

**RESOLUTION NO. 03-0613**  
**June 14, 2013 – 119<sup>th</sup> Board Meeting**  
**REVISED POLICY ON GRANTING OF WATER RIGHTS OVER SURFACE**  
**WATER FOR HYDROPOWER PROJECTS**

WHEREAS, the Board as the agency responsible for the management of water resources is mandated under the Water Code of the Philippines (Presidential Decree 1067), to regulate the utilization of water through the water rights system. A water permit is issued for different purposes: municipal, irrigation, power generation, fisheries, livestock raising, industrial, recreational and other purposes;

WHEREAS, to ensure equitable policy in granting water permits, technical guidelines were developed. Power generation as defined in the Water Code of the Philippines is the utilization of water for producing electrical or mechanical power. For all types of hydropower projects (i.e. reservoir hydroelectric power plants, run-off river hydroelectric plants without pond and run-off river hydroelectric plants with pond, etc.) the Board uses the flow duration curve in computing hydropower potential based from the 80% of the time dependable flow with due consideration on the environmental or minimum flows to be maintained in rivers;

WHEREAS, the thrust of the Department of Energy (DOE) is to harness and maximize renewable energy (i.e hydropower) as potential source of power to meet increasing demand as well as to adopt a climate change adaptation strategy;

WHEREAS, there has been concerns that the computation of 80% dependable flow for rivers in allocation of water for hydropower projects reduces their optimum rated power capacity. Hence, there is a need to review the existing NWRB policy to be responsive to current issues and concerns;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, to adopt the following policies in granting water rights for all types of hydropower projects:

1. Water Permit Application

Water Permit Application shall include existing documentary requirements together with DOE Certificate of Registration and DOE Certificate of Endorsement of the project.

2. Conditional Water Permit

- a. The Conditional Water Permit (CWP) shall be valid for a period of two years upon approval of the Board and may be extended for one year upon request by the applicant stating the reason.
- b. The CWP Permit shall be revoked automatically upon the expiration of the Renewable Energy (RE) Contract with DOE.
  - water permit shall be issued after compliance on the conditions stipulated on said permit.

- water permit may be revoked/cancelled, upon recommendation of DOE and/or if violations on PD 1067 was committed, after due notice and hearing.

### 3. Technical Evaluation

- a. In general, dependable flow of rivers, which is 80% of flow duration shall be used in technical evaluation to determine the available water to be allocated (maximum amount to be granted in the water permit application) and an environmental flow of 10% of the dependable flow shall be retained.
- b. New water permit applications for hydropower over sites located upstream of the diversion point within the river system of existing CWP holders shall only be accepted upon endorsement by the DOE.
- c. For applications, requiring more than the 80% dependable flow, the following additional documents shall be required:
  - Hydrologic Study with annual energy generation estimate as well as the production capacity of the plant based from technical description of the facilities (turbine type, installed capacity, head, etc.) duly certified by the Department of Energy as to technical accuracy of data/information.
  - Type of hydropower projects, schematic development plan indicating the location of the diversion point and the power house with their elevations and distance.
  - Assessment of possible effect or impact of the hydropower project on the ecological integrity of the river system.
  - The amount of water to be granted shall be based on the amount of water available from the source, discharge applied for and discharge required, whichever is applicable

### 4. Other conditions in the Water Permit

- a. To submit operation rule
- b. Gauging stations shall be installed upstream and downstream of the diversion point to measure the inflow and outflow.
- c. Proponent shall submit to NWRB the following data on a monthly basis:
  - the daily record of actual water utilized and power generated
  - the daily record of streamflow data
  - other relevant data/information that maybe required by the Board
- d. The NWRB in collaboration with the Department of Energy shall monitor the compliance set in the Water Permit and related policies issued by the Board.
- e. Other conditions that may be required by the Board.