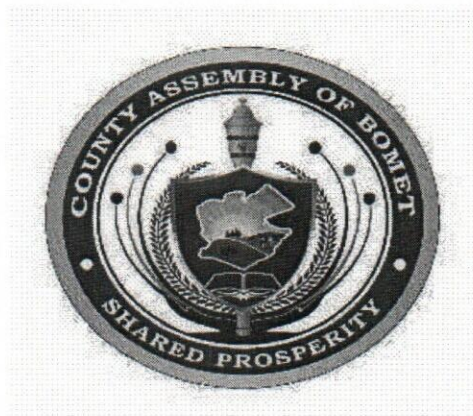




THE COUNTY ASSEMBLY OF BOMET

**REPORT OF THE COMMITTEE ON COUNTY PETITIONS ON PETITION No.3 OF
2025 ON THE PROTECTION AND DESILTATION OF WATER PANS IN THE
COUNTY**

PRESENTED BY MR. DAVID KIPNGETICH MELI AND 2 OTHERS

NOVEMBER, 2025

*Tally office
for admin
23/2/26*

*Approved for
tabling
[Signature]
24/02/2026*

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1. CHAPTER 1

1.1 PREFACE

The Committee on County Petitions is one of the select committees established under the Standing Order 200(1) of the County assembly Standing orders.

2.1 Committee Membership

The Committee on County Petitions comprises of the following Honourable Members: -

- | | |
|--------------------------|-------------------|
| 1. Hon. Josphat Kipkirui | -Chairperson |
| 2. Hon. Emily Cheruiyot | -Vice Chairperson |
| 3. Hon. Peter Rono | -Member |
| 4. Hon. Japhet Cheruiyot | -Member |
| 5. Hon. Joseah Samoei | -Member |
| 6. Hon. Chemutai Naomi | -Member |
| 7. Hon. Nathan Kibet | -Member |

3.1 Mandate of the Committee

The Select Committee on County Petitions derives its mandate from provisions of Standing order 200(3) of the County assembly standing orders which provides that the committee shall consider and report on all public petitions presented to the Assembly.

4.1 Petition No.3 of 2025

Pursuant to Standing order 200(3) of the County assembly standing orders, the County Petitions Committee shall consider and report on all public petitions presented to the Assembly.

The Committee on County Petitions formally received a petition from Mr. David Kipngetich Meli and 2 others on the enactment of a policy on the protection and desiltation of water pans in the County.

The main issue raised in the petition concerns the absence of a legal framework in the County on the protection, conservation and management of water pans, including provisions for their proper surveying and demarcation, desiltation and restoration of water pans in Chepalungu and across the County of Bomet to enhance water storage and improve agricultural productivity.

The Petitioner therefore prays that the County Assembly enacts a policy or legislation on the protection and desiltation of water pans in the county.

In dealing with the matter, the committee held a number of sittings during which the committee was able to engage the petitioner and the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change

Upon deliberations in the said sittings and based on the submissions from the petitioner, County Executive Committee Member for Water, Environment, Natural Resources and Climate Change and its own investigations, the committee came up with a report in response to the petition as provided for under the Standing Order 213 (2) of the County Assembly Standing Orders.

It is therefore my pleasant duty and privilege, on behalf of the Committee on County Petitions to table this report on the Petition.

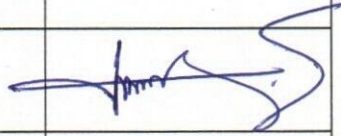
It is therefore my pleasant duty and privilege, on behalf of the Committee on County Petitions to table this report on the Petition.

SIGNED  Date 15th Nov. 2021

HON. JOSPHAT KIPKIRUI
CHAIRPERSON, COMMITTEE ON COUNTY PETITIONS

1. ADOPTION OF THE REPORT

We, the Hon. Members of Committee on County Petitions do hereby append our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity: -

No.	Name	Designation	Signature
1.	Hon. Josphat Kipkirui	Chairperson	
2.	Hon. Emily Cheruiyot	Vice-Chairperson	
3.	Hon. Peter Rono	Member	
4.	Hon. Japhet Cheruiyot	Member	
5.	Hon. Joseah Samoei	Member	
6.	Hon. Chemutai Naomi	Member	
7.	Hon. Nathan Kibet	Member	

5.1 Background

Petition No.3 of 2025 was tabled and committed to the Committee on County Petitions on 11th March 2025. In the petition, the petitioner sought to draw the attention of the County Assembly to the following:

- THAT** this petition is of county importance and directly affects the livelihoods of the residents of Bomet.
- THAT** access to water constitutes a major challenge and threat to the residents.
- THAT** the water pan, constructed during the colonial era, is facing the risk of drying up.
- THAT** the water pan has become silted and requires urgent desiltation.

- e) **THAT** the residents experience significant hardship, particularly during periods of drought.
- f) **THAT** the land allocated to the water pan is experiencing serious encroachment.
- g) **THAT** the land needs to be properly surveyed and fenced to secure its use.
- h) **THAT** laws and regulations must be enacted and enforced to protect the water pan for future generations.
- i) **THAT** none of the issues raised in this petition is currently pending before any court of law or quasi-judicial body.

