

BREDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomMandla nokungqongileyo

OFFICE OF THE **CHIEF EXECUTIVE OFFICER**
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 (023) 347-2012  Private Bag 3055  J. van Staden
 **WORCESTER**  (023) 346-8000
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SENT BY E-MAIL

Ms XXX
XXX Street
XXX
XXXXX
XXXXX
E-Mail: Abcde@gmail.com

Sir/Madam

BREDE-GOURITZ WATER MANAGEMENT AREA

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 STREAMFLOW REDUCTION ACTIVITIES

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, Ownership and Water User Details

PROPERTY DESCRIPTION	<i>Farm Name</i>	<i>Farm Number</i>	<i>Registration Division</i>	<i>Portion Number</i>	<i>Property Extent (ha)</i>
		Wonderfontein	25	Swellendam	3
PROPERTY OWNER	<i>Name of Owner</i>		<i>ID/Bus Reg No.</i>	<i>Title Deed Number</i>	
	Ms Janet Farm		6013020091087		
REGISTERED WATER-USER	<i>Name of Water User</i>		<i>ID/Bus Reg No.</i>	<i>Departmental Register Number</i>	
	Ms Janet Farm		6013020091087	22046007	

The Breede-Gouritz Catchment Management Agency (BGCMA), being the delegated authority, is undertaking the verification of all water uses in the Breede-Gouritz 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 permits and other authorisations if outside a GWCA. The recommendation with respect to the water use on the above-mentioned property is as follows:

Table 2: Water use entitlements and water uses during the qualifying period

Description & Reference	Irrigation				Storing		
	Field Area (ha) ⁺¹	Crop Area (ha) ⁺¹	Volume (m ³ /year)	Source	Number of Dams	Total Storage (m ³)	River / Stream
Lawful water use in terms of the Water Act, 1956 (Act 54 of 1956)	7	7	49000	Stream/ Borehole			
Water use during the qualifying period	1.77	1.77	9226	Stream/ Borehole			
Registered water use ²	7	7	49000	Stream/ Borehole			
Possible existing lawful water use	7	7	49000	Stream/ Borehole			
Possible unlawful water use							
Other Takings of Water							
Sector / Source:							
Registered water use (m ³ /year):							
Possible existing lawful water use (m ³ /year):							

Refer to Annexure 1 for a description of the foot notes and other important information.

In view of the afore-mentioned, the delegated authority, herewith 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 hereto to be completed by you. You are not limited to only providing the information requested in the form and you may further motivate your application as you wish or as you may be advised to do. The application must be submitted to the responsible authority before or on **08 June 2018** at the above-mentioned address. The application may be mailed, faxed, e-mailed or delivered by hand. If the time given to meet this request is insufficient, a written application for the extension of time (specific date) is needed.

Please note that should the application not reach the responsible authority on or before the due date, you may lose your entitlement to continue with your water use. 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 aforesaid Act, it is in your own interest to give urgent attention to this notice, particularly should an application not be submitted in time.

Upon receipt of your application, the responsible authority may require further investigations in terms of Section 35(3) of the Act. You will be informed of this, if required.

You then may make further representations before the responsible authority finally decides on your application in terms of Section 35(4) of the Act. A final determination is appealable to the Water Tribunal in terms of Section 148(1)(e) of the Act.

Yours faithfully



**JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)**

DATE: 02 May 2018

APPLICATION FORM ATTACHED

ANNEXURE 1

DESCRIPTION OF FOOT NOTES FROM TABLE 2:

- *1 **Field Area (ha)** is the physical extent of the field area in hectare 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 National Water Act, 1998 (Act 36 of 1998) must, when called upon by the responsible authority to do so, register the water use. The registration of water use in the Gouritz Water Management Area was requested by Notice Number 515, published in the Government Gazette Number 21215, dated 26 May 2000.

The registration process closed during 2003. If a late registration must be done, 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 in writing should you require more information regarding the crops and crop irrigation requirements for this property.

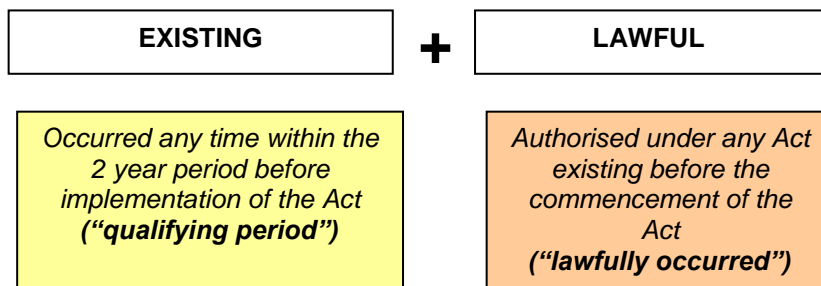
2. **Existing Lawful Water Use**

In order to qualify as 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.

AND

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



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.

3. **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.**

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

<i>Registration Division</i>	<i>Farm Number</i>	<i>Portion</i>	<i>Farm Name</i>	<i>Property Extent(ha)</i>	<i>Departmental Register Number</i>

2. TITLE DEED INFORMATION

<i>Name of Owner</i>	<i>ID Number or Business Registration Number</i>	<i>Share</i>	<i>Title Deed Number</i>	<i>Title Deed Date</i>

3. POSTAL ADDRESS (WATER USER)

<i>Name</i>	<i>Postal Address</i>	<i>Telephone</i>	<i>Cell Phone</i>

4. RESIDENTIAL ADDRESS (WATER USER)

5. VALIDATION OF EXISTING WATER USES DURING THE QUALIFYING PERIOD

<i>Type of Water Use</i>		<i>Possible Existing Lawful Water Use</i>	<i>Possible Unlawful Water Use</i>	<i>Please indicate whether you agree with this provisional validation result (circle)</i>	
A	Irrigation (m ³ /annum)			Yes	No
B	Storing (m ³)			Yes	No
C	Other:			Yes	No
D	<i>If not registered, or incorrectly registered (see Table 2), please indicate whether the <u>existing lawful water use</u> may be registered or the registration amended.</i>			Yes	No

- If you marked "Yes" under A, B, C and D, you only need to complete 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).

