



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

KwaZulu-Natal Regional Office

Southern Life Building, 88 Joe Slovo Street, Durban, 4000

Enquiries: Mr S.O. Naidoo
Tel 031-336 2786
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E-mail: VandVAdmin@dws.gov.za
Registration No: 21176772

BY REGISTERED MAIL / EMAIL / HAND DELIVERY

TREATED TIMBER PRODUCTS
PO BOX 13823
CASCADES
3202

Sir/Madam

PONGOLA TO UMZIMKULU 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 STREAM FLOW 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

PROPERTY DESCRIPTION	Farm Name	Farm Number	Registration Division	Portion Number	Property Extent (ha)
	MOOIKLOOF	16196	FT	0	160.0749
PROPERTY OWNER	Name of Owner		ID/Bus reg no	Title Deed Number	
	CITEAUX ESTATES PTY LTD		198900675207	T23450/2011	
REGISTERED WATER-USER	Name of Water User		ID/Bus reg no	Departmental Register Number	
	TREATED TIMBER PRODUCTS		198900675207	21176772	

The Department of Water and Sanitation (DWS), being the responsible authority, is undertaking the verification of water uses in the Pongola to Umzimkulu Water Management Area in terms of Section 35 of the National Water Act No.36 of 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 detailed in Tables 2 and 3.

Note: Any water use on this property that has already been declared LAWFUL, through the issue of a Water Use Licence, a General Authorisation, a Section 33 declaration or a Schedule 1 declaration, has been omitted from this determination. Similarly, any water use and/or entitlement obtained via an Irrigation Board, Water User Association or bulk water supplier (eg. Municipality) are omitted from this determination.

Table 2: Water use entitlements and water uses - abstraction and storage

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
Water use during the qualifying period	Subject to application of water use verification as per Table 1 of Annexure 1						
Registered water use ^{*2}	-	0	0	-	2	66 000	-
Current water use	-	0	Subject to Application		0	Subject to Application	
Possible existing lawful water use	Subject to application of water use verification as per Table 1 of Annexure 1						
Possible unlawful water use <i>Possible Existing Lawful water use- Current water use</i>							
Other registered uses of water							
Sector / Source:	N/A						
Registered water use (m ³ /year):	0						
Possible existing lawful water use (m ³ /year):	Subject to application of water use verification as per Table 1 of Annexure 1						

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

Table 3: Water use entitlements and water uses – stream flow reduction activity (SFRA)

Description & Reference	Forestry Extent (ha)	Stream Flow Reduction (m ³ /year)
Lawful water use in terms of the Water Act, 1956 (Act 54 of 1956) Prior 1972 ^{*3}	Subject to application of water use verification as per Table 1 of Annexure 1	
SFRA – Qualifying Period ^{*4}	Subject to application of water use verification as per Table 1 of Annexure 1	
SFRA- Permitted Area ^{*3}	0	0
Registered SFRA ^{*2}	92	67988
Current SFRA	99.87	73801
Possible Existing Lawful SFRA ^{*3*4}	Subject to application of water use verification as per Table 1 of Annexure 1	
Possible unlawful water use <i>Possible Existing Lawful SFRA- Current SFRA</i>		

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

Table 4: Applications

In view of the afore-mentioned, the responsible authority, herewith and in terms of Section 35(1) of the Act requires 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. The responsible authority will carry out engagement sessions in the areas specified in Table 1 of Annexure 1 to assist and process your application. During these sessions 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 as per the application dates stipulated in Annexure 1 Table 1. 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 the due dates specified in Table 1 of Annexure 1, you may lose your entitlement to continue with your water use.

Please pay particular attention to Section 35(1) (Subsection 1) and Section 35(5)(a), which states the following:

"35. (1) The responsible authority may, in order to verify the lawfulness or extent of an existing water use, by written notice require any person claiming an entitlement to that water use to apply for a verification of that use."

"35. (5) 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 regarding an application not submitted in time, it is in your own interest to give urgent attention to this notice.

