



**MODEL AGREEMENT  
FOR ESTABLISHMENT OF WATER USERS' ASSOCIATION  
BOVEL IRRIGATION PROJECT BATTAMBANG**

**PREAMBLE**

Being convinced that the use of water resources from SC4 of Bovel System (Tertiary) located in ..... Village ..... District of Battambang in the Kingdom of Cambodia will benefit local farmers in the field of agriculture and also lead to the improvement in the efficiency of the present irrigation system and,

Being mindful that the introduction of such a system would facilitate the incremental increase in the production of food stuffs and fruits and that such a system could support the agricultural development of the country,

Now, therefore, we, local users of ..... Village District of Battambang, with mutual consultation and cooperation, promulgate this constitution and establish the WUA no..... with a view to using the water of the above system in the spirit of mutual cooperation.

**Objectives**

1 . **Objectives of the Association:**

The objectives of the Association is as follows:

- (a) To utilize the water of the secondary canal 4 of Bovel system for irrigated agriculture.
- (b) To establish, operate, repair and maintain and develop a suitable as well as dependable Tertiary & Quaternary of Irrigation System for the Irrigation Area.

2 . **Qualification of the Membership:**

- (1) Among the lands within the Irrigation Area, the tenant of the land where there is a tenant and the land owner where there is no tenant shall be automatically a Member of the Association. Such Member shall have attained the age of 16 years.
- (2) In the case of land owner or tenant who has not attained the age of 16 years, his guardian shall be the Member of the Association.

3 . **General Meeting**

- (1) There shall be a General Meeting composed of the Members of the Association.
- (2) There shall be one General Meeting per year so the Association will have meeting once before the summer crop.
- (3) The date, time and place of General Meeting shall be as determined by the Managing Committee.
- (4) The Chairman shall preside over the General meeting and in his absence the Vice-Chairman shall preside over the meeting. In case the Vice-Chairman also remains absent, a Member appointed from among the Members present in the General Meeting shall preside over the meeting.
- (5) A notice shall be given publicly to all the Members by clearly mentioning the date, time, venue and the agenda of the General Meeting seven days in advance.
- (6) The quorum of the General Meeting shall not be deemed to have been met if 50 percent of total number of Members are not present.
- (7) In case the quorum is not attained in the General Meeting called by the first notice, a second General Meeting is call by a notice for date three days later.

- (8) In such General meeting subject to second notice, the quorum shall be deemed to have been attained if at least 25 percent of the total number of Members are present in the General Meeting.
- (9) The decision made by a majority of the votes shall be valid in the General Meeting.
- (10) The other procedures relating to the General Meeting shall be as decided by the General Meeting itself.

4 . **Function. Duties and Rights of the General Meeting :**

The functions, duties and rights of the General Meeting shall be as follows:-

- (a) To frame and promulgate regulation necessary for the construction, operation and repair and maintenance of the irrigation system.
- (b) To elect officials of the Managing Committee from among the Members of the General Meeting.
- (c) To approve the audit report of the Association.
- (d) To prepare the annual programmes of the Association.
- (e) To approve the annual budget estimate submitted by the Managing Committee after preparing it on the basis of the financial resources of the Association.

5 . **Constitution of the Managing Committee :**

- (1) The General meeting shall constitute a Managing Committee as an executive unit having persons elected from among the members.
- (2) There shall be two officials as Chairman, Vice-Chairman in the Managing Committee.

- (3) The terms of office of the officials shall be two years.
- (4) Meeting of the Managing committee shall be held at least four times in a year.

6 . **Functions. Duties and Rights of the Managing Committee :**

The functions, duties and rights of the Managing Committee shall be as follows:

- (a) To work according to the plan and programme approved by the General Meeting.
- (b) To expend necessary expenses for the work subject to plan and programme as mentioned in clause 6 (a).
- (c) To submit annual budget and programme of the Association to the General Meeting.
- (d) To perform or cause to perform all the functions in the name of the Association which have to be performed by the Association.
- (e) To delegate all or some power among the powers conferred upon the Managing committee to any official or Member.
- (f) To nominate official or Member for a period until the General Meeting held from the members of the Association, in case there falls any vacancy of post of an official or Executive Member.

