Due Diligence Report

Project number: 35173-013

January 2016

NEP: Third Small Towns' Water Supply and Sanitation Sector Project – Bidur, Nuwakot

Prepared by the Third Small Town Water Supply and Sanitation Sector Project, Ministry of Urban Development, Government of Nepal for the Asian Development Bank.

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Governemnt of Nepal Ministry of Water Supply and Sanitation Department of Water Supply and Sewerage

Third Small Towns Water Supply and Sanitation Sector Project Project management Office

Panipokhari, Kathmandu

Bidur Water Supply and Sanitation Subproject Nuwakot

Volume 6 Due Diligence Report

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ABBREVIATIONS

ADB – Asian Development Bank

AP – affected persons

BS – Bikram Sambat (Nepali calendar)

BPL – below poverty line

CBS – Central Bureau of Statistics
CBO – community based organization

CDC – compensation determination committee

CDO – Chief District Officer
CPR – common property resource
DDC – District Development Committee

DOR – Department of Roads
DP - displaced person(s)

DSC – design and supervision consultants

DWSS - Department of Water Supply and Sewerage

EA – executing agency

EMP – environmental management plan

GON – Government of Nepal

GESI – gender equity and social inclusion
GRC – grievance redress committee
GRM – grievance redress mechanism

HA – hectares HH – households

IA – implementing agency
IP – indigenous peoples
IR – involuntary resettlement
LA – land acquisition
LAA – Land Acquisition Act

LAA – Land Acquisition Act lps – liters per second

MUD – Ministry of Water Supply and Sanitation
MPPW – Ministry of Physical Planning and Works

NA – not available

NGO – non-government organization NLSS – Nepal Living Standards Survey NPC – National Planning Commission

NPR – Nepalese rupee

NWSC - Nepal Water Supply Corporation

PD – project director

PH – physically handicapped

PMC – project management consultant PMO – project management office

PPTA – project preparatory technical assistance

RF – resettlement framework
RP – resettlement plan
R&R – resettlement and rehabilitation
RS – resettlement specialist
SSO – Social Safeguards Officer

SDSA – social development and safeguards assistant

SPS – Safeguard Policy Statement SSE – social safeguard expert

STWSSSP - Small Towns Water Supply and Sanitation Sector Project

TA – technical assistance
TDF – town development fund
TOR – terms of reference
WHH – women headed households

WSSDO - Water Supply and Sanitation Division Office

WTP – water treatment plant

WUSC – water users and sanitation committee
VDC – Village Development Committee

WEIGHTS AND MEASURES

cum cubic meter Km kilometer m^2 square meter millimeter Mm

 m^3 micrograms per cubic meter

GLOSSARY OF NEPALI TERMS

ropani Size of land parcel; 1 ropani= 16 anna (0.0509 ha)-508.72 sq. m

Size of land parcel; 1 anna= 4 paisa (0.0509 ha) anna Size of land parcel; 1 paisa= 4 dam = 31.80 sq.m paisa

Size of land parcel; 1 dam=1.99 sq.m dam

size of land parcel; 1 bigha = 20 katha (0.678 ha) bigha

– 10 million (= 100 lakh) crore

- size of land parcel; 1 dhur=0.0017 ha dhur

katha size of land parcel; 1 katha = 20 paisa (0.0339 ha)

- temporary structure e.g a rural hut made of wood, bamboo or stone with kucchi

mud mortar and a thatched roof

lakh, lac -100,000

 structure (house/building) with permanent roofing made of RCC/RBC pakki - house or building made of stone with mud mortar and clay, timber, slate semi-pakki

or corrugated iron roofing

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I. INTRODUCTION

A. Introduction

- 1. The Small Towns Water Supply and Sanitation Sector Project (STWSSSP) is a key initiative of Government of Nepal aiming at improved water supply and sanitation services in small towns and emerging urban areas of Nepal. The third STWSSSP builds upon lessons learnt from implementation of the first and second STWSSSP and aims to extend improved water supplies and sanitation to around 26 small towns / subprojects. Ten of these subprojects are newly identified, while others are held over from the previous projects and others can be identified later. Remedial or extension works in towns previously covered by the first two projects are also candidate subprojects. The third STWSSSP aims to strengthen the overall effectiveness of project delivery with a particular focus on technical and financial aspects, at both national and local levels. Its envisaged outputs include: (i) improved water supply and sanitation infrastructure; (ii) strengthened sector policy, regulatory and institutional capacity and service delivery; and (iii) improved project implementation. The Project will also strengthen Government of Nepal's efforts to meet its millennium development goals. The project is to be implemented in 5 years from 2014 to 2019.
- 2. The third STWSSSP uses a sector lending modality of ADB. A total of 26 towns are proposed to be covered under the project. Project towns include Nirmal Pokhari , Ilam, Bidur and Tikapur, for which feasibility studies are prepared by PPTA and detail engineering desing is completed by TAEC JV INCON Consultatns Pvt. Ltd.