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,



**for ACTING CEO: PONGOLA TO UMZIMKULU PROTO CMA
DEPARTMENT OF WATER AND SANITATION
SIGNED BY: MR SO NAIDOO**

DATE: 26 1 09 12016

ANNEXURE 1**DESCRIPTION OF FOOT NOTES FROM TABLES 2 & 3:**

- *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 Pongola to Umzimkulu Water Management Area was requested by the following notices:
- For the Mvoti to Umzimkulu Water Management Area - Notice Number 388, published in the Government Gazette No. 21087, dated 14 April 2000;
 - For the Thukela Water Management Area - Notice Number 656, published in the Government Gazette No. 21310, dated 30 June 2000; and,
 - For the Usutu to Mhlathuze Water Management Area - Notice Number 577, published in the Government Gazette No. 21260, dated 9 June 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 cancelled.
- *4 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.

The registration process closed during 2003. If a late registration must be done, a late registration fee is applicable to the outstanding amount and 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. Should you require more information, please request this from the responsible authority in writing, particularly 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 reduction resulting from commercial afforestation in South Africa*", Water Research Commission Report TT/172/02. 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.

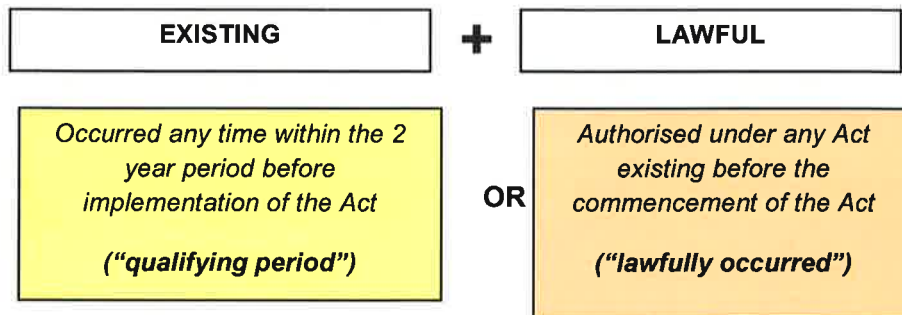
3. Existing Lawful Water Use

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.

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.



- 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.



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Sir/Madam

PONGOLA TO UMZIMKULU WATER MANAGEMENT AREA

VERIFICATION OF EXISTING LAWFUL WATER USE IN TERMS OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) – CONFIRMATION OF EXISTING LAWFUL WATER USE IN TERMS OF SECTION 35(3)

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 Particulars.

PROPERTY DESCRIPTION	Farm Name	Farm Number	Registration Division	Portion Number	Property Extent (ha)
	MOOIKLOOF	16196	FT	0	160.07
PROPERTY OWNER	Name of Owner		ID/Bus Reg. No.	Title Deed Number	
	CITEAUX ESTATES PTY LTD		198900675207	T23450/2011	
REGISTERED WATER USER	Name of Water User		ID/Bus Reg. No.	Departmental Register Number	
	TREATED TIMBER PRODUCTS		-	21176772	

In terms of Section 35(3) of the National Water Act, 1998 (Act 36 of 1998) (the "Act"), you are hereby informed by the responsible authority (Department of Water and Sanitation or the "Department") that the extent and lawfulness of the water use(s) on the above-mentioned property, have been determined as follows:



Table 2: Verification of Extent of Lawful Water Use(s) – Abstraction and Storage.

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
Water use during the qualifying period	0	0	0	-	2	140 726	MAWASA ZANA RIVER
Registered water use * ²	0	0	0	-	2	66 000	MAWASA ZANA RIVER
Existing lawful water use	0	0	0	-	2	140 726	MAWASA ZANA RIVER
<input type="checkbox"/> Over Registration <input type="checkbox"/> Under Registration <input type="checkbox"/> Not Registered Qualifying Period- Registered water use <input checked="" type="checkbox"/> N/A					Under Registration <input type="checkbox"/> Over Registration <input type="checkbox"/> Not Registered <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Qualifying Period- Registered water use		
Current water use	0	0	0	-	2	140 726	MAWASA ZANA RIVER
Unlawful Water Use <i>Existing Lawful water use - Current water use</i>	0	0	0	-	0	0	-
STATUS OF DETERMINATION	Confirmed <input checked="" type="checkbox"/> Pending further investigation <input type="checkbox"/>				Confirmed <input checked="" type="checkbox"/> Pending investigation <input type="checkbox"/>		
Other uses of water							
Sector / Source:	-						
Registered water use (m ³ /year):	0						
STATUS OF DETERMINATION	Confirmed <input checked="" type="checkbox"/> / Pending further investigation <input type="checkbox"/>						

