

ARRANGEMENT OF SECTIONS

PRELIMINARY

Section

1. Title.
2. Interpretation of terms.

PART I APPLICATIONS

3. Lodging of applications.
4. Forms of application.
5. Copies of application.
6. Particulars to be submitted with application.
7. Fees for application.

PART II PREPARATION OF CASES FOR COURT

8. Copies of application to Hydrological Branch.
9. *Affected area.*
10. Notice of application.
11. Objections to be lodged timeously and accompanied by statement.
12. Application for extension of time to lodge objection.
13. Advice concerning objections.
14. Particulars of application to be forwarded for reports.
15. Reports.
16. Copies of reports to be open for inspection.
17. Applications to be placed before Senior Judge.

PART III WATER COURTS

18. Notice of sitting of water courts and closing dates for applications.
19. Appointment of unofficial member.
20. Notice of set-down.
21. Adjournment of water court by judge.
22. Summoning of parties or witnesses and signing subpoena.

PART IV

COSTS

Section

23. Taxing of costs.
24. Recovery of costs.
25. Effect of order for costs.

PART V

INVESTIGATIONS

26. Report on exercise of water right.
27. Investigations to be placed before Senior Judge.
28. Notice of investigation to be published.

PART VI

SERVICE OF NOTICES AND OTHER DOCUMENTS

29. Substituted service.

PART VII

GENERAL

30. Custody of records.
31. Records to be kept.
32. Copy of judgment and order.
33. Appeals.
34. Repeals.

IT is hereby notified that the Senior Judge has, in terms of section 61 of the Water Act [*Chapter 268*], made the following regulations:—

PRELIMINARY

Title

1. These regulations may be cited as the Water (Water Court) Regulations, 1966.

Interpretation of terms

2. In these regulations—

“application” means an application made in terms of the Act;

- "conservation officer" means an officer in the Department of Conservation and Extension who has been appointed in terms of subsection (2) of section 142 of the Act;
- "Hydrological Branch" means the Hydrological Branch of the Ministry;
- "hydrological engineer" means an engineer of the Hydrological Branch appointed in terms of subsection (2) of section 142 of the Act;
- "Ministry" means the Ministry of Water Development;
- "reporting officer" means any person appointed in terms of subsection (2) of section 142 of the Act;
- "water engineer" means an engineer of the Ministry appointed in terms of subsection (2) of section 142 of the Act.

PART I

APPLICATIONS

Lodging of applications

3. All applications other than an application in terms of section 19 of the Act shall be lodged with the water registrar.

Forms of application

4. An application shall be in the appropriate form specified in the First Schedule or, where no appropriate form is so specified, in such other suitable form as the water registrar may specify.

Copies of application

5. An application shall be submitted with the number of copies required by the appropriate form specified in the First Schedule and such additional copies as the water registrar may require or, where no appropriate form is so specified, the number of copies specified by the water registrar.

Particulars to be submitted with application

6. The water registrar shall not accept an application unless he is satisfied that it has been duly completed in accordance with the provisions of the Act and these regulations.

Fees for application

7. (1) Subject to the provisions of subsection (2), an applicant shall when lodging an application specified in the Second Schedule pay the appropriate fee specified in the Second Schedule.

(2) No fee shall be charged for an application lodged by the Minister or the Commissioner of Roads and Road Traffic.

PART II

PREPARATION OF CASES FOR COURT

Copies of application to Hydrological Branch

8. A copy of every application lodged in terms of subsection (1) of section 9 or sections 13, 14, 19, 21, 22, 23, 45, 76, 79, 136, 137, 149 or 151 of the Act shall be forwarded by the water registrar to the Hydrological Branch.

Affected area

9. Where applicable the water registrar shall ascertain from the Hydrological Branch, for the purposes of a water court, the area which may be affected by an application.

Notice of application

10. (1) Where an application referred to in section 8 or in terms of subsection (2) of section 102 or section 111 of the Act, has been lodged with the water registrar, he shall give notice thereof—

- (a) in the *Gazette* for the information of persons whose rights may be affected thereby; and
- (b) to the provincial commissioner and district commissioner of the area which may be affected; and
- (c) where practicable to such other persons as may be affected by the application.

(2) A notice required to be given by paragraph (c) of subsection (1) shall be given in such manner as the water registrar may consider best suited to the circumstances.

(3) All notices required to be given by subsection (1) shall state the period within which objections to the application shall be lodged.

*Objections to be lodged timeously and accompanied
by statement*

11. Any objection to an application referred to in subsection (1) of section 10 shall, subject to the provisions of section 12, be lodged with the water registrar by the date specified in terms of subsection (3) of section 10 and shall be accompanied by a full statement of the grounds for the objection:

Provided that a judge may, on application by an objector, condone the late lodging of an objection.

Applications for extension of time to lodge objection

12. Before the expiration of the period allowed for lodging objections to an application, any person who wishes to object may apply to a judge through the water registrar for an extension of time which may be granted subject to such conditions as the judge may deem fit.

Advice concerning objections

13. At the end of the period allowed for the lodging of objections to an application, the water registrar shall—

- (a) where no objection has been lodged, inform the applicant and the reporting officers of the Hydrological Branch, the Ministry and the Department of Conservation and Extension accordingly;
- (b) where an objection has been lodged, advise the applicant and the reporting officers specified in paragraph (a) of the objection.

Particulars of application to be forwarded for reports

14. (1) Where a report by a reporting officer is required in terms of section 15 the water registrar shall forward particulars of the application to the Hydrological Branch, the Ministry and the Department of Conservation and Extension.

(2) Where evidence in connexion with an application is required from any person not referred to in subsection (1) the water registrar shall forward particulars of the application to that person.

Reports

15. (1) Where an application specified in Part I has been lodged with the water registrar he may require a signed report thereon from any one or more reporting officers.

(2) Where a report has been required in terms of subsection (1) the reporting officer shall furnish the required report in the appropriate form specified in the Third Schedule or, where no appropriate form is specified, in such other form as may be approved by a judge.