B. Proposed Subproject Components

3. This land acquisition and resettlement due diligence report is prepared for the proposed Bidur water supply and sanitation subproject. The proposed coverage area of the subproject includes wards 1, 3, 4, 5 6, 7, 8 and 9 of Bidur municipality. Total households in the service area in survey year (2014) are 5,097 and base year is 5425. Similarly, total population of survey year is 29,440 in 2014 and in base year (2016) is 31,339 and 60,758 poulation for design year 2036 respectively.

II. SUBPROJECT DESCRIPTION

A. Proposed components

4. Subproject components (civil works) proposed in sub project includes construction of a new water supply system and rehabilitation and integration of the existing water supply system with the proposed new system; no sanitation improvements are proposed. The proposed water supply project for Bidur Municipality will essentially consist of two systems. The main system covering more than 90% of service area will be Phalakhu Khola system and the other one system covering rest of the service area in the southern part of municipality will be the existing Nalgaon System. The Phalakhu Khola system will have source at Phalakhu Khola but the treatment plant and the reservoir will be located at two places, one at the existing place in Bidur and the new installation at Batar Similarly, two reservoirs of 50 cum each have been proposed for supply of elevated area of Ward no. 9 and 3. The reserviour ward no 9 will be feed by junction 9 to 30 that is supplied by Old Bidur System. Similarly reserviour ward no. 3 will be supplied by Divakar Danda- A system. Hence, proposed project components include intake at Phalakhu Khola of 85 lps capacity, 3 water treatment plants (WTP) of which 2 are existing WTPs proposed for rehabilitation and the third is a new WTP with rapid sand filter mechanism at

Batar/ Divakar Danda, with a capacity of 5.2 MLD. New transmission line of 350 mm dia from Phalakhu Khola to the new WTP of about 14.0 Km is proposed, with alignment along the bank of Phalakhu Khola. The existing transmission line of 350 mm diameter DI pipe from Betrawati to existing WTP will also be used; the existing pipe is proposed to be connected with new transmission main at Betrawati and existing pipeline upstream of Betrawati will be abandoned. Two new ground reservoirs of 1000 m³ capacity each are proposed at the new WTP premises, located in Batar. Existing reservoir of 400 m³ capacity of Bidur will remain integrated. The existing reservoir at Nalgaon will be replaced and a new reservoir of capacity (150 m³) has been proposed to be constructed at the same location. A distribution network of 109.5 Km length and 5,097 house connections are proposed. An office building, operator/guard house, pump house, dosing pump house and chemical store are proposed at the new WTP site at Batar. Figure 1 depicts proposed subproject component sites and new transmission main pipe alignment from Phalakhu source to the new treatment plant at Batar.

5. A due diligence process was conducted for proposed project sites and alignments in line with the Resettlement Framework prepared for third STWSSP and ADB SPS 2009. This report describes the findings and provides copies of relevant legal documents, resolutions, minutes of meetings and photographs. Upon project implementation, the Social Safeguards Specialist at DSC will facilitate to implement and update, if any, modification of the project components of the subprojects in Bidur and submit to ADB; and receive a 'no objection' confirmation from ADB prior to start of construction.

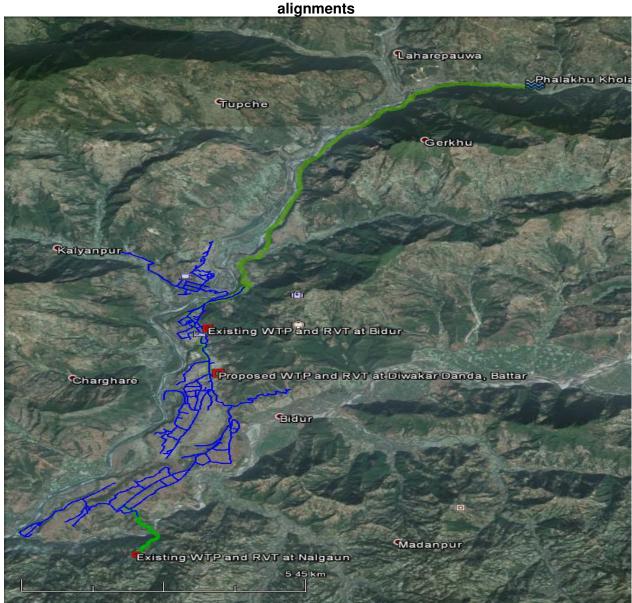


Figure 1: Satellite map of Bidur depicting proposed subproject component sites and

III. FIELD WORK: SURVEYS AND PUBLIC CONSULTATION

A. Outline of field work

6. Field visit to all proposed sites (i.e. sites with existing facilities proposed for continued use/rehabilitation, as well as new WTP site), transmission main alignments, distribution pipeline alignment; and consultations with stakeholders were conducted to confirm land ownership and use, and the need for surveys and further consultations. Available land ownership documents for identified components were also collected during field work.

