in their exploration, prospecting or exploitation activities to the basin agency concerned.

Article 92: With a view to enabling the water resources inventory to be updated, the operator or, as applicable, the owner of a watercourse, spring, well or borehole is required to declare its diversion, catchment and extraction facilities to the basin agency, and to allow access by its agents in order to obtain all the information they require on the flow rates withdrawn and the withdrawal conditions.

Article 93: Water-using private individuals, services and organizations are required to furnish the basin agency, at its request, with all the elements they have at their disposal that may assist the agency in determining the water resource balances.

Section II: The Fight Against Floods

Article 94: It is forbidden to construct unauthorized dikes, levees and other structures likely to disturb the flow of flood waters on lands liable to flooding, except for the protection of the adjacent residences and private properties.

Article 95: The dikes, fills, constructions or other works, whatever their legal status may be, that are recognized as obstacles to the flow of waters, or that will harmfully extend the areas affected by flooding may, on the basin agency's decision, be modified or removed, with payment of compensatory damages.

Article 96: If the public interest demands it, the basin agency may oblige the owners of properties on the banks of watercourses to construct dikes for the protection of their assets against overflows.

Article 97: It is forbidden to plant crops, build structures or store material on lands located between the watercourse and the protective dikes built on the immediate edge of the said watercourse.

Section III: Transitional Provisions

Article 98: While awaiting the publication of the regulations arising from this Law, regarding the creation of protection areas, the recognition of water rights, the granting of catchment authorizations and concessions, and the delimitation of the hydrological public domain, the Order of 11 Moharrem 1344 (1 August 1925) relative to the application of the Dahir of 11 Moharrem 1344 (1 August 1925) on the water regime shall remain in effect.

Article 99: While awaiting the creation of the basin agencies, the responsibilities and roles assigned by this Law to the said agencies are exercised by the administration.

Article 100: The reference to the Dahir of 11 Moharrem 1344 (1 August 1925) on the water regime, in the legal and regulatory texts in effect, is replaced by the reference to this Law.

Chapter XII: Local Communities and Water

Article 101: At the level of each prefecture or province, a prefectorial or provincial water commission is hereby created, composed of:
1- For half of the membership, representatives of the State and of the public entities placed under State supervision and responsible for the production of drinking water, hydroelectric power and irrigation.
2 – For the other half of the membership:
- the president of the prefectorial or provincial legislature,
- the president of the Agricultural Council,
- the president of the Chamber of commerce, industry and services,
- three representatives of the communal councils, appointed by the prefectorial or provincial legislature,
- one representative of the ethnic groups.

The prefectorial or provincial water commission:
- contributes its assistance to the establishment of general integrated water resources development plans for the hydrological basin,
- encourages action by the communes in matters of water saving and protection of water resources against pollution,
- undertakes all actions that may foster public awareness of the need to protect and preserve water resources.

The procedures for holding commission meetings, the number of sessions to be held each year, the authorities that have the right to convene them and the administration responsible for preparing its meetings and monitoring the execution of its recommendations are established in regulations.

Article 102: The local communities benefit from the basin agency's aid when they undertake, in accordance with the provisions of this Law, projects in partnership:
- for the maintenance and dredging of watercourses;
- for the protection and quantitative and qualitative conservation of water resources;
- for constructing the infrastructures needed to protect against floods.

Article 103: Inside the boundaries of a town, the authorizations provided for in paragraphs 2, 3, 5 and 8 of article 38 of this Law are issued by the basin agency after considering the opinion of the local community concerned.

Chapter XIII: Water Police
- Infractions and Sanctions –

Section I: Identification of Offenses

Article 104: In addition to the judiciary police, the agents appointed by the administration and basin agency for this purpose are responsible for identifying offenses against this Law and its regulations; the said agents shall be sworn in according to the legislation relative to the administration of the oaths to which the designated enforcement officers are subject.

Article 105: The agents and officials cited in article 104 above have access to wells, boreholes and any other work or facility for catchment, collection, or discharge purposes under the terms established in articles 64 and 65 of the Code of Penal Procedure.
They may require the owner or the operator of a catchment, collection or discharging facility to start up his facility so that its characteristics can be verified.

Article 106: Offenses against the provisions of this Law and its regulations may be identified by any procedure that may be found useful, and particularly by taking samples. Sample taking gives rise, from the bench, to the drafting of a report.

