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CONTENTS • INHOUD

No.

Page
No. Gazette
No.**GOVERNMENT NOTICE****Water Affairs, Department of***Government Notice*

786	National Water Act, 1998: Upper Vaal Water Management Area: Limiting and prohibiting the use of water in terms of Item 6 of Schedule 3 to the Act for agricultural purposes from the Liebenbergsvlei River	3	35721
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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF WATER AFFAIRS DEPARTEMENT VAN WATERWESE

No. 786

28 September 2012

UPPER VAAL WATER MANAGEMENT AREA: LIMITING AND PROHIBITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 TO THE NATIONAL WATER ACT OF 1998 FOR AGRICULTURAL PURPOSES FROM THE LIEBENBERGSVLEI RIVER

It is necessary to shut down the Lesotho Highlands Water Project tunnel system for required inspection and maintenance during the months of October and November 2012.

I, Maxwell Sirenya, in my capacity as the Director General of the Department of Water Affairs, on reasonable grounds believes that a water shortage is about to occur due to this shut down and that it is necessary to limit and prohibit the taking of water from the Liebenbergsvlei River during the period of shutdown within the following area: The farms riparian to the Liebenbergsvlei River from the Sol Plaatjie Dam wall to the confluence of the Liebenbergsvlei River with the Wilge River (the area concerned). This area is situated within the Upper Vaal Water Management Area.

As no catchment management agency has been established for the Upper Vaal Management Area, all powers and duties of the catchment management agency in this area vests in terms of section 72(1) of the National Water Act of 1998 (Act 36 of 1998) (Act) in the Minister of Water and Environment Affairs.

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

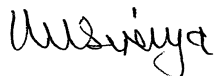
Therefore in my capacity as the Director General of the Department of Water Affairs, I hereby under delegated authority in terms of item 6(1)(i) of Schedule 3 to the Act limit and prohibit the taking of water from the Liebenbergsvlei River within the area concerned as follows:

1. The prohibition and limitation applies from 1 October 2012 until 30 November 2012.
2. The prohibition and limitation terms of this notice applies only to the taking of water as contemplated in section 21(a) of the Act for agricultural purposes from the Liebenbergsvlei River within the area concerned, and "agricultural purposes" means the use of water for the irrigation of land.
3. No water may be taken from the Liebenbergsvlei River for any agricultural purpose between 18:00 on a Friday until 06:00 on the Monday succeeding that Friday.
4. From 1 October 2012 to 5 October 2012, 15 October 2012 to 19 October 2012, 29 October 2012 to 2 November 2012, 12 November 2012 to 16 November 2012 and 26 November 2012 to 30 November 2012 water may be taken as follows:

- a. water users on the left banks of the Liebenbergsvlei River may from 06:00 to 18:00 on Mondays, Wednesdays and Fridays take water for agricultural purposes; and
 - b. water users on the right banks of the Liebenbergsvlei River may from 06:00 to 18:00 on Tuesdays and Thursdays take water for agricultural purposes.
5. From 8 October 2012 to 12 October 2012, 22 October 2012 to 26 October 2012, 5 November 2012 to 9 November 2012 and 19 November 2012 to 23 November 2012 water may be taken as follows:
- a. water users on the right banks of the Liebenbergsvlei River may from 06:00 to 18:00 on Mondays, Wednesdays and Fridays take water for agricultural purposes; and
 - b. water users on the left banks of the Liebenbergsvlei River may from 06:00 to 18:00 on Tuesdays and Thursdays take water for agricultural purposes.
6. Water may only be taken with waterworks as they were in operation on 28 September 2012.
7. Left bank of the river is defined as the left side of a person, if that person looks in the direction the water flows in a river concerned.

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 (act 108 of 1997).

Placing the limitation and prohibiting the taking of water 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 (Act 3 of 2000) (PAJA). After I have taken into consideration all relevant factors, including those referred to 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 and prohibition without allowing the water users affected and other role players to comment on the matter before I institute the limitation and prohibition. The required inspection and maintenance of the tunnel commence during October 2012 and this does not allow enough time for the water users affected and other role players to comment on the matter before the required inspection and maintenance of the tunnel system commence.



MAXWELL SIRENYA
DIRECTOR GENERAL: DEPARTMENT OF WATER AFFAIRS

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