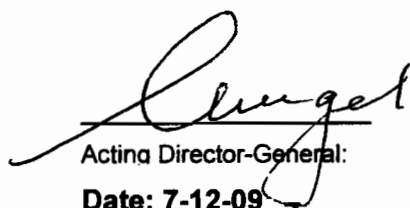


No. 1199

18 December 2009

**REPLACEMENT OF GENERAL AUTHORISATION IN TERMS OF SECTION 39 OF THE NATIONAL
WATER ACT, 1998 (ACT NO. 36 OF 1998)**

I, Nobubele Ngele in my capacity as Acting Director-General of the Department of Water Affairs and duly authorised in terms of section 63 of the Act, do hereby replace from 1st January 2010 the general authorisation contained in Schedules 1 and 2 of Government Notice No. 398 dated 26 March 2004 published in Government Gazette No 26187 in respect of section 21(c) and (i) of the Act as set out in the Schedule hereto.



Acting Director-General:
Date: 7-12-09

SCHEDULE**IMPEDING OR DIVERTING THE FLOW OF WATER IN A WATERCOURSE****[Section 21(c)]****and****ALTERING THE BED, BANKS, COURSE OR CHARACTERISTICS OF A WATERCOURSE****[Section 21(i)]****Purpose of Notice**

1. This Notice replaces Government Notice No. 398 dated 26 March 2004 as published in Government Gazette No 26187 for water use 21(c) and (i) as set out in this Notice, but does not exempt the water user from compliance with any other provision of the Act or from any other applicable legislation, regulation, ordinance or by-law.

Definitions

2. In this Notice any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, and unless the context otherwise indicates—

"altering the bed, banks, course or characteristics of a watercourse" means any change affecting the resource quality within the riparian habitat or 1:100 year floodline, whichever is the greater distance at the date of commencement of this Notice;

"diverting the flow" means a temporary or permanent structure causing the flow of water to be rerouted in a watercourse for any purpose;

"impeding the flow" means the temporary or permanent obstruction or hindrance to the flow of water in a watercourse by a structure built either fully or partially in or across a watercourse;

"mine" means any "mine" as defined in the Mineral and Petroleum Resources Act, 2002 (Act No. 28 of 2002);

"mining operations" means any "operation" as defined in the Mineral and Petroleum Resources Act, 2002 (Act No. 28 of 2002);

"activity" means any "activity" as defined in Government Notice No. 704 published in Government

Gazette No. 20119 dated 4 June 1999;

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

“water user” means the person contemplated in paragraph 5 of this Notice.

Duration of Notice

3. This Notice is valid from the 01 January 2010 for a period of 20 (twenty) years unless—
- (a) the period is extended for a further period by a Notice in the *Gazette*;
 - (b) it is replaced by another general authorisation; or
 - (c) the water user is required to apply for a licence in terms of the Act.

Area of applicability of Notice

4. This Notice applies throughout the Republic of South Africa except in the areas set out in Table 1 below.

TABLE 1. Areas excluded from Notice

PRIMARY DRAINAGE REGION	AREA
C (for section 21(c) of the Act)	Vaal River downstream of the Kimberley waterworks to the confluence with the Orange River
C (for section 21(i) of the Act)	Riet River downstream of Kalkfontein Dam to Vaal River confluence
D (for section 21(i) of the Act)	The whole of the Kraai River
D (for section 21(c) and (i) of the Act)	Lower Orange River downstream of the Augrabies Falls in respect of mines, mining operations and activities
A & D41A (for section 21(c) and (i) of the Act)	Crocodile (West) & Marico WMA
C (for section 21(i) of the Act)	Harts River upstream of the Taung Dam in the Middle Vaal WMA

NOTE: Information regarding the drainage regions is available on the Department's website <http://www.dwaf.gov.za> under the National Water Resource Strategy