SCHEDULE – II

Reference No. 1 of 2011; Reference No. 2 of 2011; Reference No. 3 of 2011 & Reference No. 4 of 2011

Further Report : Order Deemed Modified : Enumerated :

Thus, after incorporation of deemed modifications as a result of Further Report under Section 5(3) of the Act, the Decision/Order dated December 30, 2010 of the Tribunal passed under Section 5(2) of the Act, shall be finally read as under :

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O R D E R

Clause-I

In view and on the basis of the discussions held and the findings recorded on the issues hereinbefore, the following order is passed in so far as it deviates from, modifies, amends and reviews the decision and the order passed by the KWDT-1.

Clause-II

That for the purposes of this case, so as to assess the yearly yield of the river Krishna afresh, on the data now available, an yearly

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water series for 47 years has been prepared, accordingly the dependable yield is determined as follows :-

(a) Average yield - 2578 TMC

(b) Yield at 50% dependability - 2626 TMC

(c) Yield at 60% dependability - 2528 TMC

(d) Yield at 65% dependability - 2293 TMC

(e) Yield at 75% dependability - 2173 TMC

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Clause-III

That it is decided that the water of river Krishna be distributed amongst the three States of Maharashtra, Karnataka and Andhra Pradesh on 65% dependability of the new series of 47 years i.e. 2293 TMC.

Clause-IV

That it is decided that the allocations already made by KWDT-1 at 75% dependability which was determined as 2060 TMC on the basis of old series of 78 years plus return flows, assessed as 70 TMC in all totaling to 2130 TMC, be maintained and shall not be disturbed.

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Clause-V

That it is hereby determined that the remaining distributable flows at 65% dependability, over and above 2130 TMC (already distributed), is 163 TMC (2293 TMC minus 2130 TMC = 163 TMC).

Clause-VI

That it is hereby decided that the surplus flows which is determined as 285 TMC (2578 TMC minus 2293 TMC = 285 TMC) be also distributed amongst the three States.

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Clause-VII

That the balance amount of water at 65% dependability i.e.163 TMC and the surplus flows of 285 TMC is distributed as given below:

State of Karnataka

Allocation at 65% dependability	61 TMC
Allocation out of surplus flows	105 TMC
Total	166 TMC
Flows made available for Minimum flows in the stream out of 65% dependability	7 TMC
Grand Total	173 TMC

State of Maharashtra

Allocation at 65% dependability	43 TMC
Allocation out of surplus flows	35 TMC
Total	78 TMC
Flows made available for Minimum flows in the stream out of 65% dependability	3 TMC
Grand Total	81 TMC

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State of Andhra Pradesh

Allocation at 65% dependability	43 TMC
Allocation out of surplus flows	145 TMC
Total	188 TMC
Flows made available for Minimum flows in the stream out of 65% dependability	6 TMC
Grand Total	194 TMC

Clause-VIII

That the total allocations at different dependability including those made by KWDT-1 at 75% dependability with return flows are given below :

State of Karnataka

Allocation at 75% dependability with return flows	734 TMC
Allocation at 65% dependability	61 TMC
Allocation out of surplus flows	105 TMC
Total	900 TMC
Plus 7 TMC provided for Minimum flows	7 TMC
Grand Total	907 TMC

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State of Maharashtra

Allocation at 75% dependability with return flows	585 TMC
Allocation at 65% dependability	43 TMC
Allocation out of surplus flows	35 TMC
Total	663 TMC
Plus 3 TMC provided for Minimum flows	3 TMC
Grand Total	666 TMC

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State of Andhra Pradesh

Allocation at 75% dependability with return flows	811 TMC
Allocation at 65% dependability	43 TMC
Allocation out of surplus flows	145 TMC
Total	999 TMC
Plus 6 TMC provided for Minimum flows out of 65% dependability	6 TMC
Grand Total	1005 TMC

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Clause-IX

FURTHER REPORT

That since the allocations have been made at different dependability, the party States are directed to utilize the water strictly in accordance with the allocations. And for that purpose they are further directed to prepare or caused to be prepared ten daily working tables and the Rule Curve and shall furnish copies of the same to each other and on its coming into being, also to the 'Krishna Waters Decision – Implementation Board'.