Table 3: Verification of Extent of Lawful Water Use(s) – Stream Flow Reduction Activity (SFRA)

Description & Reference	Forestry Extent (ha)	Stream Flow Reduction (m ³ /year)
Lawful water use in terms of the Water Act, 1956 (Act 54 of 1956) Prior 1972 * ³	74.81	55 285
SFRA – Qualifying Period * ⁴ and (Permitted Area)	106.87(49)	78 980(36 211)
Registered SFRA * ²	92	67 988
Existing lawful SFRA * ³ * ⁴	99.87	73 804
<input checked="" type="checkbox"/> Under Registration <input type="checkbox"/> Over Registration <input type="checkbox"/> Not Registered <input type="checkbox"/> N/A		
Current SFRA	99.87	73 804
Unlawful Water Use <i>Existing Lawful SFRA - Current SFRA</i>	0	0
STATUS OF DETERMINATION	Confirmed <input checked="" type="checkbox"/> / Pending further investigation <input type="checkbox"/>	



Comments and/or Documents Received:

Type of User (mark with an X)					
Individual	X	Irrigation Board		Water User Association (WUA)	Government Water Control Area (GWCA)

Name	Surname	ID Number	Contact Number	Email Address
Jannie	Vanheerden	3710235029080	082 4449023	Jannie1937@gmail.com

IRRIGATION

Crop Types	Crop rotation or Double cropping	Irrigation System	Source of supply	Application Rate (m ³ /ha)

DAMS

No. of Dams/ Dam Name	Area (ha)	Volume (m ³)	Coordinates (Decimal Degrees)		Build Date	Dam Use	Average Depth (m)	Wall Height (m)	Crest Length (m)	Push Back (m)	Clean/Waste	Dam Safety Yes/No
			Latitude	Longitude								
Dam 1	3.6 3	10300 2	29°16' 9.10"S	30°22' 46.02" E	-		2.8	3.8			C	N
Dam 2	0.9 1	37724	29°16' 23.21" S	30°23' 15.16" E	-		4.1	5.1			C	N

AFFORESTATION

Species	Area	Quat	Initial Plant Date	Permit Numbers
Eucalyptus	99.87	U40A	-	1940010154

BOREHOLES

Boreholes/ Pump House	Coordinates		Pump Size (kw) and Litres per second output	Date Installed	Use for Borehole/ Pumps
	Longitude	Latitude			



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA



Date: 6 October 2016

Dear Water User

VALIDATION AND VERIFICATION OF WATER USERS IN THE MVOTI CATCHMENT AREA, KWAZULU-NATAL

Introduction

The Department of Water and Sanitation (DWS) launched its Validation and Verification Project in June 2013, of which the aim was to establish the lawfulness of water use by users in the Mvoti Catchment area, through a thorough process of Validation and Verification (V&V). Additional information regarding the V&V project can be found in the attached brochure.

Purpose

The purpose of the National Water Act (Act No. 36 of 1998) hereafter referred to as 'The Act' is to ensure that the nation's water resources are protected, used, developed, conserved, managed and controlled in a manner that promotes equitability, efficiency and sustainability for present and future generations.

To give effect to the interrelated objectives of sustainability and equity, an approach to managing water resources has been adopted, that introduces measures to ensure the comprehensive protection of all water resources. These measures set the objectives for the desired condition of resources, and establish procedures to control water use and to limit impacts to acceptable levels. These include water resource classification, resource quality objectives and the reserve.