(3) Any report submitted in terms of subsection (2) shall be in quadruplicate with such additional copies as the water registrar may require.

(4) Notwithstanding the provisions of subsections (1) and (2), an applicant or objector may submit for the consideration of a water court reports by a consulting engineer or agricultural consultant.

(5) Where an application has been made to a mining commissioner in terms of section 19 of the Act, the report required by that section from a mining engineer shall be furnished in quadruplicate in form W.R.6 specified in the Third Schedule.

Copies of reports to be open for inspection

16. (1) Any report required in terms of subsection (1) of section 15 or referred to in subsection (5) of section 15 shall be open to inspection and the water registrar shall serve copies thereof on all parties to the proceedings.

(2) Copies of reports submitted in terms of subsection (4) of section 15 and made available in sufficient time before a hearing by a water court shall be served by the water registrar on all parties to the proceedings and any person required to report in terms of subsection (1) of section 15.

Applications to be placed before Senior Judge

17. After the expiration of the time allowed for the lodging of any objection to an application, and on receipt of any report submitted in terms of section 15 the water registrar shall cause the application to be placed before the Senior Judge in Chambers for his approval of a time and place of hearing.

PART III

WATER COURTS

Notice of sittings of water courts and closing dates for applications

18. The water registrar when instructed by the Senior Judge shall give notice in the *Gazette* of—

- (a) the place and date of sittings of a water court; and
- (b) the last date on which applications for a particular session may be accepted; and
- (c) such other matters as the Senior Judge may consider relevant to any matter specified in paragraph (a) or (b).

Appointment of unofficial member

19. (1) Prior to the hearing of any case by a water court the water registrar shall cause the list of persons nominated by the Minister of Justice as water court assessors in terms of subsection (3) of section 28 of the Act to be placed before the Senior Judge who shall select from the list those persons whom he considers most suitable to be the unofficial member of the water court in that case.

(2) The list of unofficial members selected by the Senior Judge in terms of subsection (1) shall then be placed before the presiding judge who shall therefrom select as the unofficial member of the water court a person available to act as such.

Notice of set-down

20. The water registrar shall give notice of set-down of any matter to be heard by a water court to all parties to the proceedings and any persons required to report thereon.

Adjournment of water court by judge

21. Subject to the provisions of section 17, the presiding judge may adjourn a water court from time to time or place to place as he deems fit.

Summoning of parties or witnesses and signing subpoena

22. The provisions of the Magistrate's Court Rules, 1932 shall, *mutatis mutandis*, apply in relation to the summoning of parties or witnesses in terms of section 47 of the Act.

Provided that any subpoena shall be signed by the water registrar.

PART IV

COSTS

Taxing of costs

23. (1) Where a water court has made an order as to costs in terms of section 53 of the Act, such costs shall be taxed by the water registrar in accordance with the scale of costs in the General Division of the magistrates court in civil cases, as the water court may direct.

(2) Any person aggrieved by the decision of the water registrar on the taxed bill of costs in terms of subsection (1) may within twenty-one days take the decision of the water registrar on appeal or review to a judge whose decision shall be final and without appeal.

Recovery of costs

24. (1) Where a water court has made an order as to costs and such costs have been duly taxed, the costs shall, subject to the provisions of this section, be recoverable, in the case of any failure to pay them forthwith or in such manner as may be agreed by the parties, by execution against the property of the party against whom the order was made.

(2) The process for the recovery of costs in terms of subsection (1) shall be by a writ of execution issued and signed by the water registrar and executed by a messenger of the magistrates court.

(3) The provisions of sections 17, 19, 20 and 21 of the Magistrates Court Act [Chapter 15] shall, *mutatis mutandis*, apply in relation to a writ of execution issued under this section.

Effect of order for costs

25. When an order for costs has been made against two or more persons it shall, unless the contrary is stated, have effect against those persons jointly and severally.

PART V

INVESTIGATIONS

Report on exercise of water right

26. The water registrar may require a report from a reporting officer on the exercise of an existing right which report shall be submitted in the appropriate form specified in the Third Schedule.

Water (Water Court) Regulations, 1966

Investigations to be placed before the Senior Judge

27. The water registrar shall cause all matters pertaining to grants made in terms of the Act which in his opinion need to be investigated by a water court, to be placed before the Senior Judge in such manner as may be determined from time to time by the Senior Judge.

Notice of investigation to be published

28. Notice of any matter to be investigated at the request of the Minister or the Senior Judge or on the motion of a water court, or on the application of any person shall be—

- (a) published in the *Gazette*; and
- (b) served on any person whose rights are situated within the area affected.

PART VI

SERVICE OF NOTICES AND OTHER DOCUMENTS

Substituted service

29. (1) A judge may authorize substituted service of any notice or any other document required under the Act to be served on any person on an application by the water registrar or any party to the application.

(2) When substituted service has been authorized in terms of subsection (1) it shall in addition to publication in the *Gazette* be given in such manner as the judge may direct.

PART VII

GENERAL

Custody of records

30. The records of a water court shall be in the custody of the water registrar and shall not be removed from his custody without his authority or that of a water court or the Senior Judge.

Records to be kept

31. The water registrar shall keep a record of all matters lodged or submitted in connexion with an application or other matters for consideration by a water court and such records shall be open for inspection by any member of the public during normal office hours.

Copy of judgment and order

32. (1) The water registrar shall file with the record of each case, a copy of the judgment therein signed by the judge, together with a copy of any order issued and signed by the water registrar.

(2) The water registrar shall furnish a duplicate signed copy of the judgment and order or any order in terms of the Act to the parties to the proceedings and to the Ministry.

Appeals

33. (1) Any party who wishes to appeal from a decision of a water court in terms of section 55 of the Act shall note his appeal by lodging his written notice of appeal with the water registrar within twenty-one days of the decision being made known to him.

(2) A copy of any notice of appeal lodged in terms of subsection (1) shall be lodged with the Registrar of the Appellate Division forthwith.