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Clause –IX-A

Detailed Mechanism for Drawal of Water By States at Different Dependability.

PART-I

1(a). That the three States of Maharashtra, Karnataka and Andhra Pradesh shall continue to use the water at 75% dependability plus the return flows according to and in the manner as provided in Clause-V of the Decision of the KWDT-I except the progressive increase in the allocated share, in given percentage, on account of return flows, since the return flows now stand quantified. The total figure of allocations at 75% dependability with quantified return flows is 585 TMC, 734 TMC and 811 TMC for the States of Maharashtra, Karnataka and Andhra Pradesh respectively.

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(b) Thus, in the first instance, not more than 2130 TMC shall be utilized in the following manner, as before :-

(i) The State of Maharashtra shall not use more than 585 TMC;

(ii) The State of Karnataka shall not use more than 734 TMC;

(iii)The State of Andhra Pradesh shall use 811 TMC.

2. Thereafter, in the second instance, not more than 163 TMC shall be utilized by all the three States in the following manner:

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(i) The State of Maharashtra shall not use (over and above 585 TMC) more than 46 TMC, only after the State of Karnataka has used 734 TMC and the State of Andhra Pradesh 811 TMC;

(ii) The State of Karnataka shall not use (over and above 734 TMC) more than 68 TMC, only after State of Andhra Pradesh has used 811 TMC;

(a) ALTERNATIVELY, in so far it relates to the upper riparian States viz. Maharashtra and Karnataka, before using/storing their additional allocation of 46 TMC and 68 TMC

respectively at 65% dependability, they have released/and/or water flowed down, the balance amount of share of Andhra Pradesh at 75% dependability at the relevant point of time, taking into account the self-generation of water due to rainfall in the State of Andhra Pradesh. Self-generation of water in Andhra Pradesh at 75% dependability may be taken as 369 TMC, as per their own calculation made in the paper dated 16.4.2012.

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(b) Notwithstanding anything contained in sub clauses (i) and (ii)(a) of Clause 2 above, the three riparian States, in the light of the opinion of their experts about the assessment of expected rains, or otherwise, in the best of the spirit of cooperation and share and care to achieve their share fairly and smoothly, are free to make

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any other arrangement by means of a written agreement amongst the three States, in respect of the manner of withdrawal as to at what point of time they may draw their share in full or in parts thereof, at 65% dependability.

(c) The agreement, if any, shall be jointly submitted to the Board and the Board shall see to it that the drawal of water is made by the parties as per the agreement; if necessary it may issue directions to the parties accordingly.

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(iii) The State of Andhra Pradesh shall not use (over and above 811 TMC) more than 49 TMC.

3. In the third instance, not more than 285 TMC shall be used by the three States in the following manner:-

(i) The State of Maharashtra shall not use (over and above 585+46=631 TMC) more than 35

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TMC, only after the State of Karnataka has used 734+68=802 TMC and the State of Andhra Pradesh 811+49=860 TMC.

(ii) The State of Karnataka shall not use (over and above 802TMC) more than 105 TMC, only after the State of Andhra Pradesh has used 860 TMC.

(iii) The State of Andhra Pradesh shall not use (over and above 860 TMC) more than 145 TMC.

Note: The provisions made above allowing Andhra Pradesh to draw only its allocated shares at different dependability does not affect the drawals/use, which Andhra Pradesh is entitled to, as per provision made in sub-para of para 3 of Clause X of the Order which allows Andhra Pradesh to use the remaining water.

4. That notwithstanding the provision in Clause VII of the Decision of KWDT-I, for the purpose of paragraphs 1 to 3 above only, the expression "use" would mean the water used or diverted plus the amount of water stored by any State at

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any point of time in a water year so as to be available in a storage for utilization to achieve its allocation in that water year.