B. Public Consultation

- 7. As part of the preparation of DDR, consultations were undertaken with key stakeholders in line with ADB's requirements pertaining to environment and social considerations. Tools used for consultation were stakeholder meetings and Focus Group Discussions (FGD). Key concerns of the people related to the project and inclusion of poor in the drinking water supply scheme were discussed.
- 8. During field visits to all proposed sites and pipeline alignments, potential impacts and mitigation measures were assessed and discussed with stakeholders. The consultations helped to identify the felt needs/concerns and priorities of the stakeholders. The field visits/reconnaissance surveys also helped ascertain that no further surveys and inventories are required.

Table 1: Summary of consultations

Date	Location	No. of	Participants	Topics	Issues Raised
		Participants		Discussed	
12 June 2014	District Water Supply &Sanitation Office, Bidur, Nuwakot	10 M=8, F=2	Division Chief, WSSDO, Executive Officer, Bidur Municipality, WUSC executive members	Need for water supply project & demand from the community Existing water supply quality, quantity & reach Technical & social survey Site inspection Proposed project area	Willingness for individual connections to water supply; Upgrading of existing reservoirs, treatment plant & water source. Water quality; Subsidy to the poor; Whether community taps would be retained.
13 June 2014	Tadi bridge, ward no 7, Bidur Municipality	9 (all male)	Ethnic minority area (Dalit basti). Biswakarma(blacksmiths)	Need for drinking water supply project & demand from the community Existing drinking water supply quality & quantity Affordability for connection charge & monthly tariff	Willingness to connect to water supply by all houses (9 no.s) Cannot afford connection charge; subsidy required in monthly tariff Whether community taps will be provided

Date	Location	No. of	Participants	Topics Discussed	Issues Raised
1 Sep. 2014	District Hospital, Bagtar, Trishuli, ward no 9, Bidur Municipality	20 F-12 M=8	Majority – IP (Tamang, Magar, Newar) & Brahmin /Chettry; residents of wards 8 & 9	ADB Social safeguard policy, subsidy to poor & vulnerable, anticipated results of project, 5% upfront cash contribution, existing water supply hours, quality& need for project, clarity on requirements for individual tap connections& willingness topay.	Acute shortage of water, existing water supply quality, purchase of water from private parties. When project implementation would commence & the improved system completed.
2 Sep, 2014	WUSC office, Bidur	14 M=11 F=3	WUSC executive members, representatives of WSSDO, municipality. PPTA consultants	Technical proposals status, ADB Social Safeguard requirements, subsidy to poor & vulnerable people, anticipated outcomes (24x7 supplyof quality water), total estimated cost of the project, timelines.	Collection of 5% up- front cash before tender announcement, subsidy to poor & vulnerable people- monthly tariff.

IV. LAND AVAILABILITY AND RESETTLEMENT IMPACTS

A. Findings

9. All sub-project components and alignments are proposed on government land. The existing water supply system in Bidur will be integrated with the proposed new system. Existing facilities proposed for integration (continued use/rehabilitation within existing premises) include the Nalgaon intakes, their associated reservoirs, treatment plants and transmission lines. A new system is proposed with intake at Phalakhu Khola (government land) and treatment plant complex (treatment plant, reservoir, office building, guard house, compound wall) at Batar, on Barahi Community Forest land, for which a letter of consent is received from the users committee for water supply, works (Appendix1). Similarly, 50 cum. two reserviours have been proposed to feed the elevate area of Ward no 3 (Barahi Community Forestry) and 9 in (Dhunge Chautara community forestry)land, for which letters of consent have been received from the

users community for water supply components (Appendix 2). The new system's transmission pipe will use existing river bank and road RoW (government land) for lying of transmission pipeline up to Betrawati; after Betrawati, the new pipeline will be, using the existing pipe RoW. The Barahi Community Forest has a pine plantation on part of the site (a large part is vacant land), presently used for firewood by the community. There is no income from the plantation. The remaining part of the plantation (over and above the WTP complex site area) will still be available for firewood for the community. Hence, no permanent IR impacts are anticipated.

