

DEPARTMENT OF WATER AND SANITATION

NO. 465

22 APRIL 2016

LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR IRRIGATION AND URBAN PURPOSES FROM THE OHRIGSTAD AND MKHOMBO/RHENOSTERKOP AND BUFFELSKLOOF SUBSYSTEMS/DAMS AND CATCHMENTS IN MPUMALANGA PROVINCE

I, **Sifiso Mkhize**, in my capacity as Director General (Acting) of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage exists in the Elands River upstream of the Mkhombo Dam catchment as well as within the Ohrigstad River catchment and the Buffelskloof Dam catchment due to insufficient rains and that it is necessary to limit the taking of water from Mkhombo/Rhenosterkop Dams, Ohrigstad Dam and the Buffelskloof Dam catchments.

The Minister of Water and Sanitation may in terms of item 6 (1) of Schedule 3 to the Act limit the use of water in the area concerned if the Minister on reasonable grounds believes that a water shortage exists within the area concerned. This power has been delegated to me in terms of section 63 (1) (b) of the Act.

Therefore in my capacity as the Director General (Acting) of the Department of Water and Sanitation, I hereby under delegated authority in terms of item 6 (1) of Schedule 3 to the Act limit the taking of water from the Mkhombo/Rhenosterkop Dam, Ohrigstad Dam and the Buffelskloof Dam catchments by all users as follows-

- 1. Mkhombo/Rhenosterkop Dam** and Elands River Catchment upstream and downstream of the Mkhombo/Renosterkop Dam up to the confluence with Olifants River -
 - (a) 20% restriction on the water usage of 23.68 million m³/a for domestic use
 - (b) 40% restriction on irrigation abstraction
- 2. Ohrigstad Dam -**
 - (a) 90 %restriction on the usage of 81 million m³/a for irrigation use
- 3. Buffelskloof Dam –**
 - (a) 35 % restriction on registered use of 11.04 million m³/a for irrigation.


The limitations apply from the date of this until further notice.

In exercising the powers, I have given preference to the maintenance of the Reserve, treated all water users on a basis that is fair and reasonable, considered the actual extent of the water shortage, the likely effects of the shortage on the water users, the strategic importance of any water use and any water rationing or water use limitations by a water services institution having jurisdiction in the are concerned under the Water Services Act 108 of 1997.

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Placing limitation on the taking of water use as set out in this notice is an administrative action affecting the rights of the public as contemplated in section 4 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). After I have taken into consideration all relevant factors, including those referred in section 4 (4) (b), I have decided that it is reasonable and justifiable in the circumstances to depart from the requirements referred to in section 4 (1) (a) to (e), (2) and (3) and instituted this limitation without allowing the water users affected and other role players to comment on the matter before I institute the limitation.

This notice overrides any other previous authorization on water restrictions issued by the Department relating to this area.


DIRECTOR-GENERAL: (Acting)
DATE: 25/02/2016