Repeals

34. The Water Court Procedure Regulations, 1958, published in Rhodesia Government Notice No. 438 of 1958, and the Water Court Procedure (Amendment) Regulations, 1959 (No. 1), published in Rhodesia Government Notice No. 445 of 1959, are repealed.

Water (Water Court) Regulations, 1966

FIRST SCHEDULE (Section 4)

APPLICATIONS

FORM "W. 1"

The space below is not to be used by applicant.

APPLICATION FOR USE OF PUBLIC WATER FOR IRRIGATION PURPOSES

DATE OF RECEIPT

The Water Registrar, P.O. Box 8338, Causeway, Salisbury.

I (insert full name) hereby apply for the use of public water, in terms of the Water Act [Chapter 268] in respect of the under-mentioned land in the district of and in the I.C.A.

Description of Land

- 1. (a) Registered name of the property (b) Area of property (in acres) (c) State whether owner, tenant or occupier (d) Name of public stream

Note.—If you are not the owner you must include the consent or refusal of the owner to this application and forward it with this form.

2. I desire authority to—

- *(a) impound million gallons for the irrigation of *(i) acres of land or *(ii) as much land as can be irrigated by the water impounded; *(b) abstract/divert for the irrigation of acres of land; *(c) abstract/divert cusecs for the irrigation of *(i) acres of land or *(ii) as much land as can be irrigated thereby. *(Delete where inapplicable.)

3. I consider the following works necessary to obtain the use of the said water. (Here give information such as height and type of diversion weir and length of furrow and height and capacity of storage works or capacity of pump, etc., where known.)

Description of Works

Blank lines for description of works

4. I undertake to sink such inspection pits as the Ministry or the Department of Conservation and Extension may require.

Water (Water Court) Regulations, 1966

5. Below is a sketch plan showing the following particulars:

- (a) The boundaries of the property and adjoining properties embraced by the scheme (drawn to scale if possible).
- (b) The public stream referred to and direction of flow.
- (c) The point on the public stream at which it is desired to abstract the water, the line of furrow and the irrigable land.
- (d) The distance along the public stream from the nearest boundary to the site of the works.
- (e) The true North.

6. Description of your property

.....
Signature of Applicant

Address

Date, 19...

N.B.—This Form must be submitted in triplicate together with the necessary fee of £5 5s. 0d.

Where space provided is insufficient annex signed letter with further particulars.

THIS SPACE IS NOT TO BE USED BY APPLICANT

1. Affected Area

2. Zone

.....
Chief Hydrological Engineer.

Water (Water Court) Regulations, 1966

FORM "W. 2"

The space below is not to be used by applicant.

APPLICATION FOR USE OF PUBLIC WATER FOR FISH FARMING PURPOSES

DATE OF RECEIPT

The Water Registrar, P.O. Box 8138, Causeway, Salisbury.

I (here insert full name) hereby apply for the use of public water in terms of the Water Act (Chapter 268) for fish farming purposes in respect of the under-mentioned land:

Description of Land

- 1. (a) Registered name of property (b) Area of property in acres (c) State whether owner, tenant or occupier Note: If you are not the owner, you must include the consent or refusal of the owner to this application and forward it with this form. (d) Name of public stream (e) District (f) I.C.A.

2 I consider the following works necessary for the above purpose:

Description of Works

- (a) Number of fish ponds (b) Total area of ponds (c) Total capacity of ponds (d) Capacity of each or average weir (e) Length of furrow

3. Overleaf is a sketch plan showing the following particulars:

- (a) The boundaries of the property and the adjoining properties embraced in the scheme (drawn to scale if possible). (b) The public stream referred to and direction of flow. (c) The point on the public stream at which it is desired to abstract water, the line of furrow and the fish ponds. (d) The distance along the public stream from the nearest boundary to the site of the works. (e) The true North.

4. Description of route to property

.....
Signature of Applicant.

Address

Date, 19 ..

N.B.—This Form must be submitted in triplicate together with the necessary fee of £5 5s. 0d.
Where space provided is insufficient annex signed letter with further particulars.

THIS SPACE IS NOT TO BE USED BY APPLICANT

1. Affected Area

2. Zone

.....
Chief Hydrological Engineer.

Water (Water Court) Regulations, 1966

FORM "W. J"

The space below is not to be used by applicant.

Application for the use of Public Water for Tertiary purposes (other than Mechanical or Industrial purposes or the Generation of Power)

DATE OF RECEIPT

The Water Registrar, P.O. Box 8338, Causeway, Salisbury.

I (insert full name) hereby apply for the use of public water, in terms of the Water Act [Chapter 268], in respect of the under-mentioned land in the District of and in the I.C.A.

Description of Land

- 1. (a) Registered name of property (b) Area of the property (in acres) (c) State whether owner, tenant or occupier

2. I desire authority to impound/divert/take public water from the public stream for the purpose of

3. I consider the following works necessary for the above purpose. (Here give information such as height and type of diversion weir, length of furrow and height and capacity of storage works, etc.)

Description of Works

- 4. Overleaf is a sketch plan showing the following particulars: (a) The boundaries of the property and the adjoining properties embraced in the scheme (drawn to scale if possible). (b) The public stream referred to and direction of flow. (c) The point on the public stream at which it is desired to construct works. (d) The distance from the nearest boundary to the site of the works measured along the public stream. (e) The true North.

[P.T.O.]

5. Description of route to property

Signature of Applicant.

Address

Date 19...

N.B.—This Form must be submitted in triplicate together with the necessary fee of \$5.50.

When the space provided is insufficient annex signed letter with further particulars.

THIS SPACE IS NOT TO BE USED BY THE APPLICANT

1. Affected Area

2. Zone

Chief Hydrological Engineer.

The space below is not to be used by applicant.

Application for use of public water for Tertiary purposes (for mechanical or industrial or road purposes or the generation of power)

DATE OF RECEIPT

The Water Registrar,
P.O. Box 8338, Causeway,
Salisbury.

