

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
DEPARTEMENT VAN WATERWESE EN BOSBOU**

No. 177

14 March 2014

**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, **Trevor Balzer**, in my capacity as Director General (Acting) of the Department of Water Affairs, on reasonable grounds believe that a water shortage exists in the Caledon Modder subsystem especially in the Modder River catchment. This is due to insufficient rains and infrastructural constraint that are limiting transfer capacity from the Caledon to the Modder sub-system.

The Minister of Water and Environmental Affairs may in terms of item 6(1) of Schedule 3 to the National Water Act of 1998 (Act No. 36 of 1998)(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 Affairs, 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) 15% restriction on water use for Domestic and Industrial supply to the Mangaung Metropolitan Supply area; and
- b) 50% restrictions on the use of water for Irrigation purposes in the Modder River sub-catchment upstream of Maselspoort Dam.

Water for irrigation from the main stem of the Modder River is further limited as follows-

- a) No water may be taken from the Modder River for any agricultural purpose between 18h00 on a Friday until 06h00 on the Monday succeeding that Friday;
- b) Please take note that starting from the date of this notice-
 - (i) water users on the left bank of the Modder River may from 06h00 to 18h00 take water on Monday, Wednesday and Friday; and
 - (ii) in the same week the water users on the right side of the Modder River may from 06h00 to 18h00 only take water on Tuesday and Thursday.

c) The following week from notice-

- (i) water users on the right bank of the Modder River may from 06h00 to 18h00 take water on Monday, Wednesday and Friday; and
- (ii) in the same week the water users on left side of the Modder River may from 06h00 to 18h00 only take water on Tuesday and Thursday.

d) This arrangement should be followed in the same pattern of interchanging weeks until further notice is issued;

e) Water may only be taken with waterworks as they were in operation on 1 November 2013; and

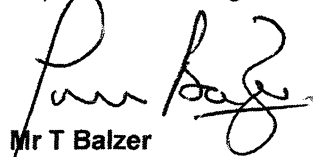
f) A left bank of the river is defined as the left side of a person, if that person looks in the direction the water flows in a river concerned.

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) of 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.



Mr T Balzer
DIRECTOR GENERAL (ACTING)

DATE: 31/01/2014