The Act permits water use that was lawfully exercised under any law preceding the introduction of The Act (in 1998), termed existing lawful water use, to continue under existing conditions until such time as it is formally licensed.

PUBLIC MEETING NO. 1

Date: 7th – 10th November 2016

Venue: Tongaat Town Hall,
Watson Highway,
Durban,
4400

Time: 09h00 – 15h00

GPS Coordinates: 29°34'14.5"S; 31°07'16.0"E

PUBLIC MEETING NO. 2

Date: 21th November – 30th November 2016

Venue: Greytown Community Center,
61 Cathcart Street ,
Greytown,
3250

Time: 09h00 – 16h00

GPS Coordinates: 29°03'22.3"S; 30°35'48.4"E

Should you have any comments, queries or concerns please feel free to contact the DWS:

Mr. Shaun O Naidoo
Deputy Director: Water Use
Tel: 031-336-2786
Email: VandVAdmin@dws.gov.za

Yours Sincerely,

S. Naidoo



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA



Date: 6 October 2016

Geagte Watergebruiker

Bekragtiging en verifiëring van watergebruikers in die Mvoti opvangsgebied, KwaZulu-Natal

Inleiding

Die Departement van Water en sanitasie (DWS) het sy Validering en verifikasie projek in Junie 2013, is die doel daarvan is om die wettigheid van watergebruik te vestig deur die gebruikers in die Mvoti-opvangsgebied deur 'n deeglike proses van Validering en verifikasie (V&V). Bykomende inligting oor die V&V projek kan gevind word in die aangehegte brosjure.

Doel

Die doel van die Nasionale Waterwet (Wet No. 36 van 1998) hierna verwys as "die Wet" is om te verseker dat die water hulpbronne van die land se beskerm, gebruik, ontwikkel, bewaar, bestuur en beheer in 'n wyse wat billikheid bevorder, doeltreffendheid en volhoubaarheid vir die huidige en toekomstige geslagte.

Om uitvoering aan die doelstellings van interafhanklik volhoubaarheid en gelykheid 'n benadering tot die bestuur van waterbronne is aangeneem dat maatreëls om die omvattende beskerming van alle waterhulpbronne verseker stel gee. Hierdie maatreëls doelwitte vir die verlangde toestand van hulpbronne, en sit prosedures in plek om watergebruik te beheer en impak tot aanvaarbare vlakke te beperk. Dit sluit in water hulpbron klassifikasie, hulpbron kwaliteit doelwitte en die reservaat.

Die Wet toelaat watergebruik wat wettiglik uitgeoefen ingevolge enige wet voor die bekendstelling van die Wet (in 1998), genoem bestaande wettige watergebruik, om voort te gaan onder die bestaande voorwaardes tot tyd en wyl dit formeel gelisensieer.

Registrasie van Water Gebruikers

OPENBARE VERGADERING NO. 1

Datum: 7th – 10th November 2016

Plek: Tongaat Town Hall,
Watson Highway,
Durban,
4400

Tyd: 09h00 – 15h00

GPS Koördinate: 29°34'14.5"S; 31°07'16.0"E

OPENBARE VERGADERING NO. 2

Datum: 21th November – 30th November 2016

Plek: Greytown Community Center,
61 Cathcart Street ,
Greytown,
3250

Tyd: 09h00 – 16h00

GPS Koördinate: 29°03'22.3"S; 30°35'48.4"E

Indien u enige kommentaar, navrae of bekommernisse voel asseblief vry om kontak met die DWS:

Shaun Naidoo
Adjunk Direkteur: Water Use
Tel: 031-336-2786
E-pos: VandVAdmin@dws.gov.za

Die uwe,
S. Naidoo



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA



Date: 6 October 2016

Sawubona,

UKUHLOLWA NOKUQINISEKISWA KWABASEBENSIZI BAMANZI EZINDAWENI EZAKHELENE NOMFULA MVOTI, KWAZULU-NATAL

Ngenyanga kaNhlanguvana onyakeni ka 2013, uMnyango wezaManzi nokuThuthwa kweNdle wasungula uhlelo lokuhlolwa nokuqinisekisa imininingwane nesibalo sabasebinzisi bamanzi. Injongo yaloluhelelo ukuqinisekisa ukusetshenziswa kwamanzi ngokusemthethweni ngabantu abakhelene nomfula Mvoti. Imininingwane ngaloluhelelo iyatholakala kwincwajana ehambisana nalesisaziso.