6.1 LEGAL BASIS FOR PETITIONS

The Legal Framework

Petitions

The right of citizens to petition public authorities is enshrined in the Constitution. **Article 37 of the Constitution** provides that; *‘Every person has a right, peaceably and unarmed, to assemble, to demonstrate, to picket and to present petitions to public authorities’*

Section 15(1) of the County Governments Act, 2012 makes a provision for citizens’ right to petition the County assembly. The said section provides that; *“A person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.”*

The Standing Order 213(1) of the County Assembly Standing Orders provides that every Petition presented or reported pursuant to this Part, shall stand committed to the County Petitions Committee.

Standing Order 213(2) further provides that whenever a Petition is committed, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

2. CHAPTER 2

7.1 CONSIDERATION OF PETITION

Specific Prayer of the Petitioner

The specific prayer of the petitioner to the County Assembly was to implore/request the County assembly to enact a County legislation and/or policy on protection and desiltation of water pans in the County.

Approach taken by the committee

- (1) In considering the petition, the committee observed that it would be important to verify the facts alleged in the petition. The committee therefore resolved to conduct an inquiry on the issues raised in the petition.
- (2) In this regard the committee received the petition on Tuesday 11th March, 2025 after being tabled and committed to it.
- (3) The committee invited the petitioner on Tuesday 1st July, 2025 to clarify the issues raised in the petition.
- (4) The Committee then later invited the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change on 25th June, 2025 to respond to the issues raised in the petition. The CECM sought another date citing official commitments.
- (5) On Tuesday 22nd July, 2025 Member for Water, Environment, Natural Resources and Climate Change appeared before the committee to respond to the issues raised in the petition.

8.1 SUBMISSIONS FROM THE PETITIONER

The Petitioner appeared before the Committee on Tuesday 1st July, 2025 and stated under oath as follows;

- a) **THAT** the he hailed from Chepalungu, an area predominantly dry and frequently affected by water scarcity.
- b) **THAT** the residents of Chepalungu rely heavily on water pans as one of their primary sources of water for domestic use and livelihood activities.
- c) **THAT** water pans also function as fish ponds, and their proper conservation and management would significantly promote fish farming across the County.

- d) **THAT** water pans are vital for supplying water for daily household needs, supporting agricultural production through irrigation, and mitigating soil erosion.
 - e) **THAT** most water pans in the area have been encroached upon and severely silted, thereby reducing their capacity and functionality.
3. SUBMISSIONS FROM THE COUNTY THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE

The County Executive Committee Member for Water, Environment, Natural Resources and Climate Change appeared before the committee on 22nd July, 2025 and responded as follows:

- a) **THAT** the department has four policy statements and guidelines approved by the County Executive Committee, namely:
 - i. The Bomet County Water, Sanitation and Hygiene Masterplan – Roadmap Towards Universal Access for WASH Services 2022–2050;
 - ii. The County Government of Bomet – Participatory Climate Risk Assessment (PCRA);
 - iii. The County Government of Bomet – Bomet County Climate Change Action Plan 2022–2026.
- b) **THAT** the petition relates to a specific element water pans conservation and that the Participatory Climate Risk Assessment (*PCRA*) adequately covers this area and was developed with extensive community participation.
- c) **THAT** in Chepalungu Sub-County, water pans were identified as a primary mitigation measure against water shortages, and the department has established numerous water pans in the area.
- d) **THAT** some of the existing water pans were established during the colonial era.
- e) **THAT** the Bomet County Integrated Development Plan (CIDP) 2022–2028 captures and documents all water pans across the county.
- f) **THAT** the department has taken note of the petitioner’s request regarding the desiltation of water pans, including the demarcation of land under the occupancy of these water pans.

- g) **THAT** pages 61–63 of the Participatory Climate Risk Assessment (PCRA) outline and enumerate the county's areas of vulnerability.
- h) **THAT** the department does not currently have a dedicated water pans desiltation policy; however, there exists a general policy on water harvesting, supplemented by the Water Act, 2016.
- i) **THAT** the department undertakes to develop a specific desiltation policy.

4. COMMITTEE OBSERVATIONS

Having considered the petition, the responses and submissions from the petitioner and the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change and arising from its own investigations, the committee made the following observations:

- 1. **THAT** is no policy in place on protection and desiltation of water pans;
- 2. **THAT** there is need to develop a County Water Pans Protection and Desiltation policy;
- 3. **THAT** there is need to enact a County Water Pans Protection and Desiltation law;
- 4. **THAT** all existing and proposed public water pans in the County be mapped, surveyed, titled and formally registered as public utility land, and
- 5. **THAT** the County Executive takes immediate measures to protect Water pans from encroachment through fencing, demarcation and enforcement of relevant laws and regulations.

5. COMMITTEE RECOMMENDATIONS

The committee having investigated the matter in accordance with its mandate under Standing order 200(3) of the County Assembly Standing orders recommends as follows: -

THAT in response to the petitioner's prayer, the committee recommends that the county executive do develop a County Water Pans Protection and Desiltation Policy and forward it to the county assembly for consideration and further develop a bill and forward it to the county assembly for consideration.

The committee further recommends that the County Executive Committee Member ensure mapping, surveying, titling, and protection of all public water pans and implement protection measures including fencing and enforcement of relevant environmental and water conservation laws.