

**DEPARTMENT OF WATER AND SANITATION
DEPARTEMENT VAN WATER EN SANITASIE**

No. 594

1 August 2014

**LITTLE CALEDON RIVER AND CALEDON RIVER – LIMITING THE USE OF WATER IN
TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR
IRRIGATION PURPOSES FROM THE LITTLE CALEDON RIVER AND CALEDON RIVER**

I, **Trevor Balzer**, in my capacity as Director General (Acting) of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage exists within the Caledon River. In order to manage and to secure the water released from the Lesotho Highlands Water Project tunnel system to Welbedacht Dam it is necessary to limit the taking of water from the Little Caledon River and Caledon River, upstream of Welbedacht Dam, for agricultural purposes.

In terms of Item 6(1) of Schedule 3 to the National Water Act 36 of 1998 (the Act), the Minister of Water and Sanitation may limit or prohibit 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 (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 Little Caledon River and Caledon Rivers by all agricultural users with effect from 28 July 2014 until 22 August 2014.

This notice applies only to the taking of water as contemplated in section 21(a) of the Act.

No water may be taken from the Little Caledon River and Caledon River for any agricultural purpose between 18h00 on a Friday until 06h00 on the Monday succeeding that Friday.

From 28 July 2014 to 1 August 2014, and 11 August 2014 to 15 August 2014 water may be taken as follows:

- (a) water users on the left banks of the Little Caledon River and Caledon River may from 06h00 to 18h00 on Mondays, Wednesdays and Fridays take water for agricultural purposes; and
- (b) water users on the right banks of the Little Caledon River and Caledon River may from 06h00 to 18h00 on Tuesdays and Thursdays take water for agricultural purposes.



From 4 August 2014 to 8 August 2014 and 18 August 2014 to 22 August 2014 water may be taken as follows:

- (c) water users on the right banks of the Little Caledon River and Caledon River may from 06h00 to 18h00 on Mondays, Wednesdays and Fridays take water for agricultural purposes; and
- (d) water users on the left banks of the Little Caledon River and Caledon River may from 06h00 to 18h00 on Tuesdays and Thursdays take water for agricultural purposes.

Water may only be taken with waterworks as if they were in operation on 28 August 2014. 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 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 and prohibition without allowing the water users affected and other role players to comment on the matter before I institute the limitation and prohibition.

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



DIRECTOR-GENERAL (Acting)

DATE: 18/07/2014