



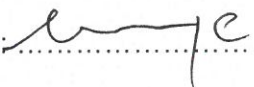
water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, Sedibeng Building, 185 Francis Baard Street, Pretoria,
Tel: (012) 336-7500 Fax: (012) 323-4472 / (012) 326-2715

LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) (THE ACT)

I, **Sifiso Mkhize** in my capacity as Director-General(Acting) in the Department of Water and Sanitation acting under authority of the powers delegated to me by the Minister of Water and Sanitation, hereby authorize the following water uses in respect of this Licence.

SIGNED: 

DATE: 04/04/2018

LICENCE NO: 08/C91D/A/7574
FILE NO: 27/2/1/C491/58/1

1. **Licensee:** Lesole Trust
Postal Address: Box. 8081
BLOEMFONTEIN
9300
2. **Water Uses:**
 - 2.1 Section 21(a) of the Act: Taking of water, subject to the conditions set out in Appendices I and II
 - 2.2 Section 21(b) of the Act: Storage of water, subject to the conditions set out in Appendices III
3. **Properties in respect of which this Licence is issued.**
 - 3.1 Portion 3 of the farm Slypklip North 32.
4. **Registered owners of the Property**
 - 4.1 Lesole Trust.
5. **Licence and Review Period**
 - 5.1 This Licence is valid for a period of twenty (20) years from the date of issuance and it may be reviewed at an interval not more than five (5) years.

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6. Definitions

“Any word or term defined under the Act shall have the same meaning as defined in the Act, unless otherwise specifically stated.”

“Department” means Department of Water and Sanitation.

“The Provincial Head”- means Chief Director: Northern Cape, Department of Water and Sanitation, Private Bag X6101, Kimberley, 8300.

“Responsible Authority” means the Department of Water and Sanitation or Catchment Management Agency.

“Report” refers to the reports entitled:

- i. Water use licence application report dated 08 June 2017; and as well as all other related documentations and communication (emails, letters, verbal, etc) related thereto.

7. Description of activity

The propose activity entails the abstraction of five hundred and twenty thousand eight and thirty nine cubic metres per annum (520 839 m³/a) of water from Vaal River, for the purpose of irrigating 46 ha of agricultural crops and livestock. Of the 520 839 m³/a, 839 m³/a is for livestock (46 cattle's) and the remaining 520 000 m³/a is for irrigation purposes. The activity falls within quaternary catchment C91D in the Vaal Water Management Area.

APPENDIX I

Conditions for all Water Uses

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. The Licensee must immediately inform the Provincial Head or Responsible Authority of any change of name, address, premises and/or legal status.
4. If the property in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Provincial Head or Responsible Authority of the Department within 60 days of the said change taking place.
5. If a water user association is established in the area to manage the resource, membership of the Licensee to this association is compulsory.
6. The Licensee shall be responsible for any water use charges or levies imposed by a responsible authority in terms of the Raw Water Pricing Strategy, Waste Discharge Charges, Water Resource Management Charge of the Department, or any other water charge or levies that might be imposed in terms of the appropriate legislation.
7. While effect must be given to the Reserve as determined in terms of the Act, where a desktop determination of the Reserve has been used in issuance of a licence, when a comprehensive determination of the Reserve has finally been made; it shall be given effect to.
8. The licence shall not be construed as exempting the Licensee from compliance with the provisions any other applicable Act, Ordinance, Regulation or By-law.
9. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other applicable provisions of the Act, as amended from time to time.
10. The Licensee shall conduct an annual internal audit on compliance with the conditions of licence. A report on the audit shall be submitted to the Provincial Head or Responsible Authority within one month of the finalisation of the audit.
11. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The audit shall be conducted within 6 (six) months after the submission of internal audit, and a report of the audit shall be submitted to the Provincial Head or Responsible Authority within one month of finalisation of the audit report.
12. Any incident that causes or may cause water pollution shall be reported to the Provincial Head or Responsible Authority or his/her designated representative within 24 hours.
13. The Licensee must inform the Department at least 90 days before the expiry date of the licence whether the licence must be considered for another term.

14. Licensee shall use water efficiently to minimise total water intake, void usage of water where possible, implement “good” housekeeping and operating practices, and maximise the reuse /recycle of contaminated water.
15. All measuring, recording and integrating devices shall be maintained in a sound state of repair and calibrated by a competent person at intervals as specified and required according to the device specifications.
16. The licensee must calibrate the inflow and outflow meters and these calibration certificates shall be available for inspection by the Provincial Head or Responsible Authority or his/her representative upon request. A relevant maintenance and calibration schedule should be compiled and maintained by the licensee.
17. The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of these activities and the licensee must take such measures that are necessary to bind such persons to the conditions of this licence.
18. Notices prohibiting unauthorised persons from entering the certain areas, as well as acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas.
19. If the Licensee is not the end user/beneficiary of the water use related infrastructure and will not be responsible for long term maintenance and management of the infrastructure, the Licensee must provide a programme for hand over to the successor-in-title including a brief management/maintenance plan and the agreement for infrastructure along with allocation of responsibilities, within three (3) months of the date of issuing of this licence.
20. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of-
 - 20.1 shortage of water;
 - 20.2 inundations or flood;
 - 20.3 siltation of the resource; and
 - 20.4 required reserve releases.
21. The Licensee must submit an audited financial statement to the Provincial Head or Responsible Authority once per year, for the full duration of this licence. Based on the annual turnover of the activity in respect of which this licence is issued, Provincial Head or Responsible Authority may direct the Licensee to contribute to the need to redress the results of the past racial and gender discrimination.

