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GOVERNMENT NOTICE

DEPARTMENT OF WATER AFFAIRS

No. 709

12 August 2010

NATIONAL WATER ACT, 1998

NOTICE REQUIRING PERSONS TO APPLY FOR A WATER USE LICENCE IN TERMS OF SECTION 43(1) OF THE NATIONAL WATER ACT FOR THE PURPOSE OF COMPULSORY LICENSING

The Acting Director-General of the Department of Water Affairs, duly authorised in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) ["the Act"] recommended on 26 July 2010 that it is desirable that within the Mhlathuze Catchment, KwaZulu-Natal geographic area, the provisions relating to compulsory licensing be brought into effect for all persons who wish to use water in respect of one or more of the following:

Section 21(a) taking water from surface- and groundwater resources;

(b) storage of water; and

(d) engaging in a stream flow reduction activity as contemplated in section 36 (afforestation).

This is due to the following reasons -

(a) to achieve a fair allocation of water from a water resource in accordance with section 45 -

(i) which is under water stress; or

(ii) when it is necessary to review prevailing water use to achieve equity in allocations;

(b) to promote beneficial use of water in the public interest;

(c) to facilitate efficient management of the water resource; or

(d) to protect water resource quality.

Therefore, I, Thys Badenhorst, in my capacity as Acting Chief Director: KwaZulu-Natal Region of the Department of Water Affairs and duly authorised, request that in terms of section 43(1) of the Act that all persons who wish to use water from one or more water resources under the afore-mentioned section 21 water uses within the Mhlathuze Catchment geographic area set out below must submit a completed licence application

for such water use no later than **60 days from the date of this Notice.**

All water users who use falls within an existing lawful water use in terms of section 32 of the Act must also submit a licence application.

Water users who exercise an entitlement in terms of general authorisation No 399 as published in the *Government Gazette* 26 March 2004 must also apply for a licence.

Water users who have been issued with a licence in respect of any of the aforementioned water uses in terms of the Act within the Mhlathuze Catchment geographic area need not re-apply for a licence, but must submit to either of the addresses below, a copy of their licence.

The Mhlathuze Catchment geographic area, as indicated in Annexure 1, consists of the following areas:

The Mhlathuze catchment is 4 209 km² in size and has three major towns: Richards Bay, Empangeni and Melmoth. There are several smaller towns in the catchment including Nseleni, kwaMbonambi, Felixton, Nkandla and Babanango. The catchment lies within the Uthungulu District Municipality and includes the uMhlathuze, Mthonjaneni, and Nkandla Municipalities.

Licence application forms can be obtained from:

- (i) Mr Ridthwan Alli

The KZN Regional Office situated at:

10th Floor, Southern Life Building

88 Joe Slovo Street (Field St)

Durban

4000

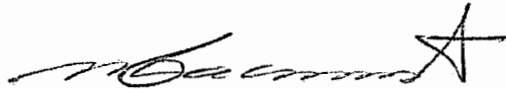
- (ii) Pre-printed and new application forms will be made available at various workshops and from the irrigation boards or water user association offices within the catchment.
- (iii) All queries regarding the application forms should be directed to Mr Musa Khathi, Department of Water Affairs: khathim@dwa.gov.za or 031 336 2842 or 079 519 9315.

- (iv) All licence applications must be filled in the form and contain the information determined by the responsible authority and must contain a licence fee of R 114.00, which fee includes VAT.

Completed licence application forms must be submitted:

- (i) to the KZN DWA Regional Office;
- (ii) to irrigation board or water user association offices; or
- (iii) during the workshops where assistance will be provided to fill in the forms and address queries.

After the closing date for the submission of the licence applications, all the applications will be evaluated in terms of section 45(1) of the Act and a proposed allocation schedule reflecting the quantity of water to be assigned or allocated from the water resource(s) will be published in the *Gazette* inviting written objections.



ACTING CHIEF DIRECTOR: KwaZulu-Natal Region

Date: 2/8/2010