
Breede-Gouritz WMA Water Use Validation and Verification Project

This document is targeted specifically at existing water users, providing background and information about the Breede-Gouritz Water Management Area (WMA) Water Use Validation and Verification Project.

The project is being implemented by the Breede-Gouritz Catchment Management Agency (BGCMA), together with their appointed consultants the Council for Scientific and Industrial Research (CSIR). The project timeframe is from 01 November 2017 to 31 October 2019.

PROJECT PURPOSE AND PROJECT AREA

The project will confirm all water use in the Gouritz WMA, focusing on the Olifants and Eastern and Western Coastal Rivers. Specifically, it will identify:

- **WHO** is using water?
- **HOW MUCH** water is being used?
- **WHERE** it is being used?
- **WHAT** is the water being used for? and,
- **IS** the water use lawful?

The project does not address general water sector issues, queries or concerns such as water use licence applications, pollution, water use billing and charges.

WHO ARE THE WATER USERS?

Water Users (agriculture, industrial, commercial, mining, domestic water supply) include those who take water directly from a watercourse (rivers, canals), boreholes, who have dams on their properties and who have commercial forestry plantations.

Users that receive water directly from a municipality or a water board, or use water for small-scale domestic and non-commercial gardens or livestock purposes (Schedule 1 use) are not affected by the project.

WHERE ARE THE WATER USERS?

Most water users are located in the Western Cape, with some in areas of Eastern Cape. Towns in the catchments include the following:

- Heidelberg
- Stilbaai
- Riversdale
- Uniondale
- Oudtshoorn
- Albertinia
- Gouritsmond
- Mossel bay
- George
- Knysna
- Plettenberg bay
- Barrydale

IMPORTANCE OF THE PROJECT

The validation and verification of registered water use is critical in the management and control of water resources. Without this process, there could be unreasonable and/or unsubstantiated claims to water entitlements due to over-allocation, or an unfair or disproportionate use of water from a resource.

Detailed water use data will be prepared to enable the BGCMA to determine which properties in the project area have:

- Registered their water use correctly.
- Under registered their water use.
- Over registered their water use.
- Not registered their water use.

Unlawful water use, specifically the taking and storing of water, will come to light through the verification process. Should a situation of uncontrolled unlawful water use prevail, existing lawful and new applications for water use will be prejudiced. For this reason all unlawful water use must be curtailed as soon as possible.

Information obtained from the registration process is used to bill water users for such use and billing will become more efficient and accurate following the completion of this project.

WATER USE REGISTRATION

After the National Water Act (No.36 of 1998) (NWA) was enacted, several regulations and legal notices were published requiring existing water users to register their water uses. These are listed below:

- Regulation 3(b) of Government Notice 1352 in Government Gazette 20606 dated 12 November 1999, required “a person who uses water as contemplated in Section 21 of the National Water Act, 1998 (Act No. 36 of 1998)” (NWA) to “**register their water use when called upon** by the responsible authority (Department of Water and Sanitation) to do so”.
- The requests for the registration of water use in the **Breede-Gouritz WMA** were published under Notice 624 in the Government Gazette 21280 of 23 June 2000, and Notice 80 in the Government Gazette 21991 of 26 January 2001.
- An **extension of the registration deadline** was later published under Notice 334 in the Government Gazette 22201 of 6 April 2001 and Notice 539 in the Government Gazette 22357 of 15 June 2001.

The registration regulations required that all water users had to be registered.

Registration information is captured on the BGCMA WARMS database and users are charged for this use according to published water use charges. Registration numbers and certificates of registration are issued to all registered water users. The registered water use will be an input to the project, which will establish whether the registered water use volumes are correct.

Registration of water use is not an authorisation or entitlement to use water, and is subject to validation and verification by the BGCMA.

WHAT IS VALIDATION AND VERIFICATION?

Validation is the process where the extent of water use and the registration information is checked for correctness; **Verification** is the process where the lawfulness, or legal entitlement, to this use is established.

