



# GREAT FISH RIVER WATER USER ASSOCIATION

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Ref. : Scheme\_Rules\_2023

Date: 21 September 2023

## NOTICE

TO ALL IRRIGATORS WHO ARE MEMBERS OF THE GREAT FISH RIVER WATER USER ASSOCIATION

### INPUTS FOR APPROVAL AND IMPLEMENTATION OF AMENDED 2023 SCHEME RULES

The purpose of this notice is to invite all interested and affected parties to raise issues of concern if any, regarding the implementation of the 2023 amended scheme rules.

You are granted a period of 60 day period from the date of this letter to raise a concern, objection or proposal with regard to the amended 2023 GFRWUA scheme rules.

The applicable document is attached to this document and available on the official website of this association [www.gfrwua.com](http://www.gfrwua.com).

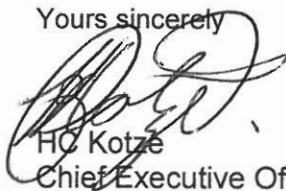
Any submissions should be directed by email to:

The Chief Executive Officer

Great Fish River Water Users Association

[christo@grootvis.co.za](mailto:christo@grootvis.co.za)

Yours sincerely



H.C. Kotze  
Chief Executive Officer

H.C. KOTZE

21 SEP 2023

# ASSOCIATION SCHEME RULES

2023 Edition

*Scheme rules and associated procedures for the Great Fish River Water User Association*

Document Revision and Purpose	Revision	
Draft circulation document for comments by the Executive Committee	Done	003
<b>Draft circulation document for comments by Members of the Association</b>	<b>This Document</b>	<b>004</b>
Final Revision of Final Circulation to Executive Committee	NO	
<i>(The final approved document will not display this table)</i>		



**Great Fish River Water User Association**

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*These Rules which seek to regulate, manage, control, conserve and protect water use, water users and water works which fall under the management of the Association, are made and implemented by virtue of authority delegated to the Association in terms of the National Water Act.*

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## 1 ABBREVIATIONS

Acronyms	Meaning
<i>NWA</i>	The National Water Act of 1998
<i>CEO</i>	Chief Executive Officer
<i>DWS</i>	Department of Water and Sanitation
<i>ASSOCIATION</i>	Great Fish River Water User Association
<i>ha</i>	Hectare
<i>km</i>	Kilometer
<i>l/s/ha</i>	liter per second per hectare
<i>LRA</i>	List of Ratable Areas
<i>MANCO</i>	Management Committee or Executive Committee (Main Board)
<i>par</i>	paragraph or chapter
<i>ASSOCIATION</i>	Water User Association
<i>WCO</i>	Water Control Officer
<i>WARMS</i>	Water use Authorization & Registration Management System

## 2 DEFINITIONS

Term	Definition in terms of this document and association operations
<i>Abstraction point</i>	A physical place where water is taken formally or informally from a water source and includes, but not limited to, a sluice gate, pump, or valve.
<i>Abstraction volume</i>	Water allocated in cubic meters to a specific abstraction point per annum, and which may include combined-, part- or all scheduled water of water use entitlement.
<i>Branch canals</i>	A canal or canal system (including communal canals) taking or conveying water from a water source for distribution to other branch canals or abstraction points.
<i>Communal canal</i>	A canal which is jointly owned and where the responsibility for maintenance, operation and water distribution rests upon the water users who benefit or abstract water from that canal.
<i>Directive or monitorial directive</i>	Directives issued to the ASSOCIATION by the DWS to monitor, manage, enforce, or oversee certain aspects of the ACT.
<i>Conveyance or distribution losses</i>	A volume of water unaccounted for through natural or unnatural processes or activities, and/or which may be calculated for the purpose of this document by means of comparing water requested to that abstracted.
<i>Dry period</i>	A series of consecutive days in which the water supply from the Gariep Dam to the ASSOCIATION scheme is temporarily suspended by the DWS for the purpose of infrastructure maintenance. (Normally approximately 4 to 5 consecutive weeks in May, June or July.)
<i>Executive committee</i>	The management committee of the ASSOCIATION (Main Board) consisting of those members elected to act on the committee.
<i>List of ratable areas</i>	The List of Ratable areas per property as determined and maintained by the WARMS office of the Department of Water and Sanitation, indicating the scheduled water volume.
<i>Member</i>	A water use entitlement holder or property owner as per the LRA applicable to the jurisdictional area of the ASSOCIATION.
<i>Private water users</i>	A water user not forming part of a communal canal system.

