

In the Water Tribunal, held at Nelspruit

APPEAL No WT11/8/2002

IN THE MATTER OF

BROWN FAMILY TRUST

(APPELLANT)

AND

DEPARTMENT OF WATER AFFAIRS

(RESPONDENT)

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DRAFT ORDER

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1. As the application for a license in terms of s 25(2) of the NWA, 1998, has been refused for the sole reason that it will not contribute to redress the results of past racial discrimination as intended in s 27(1)(b), and
2. As it has been proved that while the applicants are lawfully exempted from BEE, that the transfer of the water rights as applied for indeed complies with s 27(1)(b);

THEREFORE the parties agree as follows:

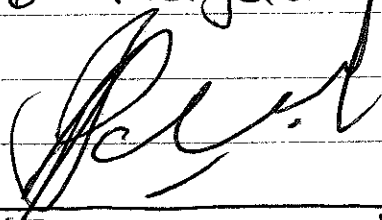
- a) That the applicants will submit a valid BEE exemption certificate issued by The dti and supported by the legally required financial statement made by their auditor, to DWA within 10 days of date hereof, in which case it is hereby agreed that

(2)

s 27(1)(b) is agreed to be fully complied with;

(b) That the Responsible Authority will, within 30 days of receipt of such proof of compliance referred to in (a), reconsider the license application in view of the compliance with s 27(1)(b) and view of the non-compliance having been the sole reason for refusal of the application, and issue a written decision on the application.

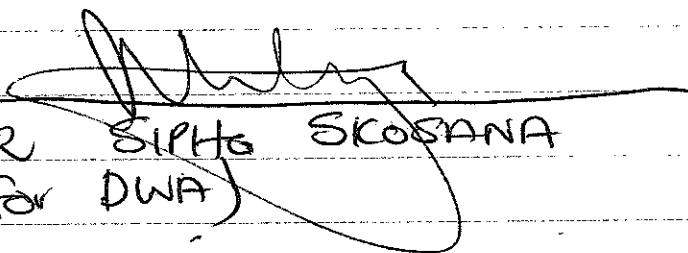
Thus done & signed in NEWSPRUIT  
on 6 August 2010.



ADV JOHANN DE NECKER  
(Representing the Appellants)



ADV. MR TEFO MASHALA  
(for DWA)



MR SIPHO SKOSANA  
(for DWA)