



Research Article

LEGAL NATURE OF THE RIGHT OF FARMS TO USE WATER RESOURCES

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ABSTRACT

This article discusses the concept of the right of farms to use water resources, its specific features and the formation of its legal nature.

KEYWORDS

Farm, water resources, water intake limits, water basin, dehqan farm, water consumers, water users.

INTRODUCTION

In the first years before and after independence, the agricultural sector was the main source of income for the population. Despite the growing population, the total water supply in Uzbekistan has shrunk by more than 20 percent. The reduction of water resources, in turn, has affected agriculture in our country.

Water plays a special role in the system of natural resources. In accordance with the Constitution of the Republic of Uzbekistan (Article 55) and the Law "On Water and Water Use" (Article 3), water is the state property of the Republic of Uzbekistan, it is necessary to use water wisely and it is protected by the state.



The main goal of water resources management in agriculture is targeted, efficient and rational use of water, elimination of water waste and increasing the efficiency of water use. 91% of the total water consumed in the country is agriculture. The development of this sector is directly related to the improvement of reclamation of agricultural lands, construction, reconstruction and repair of irrigation networks, maintenance of working conditions and other agricultural measures, increasing crop yields and water supply.

The use of natural resources, including water, is a social phenomenon, in the process of which social relations related to the use of natural objects and resources are formed. In the scientific literature, the term "use of natural resources" often means "the use of natural resources, their involvement in economic activities, including all forms of influencing them in the process of economic and other activities."

The apparatus of certain theoretical concepts in ecology and agricultural law in the nature, forms and methods of water use has been formed.

In particular, N.F. Reimers writes that the use of water is "the order, conditions and forms of use of water resources: 1) the use of water bodies to meet any needs of the population and the economy; 2) use of water for economic and other purposes without its separation from water bodies (hydroelectric power station, water mill, etc.); 3) a set of all forms and types of use of water bodies in the general system of nature use".

According to NN Alibekova, "when we talk about the use of water and the use of water resources, we see only the relationship of water use in relation to the water body. In other words, individuals and legal entities using water meet their needs without

interacting with the water body when using water, and when using water resources, they interact with the water body in accordance with the procedure established by the state.

Hence, since the use of water resources is available in both cases, it will be possible to clarify the overall economic efficiency of water when considering this different situation in relation to the issue of efficiency. "Especially if we look at the economic nature of this issue, we need to work with a large body of information on water resources."

According to N.F. Lazitskaya, "the use of water in the broadest sense means the use of water bodies with or without the allocation of water resources to meet the needs of the population and the national economy."

In foreign practice, the concept of water use based on an organizational-managerial approach is widespread, according to which water use is a field of activity that provides water resources management to meet the water needs of the population and the economy; management activities on rational use of water resources and their protection from pollution, drying, salinization; management of water use systems; management of prevention and elimination of harmful effects on water.

The right to use water implies the ability to carry out a specific type of activity aimed at satisfying not only personal but also public interests. Indeed, the use of water is based on an understanding of the water body as an important component of the environment. The legal mechanism for the provision of water bodies for use is also important due to the need for government intervention in this area.

Rational use of natural water leads to human health, maintaining ecological balance and saving water



resources economically. Widespread introduction of water-saving technologies in the conservation and economy of natural waters, the widespread use of automation and information and communication technologies in the field, the construction and reconstruction of land reclamation facilities should be introduced.

The challenge of rational use of water resources is at the heart of the concept of sustainable development. In this context, as S.A. Mohammad points out, three aspects of sustainable development can be identified: a) the goal to be achieved; b) a continuous process aimed at the effective legal regulation of various environmental issues; c) the concept of international cooperation. The three pillars of sustainable development are highlighted: social, economic and environmental. Recently, some scholars have highlighted its fourth aspect - spirituality. In this context, the economic and environmental value of water resources requires the use of legal forms of water use. Thus, the legal regulation of water use serves not only as an economic, but also as an indirect means of solving the problem of ensuring the protection of water bodies. The main purpose of legal regulation of water use is to provide equal opportunities for legal entities and individuals to exercise their right to use water bodies. The order of using water resources with the help of the right of water using, purposes, types of use, conditions of water protection, property rights to water, rights and obligations of water users, guarantees of water use, protection of the right to use water, protection of water use rights, The issues of harassment will be discussed. Thus, the right to use water in general can be understood as a set of norms that establish the legal order of use of water resources to meet the economic and domestic needs of the population and citizens. The right of farms to use water is one of their inalienable