<i>Scheduled water</i>	The water allocated in cubic meters per annum to an abstraction point or property as permitted by a Water Use Entitlement.
<i>Subcommittee</i>	The management committee of a sub-area, communal user group of a branch canal or collection of abstractions.
<i>Water source</i>	A river, stream, spring, natural- or artificial canal supplied or supplemented with water from 1) the Orange-Fish river transfer scheme, 2) the Kommandodrift dam and 3) the Lake Arthur dam.
<i>Water use entitlement (or water use authorization)</i>	The permissible use of water from a water source in terms of the National Water Act, including water use licenses and existing lawful water use permits or certification.
<i>Water use entitlement holder</i>	A natural person, juristic person, an unincorporated body or, an association, including any person or persons under its control with a water use entitlement.
<i>Water user</i>	Any person or entity utilizing scheduled water or exercising control over the flow of water or waterwork within the jurisdictional area of the ASSOCIATION.
<i>Waterwork</i>	Any borehole, structure, earthwork or equipment installed or used for in connection with water use.
<i>Water-year</i>	The water-year of the Scheme runs from 1 July each year to the end of June the following year, usually ending/starting with a dry period.

### 3 ADMINISTRATIVE and STATUTORY REQUIREMENTS

#### 3.1 SCHEME DESCRIPTION AND INFORMATION AND NATURE OF THE ASSOCIATION

- 1) The GREAT FISH RIVER WATER USER ASSOCIATION is a body corporate which had been duly transformed and declared by the former Minister of Water Affairs and Forestry as a Water Users Association in terms of the provisions of Section 98 of the National Water Act, Act No. 36 of 1998 (hereinafter referred to as “the Act”), with its administrative head office at 14 Ireland Road, Cradock, Eastern Cape Province.
- 2) The Association is a co-operative association and require the cooperation and assistance of all its members to manage and distribute water for irrigation purposes through the systems of water works which fall under the management of the Association, effectively and equitably.
- 3) The Association exercises authority in respect of the area of operation as defined in paragraph 3 of the Constitution.

##### 3.1.1 Purpose of the Association and of these Scheme Rules

- 1) Without derogating from the generality of the principal functions, competencies, and responsibilities of the Association as set out in the Constitution, the purpose of the Association and of these Scheme Rules are to control, regulate and manage:
  - a) *water distribution;*
  - b) *water conservation and demand;*
  - c) *the relationship between Members and the Association and of Members among themselves.*

##### 3.1.2 The Great Fish River Scheme

- 1) The Great Fish River Scheme comprises of the following waterworks owned and operated by the state, outsourced waterworks, as well as private and communal waterworks:
  - a) *subarea-scheme communal user groups with private or state-owned canals,*
  - b) *natural watercourses,*
  - c) *state owned balancing dams,*
  - d) *state owned storage dams (Kommandodrift dam)*
  - e) *privately owned storage dam (Lake Arthur)*
  - f) *state owned diversion dams/weirs, (Elandsdrift-, De Mistkraal dam)*
  - g) *state-owned concrete lined canals and tunnels,*
  - h) *communal pumpstations,*
  - i) *diversion weirs,*
  - j) *communal earth canals,*
  - k) *private abstractions*
- 2) The Scheme is divided into subareas or communal user groups as follows:

Table 1: ASSOCIATION Subareas

Subarea / Communal Groups	Comment
Baroda	Subarea
Boschberg	Subarea
Brak River	Subarea
Collett Private Canal	User Group
Halesowen Private Canal	User Group
Hougham Abrahamson	Subarea
Klipfontein	Subarea
Knutsford	Subarea
Kommando Drift	Subarea
Marlow	Subarea
Middleton	Subarea

Subarea / Communal Groups	Comment
Mortimer	Subarea
Private Fish River	Individual users
Private Little Fish	Individual users
Renfield	Subarea
Scanlen	Subarea
Sheldon	Subarea
SN Collett Private Canal	User Group
Somerset East	Subarea
Tarka	Subarea
Teebus	Subarea
Upper Grass Ridge	Subarea

