



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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REGISTERED MAIL

GLADIAM BOERDERY FAMILIETRUST
PO BOX 431
PRIESKA
8930

Sir/Madam,

NOTICE IN TERMS OF SECTION 35(1) OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)
TO APPLY FOR VERIFICATION OF THE LAWFULNESS AND EXTENT OF EXISTING TAKING
AND STORING OF WATER AND STREAM FLOW REDUCTION ACTIVITY (AFFORESTATION)

The particulars of the property and the registration number of the water use registered in respect of the property set out below are as follows:

Table 1: Property

PROPERTY DESCRIPTION	Farm Name	Farm Number	Registration Division	Portion Number	Property Extent (ha)
	KLOOF	143	HAY RD	2	1621.16
PROPERTY OWNER	Name of Owner		ID/Bus reg no	Title Deed Number	
	GLADIAM BOERDERY FAMILIETRUST		IT373/2007	T931/2010	
REGISTERED WATER-USER	Name of Water User		ID/Bus reg no	Departmental Register Number	
	GLADIAM BOERDERY FAMILIETRUST		IT373/2007	25148885	

The Department of Water & Sanitation is undertaking the verification of all water uses in the Orange Water Management Area in terms of Section 35 of the National Water Act, 1998 ["the Act"].

The basis for the information contained in this letter has, amongst others, been obtained from your registered water use, field surveys, satellite images and applicable government notices and scheduling if within a Government Water Control Area (GWCA) or an Irrigation Board or permits and other authorisations if outside a GWCA, in terms of the Water Act, 1956 (Act 54 of 1956). The recommendation with respect to the water use on the above-mentioned property is detailed in Tables 2, 3, 4 & 5.

Note: The following water uses on this property have been omitted from any determination in Tables 2, 3, 4 & 5 in this letter:

A.A.M. O'Connell
Provincial Head
Northern Cape

KLOOF, 143 HAY RD, PORTION 2 (25148885)

- (a) where a determination has been made of an existing lawful water use in terms of Sections 32 and 35 of the Act;
- (b) where a water use has been declared an existing lawful water use in terms of Section 33 of the Act;
- (c) where a water use is authorised under a general authorisation in terms of section 39 of the Act;
- (d) which is a Schedule 1 water use under the Act;
- (e) where a water use licence is issued in terms of Section 41 of the Act;
- (f) where a water use is a scheduled water use supplied by an Irrigation Board, Water User Association or Government Water Scheme (this will be verified in terms of Section 33 of the Act); or
- (g) where a water use is supplied by a registered bulk water supplier (e.g. Municipality).

Table 2: Water use - Irrigation

Description	Irrigation			
	Field Area (ha) ^{*1}	Crop Area (ha) ^{*1}	Volume (m ³ /year)	Source - Property
Proposed existing lawful water use ^{*4} (ELU)	4.48	-	25 402	-- HAY_143/2
	-	-	-	-
	-	-	-	-
Total ELU ^{*4} :	4.48	-	25 402	-- HAY_143/2
Registered water use ^{*2}	0	-	-	-- HAY_143/2

Table 3: Water use – Non-Irrigation abstraction

Description	Non – Irrigation Abstraction		
	Sector	Volume (m ³ /year)	Source - Property
Proposed existing lawful water use ^{*4} (ELU)	-	-	-
	-	-	-
	-	-	-
Total ELU ^{*4} :	-	-	-
Registered water use ^{*2}	-	-	-

Table 4: Water use - Storage

Description	No. of Dams	Total Storage (m ³)	River/Stream
Proposed existing lawful water use ^{*4}	-	0	-
Registered water use ^{*2}	1	20 000	-

Table 5: Water use – stream flow reduction activity (SFRA) (Afforestation)

Description & Reference	Forestry Extent (ha)	Stream Flow Reduction (m ³ /year) ^{*5}
SFRA during the Qualifying Period ^{*3}	-	-
Proposed existing lawful SFRA ^{*4}	-	-
Registered SFRA ^{*2}	-	-

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*¹ *Field Area(ha) is the physical extent of the field area in hectares being irrigated, whilst Crop Area (ha) is used to indicate that more than one crop is irrigated on the same field in a year.*