- 10. No relocation impacts or impacts on structures are anticipated at any of the identified sites or alignments for water supply proposals in Bidur. Temporary impacts of network laying and house connections are limited to potential access disruptions for shops and residences. Land ownership documents for different sites with existing facilities, and a no objection letter and minutes of meeting/resolution to provide land for water supply facilities from the Barahi and Dhunge Chautara Community Forest committees are annexed to this due diligence report.
- 11. The 109.5 km long distribution network is proposed along rights of way of public roads. No road closures will be required during construction; contractor to undertake construction on one side of the road first and on completion of the same, start work on the other side to minimize impact on traffic. The contractor will be required to provide signage at appropriate locations indicating available alternate access routes to minimize traffic disruptions. The contractor will have to ensure access to shops and residences using simple wooden walkways where required and limit the excavation to 500 m at a time to minimize disruption. Construction contracts will include the above provisions.
- 12. Provision of 5425 house connections may cause temporary disruptions in access to residences during construction. The contractor will be required to maintain access. Table 2 provides details of land availability at the sites where new facilities are proposed and Table 3 gives details of IR impacts of each proposed subproject component.

Table 2: Details of Land Availabilityat sites where new facilities proposed

Water Supply	Area required	Area available	Ownership status
Intake 1 / small height dam proposed at Phalakhu	10 m x 4m	15m x 10 m	Government land
Water treatment plant complex (proposed) for Phalakhu source(includes office, reservoir, guard house, compound wall)	150 m x 150 m	200 m x 150 m	Barahi Community Forest land- LOC attached
Two reserviours 50 cm.q., sump well	240 sq. meter		Lol received from both Barahi Community forestry and Dhunge Chaurata Community forest land- attached

Table 3: Proposed sub-project components Bidur Water Supply Sub-project and their involuntary resettlement impact status

S.No.	Components	Capacity	Area	Length/ No.	IR Impacts	IP Impacts	Proposed mitigation measures
	Water Supply						
1	Intake 1 / infiltration gallery is proposed at Phalakhu Khola	85 lps	40 sq.m		None; Intake proposed on river bed (Phalakhu River). Government land. The Phalakhu source was mentioned during registration of WUSC by the Nuwakot District Water Resource Committee (BS 2051/11/11, i.e., February 1996), in accordance with Water Resource Act BS 2049 Section 5 Subsection 3 and Water Resource Rules of BS 2050. It is an old water source; hence no fresh permission for use is required. No impact on downstream users anticipated as the water demand from Phalakhu source for Bidur is estimated at 23% of the minimum discharge of Phalakhu Khola.	None	
2	Intake 2 (existing), rehablitaion Nalagaon	5 lps	1138 sq.m.		No new construction proposed. Existing intake to be integrated with proposed system. No IR impacts anticipated.	None	
4	Water treatment plant (existing) for Nalagaon	5 lps (Nalagaon) 14-15 lps (Pairebesi)			Service reservoir at Nalagaon will be repaired and integrated with proposed system. No IR impacts anticipated.	None	
5	Water treatment plant complex (proposed) for Phalakhu source (includes office building, reservoir, guard house, compound wall)	75 lps	2,250 sq.m		Proposed at Barahi Community Forest; consent letter received (attached). Area required = 150mx150m; Area available=200mx150m. Pine plantation on site, used for firewood by community. There is no income from the plantation. The remaining part of the plantation (over and above the 200mx150m area available for the project) will still be available for firewood for the community.	None	
6	Transmission pipeline for Nalagaon			7 KM	Existing transmission pipeline will be replaced by new transmission line into the proposed system. Hence, no IR impacts anticipated.	None	

S.No.	Components	Capacity	Area	Length/	IR Impacts	IP Impacts	Proposed mitigation
				No.			measures
8	Transmission pipeline for Phalakhu			14 KM	Existing river bank and road RoW to be used for laying of transmission pipeline up to Betrawati; after Betrawati, service track of Gerkhu irrigation system up to Gerkhu Kola and using the existing pipe alignment in RoW of Pasang Lahmu Highway	None	Contractor will have to ensure access to shops and residences (on road RoWs) as per EMP provisions.
9	Distribution pipelines			more than 70 KM	Distribution Pipelines will be within road RoWs.	None	Contractor will have to ensure access through simple measures such as provision of planks as per EMP provisions, which will be specified in the contract document.
10	Two small reserviours	50 cum	240 sq.m.		The reserviour of ward no 3 is Barahi Community Forest premises and ward no 9 in Dhunge Chautara community forestry vacant land . No income related activities exist in both locations. Users group has provided letter with no objection. Hence, no IR impacts anticipated.	None	
11	Domestic connections			109.5 Km			

