

SUBSIDIARY LEGISLATION

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THE WATER RESOURCES MANAGEMENT ACT
(CAP.331)

REGULATIONS

(Made under section 96(4))

THE WATER RESOURCES MANAGEMENT (FEES SETTING) REGULATION, 2019

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THE WATER RESOURCES MANAGEMENT ACT
(CAP.331)

REGULATIONS

(Made under section 96)

THE WATER RESOURCES MANAGEMENT (FEES SETTING) REGULATION, 2019

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations shall be cited as the Water Resources Management (Fees Setting) Regulations, 2019.
- Application 2. These Regulations shall apply to matters related to water fees application, setting and approvals in the management of the water resources by the Board in Tanzania Mainland.
- Interpretation 3. In these Regulations, unless the context otherwise requires-
- Cap. 331 "Act" means the Water Resources Management Act;
"Board" means the Basin Water Board established under section 22 of the Act;
"cumulative flow meter" means a device installed for the purpose of measuring quantity of water used by the permit holder in a given period of time;
"consumptive use" means the portion of water withdrawn from its source which will not be available for re-use to other sectors because of evaporation, transpiration or incorporation into products.
"Director" means the Director of water resources appointed under section 15 of the Act;
"flat rate" means a nominal fixed amount of fee

- charged by Board under regulation 9;
- “measured rate” means unit of measurements stipulated under regulation 5 which are used for calculation of fees;
- “measuring device” means a cumulative flow meter or any device installed for purpose of quantifying water abstracted by a user;
- “non-consumptive use” means the water use that does not consume water;
- “revenue requirement” means amount of funds required for effective implementation of water resources management activities;
- Cap. 331 “water register” shall have the meaning as ascribed to it under the Act;
- “water user” means a person who abstracts, diverts, dams, stores or uses water from surface or underground water sources or for any such purposes constructs or maintains any works from a water source.

PART II
OBLIGATIONS OF BASIN WATER BOARD

Installation of
cumulative
flow meter

4.-(1) The Board shall ensure installation of cumulative flow meter at the abstraction point for the purpose of measuring quantity of water abstracted by a particular permit holder.

(2) Pursuant to section 23(c) of the Act, the Board shall prescribe the standard of cumulative flow meter to be installed under this regulation.

(3) A permit holder shall incur the cost of installation of cumulative flow meters at his point of abstraction.

(4) The Board shall undertake regular monitoring and inspection of the cumulative flow meters installed in its jurisdiction.

(5) Existing permit holders shall ensure installation of cumulative flow meter within two years from the date of coming into operation of

these Regulations.

(6) A applicant for water use or discharge permit shall be required to install cumulative flow meters prior to being issued a permit.

(7) Water users shall submit water use data both in hard copy and electronic forms at least once in each quarter.

PART III
FEE SETTING

Unit of
measurement

5. The Board shall use uniform unit of measurement in calculation of fee for water uses and waste water discharges under these Regulations as follows-

- (a) cubic meter per year for water abstraction;
- (b) square meter for impoundment;
- (c) installed megawatt for hydropower;
- (d) weight of vessel in ton for navigation;
- (e) length of road kilometers for road construction; and
- (f) cubic meter per year for waste water discharge.

Billing of fees

6.-(1) The Board shall bill a permit holder annually based on the quantity of water abstracted or wastewater discharged as stipulated in the permit.

(2) In billing the permit holder, the Board shall undertake annual water use and discharge assessment necessary to identify quantity of water utilized by a permit holder.

(3) Where appropriate, the Board may exempt payment of fees by a permit holder as it may deem necessary.

(4) Where a permit holder fails to pay annual water fee after expiry of the relevant financial year, the Board shall impose an interest of five percent of

the outstanding billed amount for every month of delay.

(5) Without prejudice to subregulation (1), the Board may enter into an arrangement with a permit holder on the payment modality of the annual fee in this regulation.

Use of water register

7. In setting fees and revenue collection, the Board shall make use of the basin water register prepared under the Water Resources Management (Abstraction, Use and Discharge) Regulations.

GN. No. 190 of 2010

Categories of water use and effluent discharge

8.-(1) The categories of water use and effluent discharge which are subject of charges under these Regulations shall be as set out in the First Schedule.

(2) The categories of water use and effluent discharge in the First Schedule shall be the basis of the fees set by the Board under these Regulations.

Types of fees

9.-(1) The Board shall have powers to impose fees on the following matters-

- (a) water abstraction;
- (b) waste water discharge;
- (c) granting of permits;
- (d) payment for environment services; and
- (e) any other matters for which the Basin Water Board considers necessary.