5. That the Krishna Waters Decision – Implementation Board shall monitor and ensure the use of the water by the three States as allocated to them in the manner provided in the aforesaid paragraphs 1 to 3.

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PART-II

Procedure to ascertain the use of water by the Riparian States and other related matters.

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1. That all the three party States shall exchange data on daily basis with each other relating to opening and the closing balance of the reservoirs, the water which has been released from the reservoir to the canals and the 10 daily and monthly data statement of all major, medium and minor schemes accordingly. The data of measured flows at the sites maintained by the Central Water Commission shall also be obtained by the parties on daily basis. The data so maintained by respective parties and at the gauging sites shall also be furnished by the respective parties and CWC to the Implementation Board.

2. For the purpose of ascertaining as to how much water has been released to/flowed down/used by the States, the data which is maintained and exchanged as indicated in the preceding clause shall be used by the States. If so needed, data may be ascertained from the Implementation Board, which shall maintain a Data Cell for this purpose and shall promptly provide information sought by any party.

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3. Any of the upper riparian State which wants to store or utilize water at 65% dependability before the lower riparian State have used their allocation at 75% dependability, shall at that point of time ascertain from the data exchanged, the quantity of water which has been released to/flowed down and on that basis shall ascertain the shortfall of the remaining unutilized allocation of the lower/lowest riparian States excluding the self-generation of that lower riparian State at 75% dependability. The amount of water which has flown down plus the water generation within the State at 75% dependability, shall be deducted from the allocated share at 75% dependability and the balance amount of water shall be released/flow down, with due intimation along with the

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calculations to the lower riparian State/States at least 12 hours before storing/using its allocation at 65% dependability.

The gauging sites of CWC at interstate boundaries between Maharashtra and Karnataka and between Karnataka and Andhra Pradesh shall be used for measuring the flows of releases amongst the party States.

4. If the lower/lowest riparian States have any doubt about the correctness of the calculations made by the upper riparian States about the use, storage and the water which has been released/flowed down till that point of time to lower riparian States, in that event the States may ascertain the correct position from the Implementation Board which shall check the same and provide it to them immediately, say within 12 hours. Information so furnished by the Board shall be taken to be the correct position of water having released/flowed down, to the lower/lowest riparian State.

5. In the event the lower/lowest riparian States inform to the upper riparian States that it is not in a position to receive the balance flow of water of its allocation at 75% dependability, at that point of time due to lack of storage

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capacity or the like, in that case, the parties may enter into an agreement under Clause "(ii)b" allowing storage of that part of the balance of allocation of the lower/lowest riparian States also which may be released later as and when so required by the lower/lowest riparian States or as agreed.

6. In any water year if it is noticed that the self-generation of water in the State of Andhra Pradesh is likely to fall short of 369 TMC and the State of Andhra Pradesh cannot realize its allocation of 811 TMC at 75% dependability and the upper riparian States have used their additional allocation, in that case the State of Andhra Pradesh at the end of winter monsoon season shall intimate about the shortfall in 811 TMC with calculations to the upper riparian states which shall make good the shortfall, if necessary on verifying the correctness of the claim.

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7. Any State if defaults in timely exchange of data, will not be entitled to question the calculation made by upper riparian State, which shall be treated as correct. Similarly, if an upper riparian State fails to furnish its data on time, will not be entitled to claim commencement of use of its additional allocation.

8. The party States and the Board shall make use of the latest information technology and install a suitable Real Time Data Acquisition System in the entire Krishna basin for the purposes of acquisition and exchange of reservoir and utilisation data indicated in the foregoing clauses. The same technology shall be used for data to be obtained from the gauging sites of Central Water Commission and the States, if any. The Implementation Board may get, for this purpose, the necessary software and hardware for quick and instant exchange of data amongst the States, the Implementation Board and the Central Water Commission. The Board shall use all facilities in this regard available with the CWC and the party States. The Board shall be responsible for installation and maintenance of the System. The financing of this activity of the Board shall be covered by the Clause 41 of Appendix I of the Decision of this Tribunal.