V. CONCLUSIONS

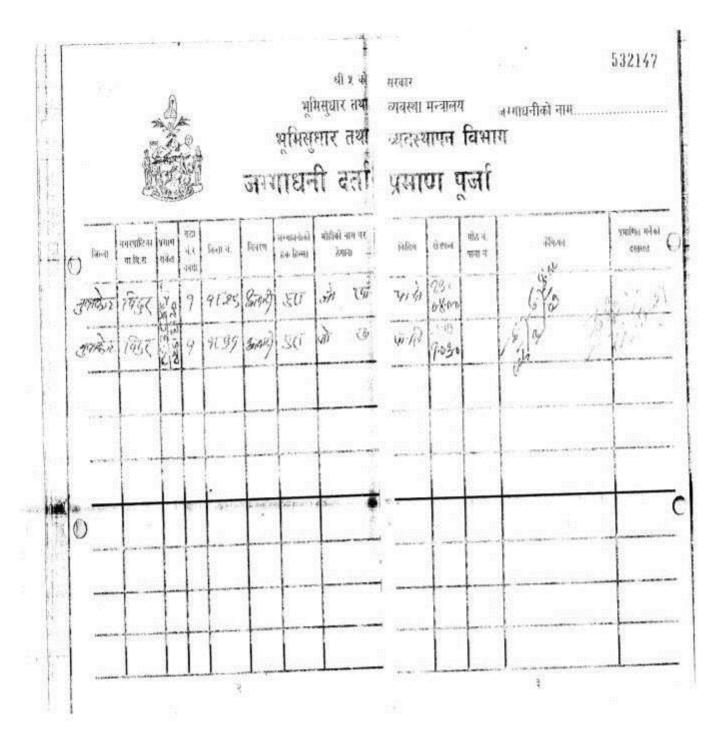
13. All the land required for construction of new components of the proposed water supply system (intake and water treatment plant complex) is government-owned; existing facilities proposed for continued use/rehabilitation do not require additional land. No-one is living/working on these sites, so relocation or livelihood loss is not anticipated. Relocation or livelihood loss is not anticipated as adequate vacant land is available at each site.

APPENDIX

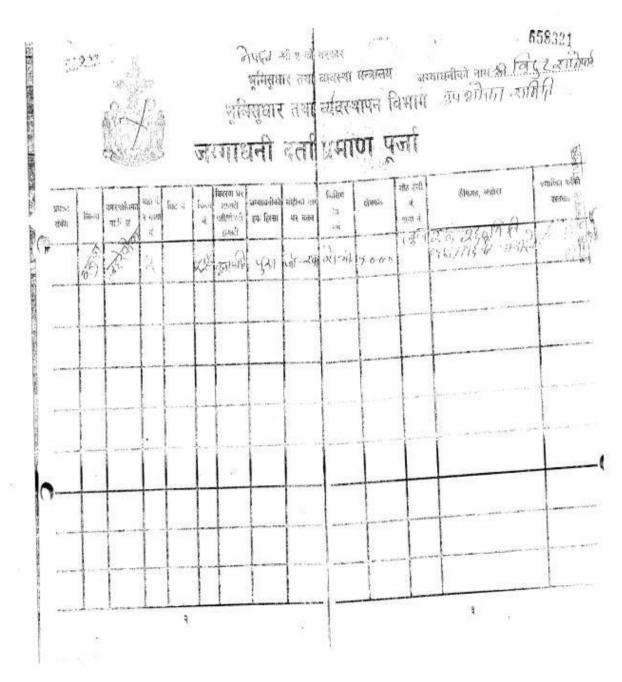
Appendix1: Land related Documents

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Bidur Water Supply Users Committee registration certificate issued by Nuwakot District Water Resource Committee on 2051 B.S



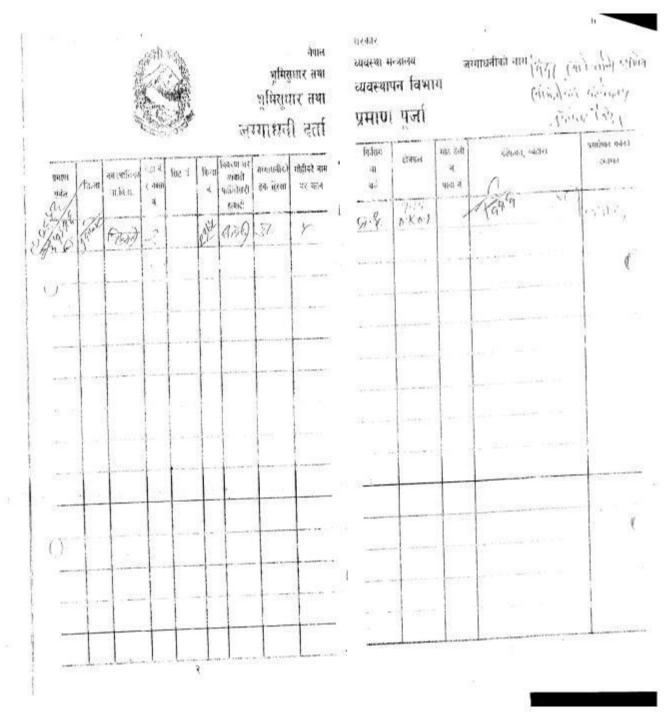
Land ownership certificate of Bidur Water Supply Users Committee, Parcel no 1829 (4 anna), parcel no 1831 (1 ropani and 3 paisa) at Bidur ward no 1, Bidur Municipality, Nuwakot District (Existing RVT 2 at Bidur)