### 3.2 IMPLEMENTATION OF SCHEME RULES

- 1) In accordance with Schedule 4(1) and (2) of the NWA, the MANCO of the Association is responsible for the management of the affairs of the water users' association and may exercise the powers of the association. Without limiting the above-mentioned responsibility, it is the role of the MANCO to decide on strategies and policies (rules) to be followed and to ensure that the association exercises its powers, duties, and delegations in a proper, efficient, economical and sustainable manner.
- 2) These rules, regulations and procedures are applicable to all members of the Association and to all water users and water use entitlement holders which hold a water use entitlement which falls within the area of operation of the Association including, but not limited to:
  - a) *Private water users,*
  - b) *Communal user groups,*
  - c) *Local Municipalities,*
  - d) *District Municipalities,*
  - e) *or any member or representative of a legal entity which holds a title deed to any of the properties listed within the LRA,*
  - f) *and which exercises a water use activity which falls under the monitorial authority of the Association and/or*
  - g) *where such an activity is defined within the constitution of the Association.*

### 3.3 SUBCOMMITTEE RULES (LOCAL RULES)

- 1) Subcommittees or communal groups may draft and apply rules which only operate in a localised area which deviate from or supplement these Rules.
- 2) However, such local rules described above must be;
  - a) *approved by the MANCO in writing; and*
  - b) *be communicated to the relevant members and users in writing.*
- 3) Rules applied by Subcommittees, or communal groups are binding on those water users or water use entitlement holders of the applicable subarea or communal group.

### 3.4 PROCEDURE FOR AMENDING THESE RULES

- 1) Powers, functions, and responsibilities which are delegated to the Association by the Minister of the Department of Water and Sanitation and/or the Director General may vary or be withdrawn from time to time. The Association consequently reserves the right to immediately implement such amended delegations or directives and to amend these scheme rules to the extent necessary to give effect to such changes.
- 2) A member, group or official may request amendments to these rules to be considered by submitting a written motivation to the CEO for the attention of the MANCO who will then consider such a request at its next meeting.
- 3) Save for amendments to these rules required as contemplated in paragraph (1) above, amendments to these Scheme Rules may be effected from time to time through the following process:
  - a) *MANCO considers and makes proposals for amendment.*
  - b) *Proposed amendment to rules is published in Government Gazette which invites comments to be submitted which specifies an address and time by which such submissions must be made which date may not be earlier than 60 days from date of the publication.*
  - c) *MANCO must also consider what further steps are required to bring the contents of the proposed amendments to the attention of all interested and affected parties and to take those steps which it deems appropriate.*



- d) *MANCO must then consider all comments and finalise the amendment to the rules by adoption of a resolution.*
- e) *The amendment to the rules should then be effected within 60 days by distribution thereof by electronic mail to all members and by publishing such amended rules on the Association's webpage.*

### **3.5 WATER USE CHARGES**

- 1) The Minister of Water & Sanitation has in terms of Section 58 of the Act directed and authorised the Association as its billing agent to recover charges for water use, which charges are made by the Minister under Section 57(3)(a) of the Act (hereinafter referred to as "Government Water Charges"), and to recover such water charges from water users within its water management area and/or area of operation.
- 2) In addition, the Association may raise affiliation fees, administrative charges, and subarea charges which charges are made and implemented in terms of Section 56 of the Act in accordance with the Pricing Strategy issued by the Minister in the Government Gazette from time to time in terms of Section 56(1) and which are payable by members generally or where applicable by members in specific subareas.
- 3) In terms of Section 1 of the Act, charges include any fee, price or tariff imposed under the Act.
- 4) Interest on outstanding accounts relating to Government Water Charges will bear interest at a rate as determined by the Minister by publication in the Government Gazette from time to time.
- 5) Interest on outstanding accounts relating to affiliation fees and administrative charges will bear interest at a rate as determined by the MANCO from time to time.
- 6) Interest on outstanding accounts relating to subarea charges will bear interest at a rate as determined by MANCO from time to time.
- 7) All accounts in respect of water use charges contemplated in this paragraph are payable within 30 days of the date of the invoice.
- 8) If requested in writing, the CEO may authorize the opening of a special account in the name of a third party, such as a lessee, subject to the condition that the landowner will remain liable for all water use charges as set out in the Act.
- 9) No special accounts will be created in the event where only the water use entitlement excluding the property is leased.