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Clause-X

That on change in availability and the allocation of more water, at different dependability, the restrictions placed on the States on utilizations in some sub-basins would consequently change. The changes in the restrictions are in keeping with the

dependability at which allocations have been made. These restrictions, as given below, shall be strictly adhered to by the concerned States :-

1. (a) Maharashtra shall not utilize more than 98 TMC in a 65% dependable water year (it includes 3 TMC allocated for Kukadi Complex) and 123 TMC in an average water year from the main stream of river Bhima.

(b) Maharashtra shall not divert more than 92.5 TMC (including that allowed by KWDT-1 and further 25 TMC now allocated) from K-1 Upper Krishna sub basin for Koyna Hydel Station for west-ward diversion in a 65% dependable or average water year.

(c) Maharashtra shall not utilize more than 628 TMC in a 65% dependable water year and not more than 663 TMC in an average water year.

(d) Maharashtra shall not divert any water out of basin except (b) above from K-1 sub-basin.

(e) (i) Maharashtra shall not utilize water allocated to it by this Tribunal in any non- scarcity /DPAP area either in existing project or in future projects.

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(ii) In basin utilization in any other project for DPAP area may be permissible with prior intimation in writing and written no objection of the Krishna Water Decision Implementation Board. It shall not involve any inter basin transfer of water.

2. (a) Karnataka shall not utilize more than 356 TMC from K-8 Tungabhadra sub-basin in a 65% dependable water year (it includes allocation of 36 TMC for Upper Tunga, Upper Bhadra and Singatlur Projects) or in an average water year.

(b) Karnataka shall not utilize more than 194 TMC in a 65% dependable water year and not more than 303 TMC in an average water year from Upper Krishna project (it includes allocation of 130 TMC for UKP Stage-III with reservoir level of Almatti Dam at 524.256 m).

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(c) Karnataka shall not utilize more than 795 TMC in a 65% dependable water year and not more than 900 TMC in an average water year.

3. (a) That the State of Andhra Pradesh shall not utilise more than 860 TMC in a 65% dependable year (It includes 30 TMC for carry over in Sirisailam and Nagarjunasagar projects in K-7 sub-basin, 9 TMC for Jurala project, 4 TMC for Right

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Main Canal of RDS project and 6 TMC towards Minimum flows).

(b) That the State of Andhra Pradesh shall not utilize more than 1005 TMC as per allocation made in Clause-VIII above in an average water year. (It includes further allocation of 9 TMC for Jurala Project, 25 TMC for Telugu Ganga Project, 4 TMC for RDS Right Main Canal, 150 TMC for carry over storage in Srisailam and Nagarjunasagar Dams and 6 TMC towards minimum flows).

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So far as remaining water is concerned, as may be available, that may also be utilized by State of Andhra Pradesh till the next review for consideration by any competent authority under the law. It will be open to each of the parties to raise its claim to the remaining water before the Competent Authority as it may consider necessary and that no right would accrue to Andhra Pradesh over the remaining water on the ground of its user under this clause.

4. The above restrictions are inclusive of evaporation losses.

Clause-XI

That all the three States are hereby directed that for the purposes of drinking water supply for Chennai city, each State shall contribute 3.30 TMC in equal quantity distributed in the months of July, August, September and October and 1.70 TMC distributed similarly in four equal installments in the months of January, February, March and April.

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Clause-XII

That all the three States shall release in all 16 TMC of water for maintaining minimum in-stream flow and for environment and ecology, in the manner and the quantity as indicted in Table to the discussion held on the subject of minimum flows.

Clause-XIII

That it is hereby directed, as provided in the discussion held while dealing with Issue No. 14, that the State of Karnataka shall release 8 to 10 TMC of water to the State of

Andhra Pradesh from Almatti Reservoir in the months of June and July, as regulated releases.