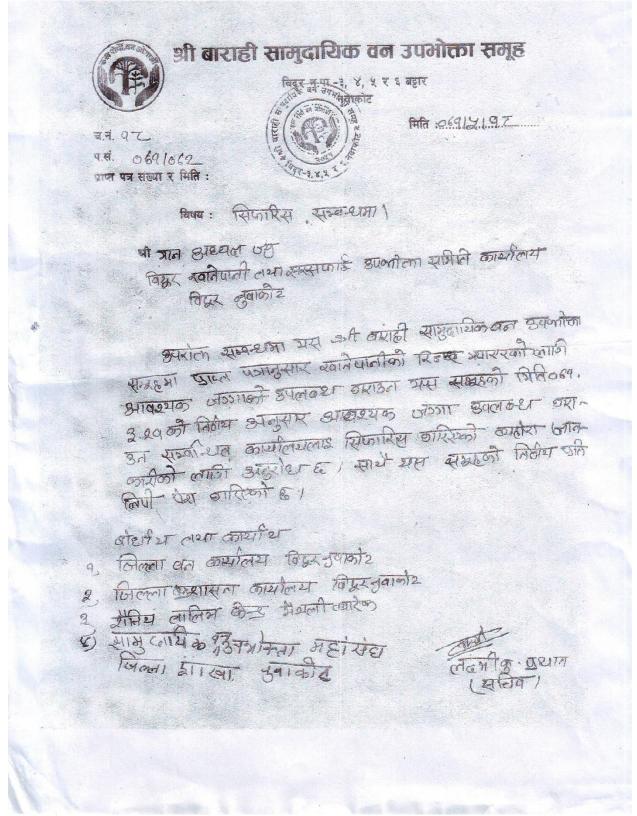
Land ownership certificate of Bidur Water Supply Users Committee, Parcel no 534 (1 ropani) at Pairebesi Laharepauwa, ward no 5, Laharepauwa VDC, Rasuwa District (Existing WTP at Pairebesi)

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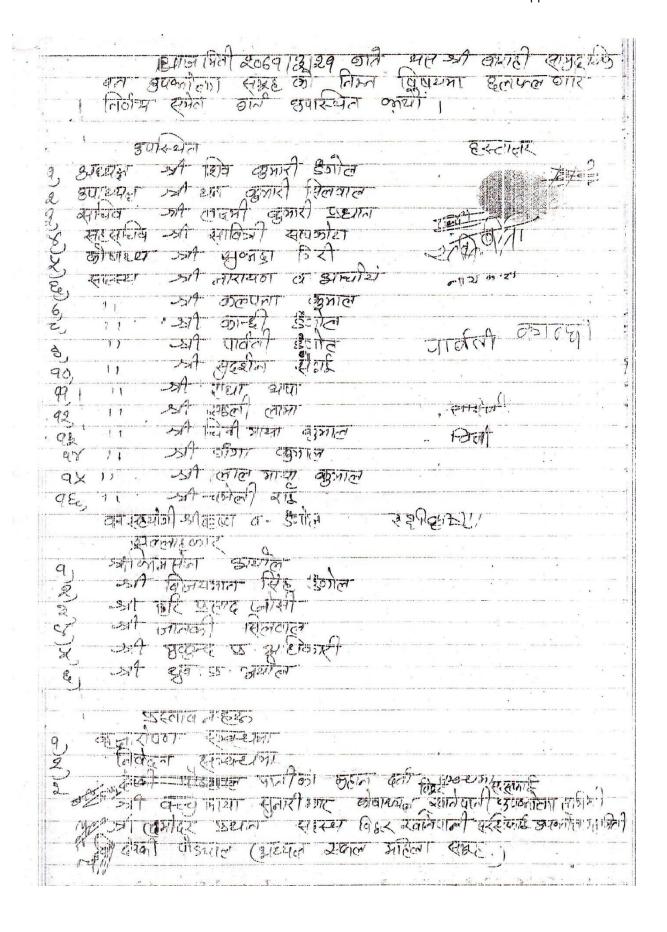
Land ownership certificate of Bidur Water Supply Users Committee, Parcel no 251 (1 ropani, 9 anna and 3 dam), Parcel no 256 (4 anna, 1 paisa and 3 dam), Parcel no 918 (9 anna and 2 dam) at ward no, Jhiling VDC, Nuwakot District (Existing RVT 1 at Nalagaun, Jhiling VDC)

