



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

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AMENDMENT OF A LICENCE IN TERMS OF SECTION 52 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998)

I, **Trevor Balzer**, in my capacity as the Acting Director-General of the Department of Water Affairs, acting under authority of the powers delegated to me by the Minister of Water and Environmental Affairs, do hereby authorise the amendment as agreed with the Licensee, of Licence No 01/A42G/A/743 dated 30 June 2011 in terms of section 52 of the NWA.

SIGNED: Trevor Balzer

DATE: 28/10/2011

The licence is hereby amended to read as follows:

LICENCE NO. 01/A42G/A/743

File No. 27/2/2/A42G

1. **Water User:** Registered Name of Licensee:
Eskom Holdings SOC Limited
P.O. Box 1091
Johannesburg
2000

2. **Water Use**
Section 21(a) of the NWA: The taking of raw water from the Mokolo Dam, subject to the conditions set out in Appendices I and II below.

3. **Licence duration and review period**
This licence is valid for a period of forty (40) years from the date of issuance and it may be reviewed every five (5) years.

4. **Definitions and Interpretation**
All the terms, words and expressions defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence. In this licence, unless the context indicates otherwise, the words and expressions shall have the following meanings:

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"Department"	means the Department of Water Affairs;
"Director: Northern Operations"	means the Director: Northern Operations of the National Water Resources Infrastructure Branch in the Department;
"Licensee"	means the legal entity to which this licence is issued, as stipulated in item 1 above;
"Minister"	means the Minister of Water and Environmental Affairs;
"NWA"	means the National Water Act, 1998 (Act 36 of 1998), as amended from time to time;
"Regional Head"	means the Chief Director: Limpopo Region of the Department; and
"WC/WDM"	means Water Conservation and Water Demand Management, a process prescribed and monitored by the Department.

CONDITIONS TO THIS LICENCE

APPENDIX I

General conditions

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or legal entity.
3. The Licensee must immediately inform the Regional Head of any change of name, address, premises or legal status.
4. While effect must be given to the Reserve as determined in terms of the NWA, where a desktop determination of the Reserve has been used in issuance of a licence, when a comprehensive determination of the Reserve has finally been made, it shall be given effect to.
5. When compulsory licensing is implemented for the water resource in respect of which this licence was issued, the water use authorized in this licence could be subject to appropriate reduction.
6. The licence shall not be construed as exempting the Licensee from compliance with the provisions of any other applicable act, ordinance, regulation or by-law.
7. The licence and amendments to this licence are also subject to all the applicable procedural requirements and other applicable provisions of the NWA, as amended from time to time.
8. The Licensee must conduct an annual internal audit on compliance with the conditions of this licence. A report on the audit must be submitted to the Regional Head within one month of the finalization of the audit.
9. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within 3 (three) months of the date on which this amendment was issued and a report on the audit shall be submitted to the Regional Head within one month of finalisation of the report.
10. Any incident that causes or may cause water pollution shall be reported within 24 hours to the Regional Head or his/her designated representative.
11. The Licensee must establish and implement a continuous process of raising awareness amongst its employees, agents and stakeholders for the need for WC/WDM.
12. The Licensee must apply water conservation measures to meet all requirements in terms of WC/WDM guidelines of the responsible authority, and the Licensee must investigate new and emerging technologies and implement water use efficiency methods and devices where



possible or apply techniques for the re-use of water containing waste, in an endeavour to conserve water at all times.

13. Where necessary, notices prohibiting unauthorised persons from entering certain areas, as well as internationally acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence(s) of these areas.

A handwritten signature or set of initials, possibly 'JB', located in the bottom right corner of the page.

APPENDIX II

Conditions specific to section 21(a) of the NWA: Taking water from a water resource

1. Any water use entitlements to the Licensee pertaining to the taking of water in terms of Permit No. 82/144/90 issued on 5 December 1990 to Yskor Beperk, is hereby repealed.
2. The Licensee is hereby authorised to take a maximum volume of **14 500 000 m³/year** (fourteen million five hundred thousand cubic metres per year) of raw water from Mokolo Dam. The abstraction point is located at S 23° 58' 55" and E 27° 43' 13" in the A42G quaternary catchment in the Limpopo Water Management Area.
3. The Licensee must continue with its existing arrangement to supply a maximum volume of 600 000 m³/year (six hundred thousand cubic metres per year) of water to the Marapong Township until Lephalale Municipality has received a licence for the taking of raw water from Mokolo Dam. This volume does not form part of the authorisation in condition 2 above.
4. The volume of water referred to in condition 2 above may only be utilised by the Licensee and only for the purpose of power generation activities and matters directly incidental thereto, at its Medupi and Matimba Power Stations.
5. Detailed arrangements for daily and long term water supply operation in terms of the abstraction rates and periods of abstraction from Mokolo Dam should be made with the Director: Northern Operations, or designated representative on a continuous basis, and are subject to his/her prior written approval.
6. The Licensee must install and maintain, monitor and record appropriate water measuring devices to measure the volumes of water abstracted from Mokolo Dam at least complying with the standards of the Department.
7. The Licensee must keep record of all water taken and a copy of such records must be forwarded to the Regional Head at the required intervals.
8. The Licensee must take notice of the fact that water restrictions may be imposed by the responsible authority on the water use of the Licensee as provided for in section 6 of Schedule 3 of the NWA if it believes that a water shortage exist or may occur in the area supplied by the Mokolo Dam, taking into account the resulting impact on the Licensee.
9. The Licensee must pay all water use charges or levies imposed from time to time by a responsible authority in terms of the Pricing Strategy for Raw Water Use Charges, Waste Discharge Charges and Water Resource Management Charge of the Department, or any other water use charges as per water supply agreements or levies that might be imposed in terms of appropriate legislation.
10. The Minister may for good reason change the water resource from which water is made available to the Licensee. The Licensee must further note that the Minister does not guarantee the quality of the water provided and the Licensee must make provision for this aspect in its operations.



11. The Licensee must at its own cost provide for sufficient storage capacity, duly authorised beforehand in terms of the NWA, and maintain it, with a minimum live storage of 18 days of its average annual daily volume of water as authorised in this licence. This storage may only be utilised for emergencies and extended planned maintenance on the bulk water supply system.
12. Additional licence(s) for any other water uses by the Licensee, as defined in section 21 of the NWA must be applied for in good time by the Licensee in order to be considered by the Minister, and only if approved, commencement of the specific other use(s) will be lawful. The unlawful commencement of any water uses by the Licensee may result in this licence being suspended or withdrawn as provided for in the NWA.
13. If a water user association does exist or is established in terms of the NWA to manage water from the relevant water resource from which the Licensee receives or may receive water, membership of the Licensee to this association may be made compulsory by the responsible authority.
14. The Minister accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of:
 - 14.1 shortage of water;
 - 14.2 inundation, flooding or other *force majeure* event;
 - 14.3 siltation or the quality of the water in the water resource; and
 - 14.4 the required Reserve releases.
15. When a hydrodynamic surface and groundwater model is implemented downstream of the Mokolo Dam in order to optimise the operation of this dam and to assess the implications of flow releases to the lower Mokolo River, the Licensee must actively participate in such programme.

[END OF LICENCE]

