

DEPARTMENT OF WATER AND SANITATION

NO. 2642

14 October 2022

**CALEDON-MODDER SUBSYSTEM – LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR URBAN AND IRRIGATION PURPOSES FROM THE DAMS WITHIN THE CALEDON-MODDER SUBSYSTEM**

I, Dr Sean Phillips, in my capacity as Director-General of the Department of Water and Sanitation, on reasonable grounds believe that a potential water shortage exists in the Caledon Modder subsystem, especially in the Modder River catchment. This is due to infrastructural constraint that is limiting transfer capacity from the Caledon to the Modder subsystem and an imbalance between the supply and demand imposed on the subsystem.

In terms of Item 6(1) of Schedule 3 to the Act, the Minister of Water and Sanitation may limit 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 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 Caledon-Modder Subsystem by all users as follows:

- a) No water use restrictions will apply from 1 May 2022 when the combined storage level of the Caledon-Modder Subsystem is above 95%.
- b) 15% restriction on water use for Domestic and Industrial supply to the Mangaung - Metropolitan Supply area when the combined storage level of the Caledon-Modder Subsystem is below 95%.

The limitations apply from the date of this notice until further notice.

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.

  
**Dr Sean Phillips**  
**DIRECTOR-GENERAL**  
DATE: 10/04/22