
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF WATER AND SANITATION

NO. 790

02 SEPTEMBER 2015

LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR IRRIGATION, URBAN, INDUSTRIAL AND MINING PURPOSES FROM THE MUTSHEDZI, NZHELELE, NWANEDZI AND LUPHEPHE, MIDDLE LETABA, NSAMI, MODJADJI AND TZANEEN SUB-SYSTEM /DAMS

I, **Margaret-Ann Diedricks**, in my capacity as Director General of the Department of Water and sanitation, on reasonable grounds believe that a water shortage exists in the Nzhelele River system upstream of the Mutshedzi and Nzhelele dams catchment, the Nwanedzi catchment, Klein Letaba catchment, Molototsi catchment and Tzaneen dam catchment due to insufficient rains and that it is necessary to limit the taking of water from Mutshedzi, Nzhelele, Nwanedi and Luphephe, Middle Letaba, Nsami, Modjadji and Tzaneen sub-system/dams.

The Minister of Water and sanitation may in terms of item 6 (1) of Schedule 3 to 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 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 Mutshedzi, Nzhelele, Nwanedi and Luphephe, Middle Letaba, Nsami, Modjadji and Tzaneen subsystem/dams by all users as follows-

1. From Mutshedzi Dam
 - (a) 35% restriction for domestic use
2. From Nzhelele Dam
 - (a) 10% restriction for irrigation use
3. From Nwanedzi and Luphephe Sub-system/Dams
 - (a) 55% and 50% restriction for irrigation respectively
4. From Middle Letaba Dam
 - (a) 65% restriction for irrigation use
 - (b) Nil restriction for domestic use

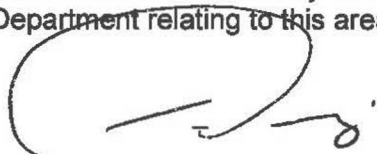
5. From Nsami Dam
 - (a) 60% restriction for irrigation use
 - (b) 20% restriction for domestic use
6. From Modjadji Dam
 - (a) 20% restriction for domestic use
7. From Tzaneen Dam
 - (b) 35% restriction for irrigation use
 - (c) 10% restriction for domestic use

The limitations apply from the date of this notice and will be automatically lifted and or intensified as and when the situation improves or worsens respectively.

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), 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 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.



DIRECTOR GENERAL: DEPARTMENT OF WATER AND SANITATION

DATE: 28 July 2015