I (insert full name) hereby apply for the use of public water in terms of the Water Act [Chapter 268], and state as follows:

1. I desire authority to impound/divert/take public water from the public stream
for the following purposes (see 3(a), (b) and (c) below)
..... on the property
.....
2. The point of intake from the said public stream will be on
the property of
situated in the district of
and in the I.C.A. The point of return to the public stream
will be on the property of
..... situated in the district of
..... and in the I.C.A.
3. (a) INDUSTRIAL/ROAD (e.g. land abstraction or factory):
Amount to be diverted/abstracted, in gallons per day
Amount to be returned, in gallons per day (if any)
- (b) MECHANICAL (e.g. hydraulic ram):
Fall available feet.
Amount to be diverted and abstracted, in gallons per day
Amount to be returned, in gallons per day (if any)
Height water is to be lifted feet.
- (c) POWER (e.g. pelton wheel or turbine):
Fall available feet.
Amount to be diverted, in gallons per day
Amount to be returned, in gallons per day (if any)
Horse-power to be developed
Type of power plant proposed
Note.—Complete only (a), (b) or (c), dependent on nature of proposed use.
4. Description of any other works
5. Below is a sketch plan showing the following particulars:
(a) The boundaries of the property and the adjoining properties embraced in the scheme (drawn to scale if possible).
(b) The public stream referred to and direction of flow.

(P.T.O.)

Water (Water Court) Regulations, 1966

- (c) The distances of point of intake and return of the water to the public stream from the nearest boundary measured along the public stream.
- (d) The true flow.

6. Description of route to property

.....
Signature of Applicant.

Address

Date..... 19.....

N.B.—This Form must be submitted in triplicate together with the necessary fee of \$5.00.

Where the space provided is insufficient annex signed letter with further particulars.

THIS SPACE IS NOT TO BE USED BY THE APPLICANT

1. Affected Area

2. Zone

.....
Chief Hydrological Engineer.

Water (Water Court)- Regulations, 1966

FORM "W. 5"

The space below is not to be used by applicant.

Application for use of Public Water for Mining Purposes (other than the Development of Power)

The Mining Commissioner,

DATE OF RECEIPT BY MINING COMMISSIONER

I (insert full name) hereby apply for the use of public water in terms of the Water Act (Chapter 268), and state as follows:

1. I am the duly registered holder/tributor of the Mine, comprising Blocks Reg. Nos. in the mining district of
2. I desire authority to impound/divert/take public water from the public stream
3. Water is desired for—
 - (a) DOMESTIC USE:
 - Supply to be abstracted in gallons per day
 - (b) GENERAL MINING PURPOSES (other than development of power).
 - Amount to be diverted/abstracted, in gallons per day
 - Amount to be returned, in gallons per day
 - Nature of proposed use.

Note.—If water is required for domestic use only, this application is unnecessary.

4. The point of abstraction from the said public stream will be on the property of in the district of and the water not used will be returned to public stream at a point situated on the property of
5. (a) Description of plant in use
 - (b) Is it to be increased?
 - (c) If so, at what date?
 - (d) Description of additional plant
 - (e) Type of ore to be crushed or treated
6. I consider the following works necessary for obtaining the use of the said water. (Here give full particulars regarding height and type of storage or diversion work and distance from point of abstraction to point where utilized.)

(P.T.O.)

Water (Water Court) Regulations, 1966

Description of Works

7. (a) Is it expected that there will be any pollution?
- (b) If the reply to (a) is in affirmative, state nature of foreign matter returned to river.....
- (c) State here what steps are being taken to prevent or reduce pollution

8. Below is a sketch plan showing the following particulars:
- (a) The claims and the adjoining properties or other prominent landmarks embraced in the scheme (drawn to scale if possible).
 - (b) The public stream referred to and direction of flow.
 - (c) The points of abstraction and return of the water to the public stream and the distances from these points to the nearest boundary measured along the public stream.
 - (d) The true North.

9. Description of route to property

.....

.....

Water (Water Court) Regulations, 1966

Signature of Applicant.

Address

Date 19..

N.B.—This Form must be submitted in triplicate together with the necessary fee of £3 5s. 0d.
Where the space provided is insufficient annex signed letter with further particulars.

THIS SPACE IS NOT TO BE USED BY APPLICANT

1. Affected Area

2. Zone

3. Is the application recommended?

Chief Hydrological Engineer.

Water (Water Court) Regulations, 1966

FORM "W. 8"

The space below is not to be used by applicant.

Application for use of Public Water for the Development of Power for Mining Purposes

DATE OF RECEIPT BY MINING COMMISSIONER

The Mining Commissioner,

I (insert full name) hereby apply for the use of public water in terms of the Water Act [Chapter 268], and state as follows:

1. I am the duly registered holder/tributor of the Mine, comprising Blocks Reg. Nos. in the mining district of

2. I desire authority to impound/divert/take public water from the public stream

3. Particulars of proposed use:

- (a) Fall available feet.
- (b) Amount to be diverted, in gallons per day
- (c) Amount to be returned, in gallons per day
- (d) Horse-power to be developed
- (e) Type of power plant proposed

4. The point of intake from the said public stream will be on the property of in the district of and the point of return to the public stream will be on the property of in the district of

5. I consider the following works necessary for obtaining the use of the said water. (Here give full particulars regarding height and type of storage or diversion work and distance from point of abstraction to point where utilized.)

Description of Works

Water (Water Court) Regulations, 1966

6. Below is a sketch plan showing the following particulars:

- (a) The claims and the adjoining properties or other prominent landmarks embraced by the scheme (drawn to scale if possible).
- (b) The public stream referred to and direction of flow.
- (c) The points of abstraction and return of the water to the public stream and the distances from these points to the nearest boundary measured along the public stream.
- (d) The true North.

7. Description of route to property

.....
Signature of Applicant.

Address

Date....., 19.....

N.B.—This Form must be submitted in triplicate together with the necessary fee of £5 5s. 0d.
Where the space provided is insufficient annex signed letter with further particulars.

THIS SPACE IS NOT TO BE USED BY APPLICANT

1. Affectual Area

2. Zone

Is the application recommended?

