

EXTRAORDINARY



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[No. 2038.

DEPARTMENT OF THE PRIME MINISTER.

No. 570.]

[10th April, 1968.

It is hereby notified that the Acting State President has assented to the following Acts which are hereby published for general information:—

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No. 34 of 1968: Waterval River (Lydenburg) Act, 1968 41

No. 34, 1968.]

ACT

To annul an order made by the water court for Water Court District No. 22 relating to the definition and recording of rights to the use of the water of the Waterval River, in the district of Lydenburg, Transvaal; to provide for the supply and distribution of water from the said river under sections 56 (3) and 62 (1) of the Water Act, 1956; and to provide for other incidental matters.

*(English text signed by the Acting State President.)
(Assented to 27th March, 1968.)*

WHEREAS the Waterval River irrigation district and board were established by Proclamation No. 287 of 1949:

AND WHEREAS there is at present in force an order made by the water court for the Water Court District No. 22 on the seventh day of October, 1918, in the matter of the application of T. H. Byrne relating to the definition and recording of rights to the use of the water of the Waterval River in the district of Lydenburg, Transvaal:

AND WHEREAS the existing supply of water which can be obtained from the said Waterval River without additional storage is insufficient to meet the requirements of riparian owners:

AND WHEREAS the Minister of Water Affairs has prepared a scheme for the construction of a major storage dam in the said Waterval River and is investigating the possibility and advisability of the construction of further storage dams on the river with a view to supplementing the water available for use by riparian owners and to placing existing development on a sound and economic basis:

AND WHEREAS it is necessary that the said order of court be annulled in order to enable the said Minister to control the abstraction, distribution or use of the water available in the said river and of the additional water which will become available as a result of the construction of the said storage dam:

AND WHEREAS it is expedient to provide for the basis on which permits are to be issued under section 62 (1) of the Water Act, 1956:

AND WHEREAS it is expedient to provide for the application of section 56 (3) of the said Act to water flowing or found in or derived from the said river:

AND WHEREAS it is expedient to provide for other incidental matters:

BE IT THEREFORE ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context indicates otherwise—

Definitions.

"irrigation district" means the Waterval River irrigation district established by Proclamation No. 287 of 1949;

"Water Act" means the Water Act, 1956 (Act No. 54 of 1956);

"Waterval River" means the Waterval River in the district of Lydenburg, Transvaal,

and any other expression to which a meaning has been assigned in the Water Act bears, when used in this Act, the same meaning.

2. The order made by the water court for the Water Court District No. 22 on the seventh day of October, 1918, in the matter of the application of T. H. Byrne relating to the definition and recording of rights to the use of the water of the Waterval River, shall cease to be of force and effect. Annulment of water court order.

3. (1) The owner of any piece of land appearing in the schedule of rateable areas for the irrigation district, shall be entitled to a permit to be issued by the Minister on such conditions as he may deem fit to impose, to enable such owner annually to abstract, impound or store from the Waterval River such quantity of water as the Minister may consider sufficient for the irrigation of each morgen of such piece of land scheduled in terms of section 88 (1) (b) (ii) of the Water Act at the date on which the irrigation district became part of a Government water control area. Permits under section 62 (1) of Water Act.

(2) Any permit issued under subsection (1) shall be deemed to have been issued under section 62 (1) (b) of the Water Act.

4. In the Government water control area in which the irrigation district falls, all water flowing or found in or derived from the Waterval River shall for the purposes of section 56 (3) of the Water Act be deemed to be water in a Government water work. Application of section 56 (3) of Water Act to water flowing or found in or derived from Waterval River.

5. This Act shall be called the Waterval River (Lydenburg) Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*, after the Minister has under the provisions of section 56 (1) of the Water Act constructed a storage dam in the Waterval River. Short title and date of commencement.