#### **3.5.1 Application for Extension of Payment**

- 1) An application for extension of payment may be launched in writing to the CEO for consideration by the executive committee who may either grant with conditions or refuse the requested extension in its sole and unfettered discretion.
- 2) The following procedures are applicable to late or non-payment:
  - a) *If an extension for payment is granted, such extension may not exceed a period beyond the end of month which precedes the next date of invoice.*
  - b) *In the absence of any approval of an extension of payment, accounts which are in arrears for more than 90 days, may be handed over for collection in terms of the Constitution of the Association.*
  - c) *Any legal costs associated with the institution of legal proceedings for the recovery of water use charges will be recoverable from the defaulter on the attorney and client scale.*

### **3.6 PERMISSIBLE WATER USE**

- 1) Water abstracted from water works may only be used for agricultural purposes except where;

- a) The relevant state authority has granted a permit or license to a water user which permit the use of water for any other purpose*
  - b) where the relevant state authority has directed the Association to allow such water use for any other purpose than for agriculture.*
- 2) Any water user who wishes to apply for any amendment to a water use entitlement, including subdivisions, consolidations, or apportionments, must inform the Association of such application.

### **3.6.1 Use of water from scheme for Power Generation**

- 1) No water from the scheme may be used, transferred, or made available for this purpose except where:
  - a) The water user was granted a license to do so by all the relevant state authorities and*
  - b) The Association has considered the impact of the intended use on the overall functionality of its canals or water works and approved the conditions of use of such water for purposes of power generation, after consultation with interested and affected parties.*

### **3.6.2 Groundwater for Irrigation**

- 1) The monitoring and management of borehole water does not form part of the responsibilities of the Association unless the Minister or applicable state department has directed otherwise.

## **3.7 DISTRIBUTION AND ABSTRACTION OF WATER**

- 1) A water user may only use or abstract water in accordance with its water use entitlement and subject to the terms and conditions of these Scheme Rules.
- 2) The distribution of water through the waterworks which falls under the authority of the Association are subject to adjustment and/or restriction by MANCO in consequence of compelling prevailing localized conditions or by virtue of directions issued by the Minister from time to time.
- 3) No residual or unused water allocations for any whatsoever, may be transferred from one water year to another.
- 4) All water users are obligated to continuously self-monitor their water use activities and abstraction volumes to ensure that they remain within the prescribed lawful water use entitlement limit.
- 5) In event that any member or water user wish to register a complaint or dispute in relation to the delivery or distribution of volumes of water to its points of abstraction, such member will be required to submit evidence of water measurements properly captured by a recognized continuous data logging measuring device as prescribed in either the Regulations to the NWA or as determined by the Association from time to time.
- 6) If a water user abstracts more water than it is lawfully entitled to or in a way that contravenes any Regulation or any of these Scheme Rules, the Association will be entitled to:
  - a) issue a compliance notice;*
  - b) restrict or suspend water use;*
  - c) charge an administrative penalty;*
  - d) institute legal action in any court of law with jurisdiction for appropriate relief*

### **3.7.1 Water Use License Applications**

- 1) Applications for water use entitlements must be done through, and in accordance with the processes determined by the relevant state authority from time to time.
- 2) All water users are obligated to inform the Association when application is made for a water use license in relation to any of the water sources or waterworks which fall in the area of operation of

the Association to enable it to formulate a response and/or recommendation in respect of such application.

### **3.7.2 Transfer of Water**

#### **3.7.2.1 Temporary transfers of a water use entitlement (Section 25(1) of the NWA)**

- 1) All applications for the temporary transfer of water use entitlements in terms of Section 25(1) of the Act, must be submitted to the Association in the prescribed format. No informal “borrowing” or “lending” of water between water users will be permitted.
- 2) The approval of any temporary transfer of water is subject to such terms and conditions as determined by the Association from time to time.
- 3) Approval for temporary transfers will not extend beyond the end of the water year for which the approval applies. The approval of the temporary transfer will only take effect from the date of the issuing of the written approval from the Association.

#### **3.7.2.2 Permanent transfers of water use entitlement (Section 25(2) of the NWA)**

- 1) Any application for the permanent transfer of water use entitlement as contemplated in Section 25(2) of the Act must be lodged with the Department of Water and Sanitation and in accordance with the prescripts contained in the relevant Regulations issued from time to time.
- 2) All water users are obligated to inform the Association when application is made for any permanent transfer of water use entitlements for the purposes of a recommendation.

### **3.8 THE SUSPENSION OR REDUCTION OF DISTRIBUTION OF WATER**

- 1) When circumstances require, the Association may suspend or reduce the distribution of water from a waterwork and or water resource under its control in so far as it is needed for the equitable distribution of water and/or the execution of any of the functions or for reasons required for the proper operation and protection of the waterwork or resource.