7 . **Financial Resources :**

The financial resources of the Association shall be as follows :

- (a) Fees, fines, etc. realized from the Members.
- (b) Subscriptions, prizes, financial supports, grants, etc. received by the Association from any source.

(c) Loan amounts received by the Association.

8. **Particulars of the Immovable Property :**

The particulars of the immovable property of the Association shall be kept as prescribed by the Managing Committee.

9. **Fund**

(a) There shall be a fund for the operation of the functions of the Association in which all the amounts received for the Association shall be deposited.

(b) All the expenses to be done on behalf of the Association shall be paid from the fund pursuant to subsection (1).

(c) The operation of the fund shall be as directed by the Managing Committee.

10. **Provisions Relating to the Election :**

The election of the Officials shall be performed from among the Members in the General Meeting.

11. **Disqualification of the Candidate :**

A member who is not in a position to understand his own action due to mental or physical unsoundness shall not be entitled to stand as a candidate for the post of an Official or Executive Member in the election of the Managing Committee.

12. **Vote of No-Confidence :**

(a) In case a resolution of vote of no-confidence is submitted in the General Meeting against any official by the consent of fifty percent of the Members on the ground that he has not fulfilled the responsibilities of his office honestly and if the resolution is passed by a majority of two thirds of the Members in the General Meeting, such Official cannot hold his post.

- (b) An opportunity shall be given to submit his clarification to the Official against whom the resolution of vote of non-confidence has been submitted.
- (c) In case a resolution of vote of non-confidence is not approved once it is submitted, again a resolution of vote of non-confidence upon the same official cannot be submitted without passing one year.

13. **Resignation** :

Any Official desirous to quit his post may resign from his post provided that such resignation shall have to be approved by the General Meeting.

14. **Condition for Automatic Termination from the Membership** :

In case any Official without any notice and without a reasonable cause become continuous absent for two times in the General Meeting or four time in the meetings of the Managing Committee, such Official or Executive Member shall be deemed to be automatically terminated from his post.

## RULES AND REGULATIONS

### OF

### SC4, BOVEL SYSTEM WATER USERS ASSOCIATION

For the information, guidance and compliance of its Office Bearers and Members, the WUA has adopted the following **RULES and REGULATIONS** at a **GENERAL MEETING** held on \_\_\_\_\_ at \_\_\_\_\_.

#### Section 1: Duties of Members

- a . Every member shall be individually and jointly responsible with other members for:
  - (1) The operation, maintenance and improvement of the Association's Tertiary, Quaternary & Drainage Structures.

- (2) The proper and beneficial use of water allocated and distributed to the member.
- (3) Complying with the rules and regulations and carrying out the objectives of the Association and the provisions of its Constitution.
- b . Every member shall pay a Membership Fee in the amount of Riel \_\_\_\_\_ and an Annual Fee in the amount of Riel \_\_\_\_\_. The Membership Fee shall be payable upon filing of Membership Application while the Annual Fee shall be paid before the first General Meeting for the year. In addition, every member shall pay, as directed, any assessments or other fees levied by the Association for carrying out the objectives of the Association.
- c . To meet the contribution required from the Association by the Government for the improvement of its irrigation system every member shall contribute for every Ha or part Ha he/she cultivates within the are to be irrigated which shall consist of Riel \_\_\_\_\_ in cash and/or \_\_\_\_\_ man-days of labour.
- d . It is the duty of every member to attend the meetings of the Association and actively participate in its deliberations.

## Section 2 : Special Meetings

The Managing Committee may convene special meetings of the members when determined to be necessary for carrying out the activities of the Association with due notice to be disseminated to the members at least five days before the date of said meeting. The quorum for special meetings shall be the same as that in the general meeting.

## Section 3 : Voting

Each member shall be entitled to one vote at General Meetings and Special Meetings.