The process of verifying what water use was registered is a statutory requirement of the NWA (sections 32 to 35), as it recognises the transition of water use entitlements held under the previous Water Act (Act No. 54 of 1956) to the current NWA. The following water uses, in terms of section 21 of the NWA, will be verified through this project:

- s21(a) - Taking of water (abstraction) for irrigation, water supply and industrial/mining uses;
- s21(b) - Storing of water (dams and other raw water storage structures); and,
- s21(d) - Engaging in a Stream Flow Reduction Activity (commercial afforestation).

These verified water uses will be confirmed as **Existing Lawful Water Uses (ELU)**.

WHAT IS EXISTING LAWFUL USE?

The NWA specifically defines ELU as the extent of lawful water use that took place in the two (2) year period prior to the NWA coming into effect in October 1998. The following conditions must be met in qualifying as an ELU:

- The use was **actually taking place during the 2 year period**, prior to the NWA – referred to as the Qualifying Period; and,
- The use was **lawful**, in terms of laws in effect at the time.

A water user must apply for verification of a water use when called upon to do so by the BGCMA. ELU allows water users to continue with their existing water use subject to the original conditions, until such time that this authorisation is converted into a water use licence by the BGCMA.

HOW DOES THE PROJECT AFFECT YOU?

Water users will receive further information about the roll-out of this process through the media, direct correspondence and a series of public meetings.

Identified water users will be sent a formal request to apply for the verification of their water use. This will contain a provisional determination of the ELU and an application form to be returned within a defined time period. Users will then have the opportunity to provide further information if they wish to provide an alternative determination to that contained in the initial letter, for consideration by the BGCMA. Full details of the verification process and the consequences of not applying when requested to do so, will be detailed in the correspondence.

Non-registered users wishing to apply for verification of an ELU will be afforded the opportunity to submit contact, property and water use details, at which time an ELU determination will be conducted and this use will be registered. A late registration fee is applicable.

HOW WILL SCHEDULED WATER USE BE HANDLED?

Lawful scheduled water use is recognised as ELU through a slightly different process. You will receive further information from your Irrigation Board or Water User Association in this regard.

WHAT IF YOU PREVIOUSLY APPLIED FOR VERIFICATION THROUGH THE BGCMA or DWS?

Any final lawful determinations, issued by the BGCMA or DWS, remain valid and you do not have to re-apply. If you have previously applied for verification but not received an ELU Certificate from the BGCMA or DWS, the process will be continued under this project.

WHAT ARE THE BENEFITS TO YOU?

- Legal certification of the extent of water use entitlements on your property or successor-in-title;
- The identification and eradication of unlawful water uses in the project area;
- Ensures water use registration details are correct, updated and accurate, to enable correct application of water use charges; and,
- Improved management of local water resources.

PROJECT COMMUNICATIONS

The BGCMA recognises that some water uses, especially irrigation practices, may have changed since the date of first registration. Therefore, in order to eliminate unnecessary disputes during later stages of the project and to address potential discrepancies in the water use and user information, **communication and interaction with water users is of utmost importance.**

During the validation process, it will be necessary for the project team to make direct contact with individual water users to confirm and gather additional information relating to their specific water uses.

In this regard, local meetings will be held in specific localities for convenient access by water users. The local meetings will be formal contact sessions at arranged venues during which the water users will have the opportunity to confer with the project team on a one-on-one basis to confirm the details of the available information.

The dates and venues of these Water User Meetings will be publicised giving all water users timeous notification of the events.

NOTE: There are several Water User Associations or Irrigation Boards in the WMA and contact with its member water users will be facilitated and arranged through the association or board management structures.

Updated project information will also be available on the BGCMA website:

www.bgcma.co.za

CONTACT DETAILS

Contact details of key project team members are as follows:

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South Africa's scarce water resources are under increasing pressure,
especially during times of drought!

We will have to use them efficiently, effectively and wisely if we wish to
build a sustainable future.

The BGCMA would like to take this opportunity to thank water users in
advance for their assistance, support and cooperation during the course of
this project.