### **3.9 ACCESS TO WATERWORKS AND SERVITUDES**

- 1) A water user or water use entitlement holder must provide adequate and appropriate access to waterworks or servitudes to any person authorised by the Association for the execution of any function of the Association where reasonably required.
- 2) Without derogating from the generality of the aforementioned provision, any authorised person may, at any reasonable time and without prior notice, enter upon or traverse a property with the necessary persons, vehicles, equipment, and material in order to:
  - a) *carry out routine inspections of the use of water under the authorization of the Association; or*
  - b) *operate a waterwork; or*
  - c) *conduct maintenance of any waterwork under the control of the Association.*
- 3) Any authorised person may be required by any water user to provide identification together with an official written confirmation from the CEO as proof that such a person holds the necessary authorization from the Association.
- 4) A member, water user or water use entitlement holder must report any abuse or unacceptable behaviour of any authorised person to the Association.
- 5) No member or water user may unreasonably refuse access to any authorised person for the purpose of the execution of his/her duties or prevent any WCO in the execution of his/her duties.

### **3.10 COMMUNICATION**

- 1) For the sake of good order, record keeping and effective management of the Scheme, all official communication between the Association and its members and of members among themselves in relation to any of the functions and activities contemplated in these Rules, must be done in a recordable format.
- 2) All water users must use the correct communication methods as determined by the applicable subarea management committee or Executive Committee from time to time.

### **3.11 COMPULSORY DISPUTE RESOLUTION PROCESSES**

#### **3.11.1 Amicable Settlement by Agreement**

- 1) Members of the Association or any water user which abstracts water from a water source which falls within the area of operation of the Association must attempt in good faith to resolve all disputes arising in connection with the interpretation or application of any of the provisions of these Scheme Rules or in connection with any determination of the Association or with regards to any other matter arising from the operation of the Great Fish River Water Scheme and/or in respect of any water work/s over which the Association exercises control, through constructive and amicable engagement and by agreement.

#### **3.11.2 Mediation**

- 1) If a dispute arises out of or relates to these Scheme Rules, or the breach thereof, or in respect of any issue contemplated in paragraph 3.11.1 above and if the dispute cannot be resolved pursuant to paragraph 3.11.1 then the Members agree to use good faith efforts to settle the dispute by means of mediation administered by the South African Association of Mediators under its Commercial Mediation Rules before resorting to arbitration pursuant to paragraph 3.11.3.

#### **3.11.3 Arbitration**

- 1) Any disputes arising under these Scheme Rules which cannot be settled by the Parties pursuant to paragraphs 3.11.1 and 3.11.2 shall be resolved in accordance with the Commercial Arbitration Rules and Mediation Procedure of the Association of Arbitrators of Southern Africa.
- 2) The arbitration shall be conducted in Cradock or at such other venue as the parties may agree upon before a single arbitrator appointed by the Association of Arbitrators of Southern Africa.
- 3) No arbitrator shall be a past or present employee or agent of, or consultant or counsel to, either Party or any Affiliate of either Party, unless such restriction is waived in writing by the other Party.
- 4) Arbitration shall commence no later than sixty (60) days after written notice of the dispute to the other Party.
- 5) Any arbitration commenced hereunder shall be completed within sixty (60) days of the appointment of the arbitrator, absent agreement of the Parties to an extension of such period, and in the event that any arbitration is not completed within such period, each Party may pursue any rights and remedies as each may have, whether hereunder or in law.
- 6) The Parties shall not be entitled to discovery, provided that the arbitrator may permit document discovery upon a showing of good cause.
- 7) All direct testimony may be offered by way of affidavit. The Party submitting an affidavit shall make the deponent available for cross-examination before the arbitrator.
- 8) Notwithstanding anything contained in these Scheme Rules to the contrary, the Association reserves its right to bring an application or action for injunctive or any other appropriate relief in any court of competent jurisdiction at any time against any Member or Group of Members.
- 9) The parties to a dispute shall each bear its respective costs and expenses relating to the arbitration and shall share the costs of the arbitrator and fees payable to the Association of Arbitrators of

Southern Africa subject to the Arbitrator's discretion to order that one Party should bear a greater portion or all of the costs of the arbitration.

#### **3.11.4 Duty to exhaust these internal dispute mechanisms**

- 1) All Members must first exhaust these internal dispute resolutions before approaching a court of competent jurisdiction for any relief concerning any of the disputes contemplated in paragraph 3.11.