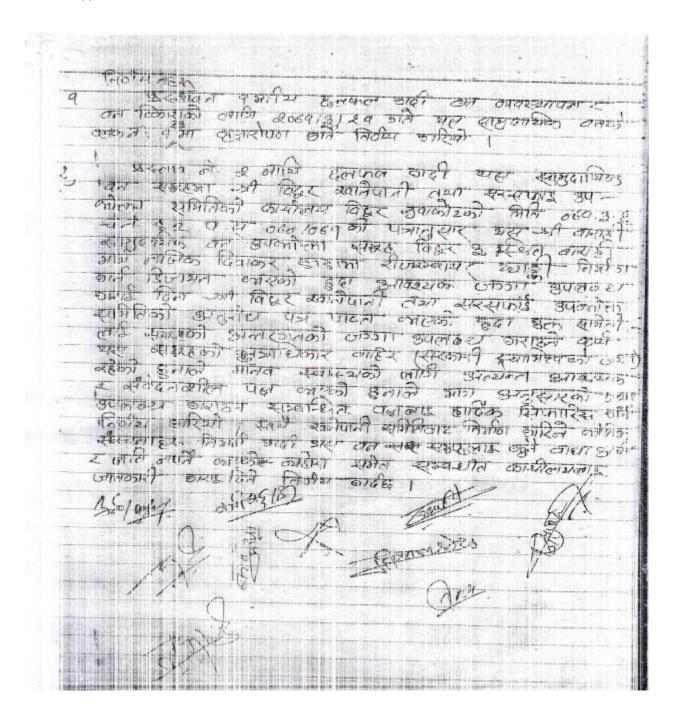


Land ownership certificate of Bidur Water Supply Users Committee, Parcel no 2375 (4 anna and 2 dam at Trishuli ward no 2, Bidur Municipality, Nuwakot District (existing RVT at Trishuli, Bidur, to be integrated with proposed project, no rehabilitation proposed)

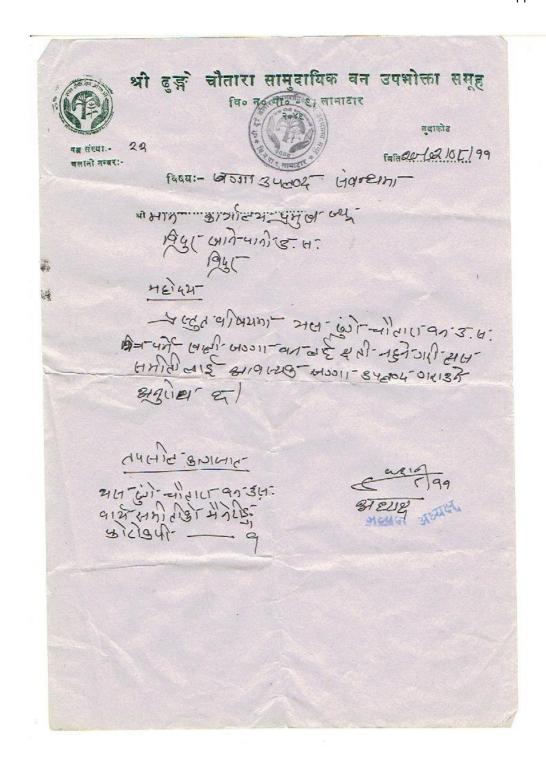


Letter of Consent (LOC) issued by Barahi Community Forest Users Committee to construct water supply related facilities for Bidur water supply project

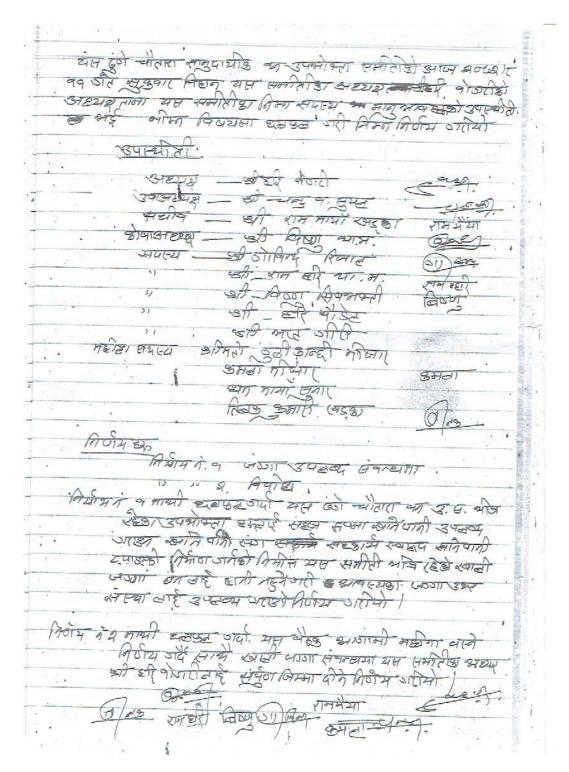




Copy of the minutes of meeting of Barahi Community Forest Users committee members indicating their willingness to provide land required for the construction of water supply facilitiesfor Bidur. Also stated that there will be no impact and loss of income to the forest users committee due to construction works.