(2) Fees under this regulation may be in the form of flat rate or measured rate, depending on the categories of water use and waste water discharge.

(3) Flat rate shall be imposed to users whose abstraction or discharge does not exceed the threshold of each category as specified in the First Schedule.

(4) The Board shall determine the amount of flat rates by taking into account considerations including the water user's ability to pay the fee.

(5) The volumetric rate shall be applied in fee

calculation with respect to the quantity exceeding threshold.

Matters to be considered in fee setting

10.-(1) In setting fees under these Regulations, the Board shall take into account the following-

- (a) geographical location, type of water use and users;
- (b) need of achieving equitable and efficient allocation of water and water conservation;
- (c) need to comply with water and waste water standards as well as principles of user pays and polluter pays;
- (d) provision of incentives for compliance and disincentive for non-compliance; and
- (e) economic value of water such as inflation, indexation, market value and opportunity costs.

(2) The type of water users under this regulation shall be small scale and large scale users as determined by quantity of water abstracted and the category of water use as specified in the First Schedule.

(3) The Board shall calculate and specify the amount of fee to be paid by holders of temporary permits of less than a year.

(4) Any person who is a legal owner or occupier of any land may construct a well and abstract water therefrom for domestic use only without paying water abstraction charges levied under the Act and these Regulations.

Fees setting methodologies

11.-(1) The Board shall utilize a revenue requirement methodology in determining fees under these Regulations.

(2) The revenue requirement for a Board shall include costs of data, information and knowledge products, planning and recurrent cost, stakeholder

engagement, awareness creation, regulations and enforcements.

(3) The Board shall propose the unit price for every 100 m³ abstracted water or waste water discharged.

(4) The following formula shall be used in determining fee-

(a) for water abstraction and waste water discharge under flat rate;

$$UP \times VA_{\text{Under flat rate}}$$

UP means Unit Price in Tanzania shillings per Cubic Meter

$VA_{\text{Under flat rate}}$ means Volume Abstracted/Discharged in Cubic Meters per year under flat rate

(b) for water abstraction and waste water discharge equal or above flat rate;

$$(UP \times VA_{\text{Under flat rate}}) + (UP \times ((VA_{\text{equal or above flat rate}}) - (VA_{\text{Under flat rate}})) / 100)$$

UP means Unit Price in Tanzania shillings per Cubic Meter

VA means Volume Abstracted/Discharged in Cubic Meters per year

(c) for impoundment;

$$UP \times SA$$

UP means Unit Price in Tanzania shillings per Square Meter

SA means Surface Area of water impounded in Square Meter

(d) for hydropower per year;

$$UP \times PP$$

UP means Unit Price in Tanzania shillings per Megawatt

PP means Installed Capacity in Megawatt

(e) for navigation fee; and

$$UP \times VW$$

UP means Unit Price in Tanzania shillings per Ton per year

VW means Vessel Weight in Ton

(f) for road construction fee;

UP x LR

UP means Unit Price in Tanzania shillings per Kilometer

LR means Length of Road in Kilometers

(5) During the calculation of fees under this regulation, the unit price may vary depending on the category of water use.

Procedure for setting fee

12.-(1) The Board shall follow procedures provided under this regulation prior to announcement of charges to be levied pursuant to section 96(1) of the Act.

(2) The procedures for announcement of charges or fees shall be as follows-

- (a) the Basin Water Officer shall prepare a fee proposal in accordance with the formula and conditions under these Regulations;
- (b) there shall be consultation of stakeholders;
- (c) after stakeholders consultation, the Basin Water Officer shall submit a fee proposal to the Basin Board for approval;
- (d) after approval by the Board the fee proposal shall be submitted to the Director for consideration;
- (e) the Director shall review the fee proposal and give clearance within thirty days from the date of receipt of such proposal; and
- (f) after the Director's clearance, the Board shall cause the notice of the fees to be *gazetted*.

(3) The fee proposal submitted under sub-regulation 12(2)(d) shall be accompanied with-

- (a) minutes of stakeholders consultation meeting;
- (b) audited financial report of the past two years;
- (c) strategic plan of the Board.

(4) The fee proposal shall be in the form prescribed in the Second Schedule to these Regulations.

Review of fee

13.-(1) The Board may apply for review of the approved fee after the period of three years from the date of approval of the existing fees.