## **4 OPERATIONAL**

### **4.1 TAKING WATER FROM A WATER SOURCE**

- 1) Water may only be abstracted at an approved abstraction point and only by means of a permitted abstraction method.
- 2) Water may only be abstracted at the rate and at the scheduled time and duration as permitted in terms of these Scheme Rules.
- 3) In any emergency which reasonably require intervention, the Association, Subcommittee/User Group or WCO may without notice temporarily suspend or restrict water supply to any abstraction point.

#### **4.1.1 Taking Water from a Communal Canal/Kommandodrift Dam.**

- 1) Water users may only take water during the predetermined single or multiple time schedules and at the minimum, maximum or predetermined flow rate as determined by the subarea-committee from time to time and for the duration as determined by the sub-committee.
- 2) Except if otherwise arranged, each water user is responsible for correctly adjusting or setting the abstraction mechanism at the appropriate abstraction rates.
- 3) Except if otherwise arranged, each water user is responsible for securing, locking and/or properly operating and maintaining its own sluice gate, point or mechanism of abstraction.
- 4) The member will be held responsible for not adjusting a sluice or other abstraction mechanism to the correct setting or when abstracting water outside of the scheduled time frames.
- 5) In order to execute on its mandate to prevent any unlawful use of water, the Association shall be entitled to facilitate the suspension or reduction of abstraction of water from a communal canal or individual point of abstraction if:
  - a) *Any water user or member persists with contravening any of the terms of these rules;*
  - b) *Any water user or member unlawfully abstracts water or exceeds its allocated volume of permissible water use;*
  - c) *the abstraction is occurring outside of any predetermined timeframes or abstraction schedules.*

#### **4.1.2 Taking Water Directly from a Water Source,**

- 1) Water users taking water directly from a water source, including rivers and departmental infrastructure must:
  - a) *have the minimum required equipment or apparatus installed to comply with the NWA;*
  - b) *keep record of water abstraction data;*
  - c) *provide regular (minimum once per month) water abstraction data to the administration office of the Association when requested to do so;*
- 2) In order to execute on its mandate to prevent any unlawful use of water, the Association shall be entitled to facilitate the suspension or reduction of abstraction of water from a communal canal or individual point of abstraction if:

- a) *Any water user or member persists with contravening any of the terms of these rules;*
- b) *Any water user or member unlawfully abstracts water or exceeds its allocated volume of permissible water use;*
- c) *the abstraction is occurring outside of any predetermined timeframes or abstraction schedules.*

## **4.2 WATER DELIVERY**

### **4.2.1 Great Fish River Scheme**

- 1) Water delivery to the scheme is a function of the relevant state authority and not that of the Association.
- 2) Water for irrigation is made available on a demand basis to water users through the systems in par 3.1.2 above.
- 3) In most instances, the communal canal systems and ancillary waterworks of the Scheme are of a rudimentary nature therefore the delivery and distribution of water at predetermined flow rates and volumes cannot be guaranteed.
- 4) Cooperation of all members are essential in the effective and equitable distribution of water.

### **4.2.2 Communal Canal Systems**

- 1) Any user taking water, or any property owner who has an active or inactive abstraction point situated on a communal canal is a member of such a canal and is jointly responsible for;
  - a) *maintaining the canal and waterworks;*
  - b) *making financial contribution towards the operation and maintenance as annually determined by the Subarea management committee;*
  - c) *active participation in the efficiency and sustainability of the canal;*
  - d) *the relevant subcommittee will manage and monitor water releases,*
  - e) *the subcommittee will make water available within the distribution systems and each user is responsible for his own abstraction and internal distribution.*

### **4.2.3 Weekly Request**

- 1) Water must be requested (ordered) weekly in advance and is subject to;
  - a) *the Normal Water Request procedure; and*
  - b) *the Water Request Adjustment procedure.*
- 2) Each sub-area may have a predetermined maximum weekly water delivery period, (e.g.: 96hours, 120hours).
- 3) The sub-area management committee may adjust the water delivery period under the following conditions:
  - a) *water users must be informed in advance; and*
  - b) *water users affected must be allowed the opportunity to vote on the water delivery period.*
- 4) A member or water user is responsible for determining and submission of the correct water request.