Article 107: All samples taken are sealed. As soon as the samples have been sealed, the designated enforcement officer, if he is in the presence of the owner or operator of the discharge facility, must state the reason for the sample taking and give the owner or operator a sealed sample. The report mentions this information.

Article 108: The offense-identifying report must include the circumstances of the offense, the author's explanations and the elements that bring the reality of the offense to light.
These reports are transmitted within ten (10) days of their date to the competent jurisdictions. The identifications mentioned in the report constitute proof of the offenses until evidence to the contrary is presented.

Article 109: In the event of a flagrant offense and under the conditions provided by the law, the agents and officials designated in article 104 above shall have the right to stop the works and confiscate the objects and things whose use constitutes an infraction, in compliance with articles 89 and 106 of the Penal Code as approved by Dahir no. 1-59-413 of 28 Joumada II 1382 (26 November 1962). If need be, these agents and officials may require the involvement of the law enforcement authority.

Section II: Sanctions

Article 110: Anyone who partially or totally destroys, by whatever means, the works and facilities mentioned in paragraphs c, d and e of article 2 of this Law shall be punished by one to 12 months' imprisonment and a fine of 600 to 2,500 dirhams, or by one of these two sanctions only, unless the means employed to commit the offense justify more serious charges.

Article 111: Anyone who, by whatever means, makes it impossible for the agents designated in article 104 above to exercise their functions, shall be punished by the sentences provided in article 609 of the Penal Code cited above.

These penalties may be doubled for subsequent violations or if the resistance to the agents is made by a group of several persons or with violence.

Article 112: Anyone who violates the provisions of article 12-a, paragraphs 1, 2 and 3 and articles 57 and 84 shall be punished by one to 12 months' imprisonment and a fine of 1,200 to 2,500 dirhams, or by only one of these two penalties.

Anyone who violates the provisions of article 12-a, paragraph 4, shall be punished by a fine of 1,200 to 2,500 dirhams.

This compensation is pronounced by the administration responsible for managing the hydrological public domain, by means of collection orders drawn up on the basis of the reports prepared by the designated enforcement officers appointed for this purpose and sworn in according to the legislation in effect.

Article 112 bis: (instituted, Dahir 1-99-174 of 30 June 1999 promulgating Law 19-98) The extraction of construction materials cited in article 12-b paragraph 4 effected without authorization gives rise to the payment by the offender of compensation of 500 dirhams per cubic meter of materials extracted.

This compensation is pronounced by the administration responsible for managing the hydrological public domain, by means of collection orders drawn up on the basis of the reports prepared by the designated enforcement officers appointed for this purpose and sworn in according to the legislation in effect.

Article 113: All persons who have abstracted surface water or groundwater in violation of the provisions of this Law on the conditions of water use shall be liable to the sanctions provided for in article 606, second subparagraph, of the above-cited Penal Code.
The co-authors and accomplices shall be given the same punishment as the principal author.

Article 114: The basin agency shall have the right, as a matter of regular procedure, to close catchments recognized as having been made without a right or without authorization.

If, after giving formal notice with a response period that may be reduced to twenty-four hours in urgent cases, the basin agency's injunctions have not been complied with, the agency shall take the necessary measures, as a matter of regular procedure and at the offenders' expense, without prejudice to the sanctions provided for in the legislation in effect.

In the event that, in the irrigation areas developed and equipped by the State, an unauthorized catchment is identified such as an abstraction flow rate higher than the authorized rate, unauthorized irrigation or, outside the hours established, theft of water…and without prejudice to the penalties incurred to the water police provided in this Law, the offender may be compelled to pay, as an additional fee, a sum equal to twice the amount corresponding to the normal rate for the cubic meters of unduly abstracted water. The number of the said cubic meters shall be calculated as a flat rate computed by assuming that the illegally abstracted flow was withdrawn continuously over the ten days preceding the identification of the offense.
In the event of a second offense, the offender shall incur a sanction of the same type, and the rate applied will be double or triple the normal rate.
In case of a third offense, the offender may be deprived of water until the end of the irrigation season in progress. In this case, the offender shall remain subject to the payment of the minimum fee provided for in the texts in effect.

