**ANNEXURE E : Letter 3 – Template for a non-binding confirmation letter of water availability from the DWS**

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<insert title>>

**<<insert company name>>**

<<insert address line1>>

<<insert address line 2>>

<<insert address line 3>>

**Attention: <<insert name>**

**NON-BINDING CONFIRMATION OF WATER AVAILABILITY**

Following a written request from <respective Bidder> to the Regional Head of the relevant Regional Office / CMA of the DWS <or the CEO of the relevant CMA>, and after a consultation with the intended water user and a subsequent investigation into the matter (*i.e.* the IWULA Pre-application Process), it was determined that the volume of water (?? million³ per annum) that <respective Bidder> intends to abstract from <water resource in a catchment> should be available for utilisation in the power generation and related activities for <respective Bidder>’s proposed Project, subject to any catchment management and / or site specific qualifications and assumptions.

The abovementioned volume of water may be indicated as available to more than one Bidder. Even though a non-binding confirmation of water availability is made at this stage based on the prevailing facts and circumstances and subject to the assumptions and / or qualifications outlined above, this is not a guarantee that water will be available if <respective Bidder> is appointed as a Preferred Bidder as (amongst other things) the Preferred Bidder might be competing with other Preferred Bidders for the same water allocation.

In consideration of water availability and in the issuance of an IWULA for the proposed Project forming part of the Coal Baseload IPP Procurement Programme, the water use applied for will be treated as a strategic water use or user receiving water at a high assurance as is applicable in the relevant catchment.

Notwithstanding the issue of this non-binding confirmation of water availability, for a water use licence to be issued, apart from water availability, a number of other requirements are necessary to comply with as prescribed in the National Water Act, Act No 36 of 1998 (NWA 36:1998). **This indication that water may be available should not be regarded as confirmation of or a guarantee that water will in fact be available for the Project or that a water use licence will eventually be issued**. The responsibility rests on <respective Bidder> to comply with all other reasonable requirements in terms of the NWA 36:1998 before a licence could be considered for issuance.

This non-binding confirmation of water availability is issued to <respective Bidder> following the completion of the "IWULA Pre-application Process" and issuance of a letter by DWS (Confirmation of IWULA Pre-application Process).

The function of the Pre-application Process was to inform <respective Bidder> of the process to be followed and what will be required should <respective Bidder> decide to apply for a water use licence. The Pre-application Process has produced the necessary information to enable the DWS Regional Head <Region> / CMA CEO to confirm that water availability should not prevent the issuance of a licence, if <respective Bidder> is appointed as a Preferred Bidder(subject to (amongst other things) the constraints that may arise if Bidders are competing for the same water supply). If successful, the full licence applications will then be submitted, processed and considered for approval by the Minister's delegated official.

You may now proceed with the preparation of your water use application (WULA), at your own discretion and for your own risk to have it ready for submission but you should only formally submit the application if and when you are selected as a Preferred Bidder for the IPP Coal Baseload Programme.

Yours faithfully

**<<< insert name>>>**

**<<Provincial Operations Head/ Chief Executive Officer – CMA>>>**