*² *In terms of regulation 3(b) of Regulations 1352 dated 12 November 1999 a person who uses water as contemplated in Section 21 of the Act must, when called upon by the responsible authority to do so, register the water use. The registration of water use in the Orange Water Management Area was first requested by Notice number 433, published in Government Gazette No. 21133, dated 5 May 2000.*

*³ *Forestry planted prior to 1972 did not require any authorisation. Forestry planted after 1972 required a permit from the relevant authority. Depending on specific permit conditions, an area should have been afforested within 3 to 5 years after issue of a permit. Any unutilised portion of a permit was automatically cancelled.*

In terms of Section 32 of the Act, any lawful water use that was in existence and exercised during the 2 years prior to the date of promulgation of Section 32 of the Act (the qualifying period) may be considered as Existing Lawful Use.

*⁴ *The proposed existing lawful use is included in the application, pages 5 & 6 of this document. You are required to indicate whether you agree with this extent. If you agree, your registration will be amended to reflect this. If you do not agree, proof of existing lawful use (see point 3, of the Notes) must be supplied with the signed application.*

*⁵ *Stream Flow Reduction volume determination is location specific for registration and billing determination and location and genus specific for determination of existing lawful use. This can result in different volume determinations for the same area of Forestry. See Annexure 1.*

In view of the above, the responsible authority, hereby and in terms of Section 35(1) of the Act requires of you to apply for the verification of your water use in order to confirm the lawfulness and extent thereof.

To assist you with this application, an application form is attached to be completed by you. You are not limited to only providing the information requested in the form and you may supply further proof/motivation as you wish or as you may be advised to do. The application must be submitted to the responsible authority before or on 2018-03-15, at the above-mentioned address. The application may be posted, e-mailed or delivered by hand. If the time given to meet this request is insufficient, a written application for an extension of time to the responsible authority is required.

Please note that should the application not reach the responsible authority on or before the due date, or any approved extension of due date, your entitlement to continue with your water use may lapse. Please pay particular attention to Section 35(5)(a) of the Act, which states the following:

"No person who has been required to apply for verification under subsection (1) in respect of an existing lawful water use may exercise that water use –

a) after the closing date specified in the notice, if that person has not applied for verification;"

Due to the implications of Section 35(5)(a) of the Act, it is in your best interest to give urgent attention to this notice.

Upon receipt of your application, the responsible authority may request further information in terms of Section 35(3) of the Act. You will be informed to this effect, if necessary.

The responsible authority may also require further investigation on any aspect of your application, before they make a final decision on your application in terms of Section 35(4) of the Act.

Yours faithfully



PROVINCIAL HEAD

DATE: 2018-07-02

APPLICATION FORM ATTACHED

ANNEXURE 1

The registration process closed during 2003. If a late registration is required, a late registration fee of R300 or 10% of the outstanding amount will be billed with your first account.

The registered water use is only a recording (by you) of the water uses and does not imply an existing lawful water use or an application for a water use entitlement.

NOTES

1. Irrigation requirements are calculated by means of a computer programme (SAPWAT) and calculations are based on specific climatic zones (rainfall and evaporation) and the irrigation system used. The use of this computer model is prescribed through the National Pricing Strategy. Please request this Department in writing for more information regarding the crops and crop irrigation requirements for this property.
2. Stream Flow Reduction volumes are determined through the results of the report: "*Estimation of stream flow reductions resulting from commercial afforestation in South Africa*", Water Research Commission Report TT/173/02. This study determined the volumetric extent of stream flow reduction due to commercial forestry for each quaternary catchment in South Africa. The use of this method is prescribed in the National Pricing Strategy. An average, per quaternary, volume is applied for water use billing purposes and a genus specific, per quaternary, volume is applied for the of determination of existing lawful use.