Article 115: (modified, Dahir 1-99-174 of 30 June 1999 promulgating Law 19-98) The unauthorized execution of the works cited in article 12-b, except for extractions of

construction materials, and articles 31 and 94, is punished by a fine equal to the tenth part of the total amount of the works estimated by the authority responsible for managing and administering the hydrological public domain.

The works thus undertaken may be suspended or definitively halted by the basin agency, without prejudice to the water protection measures the agency may order.

Article 116: Violations of the provisions of Chapters VII and VIII are punished by the penalties stated in Law 13-83 relative to the prevention of fraud involving merchandise, promulgated by Dahir no. 1-83-108 of 9 Moharrem 1405 (5 October 1984).

Article 117: Regardless of the penalties provided above, the basin agency shall have the right to proceed, at the offender's expense and after giving him formal notice to no avail, to have the deposits and wreckage removed and all works hindering traffic, navigation and the free flow of the waters destroyed.

Article 118: Violations of article 52 are punished by one month's to one year's imprisonment and a fine of 1,200 to 5,000 dirhams, or only one of these two penalties.
The owners, operators and managers of the establishments originating the discharges, dumping, or direct or indirect disposals of materials constituting the offense, may be declared jointly and severally liable for the payment of fines and judicial costs payable by the authors of these offenses.

Article 119: Anyone who violates the provisions of article 54, paragraphs 1, 2, 5, 6 and 7 shall be punished by a fine of 1,200 to 3,000 dirhams.
Anyone who violates the provisions of paragraphs 3 and 4 of article 54 shall be punished by a fine of 240 to 500 dirhams.

Article 120: In the event of sentencing to a penalty by virtue of articles 118 and 119, the court shall set the time period during which the works and developments made necessary by the regulations must be executed. If the circumstances require it, in the cases where there are no grounds for undertaking works or developments, the court may set a time limit for the convicted offender to submit to the obligations resulting from the said regulations.
In case of non-execution of the works, developments or obligations within the prescribed time limit, the offender is liable to a fine of 1,200 to 5,000 dirhams, without prejudice, if applicable, to the application of any and all other legislative or regulatory provisions in effect.
In addition, the court may, after hearing the representative of the administration or basin agency, pronounce, until the completion of the works, developments or the execution of the prescribed obligations, either a penalty payment whose rate per day of delay may not exceed one four thousandth of the estimated cost of the works or developments to execute, or a ban on the use of the facilities causing the pollution.

Article 121: Anyone who operates a facility in violation of a ban pronounced pursuant to subparagraph 3 of article 120 above shall be punished by three to 12 months' imprisonment and a fine of 1,200 to 5,000 dirhams, or one of these two penalties only.
Moreover, the court may also authorize the administration, at its request, to execute, as a matter of regular procedure and at the offender's expense, the works or developments required to stop the infraction.

Article 122: When the offender of any of the provisions of this Law or its regulations repeats the offense, the penalty is raised to twice the initially pronounced penalty.

Article 123: All the provisions that are contrary to this Law are hereby repealed, and particularly the following:

– paragraphs d, e, f, g and h of article 1 of the Dahir of 7 Chaabane 1332 (1 July 1914) on the public domain,

– the Dahir of 9 Joumada II 1334 (13 April 1916) regulating the operation of ferries or crossings over watercourses,

– the Dahir of 11 Moharrem 1344 (1 August 1925) on the water regime,

– the Dahir of 11 Joumada II 1345 (17 December 1926) relative to preventing water theft,

– the Dahir of 27 Joumada I 1352 (18 September 1933) regarding authorizations of catchments on the Beht and Sebou wadis,

– the Dahir of 11 Rabia II 1354 (13 July 1935) relative to authorizations of catchments in the waters held by the El Maleh wadi dam and the Oum Er Rbia wadi,

– the Dahir of 8 Joumada II 1358 (26 July 1939) regulating the execution of drilling for groundwater exploration,

– the Dahir of 12 Joumada II 1370 (20 March 1951) regulating the exploitation and sale of natural mineral waters and waters called “spring waters” and “table waters”, and the sale of imported mineral waters,

– the Dahir of 29 Chaoual 1374 (20 June 1955) relative to authorizations of catchments on the Oum Er Rbia wadi and the El Abid wadi,

- Royal Decree no. 594-67 of 27 Ramadan 1387 (29 December 1967) creating the interministerial commission for the coordination of problems concerning waters for human consumption.

==========