### **4.2.4 Water Request Procedure**

#### **4.2.4.1 Normal Water Requests**

- 1) All water users taking water from a communal canal must:

- a) *Submit a weekly request and confirm their request or zero-request timeously with the WCO or nominated administrator;*
  - b) *use the correct communication methods as determined by the applicable sub-area management committee or MANCO;*
  - c) *submit the request before the deadline as determined by the sub-area management committee.*
- 2) All water users which are not part of a communal system must;
  - a) *submit a weekly request and confirm their request or zero-request timeously with the administration office of the Association before the specified time (see below), except where special arrangements are made.*
  - b) *use the correct communication methods as determined by the Executive Committee.*
- 3) All final requests or combined communal requests must be submitted to the office of the Association before 9h00 on a Thursday, except where special arrangements were made.
- 4) Only the legitimate owner/user or his authorized representative may submit a request.
- 5) The Association (or in case of a communal canal, the WCO), reserve the right to decline a water request when:
  - a) *the abstraction point has reached its maximum allocated abstraction volume or exceeds its scheduled water use volume; or*
  - b) *when the Executive Committee has issued a directive against the abstraction or water use entitlement holder.*

#### **4.2.4.2 Water Request Adjustment Procedure (Late, Additional or Cancellations)**

- 1) Cancellations or changes to water requests made *ex post facto*, are irrelevant will not be entertained.
- 2) Water users taking water from a communal canal must communicate adjustments to the WCO or nominated administrator.
- 3) The WCO reserves the right to decline a water adjustment request where the adjustment may have an undesired effect on the canal operations.
- 4) Water users which are not part of a communal system must communicate adjustments to the offices of the Association during normal office hours.
- 5) The following conditions apply to all adjustment requests;
  - a) *For abstractions from the Teebus Sub-area to the Elandsdrift Weir, the Little Fish river areas including the Uitkeer & Klipfontein departmental concrete canal, requests may not be submitted less than 24 hours before the required change in abstraction volume or flow is required;*
  - b) *For abstractions from the Great Fish river areas below Elandsdrift Weir, requests may not be submitted less than 48 hours before the required change in abstraction volume or flow is required;*
  - c) *Except for cases where compromised canals or substantial rainfall require the immediate re-setting of abstraction volumes or flow rates, re-setting may be done immediately and reported to the WCO or Association at the soonest possible opportunity thereafter.*
  - d) *Following a request to do so, reverting to an original order in this regard will as far as possible be accommodated but cannot be guaranteed.*

#### **4.2.5 Conveyance Losses**

- 1) Conveyance losses in the predominantly earth canals of the scheme occur because of a combination of factors.



- 2) Currently the Department of Water and Sanitation allocates a 25% allowance for conveyance losses.
- 3) Surplus losses are those conveyance losses which exceed the loss allowance allocation of 25% granted by the Department. This 25% loss concession is calculated by the Department as a percentage of the aggregate of annual water use entitlements of irrigators which abstract water from a particular communal canal system. Consequently, the total annual abstraction of a communal canal may not exceed the sum of the canal allocation and the conveyance loss allowance.
- 4) Any water user is only entitled to no more than the scheduled net annual quota.
- 5) Conveyance losses are continuously monitored and calculated weekly based on the weekly water requests and total volume of water abstracted into a subarea or communal canal.
- 6) Where weekly conveyance losses exceed 25%, such additional losses will be redistributed proportionally amongst all water users on a specific communal canal on a rolling average basis. The purpose of this continuous monitoring and redistribution of losses, is to avoid an annual over abstraction in violation of Departmental prescripts.
- 7) All canal users have the responsibility to assist and cooperate with the canal management in reducing conveyance losses for their mutual benefit.
- 8) Private water users who abstract directly from a river or any other state-owned water work are not entitled to any additional conveyance loss concession.

### **4.3 WATER USE MANAGEMENT AND ADMINISTRATION**

#### **4.3.1 Measuring and Monitoring**

- 1) All members, water users or sub-committees must partake in any measuring or monitoring programs as implemented by the Executive Committee from time to time.
- 2) A water user is only entitled to the scheduled net annual volume as per the water use entitlement or the combined net annual volume where several properties are monitored as a group.
- 3) All or part of a water use entitlement, or a combination of water use entitlements, may be assigned to a specific abstraction point and will be monitored accordingly.
- 4) The annual total net volume assigned to an abstraction point may not be exceeded.
- 5) The annual total net volume assigned to an abstraction point may be adjusted by means of a Temporary Transfer.