.....
Chief Hydrological Engineer.

FORM "W. 7"

**Application for Apportionment or
Allocation of Water Right on
Subdivision of Land**

The Water Registrar,
P.O. Box 8338, Causeway,
Salisbury.

The space below is not to be
used by applicant.

DATE OF RECEIPT

I (insert full name)
hereby apply, in terms of the Water Act [Chapter 268], for the apportionment or allocation of Water
Right No. _____ issued in respect of the under-mentioned land in the district of _____
and in the _____ I.C.A.

1. (a) Registered name of original property (before subdivision)

- (b) Area of property (in acres)

- (c) State whether owner, tenant or occupier

- (d) Name of public stream.

2. I desire Water Right No. _____ in respect of the above-mentioned property to
be apportioned or allocated in the following manner:
(All subdivisions must be shown)

- (a) (i) Remainder of _____
(ii) Area of remainder (in acres) _____
(iii) Proposed Water Right _____

- (b) (i) Name of subdivision _____
(ii) Area of subdivision (in acres) _____
(iii) Proposed Water Right _____

- (c) (i) Name of subdivision _____
(ii) Area of subdivision (in acres) _____
(iii) Proposed Water Right _____

3. I consider the following works necessary to give effect to the proposals. (Here give information
such as height and type of diversion weir and length of furrows, height and capacity of storage
works, capacity of pump, etc.)

[P.T.O.]

4. Below is a sketch plan showing the following particulars:
- (a) The boundaries of the property and the adjoining properties embraced in the scheme (drawn to scale if possible).
 - (b) The public stream referred to and direction of flow.
 - (c) Situation of revised scheme and distance along the public stream from the nearest boundary.
 - (d) The true North.

5. Description of route to property

Signature of Applicant.

Address

Date

N.B.—This Form must be submitted in triplicate together with the necessary fee of \$5.50, 04.
Where the space provided is insufficient annex signed letter with further particulars.

THIS SPACE MUST NOT BE USED BY APPLICANT

- 1. Affected Area (if applicable)
- 2. Zone

Chief Hydrological Engineer.

FORM "W, 1"

The space below is not to be used by applicants.

Application for apportionment or allocation of scheduled irrigable area on sub-division of land

The Water Registrar,
P.O. Box 8338, Causeway,
Salisbury.

DATE OF RECEIPT

I (insert full name) _____ hereby apply, in terms of the Water Act [Chapter 268], for the apportionment or allocation of the scheduled irrigable area authorized in respect of the under-mentioned land within the _____ Combined Irrigation Scheme.

1. I desire the scheduled irrigable area in respect of the above-mentioned property to be apportioned or allocated in the following manner:

(All subdivisions to be shown.)

- (a) (i) Remainder of _____
- (ii) Area of remainder (in acres) _____
- (iii) Proposed irrigable area _____
- (b) (i) Name of subdivision _____
- (ii) Area of subdivision (in acres) _____
- (iii) Proposed irrigable area _____
- (c) (i) Name of subdivision _____
- (ii) Area of subdivision (in acres) _____
- (iii) Proposed irrigable area _____

2. I consider the following works necessary to give effect to the proposals. (Here give information such as length of additional furrow necessary, location of divides, gates and night storage dams, etc.).

Water (Water Court) Regulations, 1966

FORM "W. 9"

The space below is not to be used by applicant.

APPLICATION FOR REVISION OF WATER RIGHT NO.

DATE OF RECEIPT

The Water Registrar,
P.O. Box 1338, Causeway,
Salisbury.

I (insert full name)

hereby apply, in terms of the Water Act [Chapter 268], for the revision of Water Right No.

... as follows:

Description of Land

1. (a) Registered name of property

(b) Area of property (in acres)

(c) State whether owner, tenant or occupier

Note.— If you are not the owner you must include the consent or refusal of the owner of this application and forward it with this form.

(d) Name of public stream

(e) District

(f) I.C.A.

2. I desire that the above Water Right be revised in the following manner:

.....
.....
.....
.....

3. I consider the following additional works will be necessary if this application is granted. (Must give information regarding height and type of diversion weir, length of furrow, height and capacity of storage works, capacity of pump, etc.)

.....
.....
.....

[P.T.O.]

Water (Water Court) Regulations, 1966

4. Below is a sketch plan showing the following particulars:

- (a) Plan of the property showing subdivisions (drawn to scale if possible).
- (b) The public stream to which the Water Right relates with direction of flow and any other streams on the property.
- (c) Existing dams, furrows, etc.
- (d) Proposed dams, furrows, etc.
- (e) The true North.

5. Description of route to property

.....
Signature of Applicant.

Address

Date....., 19.....

N.B.— This Form must be submitted in triplicate together with the necessary fee of K5 5s. 0d.
Where the space provided is insufficient annex signed letter with further particulars.

Water (Water Court) Regulations, 1966

FORM "W. 10"

The space below is not to be used by applicant.

APPLICATION FOR SERVITUDE

DATE OF RECEIPT

The Water Registrar,
P.O. Box 8338, Causeway,
Salisbury.

I (insert full name)

hereby apply, in terms of the Water Act [Chapter 268], to have my claim for a servitude of
referred to a Water Court for decision.

1. I desire the servitude to permit the exercise of Water Right No. which authorizes the use of water on the property—
 - (a) Registered name of property
 - (b) Form of title (state whether owner, tenant or occupier)
 - (c) Name of public stream
2. The servitude is desired over the property—
 - (a) Registered name of property
 - (b) Full name of owner
 - (c) Address of owner
 - *(d) Full name of mortgagee (if any)
 - *(e) Address of mortgagee
 - *(f) Full name of lessee (if any)
 - *(g) Address of lessee

*(Delete where inapplicable.)
3. The following are the particulars of the servitude which is claimed—
 - (a) the line of passage along which the water is to be conducted or diverted
 - (b) The locality on which the water is to be stored
 - (c) The compensation offered and method of payment proposed
 - (d) The period of the servitude
 - (e) The quantity and nature of the material required from the said land for the purpose of constructing irrigation works
 - (f) the nature and locality of any works which it is proposed to construct
4. This claim was served on the owner on the day of 19... and he did not agree to it.
5. A copy of this application has been served on the owner/and on the *mortgagee and *lessee.
*(Delete where inapplicable.)