Injongo

Injongo yoMthetho kaZwelonke weZamanzi (Act No. 36 of 1998), ozobizwa ngokuthi 'UMthetho' kusukela lapha, wukuqinisekisa ukuthi imithombo yamanzi esizwe ivikelekile, isetshenziswe, ithuthukiswe, ilondolozwe, iphethwe futhi ilawulwe ngendlela ekhuthaza ukwabelana ngokulingana, ukuqeqesheka kanye nokusimama kwesizukulwane esikhona nesizayo.

Ukuze kufezeke lezizinjongo ezihlobene zokusimama nokulingana ekusetshenzisweni kwemithombo yamanzi, kunendlela eye yalandelwa uMnyango ekulawulweni ukusetshenziswa kwamanzi. Lendlela yethula izinyathelo ezinzulu zokuvikela yonke imithombo yamazi ukuze kuqinisekise isimo esamukelekile semithombo Kanye nokusetshenziswa kwayo.

Umthetho uvumela ukusetshenziswa kwamanzi yilabo ababenemvume ngaphansi kwemithetho emidala ukuba kuqhubeke ngaphansi komthetho omusha kuze kube bathola imvume ngaphansi komthetho omusha.

Umnyango uyakumema emhlanganweni womphakathi lapho uyothola ithuba lokuthi(1)uvumelane nokutholakele ophandweni besuthola isitifiketi esigunyaza idlela yokusebenzina amanzi ngokusemthetheni (ELU) noma (2) noma ufake isikhalo umungenelisiwe imininingwane ephathelene nepulazi lakho.

<u>UMHLANGANO WOMPHAKATHI NO. 1</u>	
Usuku:	7 th – 10 th November 2016
Indawo:	Tongaat Town Hall, Watson Highway, Durban, 4400
Isikhathi:	09h00 – 15h00
GPS izixhumanisi:	29°34'14.5"S; 31°07'16.0"E
<u>UMHLANGANO WOMPHAKATHI NO. 2</u>	
Usuku:	21 th November – 30 th November 2016
Indawo:	Greytown Community Center, 61 Kathcart Street , Greytown, 3250
Isikhathi:	09h00 – 16h00
GPS izixhumanisi:	29°03'22.3"S; 30°35'48.4"E

Uma kukhona imibono, imibuzo noma ongathanda ukukunezezela wamukelekile ukuxhumana nehhovisi

DWS:

Mr. Shaun O Naidoo
Deputy Director: Water Use
Tel: 031-336-2786
Email: VandVAdmin@dws.gov.za

Ozithobayo,
S. Naidoo


Department Water and Sanitation
Republic of South Africa
KwaZulu-Natal Regional Office,
Durban
4000

Dear Sir/Madam,

RE: VALIDATION AND VERIFICATION OF WATER USE

I Lloyd Holley, Managing Director of Treated Timber Products (Pty) Ltd and the registered water-user for Mooikloof Farm, hereby authorize Mr. Wesley Guy ID No 790210 504 00 83 to sign the Validation and Verification of Water use for Mooikloof Farm.

Signed at Pietermaritzburg, this 14th day of November 2016



Lloyd Holley
Managing Director

Treated Timber Products (Pty) Ltd | Reg. No. 1999/012129/07

TTP House, Redlands Estate, 1 George Macfarlane Drive, Pietermaritzburg, KwaZulu-Natal, 3201, South Africa
P.O. Box 13823, Cascades, KwaZulu-Natal, 3202, South Africa | **Office:** +27 (0) 33 264 4060, **Fax:** +27 (0) 33 345 5187

Directors: L.W.H. Holley, H.O. Eggers, N.N. Mgojo

www.treatedtimberproducts.co.za



SABS
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SABS
SANS 754

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SANS 457