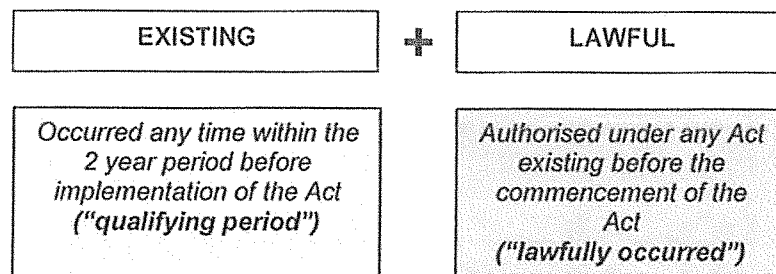
3. Existing Lawful Water Use

In order to qualify as an Existing Lawful Water Use, a water use must meet the following criteria:

- a) The water must have been physically used in the two years before the commencement of the National Water Act, 1998.
 - 1 October 1996 to 30 September 1998 for groundwater, e.g. water from boreholes;
 - 1 October 1997 to 30 September 1999 for surface water, e.g. water from dams or rivers, storage of water, stream flow reduction activity (afforestation).

AND

- b) The quantity of water used had to meet the requirements of any laws in force at that time, such as the Water Act, 1956 (Act 54 of 1956).



OR

- c) A water use may also be declared an existing lawful water use if it meets the requirements of Section 33 of the National Water Act, (Act 36 of 1998). The necessary application form can be requested from the Department.
4. If the water user is not the registered owner of the property, it is recommended that the water user informs the owner of this letter.

KLOOF, 143 HAY RD, PORTION 2 (25148885)

APPLICATION FORM IN TERMS OF SECTION 35(1) FOR THE CONFIRMATION OF THE LAWFULNESS AND EXTENT OF EXISTING WATER USE ON A PROPERTY, IN TERMS OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

1. PROPERTY INFORMATION

Registration Division	Farm Number	Portion	Farm Name	Property Extent(ha)	Departmental Register Number
HAY RD	143	2	KLOOF	1621.16	25148885

2. TITLE DEED INFORMATION

Name of Owner	ID Number or Business Registration Number	Share	Title Deed Number	Title Deed Date
GLADIAM BOERDERY FAMILIETRUST	IT373/2007	-	T931/2010	20/05/2010

3. POSTAL ADDRESS (WATER USER)

Name	Postal Address	Telephone	Cell Phone
GLADIAM BOERDERY FAMILIETRUST	PO BOX 431	053 353 2679	083 379 5755
	PRIESKA, 8930		

4. RESIDENTIAL ADDRESS & E-MAIL ADDRESS (WATER USER)

tigereye@telkomsa.net

5. VALIDATION OF EXISTING WATER USES DURING THE QUALIFYING PERIOD

Type of water use		Possible existing lawful water use (ELU)	Please indicate whether you agree with this provisional validation result (circle)	
A	Irrigation (m ³ /annum)	25 402	<input checked="" type="radio"/> Yes	<input type="radio"/> No
B	Non-Irrigation Abstraction (m ³ /annum)	0	<input checked="" type="radio"/> Yes	<input type="radio"/> No
C	Storing (m ³)	0	<input checked="" type="radio"/> Yes	<input type="radio"/> No
D	Stream Flow Reduction (Afforestation) (m ³ /annum)	0	<input checked="" type="radio"/> Yes	<input type="radio"/> No

- If you marked "Yes" under A, B, C, and D, correct and update personal and property details and sign the "Declaration by applicant" on the last page of this application. Please return both pages of this application form to this office on or before the due date.
- Should you have responded with a "No" under A, B, C, and/or D, you must please complete the rest of the form and this must be submitted along with any documentation in support of your representation to this office before or on the due date. Supporting documentation may include:
 - Any permit, water court decision, servitude, agreement or other legal proof allowing you to abstract or store water.
 - Any determination in terms of Section 33 of the National Water Act, 1998 declaring your water use as existing lawful water use.
 - Evidence or proof of why you should be allowed to irrigate a larger area or may abstract/store more than the allowable volume on the property or any proof of authorisation or transfer of water use entitlements (temporary or permanent).

6. EXISTING WATER RIGHTS OR ENTITLEMENTS

Type	Water Resource	Reference Number	m ³ /annum or m ³

7. REMARKS / COMMENTS

DECLARATION BY APPLICANT

I declare that the information provided herein is true and correct:

Surname and Initials: PS Smil

Position: Dirctor

I elect to use the email address supplied to receive all verification correspondence. (Please tick if applicable).

Date: 2-03-2018

Signature: 