(P.F.O.)

Water (Water Court) Regulations, 1966

6. Below is a sketch plan showing the following particulars:

- (a) Plan of properties (drawn to scale if possible).
- (b) The line of the furrow or canal where applicable.
- (c) The site of the dam, weir or other works.
- (d) The outline of the servitude area.
- (e) The public stream and direction of flow.
- (f) The true North.

Note.—1. This servitude, if granted, will be registered against the title deed of the servient tenement.

- 2. Where a diagram is submitted in evidence it must be prepared by a land surveyor or a Government Water Engineer and certified by the Registrar of Deeds as being suitable for the purpose of registration.
- 3. Delete paragraph 6 above if inapplicable and replace with such particulars as the Water Registrar may require.

I. Description of route to property

.....
Signature of Applicant.

Address

Date....., 19..

N.B. This application must be submitted in triplicate together with the necessary fee of £10 10s. 0d.

Where the space provided is insufficient annex signed letter with further particulars.

Water (Water Court) Regulations, 1966

FORM "W. 11"

AFFIDAVIT

APPLICATION FOR EXTENSION OF TIME

..... hereby make oath and say that:

1. A provisional grant No. was issued in respect of the property

..... subject to the fulfilment of certain terms and conditions by the, 19..

2. The following conditions have been fulfilled

3. The following conditions have not been fulfilled

..... due to

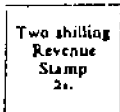
4. I beg to apply for an extension of time until

Signed

Sworn at this day of, 19..

Before me

Signed
Commissioner of Oaths/Justice of the Peace.



This application is subject to a fee of £3 3s. 0d. but shall, subject to the discretion of the senior judge, not be payable where the officer appointed has not provided the required information.

Water (Water Court) Regulations, 1966

FORM "W. 12"

WATER RIGHT No.

AFFIDAVIT

APPLICATION FOR CANCELLATION OF A FINAL GRANT

I, _____ hereby make oath and say that:

- 1. I am the registered owner of the property _____
in the district of _____ and in the _____ I.C.A.
- 2. A Final Grant authorizing the use of public water in respect of the above property was issued
on _____, 19__.
- 3. This Grant is no longer required, and I hereby apply for the cancellation thereof.

Signed ...

Sworn at _____ this _____ day of _____, 19__

Before me

Signed _____
Commissioner of Oaths/Justice of the Peace.



FORM "W, 13"

WATER RIGHT No. _____

AFFIDAVIT

APPLICATION FOR REDUCTION OF A FINAL GRANT

_____ hereby make oath and say:

1. I am the registered owner of the property _____

in the district of _____

2. A final grant authorizing the use of public water in respect of the above property was issued on

the _____ day of _____, 19_____

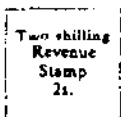
3. This grant is not being used to its full extent and I hereby apply for its reduction to one for

Signed _____

Sworn at _____ this _____ day of _____, 19_____

Before me

Signed _____
Commissioner of Oaths/Justice of the Peace.



Water (Water Court) Regulations, 1966

SECOND SCHEDULE (Section 7)

FEES

Applications

	<i>£ s. d.</i>
W. 1. Application for use of public water for irrigation purposes	5 5 0
W. 2. Application for use of public water for fish farming purposes	5 5 0
W. 3. Application for use of public water for tertiary purposes (other than mechanical, industrial or generation of power)	5 5 0
W. 4. Application for use of public water for tertiary purposes (mechanical, industrial or generation of power)	5 5 0
W. 5. Application for use of public water for mining purposes (other than development of power)	5 5 0
W. 6. Application for use of public water for development of power for mining purposes	5 5 0
W. 7. Application for apportionment or allocation of water rights on subdivision of land	5 5 0
W. 8. Application for apportionment or allocation of scheduled irrigable area	5 5 0
W. 9. Application for revision of water right. (This fee shall only be payable if so directed by the Senior Judge)	5 5 0
W.10. Application for servitude	10 10 0
W.11. Application for extension of time. (This fee shall, subject to the discretion of the Senior Judge, not be payable where an officer appointed in terms of section 142 of the Act has not provided the required information)	3 3 0

THIRD SCHEDULE (Section 15)

REPORTS

FORM "W.R. 1"

MINISTRY OF WATER DEVELOPMENT

REPORT ON APPLICATION FOR WATER RIGHTS

Application No. _____ River zone _____ Date of visit _____

1. Name of Applicant _____

Property _____ I.C.A. _____

District _____

2. Name of sies/tributary _____ Public stream _____

Point of abstraction (from upper or lower boundary) _____

Flow at time of visit _____ cusecs.

Method of gauging _____

Minimum flow _____ (State if perennial or when flow ceases.)

Availability of low flow gauging sites u/s
d/s _____

3. CATCHMENT AREA:

(i) Size _____ sq. miles.

(ii) Type _____ Estimated maximum flood _____ cusecs.

4. PURPOSE OF SCHEME:

Nature of Scheme _____ Area of land commanded by gravity _____ acres.

Water rights applied for _____ Irrigable area _____ acres.

5. DESCRIPTION OF SCHEME:

(a) Storage or Diversion Works (not, if

Situation _____

Type _____ Height _____ feet.

Depth stored _____ feet. Crest length _____ feet.

Crest width _____ feet. Freeboard _____ feet.

Total capacity (including pool storage) _____ million gallons.

Capacity of pools inundated _____ million gallons.

Spillway: Dimensions _____

Capacity _____ cusecs.

Outlet works _____ desilting works _____

Size and type of: (i) Prime mover _____ (ii) Pump _____

Pumping Main: Type _____ Size _____ Length _____ feet.

Suction lift _____ feet. Delivery head _____ feet.

