

BREEDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap
I-Arhente yoLawulo lomMandla nokungqongileyo

II. Understanding Water Use Verification

- Who is Affected by the Project?
- Water Uses Considered
- The Legal Background
- Terminology

Project Primary Aim / Objective

To determine how much water was being lawfully used in the qualifying period?

Five Questions!

- **Who are you?**
- **Where are/were you using the water?**
- **How much water was/is being used?**
- **What was/is it being used for?**
- **Was/Is the use lawful?**

Who is Affected by the Project?

- **All** water users in the project area:
 - excluding those supplied by a municipality or water board
 - excluding small scale non-commercial and domestic uses
 - Water users that are part of an irrigation board or water user association
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- Registered users (WARMS database)
 - Non-registered users
 - Users with existing authorisations (ELU, GA, WUL)

Water Uses Considered

- **s21(a): Water abstraction** (surface & groundwater) for:
 - Irrigation
 - Water Supply
 - Industry
- **s21(b): Storing water** (dams)
- **s21(d): Stream Flow Reduction Activity (SFRA)** as a result of commercial forestry

The Legal Background

- Water Act 54 of 1956
- National Water Act 36 of 1998 (NWA)
 - Lawful exercised uses are recognised and new use is authorised through other mechanisms in the NWA
 - Water use verification is described in sections 32 to 35 of the NWA
 - Section 33
 - Section 35

Existing Lawful Use (ELU)

- Extent of water use in the **2-year period (Qualifying Period)** prior to the NWA (1998)
- The use was **lawful** under laws in place during the Qualifying Period
- The NWA allows users to **continue with their existing water use**, subject to the original conditions and limitations, until such time that **this authorisation is replaced by a water use licence**.

Terminology

EXISTING

that has taken place any time during 2 years before commencement of the Act

“qualifying period”



LAWFUL

authorised under any law in place before date of commencement of the Act

“took place lawfully”

Surface Water

1 October 1997 to
30 September 1999

Groundwater

1 October 1996 to
30 September 1998

Existing Lawful Use is determined through Validation & Verification

- **Validation**: a **technical process** to determine the extent of water uses during the qualifying period.
- **Verification**: a **legal process** to determine the lawfulness of water used under any law prior to the National Water Act of 1998.

Water Use Registration

- A requirement of the NWA – from 2000
- Basis for water management information & to levy water use charges
- **NOT an entitlement** to use water: An **indication by the user of the extent of water use** that would be subject to validation & verification
- All existing and new water use falls within the requirements of the NWA

Misconceptions Regarding Registration

- Registration is a “licence”/ water use entitlement
- If I pay for my registered water use, it is an entitlement
- Non-registration affects “Existing Lawful Use”

A Registration Certificate does not mean a water use is **lawful** and is not an acknowledgement of a **water use entitlement**

The V&V Project Context

This project is the starting point of South Africa's Water Allocation Reform process and provides an important basis for all strategic Integrated Water Resource Management (IWRM) activities

WAR and Water Use Validation & Verification is unique to South Africa;

there is no other comparable project approach / footprint internationally