## Section 4 : Order of Business in General Meetings and Special Meetings

a . The order of business in general meetings shall be :

- (1) Call to order and determination of quorum.
- (2) Approval of the agenda.
- (3) Approval of the minutes of the previous general meeting and special meeting, if there was any.
- (4) Matters arising from the minutes of the previous general meeting and special meeting, if there was any.
- (5) Report of the Chairman of the Managing Committee on the activities of the Association during the preceding season.
- (6) Report of the Chairman of the Managing Committee on the financial status, indicating the income and expense of the preceding irrigation season, the cash on hand, the cash deposited in the bank, and the current assets, liabilities and network of the Association.
- (7) Presentation, discussion and approval of the programme and budget for the next irrigation season.
- (8) Discussion of matters raised by the general membership or by the managing committee.
- (9) Date and place of next meeting.
- (10) Adjournment.

b . The order of business in special meetings shall be such as to cover only the matters for which the special meeting was convened after the meeting is called to order, the quorum approved.



## Section 5 : Record Keeping

a . The leader & vice leader shall keep the following records of the Association:

- (1) Membership List with individual land holdings.
- (2) Minutes of Meetings.
- (3) By-Laws, Rules and Regulations and Registration Documents of the WUA.
- (4) Labour mobilization records and individual labor contributions.
- (5) Bills, letters of correspondence.
- (6) Crop yield records.
- (7) Other records assigned by the Managing Committee.
- (8) Membership Fee and Annual Fee payments.
- (9) Cash contributions of members.
- (10) Members' payment of irrigation fees and other fees.
- (11) Record of income and expenses.
- (12) All other financial records of the Association.

## Section 6 : Irrigation and Water Distribution

a . The General Meeting shall appoint a person or persons (Water Tender) who shall assess the daily flow of water in the tertiary canal and recommend to the Chairman whether water will be delivered to members simultaneously or by rotation. The Chairman shall decide on the matter. The implementation of the decision of the Chairman shall be by the Water Tender under the supervision of the Chairman.

- b . Every member is entitled to water in proportion to the amount of cash and labour he/she contributed to the improvement of the irrigation system but not to exceed the proportion of his land within the irrigable area to the total irrigable area of the system. When water is delivered by rotation, each member's allocation shall be diminished in the same proportion to the decrease in water supply and the measurement of water deliveries shall be in terms of time or number of hours and minutes that water is delivered.
- c . The Managing Committee shall group the members in terms of outlets delivering water to farmers' fields so that each outlet shall have a Water User Group (WUG). The farmers of each WUG shall elect a Leader who shall take charge of the water distribution among the members under the supervision of the Water Tender. The Leader will also establish agreed animal drinking locations so that animals do not continually damage canals.
- d . Distribution of water may be temporarily suspended for regular maintenance and construction work during the off season, and also in cases where members fail to pay water charges, take water without authorization, misuse the water, damage irrigation facilities, or commit any other act in violation of the Association Constitution, Rules and Regulations.
- e . A Water Tender shall be given a compensation of Riel \_\_\_\_\_ per \_\_\_\_\_.
- f . No member shall be allowed to sell his share of water on an individual basis.
- g . No one is allowed to adversely affect other people's land and crops while irrigating his own field.

#### Section 7 : System Maintenance

- a . Major Maintenance

This shall be done once a year before commencing irrigation in the wet season. All water users, including those who use water for livestock, house

construction, etc., shall contribute labour to this maintenance work. The Managing Committee shall set the dates, the activities, and the number of days the work will be undertaken and inform all concerned at least one week before start of the activity. Records of labour mobilizations shall be kept by the Secretary.

b . Day-To-Day Maintenance

The General Meeting shall appoint Canal Patrollers who shall go to the canal everyday, check any leakages, desilt, remove obstructions and debris in the canal and repair any erosion which endanger water flow, keep animals out of canals.

c . Emergency Maintenance

Repair work requiring more than \_\_\_\_\_ work days of work shall be reported by the Canal Patrollers to the Chairman with the estimate of the number of men required. The Chairman shall mobilize the labour of members by groups according to residential locations in accordance with the estimated requirements, taking care that over a period of time the labour contribution of each group and each member would be equal. For this purpose, records of labour mobilization shall be kept by the Secretary.

d . Minors under the age of 14 years shall not be allowed to work in the canal or in any parts of the system during repair works.

e . Members who cannot contribute labour themselves shall contribute cash or food equivalent or hire labourers the number of which shall be in accordance with the requirements.

f . A Canal Patroller shall be given compensation of Riel \_\_\_\_\_ per \_\_\_\_\_.

