

DEPARTMENT OF WATER AND SANITATION

NOTICE 131 OF 2017

NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998)

**REGULATIONS REQUIRING THAT THE TAKING OF WATER FOR IRRIGATION
PURPOSES BE MEASURED, RECORDED AND REPORTED**

The Minister of Water and Sanitation has in terms of section 26 of the National Water Act, 1998 (Act No. 36 of 1998) made the regulations in the Schedule hereto.



NP MOKONYANE

MINISTER OF WATER AND SANITATION

DATE: 09.09.16

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context indicates otherwise:-

“authority” means the water management institution responsible for compliance monitoring and enforcement of the taking of water for irrigation purposes;

“irrigation” means the watering of fields or beds to produce agricultural crops or grazing;

“the Act” means the National Water Act, 1998 (Act No. 36 of 1998);

“water measuring device” means a device which can be used to measure and record the volume of the flow of water in an open channel or a closed conduit; and

“water user” for the purposes of these Regulations means a person or water management institution who takes water from a water resource for the purpose of irrigation.

Objective of Regulations

2. The Regulations prescribe requirements and procedures to be followed to measure the water taken from water resources, including in-stream dams, by water users who are required to measure the water that they take for irrigation purposes.

Application

3. These Regulations apply to all taking of water from a water resource for the purpose of irrigation where the water user is required to measure such water.

Measuring of water use

4. A water user who is required to measure water that is taken from a water resource or who is required to install and operate a water measuring device to measure water taken from a water resource must, at the water user's expense install, maintain and use a water measuring device in compliance with regulation 5.

Installation and use of water measuring devices and record keeping

5. The water user contemplated in regulation 4 must—

(a) in accordance with the requirements and conditions imposed by the authority install a self-registering water measuring device that is suitable for the water to be measured;

(b) install the water measuring device according to the specifications of the supplier of the device;

(c) install the water measuring device in such a manner that the measuring and recording mechanisms thereof are sealed and secured so as to be reasonably free from damage or vulnerability to tampering or sabotage;

(d) operate and maintain the water measuring device in accordance with the requirements and specifications of the supplier thereof and the requirements and conditions required by the authority and keep a record of such operation and maintenance;

(e) record the volumes measured for each calendar month at the end of the month, or at the frequency and times stipulated in the water use authorisation, instruction to measure or other requirement to measure;

(f) keep a record of all the data obtained from the water measuring device, including the volumes recorded in terms of sub-paragraph (e), for at least five years; and

(g) ensure the accuracy of the water measuring device by having its accuracy verified at least once every five years or for such period as required by the manufacturer, whichever is the shortest period, by a person or an institution accredited to verify the accuracy of the device and furnish proof of such verification and the accuracy of the water measuring device to the authority within thirty days after the verification.

Keeping of records

6. A water user must—

(a) keep and store the records referred to in regulation 5(f) safely and securely;

(b) within seven days from the last day of each month, use the records to provide the authority with—

- (i) the measured monthly volume, or
- (ii) the volume for the period and at the times stipulated in the—
 - (aa) water use authorisation;
 - (bb) instruction to measure;
 - (cc) other requirement to measure; and
- (iii) any other information required by the authority,
in a way and a format required by the authority;
- (c) on demand, make the record of the monthly volumes and information provided available to the authority or an authorised person appointed in terms of section 124 of the Act for inspection.

Directive to comply

7. The authority may direct a water user, at the water user's expense, where it has reasonable grounds to believe that the water user is not complying with the provisions of regulation 5, to comply therewith and furnish proof of such compliance to the satisfaction of the authority within one month of the date of receipt of the directive.

Directive to have accuracy of water measuring devices verified

8. In addition to the compulsory period mentioned in regulation 5(g), the authority may at any time, on reasonable grounds, direct a water user, at the water user's expense, to have the accuracy of the water user's water measuring device verified, by a person or an institution accredited to verify the accuracy and to furnish proof of such

verification and the accuracy of the water measuring device to the authority within thirty days of the directive.

Offences

9. Any water user who negligently or intentionally—
- (a) fails to comply with the provisions of regulation 4, 5 or 6(b) and (c); or
 - (b) fails to comply with any directive issued in terms of regulation 7 or 8;
- is guilty of an offence.

Maximum penalties

10. On conviction of any offence contemplated in regulation 9, the water user is liable to a fine or imprisonment for a period not exceeding five years.

Short title

11. The Regulations are called the Regulations Requiring that the Taking of Water for Irrigation Purposes be Measured, Recorded and Reported.