rights and has existed since the establishment of the farm. The right of farms to use water is one of the foundations of the organization of farm activities. This is because the limitation of the possibility of granting the right to use water has a direct impact on the effectiveness of its activities. It is not surprising that Article 1 of the Law of the Republic of Uzbekistan "On Water and Water Use" stipulates that one of the main tasks of this Law is to protect the rights and legitimate interests of farmers and dehqan farms in the field of water use. It should be noted that in recent years, a number of important steps have been taken in our country to encourage the widespread use of modern and cost-effective methods in the implementation of the right to water. This is not the case, of course, because water is a limited and most valuable resource in nature, and its efficient, careful and rational use is a topical and priority task. The right of farms to use water is a way to meet their needs through the use of natural resources. This is due to the fact that the land plot is used as a natural resource, and water resources are required for the farm to carry out its activities. Such use can have a significant impact on the state of the watershed. Therefore, the main task of the state is to ensure environmentally friendly behavior and behavior of farmers, increase the efficiency of water use and reduce the impact on the water body. In this regard, Article 15 of the Law of the Republic of Uzbekistan "On Farms", adopted in a military edition on August 26, 2004, directly addresses the water consumption of farms. According to it, water consumption of farms is carried out in the order established on the basis of water intake limits from water bodies established by the associations of water consumers serving them. It is worthwhile to briefly comment on the concepts of "water use" and "water consumption". In accordance with the Law of the Republic of Uzbekistan No. RQ-240 of December 25, 2009, significant changes were made in the legislation on water and other related sectors in

connection with the introduction of the institute of "water consumption". According to it, water consumption (water consumption) is the use of water resources by legal entities and individuals to meet their needs by receiving them from the water body in the prescribed manner. (Article 21 of the Law on Water and Water Use).

As we have seen, the main difference between water consumption and its use is the separation of water from a body of water (its physical disposal, destruction). Water is mainly consumed on farms, as the water from the basin is used to meet irrigation and nutritional needs. Therefore, the legislator used the concept of "water consumption of farms" in Article 15 of the Law of the Republic of Uzbekistan "On Farms".

However, it is known from the content of Article 10 of this Law, as well as from the practice of law enforcement, that farms may be established in the direction related to the breeding of fur and other animals, fish. In these cases, farms are not water consumers, but water users. In this regard, it is expedient to include in Article 15 of the Law of the Republic of Uzbekistan "On Farms", along with "water consumption of farms", the issue of "water use by farms."

The specificity of the right of farms to use water is reflected in its implementation through the association of water consumers. As M. Kasimov noted, "Organizations such as the Water Consumers Association are one of the pre-existing structures in world agricultural practice. The main purpose of such associations is to meet the needs of water users (farms) in a particular area for irrigation water in a timely and fair manner.

It should be noted that water relations between the Water Consumers Association and its members located

in the service area, as well as other agricultural and water management bodies, as well as other legal entities and individuals are regulated on a contractual basis. According to Article 30 of the Law, the limits of water intake for farms and other water consumers are set by the water consumers' associations that serve them.

Water consumption plans for agricultural needs are also developed by water consumer associations and submitted to irrigation system departments and irrigation system basin departments for generalization. Water supply of land plots is carried out in accordance with the procedure established by water consumers' associations on the basis of water consumption agreements. A farm that is a water consumer becomes a member of the association, receives water to irrigate its fields on a contractual basis, and pays the association membership fee (or water supply costs).

In short, "the right of farms to use (consume) water means the use (consumption) of water resources by farms to meet their needs without receiving water from the water body or in the manner prescribed by law."

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