#### **4.3.2 Measuring Device or Structure**

- 1) All abstraction points must be equipped with a measuring device or structure to accurately measure and record the volume of water abstracted and the rate of flow as determined by either the Department or the Association from time to time.
- 2) All water users are responsible for installing and maintaining such measuring devices and structures at their own expense.
- 3) A water user is responsible for the calibration and correct operation of such a device or structure.
- 4) A water user is required to maintain a record of water usage and make such information available to the Association on request.
- 5) The Association reserves the right to request a water user or water use entitlement holder to;
  - a) *provide proof of calibration for any water measuring device or structure; or*
  - b) *to have a water measuring device or structure tested at the cost of the water user or entitlement holder.*



### 4.3.3 Telemetry

- 1) The Association reserves the right to install telemetric systems to any abstraction point, metering structure or device where such data:
  - a) *will be used for monitoring and compliance purposes;*
  - b) *will be made available to the relevant water user on request.*
- 2) The Association may request a water user to install and maintain a telemetric system, or make available any privately installed telemetric system's data and connectivity for the benefit of the Association where;
  - a) *a water user fails to submit regular water use records as stipulated by the Act;*
  - b) *a metering device has been installed in such a manner which limits access or access is regarded as dangerous;*
  - c) *access to the meter or property is restricted or prohibited;*
  - d) *it is requested by the relevant state authority to do so.*
- 3) Installation of any telemetric system to any abstraction, measuring structure or device monitored by the Association, must comply to the requirements of the Association and such data and connectivity must be made available for benefit of the Association.

## 4.4 INFRASTRUCTURE AND MAINTENANCE

### 4.4.1 Infrastructure

- 1) The installation, construction removal, dismantling, alteration, extension of all structures, infrastructure, storage dams or waterworks in or around sub-canals without the prior written authorization of the Association, is strictly prohibited.
- 2) Any application for the installation, dismantling, removal, changing, extending of structures, infrastructure, or waterworks in or around sub-canals must be lodged in writing to the office of the CEO and must be accompanied by the following:
  - a) *a covering letter,*
  - b) *an Engineers' Report if applicable (problem statement, investigation, solutions proposed, planning, specifications, drawings, timeline, cost estimates, recommendations);*
  - c) *any other investigations, documents, reports or recommendations of relevance.*
- 3) Such application will then be considered by the Association after consultation with all affected and interested parties who will then inform the applicant of the outcome thereof in writing.
- 4) Water users may not engage in any activity which adversely affects the operation of any canal system or water work.
- 5) All members have an obligation to report any damage to servitude fences, canal access roads, structures, or a waterworks to the Association without delay.
- 6) A storage dam in close proximity to a communal waterwork;
  - a) *may not interfere with the normal operation of such communal waterwork; and*
  - b) *may not cause a measuring device to operate outside the limits thereof.*

### 4.4.2 Maintenance and Repair

- 1) Users are obliged, for their own accounts, to always keep private abstraction points, waterworks and measuring devices in good repair and operational.

- 2) Members of a communal waterworks are required to communicate any maintenance requirements to the relevant sub-committee representative.
- 3) Subarea-committees must plan and budget for any maintenance and repair requirements of communal canals and its water works within its area of operation.
- 4) Subarea-committees are obliged to always keep communal abstraction points, waterworks and measuring devices operational and in good repair.

#### 4.4.3 Floods

- 1) In the event of a flood, the Association reserves the right to immediately take such reasonable extraordinary measures as deemed necessary, without prior approval from any water user or property owner, to limit or prevent damage to property, infrastructure or to prevent the loss of life.
- 2) Communication to such measures will be made to users and affected parties as soon as and in such manner as is practicable.

#### 4.4.4 Dry-Period

- 1) Details of the compulsory annual dry period (usually from early-June to early-July) are made known to users in advance.
- 2) Water users must plan and make their own provisions for this period.
- 3) Water users are required to plan and make use of the annual dry period for repairs and maintenance which cannot be done during normal operation.

## 6 APPROVAL AND INDEMNITY

These Scheme Rules were approved by the Executive Committee of the Association on the

\_\_\_\_\_, held at \_\_\_\_\_, after

the due public consultation process of 60 days.

No claim can be submitted against the Executive Committee for any damages whatsoever suffered, ensuing from the compliance or not to any or all of these Rules.

Capacity:	The Chairman	The Chief Executive Officer
Name:		
Date:		
Signature:		

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