

Verw: 16109WULA-W2
 Datum: 12/06/2017

Breede-Gouritz Catchment Management Agency
 5 Baring Street
 Private Bag X3055
 Worcester
 6850

Attention: Vhengani Ligudu

WATER USE LICENCE APPLICATION FOR TAKING & STORING OF WATER IN PROPOSED HUT DAM ON FARM 394 PORTION 5, SWELLENDAM DISTRICT, SANGASDRIFT TRUST

On the instruction of our client, Mrs Olivia Jonker, the representative of *Sangasdrift Trust*, we hereby apply on her behalf in terms of the National Water Act (Article 36), 1998, for a licence to take new surplus winter water and to store it in the proposed Hut dam on Farms 394 Portion 5 & 3. (Refer to **Appendix 1, 2 & 3**)

Article 36, 1998, Section 21	Description:	YES	Note
(a)	Taking water from a water resource	x	
(b)	Storing water	x	
(c)	Impeding or diverting the flow of water in a watercourse	x	
(d)	Engaging in a streamflow reduction activity contemplated in Section 36		
(e)	Engaging in a controlled activity identified as such in Section 37(1) or declared under Section 38(1)		
(f)	Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit		
(g)	Disposing of waste in a manner which may detrimentally impact on a water resource		
(h)	Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process		
(i)	Altering the bed, banks, course or characteristics of a watercourse	x	
(j)	Removing, discharging or disposing of water found underground if it is necessary for efficient continuation of an activity or for the safety of people		
(k)	Using water for recreational purposes		

WULA FORMS: DW 755, DW785, DW760, DW762, DW787, DW901 & DW902, DW forms (c) & (i)

BACKGROUND

This licence application is actually a continuation or revision of the previous *Sangasdrift Trust* application that late Mr Adolf Jonker submitted in 2003 on behalf of *Sangasdrift Trust*. It is also still based on the BBBEE vision submitted in 2010 that formed part of the last application, however, this time round, Mrs Olivia Jonker, being one of two trustee's of *Sangasdrift Trust*, is applying in her own capacity as a woman on behalf of *Sangasdrift Trust* for this licence.

Sangasdrift Trust is an entity in which Mrs Olivia Jonker, as a South African woman, currently has 50% of the decision making power in her capacity as trustee. *Sangasdrift Trust* currently owns two neighbouring properties, namely Van der Wattskraal 394 Portion 3 & 5 and are farmed as one unit in the Swellendam district. Mrs Olivia Jonker still has the longterm vision of establishing a BBBEE project on one part of the farming unit, namely Van der Wattskraal 394 portion 5, entailing a development ±55ha of a variety of nuts. The long term idea is thus that both such a development as well as the property on which it is exercised, will be transferred to the envisioned BBBEE entity itself at a later stage, having the option to manage and further develop it.

To show her commitment to the BBBEE development, Mrs Olivia Jonker is already in the process of setting up the necessary BBBEE entities with its share-holding, including all legal documentation. The BEE project is called *Sonderend Farmers (Pty) Ltd* and the project as such will develop over the next few years with the newly applied-for water uses as set out in this licence application.

Furthermore, to develop and sustain the nut development, this application includes the taking of 'new' surplus winter water, partly from the Eksteenskloof and partly from the local adjacent catchment as well as storing it in the proposed dam for summer usage. The proposed Eksteenskloof abstraction point is once again the existing Eksteenskloof weir, however it is situated just above the northern border of *Sangasdrift Trust's* properties on Farm RE234 and therefore approval of the use of the weir was confirmed with the owners, De Kaap Boerdery Pty Ltd. We refer to **Appendix 5 & 8** illustrating the farming unit layout.

The one part of the 'new' water use entails the 50% portion from the available surplus winter water from the Eksteenskloof which are to be shared on a 50/50 basis with the parallel running licence application, namely the **Dasberg WULA**, 1647WULA-W2, dated 4 April 2017 (**Appendix 39**) in which the balance of the Eksteenskloof available surplus winter water was applied for, refer to the map showing both sets of farming units (**Appendix 7**).

Suitable dam sites could only be found on either the border between the two concerned properties or on the eastern property, namely Van der Wattskraal 394 portion 3, and two possible sites have been identified and investigated, namely the proposed Hut dam and Dam 2. The proposed Hut dam site was found to be the most economical and effective site on the long run because of the gravitational benefits. (**Appendix 6**)

The proposed dam site is located approximately 14km east of the town of Riviersondend and north of the N2 and is indicated on the *Location map*, **Appendix 4**.