Letter of Consent (LOC) issued by Dhunje Chautara Community Forest Users Committee to construct water supply related facilities for Bidur water supply project

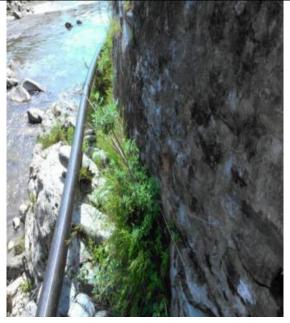


Copy of the minutes of meeting of Dhunge ChautaraCommunity Forest Users committee members indicating their willingness to provide land required for the construction of water supply facilities for Bidur. Also stated that there will be no impact and loss of income to the forest users committee due to construction works.

Appendix2: Photographs



Proposed area for water intake source at Rittha Ghari, Phalakhu river, Gerkhu VDC



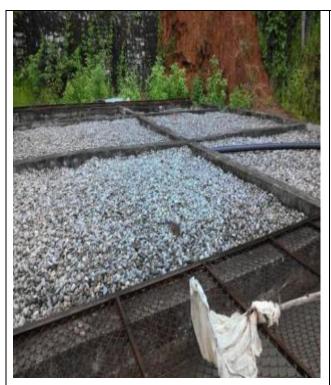
Transmission main from Phalakhu river to Bidur Treatment plant through very difficult terrain



Existing transmission main from Ritha Ghari, Phalakhu river, Gerkhu VDC



Existing reservoir tank at ward no 3, Bidur Municipality



Existing Sedimentation, roughening filter and Slow Sand Filter at ward no 3, Bidur Municipality



New proposed water reservoir, treatment plant and office building site at Barahi Community Forest area at Diwarkar Danda, Batar, ward no 3, Bidur Municipality



Water intake source from Chhahara Khola located in ward no 9, Jiling VDC



Existing reservoirs and treatment plant at Nalagaon, ward no 9, Jiling VDC



FGD with the people of Ward no. 8 & 9 of Bidur Municipality

FGD with the people of Ward no. 8 & 9 of Bidur Municipality



Meeting with Divisional Engineer, WSS DO, Nuwakot district, Executive Officer, Bidur Municipality, WUSC executive members at WSSDO,



Meeting with WUSC executive members and the rep. from WSSDO and Bidur Municipality at WUSC Office, Bidur Municipality.

APPENDIX 3 Unofficial Translation of letters

Unofficial Translation of Land Ownership Certificate Government of Nepal Department of Land Administration Land Ownership Certificate

District	VDC	Ward	Parcel	Description	Landowner Name	Land size sq.	Signature	Remarks
		no	no			m		
Nuwakot	Bidur	1	1829	Cultivated	Bidur Water Supply	127.0		
Nuwakot	Bidur	1	1831	Cultivated	Bidur Water Supply	532.84		
Nuwakot	Laharepauwa	2	534	Cultivated	Bidur Water Supply	508.37		
Nuwakot	Giling	9	251	Cultivated	Bidur Water Supply	794.9		
Nuwakot	Giling	9	256	Cultivated	Bidur Water Supply	141.0		
Nuwakot	Giling	9	916	Cultivated	Bidur Water Supply	290.1		

Shree Barahi Community Forestry Users Group Bidur Municipality

Dispatch no.18 Letter no.071/072

Subject: Recommendation

To, The Chairperson Bidur Water Supply and Sanitation Users Committee, Bidur, Nuwakot

In response to the letter received from WUSC for the request of land on order to construct of water supply components, we the executive member executive members of Forest Users Committee conducted meeting dated on 2071-3-21 and decided to provide Right of Use required land for the construction of water supply components to the Water users Committee.

CC

- 1 District Forest Office Bidur Nuwakot
- 2 District Administration office, Nuwakot
- 3 Education Training Center, Nuwakot
- 4 Federation Community Forest Users Committee, district chapter Nuwakot

Chairperson

Dhunge Chautara Community Forestry Users Group Bidur Municipality, Lamatar

Dispatch no.22 Letter no.071/072

Subject: Recommendation

To, The Chairperson Bidur Water Supply and Sanitation Users Committee, Bidur, Nuwakot

Dear Sir,

The Dhunge Chautara Community Forestry executive committee has decided to provide the required land for the construction of water supply components to Bidur Water Supply and Sanitation Committee.

Details
Minuet of Community Forestry Users Group

Chairperson