Friction head _____ feet.

Rate of delivery _____

Water (Water Court) Regulations, 1966

(b) Canals (cost, £.....).

Type Length Grade 1/.....

Dimensions Capacity cusecs.

Estimated losses cusecs.

Regulating works

Structures

Measuring devices

(c) Distribution (cost, £.....).

Method of application

Size and type of: (i) Prime mover (ii) Pump

Pumping Main: Type Size Length feet.

Suction lift feet. Delivery head feet.

Friction head feet.

*Operating head for sprays feet.

*(To be completed only if sprays operate from main pumping plant.)

Rate of delivery

Reservoir: (i) Type (ii)

Night storage works

Daily pumping period

(d) Ram schemes.

Drive water required g/m g/d.

Working fall feet.

Amount to be abstracted g/d.

Position of point of return

.....

Delivery head feet.

Length of delivery line feet; diameter inches.

Size of ram recommended

(e) Power schemes (cost, £.....).

Size and type of plant

Flow required cusecs. Working head feet.

Position of point of return

.....

Proposed use of power

Length of transmission line H.P. Developed B.H.P.

Period of year to be used Daily working period

6. Total cost of Scheme £..... (see paragraph 5 above).

Interest and redemption % £..... Over years.

Maintenance £..... Running expenses £.....

Yearly total £.....

Cost per acre { Capital or acres.

Annual

Water (Water Court) Regulations, 1966

7. Where applicable, name servitudes required: _____

8. SITE PLAN. The following details where applicable must be shown on plan below:
- (a) The true North.
 - (b) Name of public stream and direction of flow.
 - (c) Names of adjoining properties.
 - (d) Location on site plan of point of abstraction.
 - (e) Distance of point of abstraction from upper or lower boundary along river.
 - (f) Situation of irrigable area.

Water (Water Court) Regulations, 1966

9. GENERAL COMMENTS AND RECOMMENDATIONS:

.....
.....
.....
.....
.....

10. Description of route to property:

.....
.....
.....

N.B.—Where space provided is insufficient annex signed further particulars.

Date....., 19..

Signed.....
Reporting Officer.

.....
Office held.

FORM "W.R.2"

MINISTRY OF WATER DEVELOPMENT

Hydrological Report on Application for Water Rights

- Application No. River zone
1. Name of applicant I.C.A.
Property District
 2. Name of public stream
 3. General description of application
 4. Date of priority
 5. (a) Area affected
 - (b) Is primary use in Tribal Trust Land substantially affected?
 6. Record of flows
 7. Existing rights in area affected—(a) upstream
 - (b) downstream
 8. Existing rights on property
 9. Applications pending in area affected—(a) upstream
 - (b) downstream
 10. Objectors to application
 11. General remarks

Signed
Reporting Officer

.....
Office Held

Date 19 ...

Water (Water Court) Regulations, 1966

DEPARTMENT OF CONSERVATION AND EXTENSION

FORM "W.R. J"

REPORT ON APPLICATION FOR WATER RIGHTS

PART "A"

Application No. _____ Date of visit _____

1. Name of Applicant _____

2. Farms _____ Area (acres) _____

3. I.C.A. _____ District _____

4. (a) Name of vleij/tributary (left or right bank) from which water is to be abstracted _____

_____ Public stream _____

(b) Point of abstraction (from upper or lower boundary) _____

5. Description of scheme (diversion from river, pumping from river, flooding, basin, slope of land, grades of furrows, length and width of beds, etc.) _____

6. Total irrigable area if water available _____

7. (a) Overall suitability of soil for irrigation of the scheme (indicate % slope erosion, and wetness) _____

(b) If marginal or severely restricted in suitability, state conditions for which use can be recommended _____

8. Purposes of scheme (cash sales, e.g., vegetables, fruit and lucerne, feed production for dairy stock, rotations, etc.) _____

9. General farming system followed on farm _____

Water (Water Court) Regulations, 1966

10. Recommendations:

- (a) Protection works necessary _____

- (b) Drainage works required _____

- (c) Any special conditions _____

- (d) Specify depth of water for each crop _____

11. Sketch plan showing the following particulars:
Situation of irrigable area, canals, public stream and direction of flow, true North and sites of test pits if any (farm plan may be submitted in lieu hereof).

N.B. Where space provided is insufficient, attach signed further particulars.

Water (Water Court) Regulations, 1900

Date....., 19.....

Signed.....
Reporting Officer.

.....
Office held.

*I accept this report. *I do not accept this report.
(Delete whichever is inapplicable.)

Date....., 19.....

Signed.....
Applicant or duly authorized representative.

INSTRUCTIONS TO REPORTING OFFICER:

Where report not accepted by applicant, unless directed by Water Registrar, complete Part "B".

Water (Water Court) Regulations, 1966

FORM "W.R. 4"

MINISTRY OF WATER DEVELOPMENT

Report on Application for Apportionment or Allocation
of Water Right on Subdivision

1. Water Right No. Date of visit

2. Name of public stream

3. Name of Irrigation Board, if applicable

4. (a) Registered name of property before subdivision

(b) Names of all subdivisions

5. Proposed apportionment or allocation of grant to:

(a) remainder

(b) subdivisions—

(i)

(ii)

(iii)

(iv)

6. Revised description of scheme under 5 (a) including any servitudes required:

.....
.....
.....
.....

7. Revised description of scheme under 5 (b) including any servitudes required:

.....
.....
.....
.....

The following details must be shown on the plan below:

- (a) True north.
- (b) The plan of the property showing subdivisions.
- (c) The public stream referred to with direction of flow and any other streams on the property.
- (d) Location of existing and proposed points of abstraction, giving distances from nearest boundary along public stream, or other fixed points.
- (e) Situation of existing and proposed irrigable areas.
- (f) Detail of pipe line routes.
- (g) Situation of wellheads where applicable.

9. General comments and recommendations: _____

10. Description of route to properties:

N.B.—Where space provided is insufficient annex signed further particulars.

Date _____, 19____.

