

## DEPARTMENT OF WATER AND SANITATION

NO. 5223

20 September 2024

**VAAL-ORANGE WATER MANAGEMENT AREA – UPPER VAAL CATCHMENT: PROHIBITING AND LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 TO THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) FROM THE ASH AND THE LIEBENBERGSVLEI RIVERS FOR AGRICULTURAL PURPOSES DURING THE MONTHS OF OCTOBER 2024 TO MARCH 2025**

It is necessary to shut down the Lesotho Highlands Water Project tunnel system for the required inspection and maintenance during the months of October 2024 to March 2025.

I, Dr. Sean Phillips, in my capacity as Director-General of the Department of Water and Sanitation (DWS), on reasonable grounds, believe that a water shortage is about to occur due to the above-mentioned shutdown and that it is necessary to limit and prohibit the taking of water from the Ash River and the Liebenbergsvlei River during the period of the shutdown within the following areas: the farms riparian to the Ash River from the Lesotho Highlands Water Project outfall near Clarens, to the confluence of the Ash with the Liebenbergsvlei rivers at Sol Plaatjie Dam wall, up to the confluence of the Liebenbergsvlei River with the Wilge River (the area concerned). This area is situated within the Upper Vaal catchment of the Vaal-Orange Water Management Area.

The establishment of the Vaal-Orange Catchment Management Agency (CMA) was gazetted through Government Gazette 47559 dated 25 November 2022, but the Chief Executive Officer has not yet been appointed, therefore, all powers and duties of the CMA in this area vests in terms of Section 72(1) of the National Water Act of 1998 (Act 36 of 1998) in the Minister of DWS.

The Minister of Water and Sanitation may in terms of item 6 (1)(i) of Schedule 3 to the Act limit and prohibit the use of water in the area concerned if the Minister on reasonable grounds believes that a water shortage exists or is about to occur within the area concerned. This power has been delegated to me in terms of section 63 (1) (b) of the National Water Act, 1998 (Act 36 of 1998).

Therefore, in my capacity as the Director-General of the DWS hereby under delegated authority in terms of 6 (1)(i) of Schedule 3 to the Act limit and prohibit the use of water in the area concerned during the months as follows:


1. The limitation and prohibition of the taking of water from the Ash and the Liebenbergsvlei rivers apply from 01 October 2024 to 31 March 2025.
2. The limitation and prohibition terms of this notice applies only to the taking of water as contemplated in section 21(a) of the Act for agricultural purposes from the Ash and the Liebenbergsvlei rivers apply within the area concerned, and "agricultural purposes" means the use of water for the irrigation of land.
3. No water may be taken from the Ash and the Liebenbergsvlei rivers for any agricultural purposes between 06h00 on a Saturday until 06h00 on a Monday succeeding that Saturday.
4. Other water users who may be affected by the limitation and prohibition terms of this notice are the hydropower stations and local municipalities along the Ash and the Liebenbergsvlei rivers within the area concerned. Consultations with these users are ongoing.

5. From 1 October 2024 to 31 March 2025 water may be taken as follows:
  - a. Water users on the left banks of the Ash and the Liebenbergsvlei rivers may, from 06h00 to 06h00 on Monday, Tuesday and Wednesday, take water for agricultural purposes,
  - b. Water users on the right banks of the Ash and the Liebenbergsvlei rivers may, from 06h00 to 06h00 on Wednesday, Thursday and Friday, take water for agricultural purposes.
6. 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 the river concerned.
7. Municipalities affected by the outage are urged to use water sparingly and minimize water losses during this period by implementing water conservation and water demand management measures.

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 water 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 (Act 108 of 1997).

Placing the limitation and prohibiting the taking of water 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 (Act 3 of 2000) (PAJA). After taking into consideration all relevant factors, including those referred to 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 and prohibition without allowing the water users affected and other role players to comment on the matter before I instituted the limitation and prohibition.

The required inspection and maintenance of the tunnel commence during October 2024 and allows enough time for users affected and other role players to comment on the matter before the required inspection and maintenance of the tunnel commence.

  
**DIRECTOR-GENERAL**  
DATE: 12/09/24