(2) The procedures for proposal of fee under regulation 12 shall apply *mutatis mutandis* in the proposal for review of the fee by the Board.

Performance Bond

14.-(1) The Board may require issuance of performance bonds for activities with safety risks or pollution.

(2) The Board shall specify the type and scale of the activities which require deposit of performance bond.

(3) The amount of performance bond shall be determined by the anticipated cost of remedying the damages in event of occurrence.

Board to develop mechanism for collection of fee

15.-(1) The Board shall put in place a cost efficient mechanism of revenue collection including use of electronic payment system for various fees under these Regulations.

(2) In encouraging collection of fees by the water user associations, the Board may allow a particular water user association to retain an amount not exceeding ten percent of the revenue collected by it.

PART IV OFFENCES

Failure to pay fees

16.-(1) A permit holder who, without reasonable excuse, fails to pay any annual water use or discharge fee on or before the date which the fees become payable commits an offence and shall upon conviction be liable to a fine of not less than three hundred thousand shillings but not exceeding one million shillings or imprisonment for a term of not

less than three months but not exceeding one year or both.

(2) In addition to the penalty under subregulation (1), a permit holder who fails to pay the annual fees shall be liable to a fine of five percent for each month during which the failure continues.

Tempering with water measuring device

17. A person who tempers with water measuring device commits an offence and shall upon conviction be liable to a fine of not less than one hundred thousand shillings or imprisonment for a term not exceeding six months or to both.

PART V
GENERAL PROVISIONS

Summons by Board

18. The Board may issue a summons in writing to a person requiring him to furnish supply information necessary to enable it fulfil its obligations under these Regulations.

Offence of non-complying with summons

19. A person who fails, without reasonable excuse, to comply with summons issued by the Board commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding three months or to both.

Appeal

20. A person who is aggrieved by the decision of the Board under these Regulations may submit an appeal pursuant to section 106 of the Act.

Report by Board on implementation of these Regulations

21. The Board shall submit an annual report to the Minister on the implementation of these regulations to enable an assessment of whether the objectives of these Regulation are attained.

Minister to supplement procedures

22. The Minister, may, in the event procedures are not provided for under these Regulations, supplement the missing procedure by giving a

directive to that effect, provided that, such directive is aimed at enabling effective implementation of these Regulations.

SCHEDULE

FIRST SCHEDULE

(Made under regulation 8(1))

WATER USERS CATEGORIES

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	THRESHOLDS
A.	CONSUMPTIVE USE	
1.	DOMESTIC CATEGORY	
	I. Individual/Group of User	
	a) Abstraction (Flat rate)	less than 15768 m ³ /year
	b) Abstraction (Volumetric rate)	greater than or equal to 15768 m ³ /year (For every 100m ³)
	II. Hotels, Lodges, Motels etc.	
	a) Abstraction (Flat rate)	less than 15768 m ³ /year
	b) Abstraction (Volumetric rate)	greater than or equal to 15768 m ³ /year (For every 100m ³)
	III. Waste Water Discharge	
	a) Treated waste water discharge (Flat rate)	Less than 31536 m ³ /year
	b) Treated waste water discharge (Volumetric rate)	greater than or equal to 31536 m ³ /year (For every 100m ³)
2	COMMUNITY WATER SUPPLY CATEGORY	
	I. Urban Water Utilities	
	a) Abstraction (Flat rate)	less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	greater than or equal to 31536 m ³ /year (For every 100m ³)
	II. CBWSOs	
	a) Abstraction (Flat rate)	less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	greater than or equal to 31536 m ³ /year (For every 100m ³)
	III. Institution	
	a) Abstraction (Flat rate)	less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	greater than or equal to 31536 m ³ /year (For every 100m ³)
	IV. Commercial uses	
	a) Water Kiosk	Less than 28382.4m ³ /year (Flat rate)
	b) Car Wash	

Water Resources Management (Fees Setting)

