

DEPARTMENT OF WATER AND SANITATION

NO. 959

26 AUGUST 2016

CALEDON MODDER SUBSYSTEM – LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR URBAN AND IRRIGATION PURPOSES FROM THE DAMS WITHIN THE CALEDON-MODDER SUBSYSTEM

I, **Sifiso Mkhize**, in my capacity as Director General of the Department of Water and Sanitation, on reasonable grounds believe that a potential water shortage exists in the Caledon Modder subsystem. This is due to insufficient rains and infrastructural constraint that is limiting transfer capacity from the Caledon to the Modder sub-system.

In terms of Item 6(1) of Schedule 3 to the Act, the Minister of Water and Sanitation may limit the use of water if on reasonable grounds the Minister 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 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 Caledon-Modder subsystem by all users as follows:

- a) 30% restriction on water use for Domestic and Industrial supply to the Mangaung Metropolitan Supply area (including other small towns supplied from Caledon-Modder subsystem), and the towns of Ladybrand within the Mantsopa Municipality and Ficksburg within the Setsoto Municipality as well as Fouriesburg within the Dihlabeng Municipality.
- b) 75% restrictions on the use of water for Irrigation purposes in the Modder River sub-catchment upstream of Maselspoort Dam.
- c) 75% restrictions on the use of water for Irrigation purposes in the Caledon and Little Caledon River sub-catchment upstream of Welbedacht Dam.
- d) 100% restriction on the use of water for Irrigation purposes in the Caledon and Little Caledon River sub-catchment upstream of Welbedacht Dam when water is released from the Lesotho Highlands Water Project.

The limitations apply from the date of this notice 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 area concerned under the Water Services Act 108 of 1997.

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) PAJA, 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) of PAJA 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.


ACTING DIRECTOR-GENERAL:
DATE: 19/07/2016