## Section 8 : Water Charges

- a . Every water user of the irrigation system shall pay to the Association the amount of Riel \_\_\_\_\_ per \_\_\_\_\_ of land irrigated by the system to meet the operation and maintenance expenses of the system.
- b . The Association shall issue a receipt in a form prescribed by the Managing Committee to the water user who paid the water charges.
- c . Water charges shall be paid \_\_\_\_\_ days after the end of each irrigation season. Unpaid water charges shall bear an interest rate of \_\_\_\_\_ percent per month. If payment of a water charge is not made within one year after the end of the irrigation season, the water user may be deprived of water unless the Managing Committee finds a valid reason such as crop failure, for failure to pay.

## Section 9 : Conflict Management

- a . Conflicts on water distribution, use, and drainage within a Water User Association area of coverage shall be settled within the Association through the intervention and decision of the Leader of the Group. The decision of the Leader may be appealed to the Chairman of the WUAC whose decision shall be final unless otherwise contrary to existing laws.
- b . Conflicts on water distribution, use and drainage between Water User Associations or between farmers from different associations shall be investigated and decided by a Member of WUAC designated by the WUAC Chairman whose decision shall be final unless otherwise contrary to existing laws.
- c . Conflicts between members or Associations which pertain to matters not directly concerned with the operation and maintenance of the irrigation system are not to be settled by the Association.

## Section 10 : Financial Management

- a . All collections and other income of the Association shall be deposited by the Treasurer in a bank chosen by the General Meeting.
- b . Withdrawals from the Association's deposited money shall be made only through the signatures of the Chairperson after a resolution of the Managing Committee stating the purpose of the withdrawal and the amount to be withdrawn.
- c . The Chairperson may establish a petty cash fund not exceeding Riel \_\_\_\_\_ at any one time for the purpose of urgent cash payments.
- d . The Accounts of the Association shall be audited every one year by the Auditor appointed in the General Meeting of the Association and before every General Meeting. The relevant audit report shall be presented at every General Meeting.
- e . The Managing Committee shall prepare the budget of the Association for each irrigation season showing the expected income and estimate of expenses and present it to the General Meeting for approval.
- f . The Managing Committee shall establish a simple financial accounting system that will enable compliance with the regulations of the local government authority.
- g . The Chairperson and other office bearers shall be reimbursed for actual expenses incurred in the conduct of business of the Association.

## Section 11 : Penalties

- a . The following acts are considered as offenses and are subject to fines in the corresponding amounts as indicated below:

- (1) Non-attendance in meetings for three consecutive times \_\_\_\_\_  
R \_\_\_\_\_
- (2) Non-participation in maintenance work as required \_\_\_\_\_  
R \_\_\_\_\_
- (3) Stealing irrigation water \_\_\_\_\_ R \_\_\_\_\_
- (4) Operating the gates in the Structures R \_\_\_\_\_
- (5) Cutting into or damaging any irrigation canal or structures R  
\_\_\_\_\_
- (6) Allowing animals to roam into canals R \_\_\_\_\_
- (7) Fishing without a permit R \_\_\_\_\_
- (8) Misuse of irrigation water \_\_\_\_\_ R \_\_\_\_\_
- (9) Using weapons or explosives within irrigation system R \_\_\_\_\_

b . Other offenses as determined by the Managing Committee are subject to a fine of R \_\_\_\_\_ for every offense and water supply may be temporarily stopped.

Section 12 : Miscellaneous

- a . Matters not covered by the Constitution and these Rules and Regulations of the \_\_\_\_\_ Water Users Association shall be executed according to the prevailing laws of the Royal Government of Cambodia.
- b . These Rules and Regulations may be supplemented or amended by a resolution of the Association in a General Meeting and recorded in the minutes of the meeting. Resolutions shall be appended to these Rules and Regulations and made part thereof.