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	c) Filling Station	
	d) Recreation (including Beaches)	Equal or Greater than 28382.4m ³ /year (For every 100m ³), Volumetric rate
	VI. Waste Water Discharge	
	a) Waste water discharge (Flat rate)	Less than 31536 m ³ /year
	b) Waste water discharge (Volumetric rate)	Equal or Greater than 31536 m ³ /year (For every 100m ³)
	VII. Impoundment (surface area)	For every 1 m ²
3.	IRRIGATION CATEGORY	
	I. Small Scale Irrigation	
	a) Abstraction (Flat rate)	Less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to 31536 m ³ /year (For every 100m ³)
	II. Large Scale Irrigation	
	a) Abstraction	Less than 583,416 m ³ /year
	b) Abstraction	Greater than or equal to 583,416 m ³ /year
	III. Horticulture (Agro-Business)	
	a) Abstraction (Flat rate)	Less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to 31536 m ³ /year (For every 100m ³)
	IV. Livestock	
	a) Abstraction (Flat rate)	Less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to 31536 m ³ /year (For every 100m ³)
	V. Fish Farming	
	a) Abstraction (Flat rate)	Less than 31536 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to 31536 m ³ /year (For every 100m ³)
	VI. Impoundment including fish caging (surface area)	For every 1m ²
	VII. Waste Water Discharge	
	a) Waste water discharge (Flat rate)	Less than 31536 m ³ /year
	b) Waste water discharge (Volumetric rate)	Greater than 31536 m ³ /year (For every 100m ³)
4.	INDUSTRY CATEGORY	
	I. Processing, Manufacturing, Cooling, Treatment, Boiler	
	Small scale Industry	
	a) Abstraction (Flat rate)	Less than 15768 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to 15768 m ³ /year (For every 100m ³)
	Large scale Industry	
	a) Abstraction (Flat rate)	Less than 15768 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to (15768

Water Resources Management (Fees Setting)

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ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	THRESHOLDS
	rate)	m ³ /year (For every 100m ³)
	II. Mining	
	a) Small scale miners (Artisanal) (Flat rate)	Less than 15768 m ³ /year
	b) Large scale miners (Volumetric rate)	Greater than or equal to (15768 m ³ /year (For every 100m ³))
	III. Bottling	
	a) Abstraction (Flat rate)	Less than 15768 m ³ /year
	b) Abstraction (Volumetric rate)	Greater than or equal to 15768 m ³ /year (For every 100m ³)
	V. Impoundment (surface area)	For every 1m ²
	VI. Waste Water Discharge	
	a) Waste water discharge (Flat rate)	Less than 31536 m ³ /year
	b) Waste water discharge (Volumetric rate)	Greater than 31536 m ³ /year (For every 100m ³)
B	NON CONSUMPTIVE USE	
5.	POWER PRODUCTION CATEGORY	
	a) Hydro Electric Power Production	1MW
	b) Thermal power	1MW
	c) Impoundment	For every 1m ²
6.	OTHER CATEGORY	
	I. Transportation	
	Navigation (Inland Freshwater)-Flat rate	Vessels gross weight Less than 5 Tons
	Navigation (Inland Freshwater)	Vessels gross weight greater than 5 Tons (For every 1Ton)
	II. Construction	
	a) Roads Construction	Per 1km
	b) Other Construction e.g. buildings, bridges etc.	For every 100m ³
	Recycle and re use of water (Flat rate)	
	Easement (Flat rate)	
	Loss permit (Flat rate)	
	Registration of Water Users Association (Flat rate)	
	Data and Information Acquisition (Flat rate)	Annual set of one parameter data set
	Hydrological Survey (Flat rate)	For every site/spot
	Hydrogeological/Geophysical Surveys	Per Borehole site

Water Resources Management (Fees Setting)

Gn. No. 825 (Contd.)

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	THRESHOLDS
	Drilling Permit:	For every water well

SECOND SCHEDULE

(Made under regulation 12(4))

FORMAT FOR WATER USE AND DISCHARGE FEES PROPOSAL

Details of Fee Proposal submission	
Date of submission	
Name, Phone Number & email of Contact Person	

Basin Profile and Structure

1.1 Basin general information	
1. Name of Basin Water Board:	
2. Basin Coverage/Area (km ²):	
3. Number of Catchments:	
4. Region:	
5. District:	
6. City / town:	
7. Ward:	
8. Street:	
9. Established date:	
10. Organisational set-up:	Please provide organisational chart as part of Annex 1

Current water revenue requirements

Basin Revenue Requirements Gap for Planned Financial Year (TShs.)			
Cost drivers	Current revenue	Required revenue	Gap (%)
1. Data, information and knowledge products.			
2. Planning and Institutions.			

3. Stakeholder engagement, awareness creation, regulations and enforcements.			
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2.2 Water abstraction per category in m³/year

Abstraction Category	Current F/Y	Past 1 F/Y	Past 2 F/Ys
Domestic			
Irrigation			
Industrial			
Hydropower			
CWS			
Others			
Total			

2.3 Rationale for Fee Proposal

3.1 Fee Proposal
Please provide detailed justification for the fee proposal as per financial needs under paragraph 2.1 (Annex separate page if needed).