APPENDIX II

Section 21 (a) of the Act: Taking water from a water resource

1. The Licensee is authorised to take a maximum quantity of water from a Vaal River as detailed in Table 1.

Table 1: Section 21 (a) water use activity

Water use(s)	Purpose	Volume (m³/a)	Property Description	Co-ordinates
Section 21(a)	Abstraction of water from Vaal river for irrigation purposes	520 000 m ³ /a	Portion 3 of the farm Slypklip North No. 32	S 28°24'07.90" E 24°43'05.46"
Section 21(a)	Abstraction of water from Vaal river for livestock	839 m ³ /a	Portion 3 of the farm Slypklip North No. 32	S 28°24'07.90" E 24°43'05.46"

2. The quantity of water authorised to be taken in terms of this licence may not be exceeded without prior authorisation by the Responsible authority.
3. This licence does not imply any guarantee that the said quantities and qualities of water will be available at present or at any time in the future.
4. The abovementioned volume may be reduced when the licence is reviewed.
5. The Licensee shall continually investigate new and emerging technologies and put into practice water efficient devices or apply technique for the efficient use of water containing waste, in an endeavour to conserve water at all times.
6. All water taken from the resource shall be measured as follows:
 - 6.1 The daily quantity of water taken must be metered or gauged and the total recorded at the last day of each month; and
 - 6.2 The Licensee shall keep record of all water taken and a copy of the records shall be forwarded to the Provincial Head or Responsible Authority each year with the annual monitoring report.
7. No water taken may be pumped, stored, diverted, or alienated for purposes other than intended in this licence, without written approval by the Provincial Head or Responsible Authority.
8. The Licensee shall install and monitor appropriate water measuring devices to measure the amount of water abstracted, received and/or consumed, as applicable to the infrastructure.
9. The licensee shall establish and implement a continual process of raising awareness amongst itself, its workers and stakeholders with respect to Water Conservation and Water Demand Management initiatives.
10. The licensee shall as part of annual monitoring report submit:-

- 10.1 Details of crops
 - 10.2 Irrigation system types
 - 10.3 Details of livestock
11. The licensee shall appoint and make use of suitable qualified irrigation system designers for the design and installation of irrigation systems which shall be registered with South African Irrigation Institute.
12. The Licensee shall compile an Annual Monitoring Report and submit to the Provincial Head or Responsible Authority within eighteen (18) months after issuance of this licence and annually thereafter under Reference number 27/2/1/C491/58/1. This must be accompanied by the results of analysis after monitoring requirements.

APPENDIX III

Section 21 (b) of the Act: Storing of water

1 STORING OF WATER

- 1.1 The Licensee is authorised to store a maximum quantity of water in the dam(s) at the geographic position and farms as specified in Table 2 below:

Table 2: Storage dam(s) for abstracted raw water

Water use(s)	Purpose	Capacity (m ³)	Property Description	Co-ordinates
Storing of water into Dam 1	Storing of water for irrigation purposes	27.26 m ³	Portion 3 of the farm Slypklip North No. 32	S 28°23'56.55" E 24°43'38.16"
Storing of water Dam 2	Storing of water for irrigation purposes	27.26 m ³	Portion 3 of the farm Slypklip North No. 32	S 28°23'50.18" E 24°42'56.16"

- 1.2 The quantity of water authorised to be stored in terms of this licence may not be exceeded without prior authorisation by the Department or Responsible Authority.

2 Monitoring Requirements

- 2.1 Suitable measuring structures must be constructed to measure the flows entering and leaving the dam and this information must be available to the Responsible Authority on request.
- 2.2 The Licensee shall establish a monitoring programme where in the date and time of monitoring in respect of each sample taken and shall be recorded together with the results of the analysis as well as other significant information (low flow, flooding, pollution incident, etc).
- 2.3 The water level in the dam and the quantity of water stored shall be recorded at the last day of each month.
- 2.4. The Licensee shall submit the monitoring results as part of annual monitoring plan in condition 12 Appendix II.

3 Dam Safety Requirements

- 3.1 The Licensee is not exempted from compliance with the provisions of the Regulations published under Government Notice R139 of 24 February 2012, read with Chapter 12 of the Act.
- 3.2 The Licensee shall supply any information, drawings, specifications, design assumptions, calculations, documents and test results when requested by the Responsible Authority.

4 Construction of Dam(s)

- 4.1 The as-built plans and specifications of the dam must be submitted to the Responsible

Authority for his/her records and the following applies:

- 4.1.1 Construction of the dam(s) may not commence before authorization in terms of the National Environmental Management Act (Act 107 of 1998 is issued; and
 - 4.1.2 The Government reserves the right to construct storage works at any time in any stream and to store all surplus water reaching the dam(s) and to control the allocation of such water.
- 4.2 The licensee must consider whether the safety norms pertaining to the design, construction, monitoring, operation, performance and maintenance of the dam satisfy acceptable dam engineering practices.

[END OF LICENCE]