Clause-XIII-A

If on periodical survey any significant change is reported in sedimentation within 20 KM of Maharashtra territory of river Krishna the KWD-IB may direct Karnataka and Maharashtra to undertake dredging jointly to clear the same and the cost of which shall be equally borne by them.

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Clause- XIV

FURTHER REPORT

That it is hereby provided that on the constitution of the 'Krishna Water Decision – Implementation Board' the administrative control and regulation over Tungabhadra Dam and its Reservoir including Head Regulators of all the canal systems both on the left and the right sides and all its gates as well as the administrative control of Rajolibanda Diversion Scheme shall vest in the Board and the notifications dated 29th September, 1953 and the 10th March, 1955 issued under Section 66(1) and (4) respectively of the Andhra State Act, 1953 shall cease to be operative.

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Clause-XV

That besides the gauging sites as indicated in Clause-XIII in the final order of the KWDT-1, the 'Krishna Waters Decision – Implementation Board' may set up or caused to be set up more gauging sites as the Board may consider necessary. Neither existing site nor any site established hereinafter shall be abolished or downgraded except in consultation with the Board.

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Clause-XV-A

That Krishna Water Decision Implementation Board shall implement the Real Time Flood Forecasting System in the entire Krishna basin. In case, however, if the system is already installed by the CWC covering Krishna Basin and it is in operation, the KWD-IB shall take all necessary help in the matter from CWC and shall make use of the same".

Clause-XVI

At any time after 31st May, 2050, order may be reviewed or revised by a Competent Authority or Tribunal, but such review or revision shall not as far as possible disturb any

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utilization that may have been undertaken by any State within the limits of allocation made to it.

Clause-XVII

Nothing contained herein shall prevent the alteration, amendment or modification of all or any of the Clauses by agreement between the Parties.

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Clause-XVIII

FURTHER REPORT

The scheme which has been framed for implementation of this decision and the decision and directions made by KWDT-I, which have not been modified or reviewed by this Tribunal has been appended as Appendix-I to this decision and forms part thereof. The Board constituted to carry out the functions and duties provided for in the scheme shall be called 'Krishna Waters Decision – Implementation Board'. It shall be constituted as early as possible. The Central Government and the State Government shall nominate the Members of the Board at the earliest, in any case, not later than six months

from the date of publication of the decision. The Board shall function as per the provisions of the scheme.

Clause-XIX

That a Map which has been prepared before this Tribunal and brought on record as TD-1 vide orders dated 30th July, 2009 and 9thAugust, 2009 of this Tribunal has been appended as Appendix-II to the decision.

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Clause-XX

That the order or directions as contained in this order shall be read in reference and context with the preceding discussions and the findings recorded on different issues along with the reasoning thereof.

It is further provided that any direction given or provision made under any Issue or otherwise, not finding mention in this order shall also be complied with by all the parties as a part of the decision and this order.

Clause-XXI

The Governments of Maharashtra, Karnataka and Andhra Pradesh shall bear their own costs of appearing before

the Tribunal. The expenditure of the Tribunal shall be borne and paid by the aforesaid three States in equal shares except the expenditure incurred in Hydrographic Survey in Hippargi Barrage and Almatti Dam conducted by M/s Tojo Vikas International Pvt. Ltd. which shall be borne by the States of Maharashtra and Karnataka in equal shares.

Clause-XXII

This decision and order shall come into operation on the date of publication in the official gazette under Section 6 of the Inter-State River Water Disputes Act, 1956.

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Clause-XXIII

The provisions made in the decision/order passed and the decision and directions given by KWDT-I which have not been amended, modified or reviewed by this order shall continue to be operative.

(JUSTICE B.P. DAS) MEMBER (JUSTICE D.K. SETH) MEMBER (JUSTICE BRIJESH KUMAR) CHAIRMAN

Dated this the 29th day of November, 2013

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