Signed _____
Reporting Officer.

Officer held.

Water (Water Court) Regulations, 1966

FORM "W.R. 5"

DEPARTMENT OF CONSERVATION AND EXTENSION

Report on Application for Apportionment or Allocation
of Water Right on Subdivision

PART "A"

- 1. Water Right No. _____ Date of visit _____
- 2. Name of public stream _____
- 3. Name of Irrigation Board, if applicable _____
- 4. (a) Registered name of property before subdivision _____
- (b) Names of all subdivisions _____
- 5. Proposed apportionment or allocations of grant to:
 - (a) remainder _____
 - (b) subdivisions _____
 - (i) _____
 - (ii) _____
 - (iii) _____
 - (iv) _____
- 6. Revised description of scheme under 5 (a) including any servitudes required: _____
- (a) Total irrigable area _____
- (b) Suitability of area _____
- (c) Recommendations as to—
 - (i) protection works necessary _____
 - (ii) drainage works required _____
 - (iii) any special conditions _____
 - (iv) specify depth of water for each crop _____
- 7. Revised description of scheme under 5 (b) including any servitudes required: _____
- (a) Total irrigable area _____
- (b) Suitability of area _____
- (c) Recommendations as to—
 - (i) protection works necessary _____
 - (ii) drainage works required _____
 - (iii) any special conditions _____
 - (iv) specify depth of water for each crop _____

Water (Water Court) Regulations, 1966

8. Sketch plan showing situation of irrigable areas, canals, public stream and direction of flow, true North and sites of test piles, if any.

N.B.—(1) Where space provided is insufficient annex further signed particulars.
(2) Where adverse report on any subdivisions under this Part complete form Part "B".

Date: 19

Signed
Reporting Officer.

.....
Officer held.

Water (Water Court) Regulations, 1966

2. General remarks (pH if abnormal; salinity; presence of free lime; inferences from natural vegetation or the behaviour of roots).

.....
.....
.....

3. General farming systems on subdivisions

.....

4. Purposes of schemes (cash sales, e.g. vegetables, fruit, lucerne, feed production for dairy stock, rotations, etc.)

.....
.....
.....

5. Are the irrigable areas of the subdivisions economic agriculturally?

.....

N.B.—Where the space provided is insufficient annex signed further particulars.

Date, 19.....

Signed,
Reporting Officer.

.....
Office held.

FORM "W.R. 6"

MINISTRY OF MINES AND LANDS

REPORT BY GOVERNMENT MINING ENGINEER

1. (a) Name of holder/tributor.....

(b) Name of Mine comprising Blocks Reg. Nos.

..... in the mining district of

(c) Name of public stream

2. Quantity of water applied for is gallons per 24 hours.

3. Detail of underground supplies and suitability for use

4. Recommended requirements are gallons per 24 hours made up of—

A. STAMP MILL AND LEACHING

(i) Milling only gals. for tons at gals. per ton

(ii) Milling and leaching gals. for tons at gals. per ton

(iii) Milling, table concentration and leaching gals. for tons at gals. per ton

(iv) Leaching only, sands or slimes gals. for tons at gals. per ton

(v) Leaching only, sands and slimes gals. for tons at gals. per ton

B. ALL SLIMING

(i) Decantation plant gals. for tons at gals. per ton

(ii) Filter plant—residues pumped gals. for tons at gals. per ton

(iii) Filter plant—residues trucked gals. for tons at gals. per ton

C. FLOTATION gals. for tons at gals. per ton

D. DOMESTIC PURPOSES gals. (Labour force Europeans..... Others)

E. OTHER PURPOSES

..... gals.

..... gals.

..... gals.

Total.....

Less underground water available

Total for 24 hours.....

Water (Water Court) Regulations, 1966

5. Where water can be returned to public stream state:

- (a) Quantity
- (b) Position of point of return
- (c) Where pollution possible state nature thereof

- (d) Recommended remedial measures

6. The following works will be necessary for obtaining the use of the water required:

7. Capacity of pumps (in gallons per 24 hours) installed

Capacity of pumps (in gallons per 24 hours) to be installed

8. Applicant's proposed and/or existing plant is capable of treating the following daily quantities of ore and residues:

Proposed plant

.....

Existing plant

.....

9. Comments on economic value of proposed undertaking

.....

.....

10. Other remarks

.....

.....

Signed
Government Mining Engineer.

Date 19

Water (Water Court) Regulations, 1966

FORM "W.R. 7"

REPORT FOR ISSUE OF FINAL GRANT

1. Provisional Grant No. Date of visit
Property Public stream
I.C.A.

2. (Delete A, B or C, if not applicable)

"A"

I hereby certify that the conditions of the above Grant have been fulfilled in accordance with the requirements of the Water Court.

"B"

I hereby certify that the conditions of the above Grant have been partially fulfilled to permit partial user for

"C"

I am unable to certify that the conditions of the above Grant have been completed for the purposes of sections "A" or "B" hereof as--

(1) the following works are still required

(2) recommendations for fulfilment of conditions

Signed Reporting Officer.

Office held.

Date 19

Water (Water Court) Regulations, 1966

FORM "W.R. 3"
WATER COURT

REPORT ON EXERCISE OF EXISTING WATER RIGHT

1. Water Right No. _____ Date of visit _____

2. Name of owner, tenant or occupier resident on property at the time of visit _____

3. Report on usage.

(a) Are all the terms and conditions being adhered to (if not, complete remaining paragraphs where applicable). _____

(b) Estimated flow of public stream at time of visit (indicate capacity of pools where applicable) _____

(c) Extent of recent use evident at time of visit _____

(d) Where right only partially used, reasons to be set out briefly _____

(e) In cases of non-usage, state reasons therefore. _____

4. Additional works required to ensure proper use of the right with estimated time for completion _____

5. General remarks with specific reference to—

(a) lapsing

(b) reduction

(c) continuation

(d) revision

(e) intentions of Grantee concerning this right where practicable.

Signed _____
Reporting Officer.

Date _____, 19____ Office held.