



## International E-mail Conference on Irrigation Management Transfer June – October 2001

### WUA Legislation Country Profiles: COSTA RICA

**Constitutional framework:** Management of water resources is a responsibility of the national Government

#### 1. Name of organization

The Water Law (see References below) uses the term users' societies (*sociedades de usuarios*). The 1999 Regulations (see References below) use as generic terms users' organizations (*organizaciones de usuarios*) and users' associations (*asociaciones de usuarios*). The term Users' Associations, UA, is used in this document.

#### 2. Purpose

Collective exploitation of public water resources.

#### 3. Legal status and capacity

UAs acquire the legal status of a cooperative by registering with the Government.

#### 4. Establishment

Voluntary unless otherwise required by the Government. The conditions under which the Government may request the establishment of a UA are indicated in the law: in relation to the number of users of the same water resource, to the size of the resource or to the particular circumstances of the case.

The law contains some provision on the procedure for establishment. Each UA must have at least five members. UAs have to register with the Government and their establishment is published in the Official Gazette. UAs are required to pay a fee for their registration. UAs are constituted by public deed and this must contain: the name and personal data of the founders; the name, seat and duration of the association; membership criteria, reasons for leaving and provisions on the transfer of shares; number of members of the Board of Directors and of the Board of Auditors, and composition of the first Boards; financial resources of the UA; procedures for dissolution and liquidation; place and date of establishment.

#### 5. Membership

Open to all who meet the eligibility criteria. New members have to pay an entry fee set by the Board of Directors.

##### 5.1 Eligibility criteria

Owners and tenants of land.

##### 5.2 Rights and Duties of members

Decisions of the Board of Directors are binding on members.

Members are responsible in relation to the amount of shares held.

All costs of the construction, operation, maintenance and expansion of the infrastructure are paid by members in proportion to the shares each holds.

Members who damage the infrastructure must pay for its repair. They can also be subject to a fine and to suspension of the supply of water until complete repayment of the damage has been made. The same applies if a member constructs or alters infrastructure to improve his/her water supply.

Members must pay their shares of the construction, operation and maintenance works of the infrastructure, as determined by the General Assembly. They must also pay the assessments required for the administration of the UA, as determined by the General Assembly.

## **6. Internal structure**

General Assembly of Members (*Asamblea General de Socios*) in which all members participate with one vote each. The General Assembly must meet at least once a year and at such other time as the Board of Directors calls for it. The quorum of the Assembly is fifty percent of the UA membership. The chairman of the Board of Directors presides over the Assembly.

Board of Directors (*Junta Directiva*) composed of at least three members elected by the General Assembly by a relative majority vote. Directors are elected for five years and can be re-elected. The Chairman of the Board is the legal representative of the UA. The Board shall meet at least once a month or more if necessary to carry out its tasks. Fifty percent of its members constitute a quorum. The Board regulates the functioning of the UA; regulations need to be approved by the General Assembly and by the Government in order to become binding on UA's members.

Board of Auditors (*Junta de Vigilancia*) composed of at least two members elected by the General Assembly by a majority vote. Members of the Board are elected for five years and can be re-elected. The Board must meet at least once a year and report to the General Assembly.

## **7. Functions, Powers and Rights**

### **7.1 Functions**

Delivery of irrigation water, operation and maintenance of canals.

Dispute settlement No specific provision

### **7.2 Powers**

Levying and collection of assessments No specific provision on levying and collection of water charges. UAs can levy dues and assessments on their members.

Imposition of fines UAs can impose fines on members for non-payment of dues and assessments.

Others UAs can suspend the supply of water to defaulters until dues and assessments have been paid up.

### **7.3 Rights**

Water rights UAs can be granted water rights.

Rights in the infrastructure UAs can construct infrastructure.

Rights of way UAs can hold rights of way through privately held land.

Others UAs can own property.

## **8. Financing**

Sources of income. Revenue from dues and assessments levied on members.

### **9. Government role**

UAs register with the Government for their establishment. UAs also must register any change in their internal statutes. All registrations are subject to a fee.

The Government can be called upon to solve disputes among members or between members and the UA. It can also intervene on its own initiative if it deems that the UA is not acting in compliance with the law and/or with the terms of any water right granted to it.

### **10. Dissolution**

Provisions on dissolution must be indicated in the founding deed.

### **11. Federation of Associations**

No specific provision

### **References**

Legislation Law 276, Water Law (*Ley N° 276 – Ley de Aguas*), 27 August 1942.

Agreement 2.217 – Regulation of Irrigation Services (*Acuerdo N° 2.217 - Reglamento de servicios de riego*) 26 July 1999 and Agreement 2.173 – Regulation of Irrigation Services (*Acuerdo N° 2.173 - Reglamento de servicios de riego*) 19 April 1999; documents are available in the FAOLEX database at URL <http://faolex.fao.org/faolex>.