Financial Aspects of Basin Water Board

3.2 Financial Statements
Please provide audited financial statements (unaudited if audited statements are not yet available) of the last two financial years as Annex 2.

3.3 Revenue Collection Efficiency			
Use Category	Planned Revenue (TShs)	Collected Revenue (TShs)	Percentage of Collection (%)
Domestic			
Irrigation			
Industrial			
Hydropower			
CWS			
Others			

Water Resources Management (Fees Setting)

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Total			
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3.3 Water use and discharge fees		
1. Does the Basin have approved fees?	Yes	No
If yes, please provide as Annex 3 a copy of the currently / formerly approved fees		

PROPOSED WATER USE AND DISCHARGE FEES

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	CURRENT FEES		PROPOSED NEW FEES	
		APPLICATION FEES (TShs)	WATER USER FEES (TShs)	APPLICATION FEES (TShs)	WATER USER FEES (TShs)
A.	CONSUMPTIVE USE				
1.	DOMESTIC CATEGORY				
	I. Individual/Group of User				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	II. Hotels, Lodges, Motels etc.				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	III. Waste Water Discharge				
	a) Treated waste water discharge (Flat rate)				
	b) Treated waste water discharge (Volumetric rate)				

Water Resources Management (Fees Setting)

Gn. No. 825 (Contd.)

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	CURRENT FEES		PROPOSED NEW FEES	
2	COMMUNITY WATER SUPPLY CATEGORY				
	I. Urban Water Utilities				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	II. CBWSOs				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	III. Institution				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	IV. Commercial uses				
	a) Water Kiosk				
	b) Car Wash				
	c) Filling Station				
	d) Recreation (including Beaches)				
	V. Waste Water Discharge				
	a) Waste water discharge (Flat rate)				
	b) Waste water discharge				

Water Resources Management (Fees Setting)

Gn. No. 825 (Contd.)

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	CURRENT FEES		PROPOSED NEW FEES	
	(Volumetric rate)				
	VI. Impoundment (surface area)				
3.	IRRIGATION CATEGORY				
	I. Small Scale Irrigation				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	II. Large Scale Irrigation				
	a) Abstraction				
	b) Abstraction				
	III. Horticulture (Agro-Business)				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	IV. Livestock				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	V. Fish Farming				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				

Water Resources Management (Fees Setting)

Gn. No. 825 (Contd.)

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	CURRENT FEES		PROPOSED NEW FEES	
	VI. Impoundment including fish caging (surface area)				
	VII. Waste Water Discharge				
	a) Waste water discharge (Flat rate)				
	b) Waste water discharge (Volumetric rate)				
4.	INDUSTRY CATEGORY				
	I. Processing, Manufacturing, Cooling, Treatment, Boiler				
	Small scale Industry				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	Large scale Industry				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	II. Mining				
	a) Small scale miners (Artisanal) (Flat rate)				

Water Resources Management (Fees Setting)

Gn. No. 825 (Contd.)

ITEM NO.	WATER USE/ EFFLUENT DISCHARGES	CURRENT FEES		PROPOSED NEW FEES	
	b) Large scale miners (Volumetric rate)				
	III. Bottling				
	a) Abstraction (Flat rate)				
	b) Abstraction (Volumetric rate)				
	IV. Impoundment (surface area)				
	V. Waste Water Discharge				
	a) Waste water discharge (Flat rate)				
	b) Waste water discharge (Volumetric rate)				
B	NON CONSUMPTIVE USE				
5.	POWER PRODUCTION CATEGORY				
	a) Power Production				
	b) Thermal power				
	c) Impoundment				

Water Resources Management (Fees Setting)

Gn. No. 825 (Contd.)

6.	OTHER CATEGORY				
	I. Transportation				
	Navigation (Inland Freshwater)-Flat rate				
	Navigation (Inland Freshwater)				
	II. Construction				
	a) Roads Construction				
	b) Other Construction e.g. buildings, bridges etc.				
	Recycle and re use of water (Flat rate)				
	Easement (Flat rate)				
	Loss of permit (Flat rate)				
	Registration of Water Users Association (Flat rate)				
	Data and Information Acquisition (Flat rate)				
	Hydrogeological/Geophysical Surveys per Borehole site				
	Hydrological Survey for every site/spot				
	Drilling Permit				

Dodoma
24th October, 2019

MAKAME M. MBARAWA
Minister for Water