MOTIVATION FOR APPLICATION:

- 1 - *Sangasdrift Trust*, being the applicant and the owner of the concerned properties, both has **land** available for BEE development as well as a suitable **dam site** for the additional storage, which properties are both part of the Sangasdrift farming unit.
- 2 - This application forms part of the larger Witzenberg PALS project whose primary goal is to support, mentor and enable black farmers to become successful commercial farmers. See *Witzenberg PALS, Partnerships in Agri Land Solutions*, Project Leader: Gerrit van Vuuren, CEO: Lennox Plaatjies, **Appendix 37**.
- 3 - Except that this is an envisioned BEE project and that many jobs will be created and ensured in the long term, it is also a **South African woman** applying in her own capacity, owning 50% of the shares in Sangasdrift Trust, to further the agricultural development of the local farming community. See *Sangasdrift Trust B-BBEE DRAFT Business Plan*, **Appendix 38**.
- 4 - The *Sangasdrift* PALS project (also known as the *Sonderend Farmers*) will be implemented on a portion of farm 394/5. The project currently entails a ±55ha nut development that will be under irrigation. This project and application fits in with the factors mentioned in Section 27 (1)(b) and (d) of the National Water Act, 36 of 1998. It will assist with the redressing of past discrimination and it supports job creation and economic growth which will not be the case if the application is not granted (Section 27 (1)(d)(ii)).
- 5 - An amount of about R510 000 has already been spent on consultations, legal advice & registrations as well as first phases of environmental impact -, WULA & dam designs studies.

APPLICATION:

The main purpose of this license application is to take 'new' water from both the Eksteenskloof and the adjacent local catchment and store it in the proposed in-stream dam for summer usage. The taking from the Eksteenskloof will be diverted and transferred by a proposed pipeline to be released just above the full supply level of the proposed dam. Although a part of the flooded area of the proposed dam will be on the eastern property, farm 394/3, the properties are both farmed as a unit under *Sangasdrift Trust* and should thus be of no concern. Refer to **Appendix 5** for the layout.

The 'new' taking will entail two parts, firstly a 50% portion of available surplus winter water from the Eksteenskloof amounting to about **120 000m³** (the available water to be shared with *Dasberg Boerdery Pty Ltd* on a 50/50 basis), and secondly a part from the local adjacent catchment area, amounting to about **155 000m³**. Refer to *Heading 6: Hydrology*

The 'new' taking from the Eksteenskloof will be abstracted in combination with and in the same way as the ELU was abstracted by means of a weir on Farm RE 234. This existing weir (34° 05' 28.9"S, 20° 01' 57.2"E) however was flooded some time ago and would therefore have to be rehabilitated and thus we include this as part in our WULA. See the Aerial Photomap (2006), **Appendix 8**, as proof of the existence of the weir.

The impact of the re-instatement of this weir on the tributary to the Riviersonderend Rivier was thus studied and we refer to the Freshwater Specialist Study, **Appendix 33**. To include the diversion in our WULA, please see the completed DWS forms (c) & (i), **Appendix 31**. We also refer to the owner's approval for the re-instatement of the weir on the northern neighbour's property, RE234, **Appendix 9**.

From this abstraction point the water will be transferred via a ±300m long new ø150mm uPVC pipeline along existing farms roads and cultivated fields, as suggested by the Freshwater specialist upto the release point just above the full water level of the proposed dam, refer *Site Plan*, **Appendix 5**.

Secondly, the balance of the 'new' taking is from the adjacent stream which is also the local run off for Hut Dam which is an in-stream dam.

- i. **Applicant:** **Sangasdrift Trust**
- ii. **Power of Attorney:** **MC Bester (ID 6607095186082)**
- iii. **Properties:** **Van der Wattskraal 394 Portion 3 & 5**
- iv. **Owner:** **Sangasdrift Trust**
- v. **Title Deed:** **T18864/1995 & T6311/2000**
- vi. **DWS forms:** **Completed forms: DW 755, DW758, DW760 x2, DW762, DW787, DW901, DW902, DW forms (c) & (i)**
- vii. **Water Availability on the concerned properties:**

The concerned Title Deeds as well as the water registrations, recently validated and confirmed by *Breedegouritz Catchment Management Agency*, were investigated for both the concerned properties and are listed as background in **Table 1** below. We refer to BGCMA document 4/4/3/418-C0730000000039400003-0 & 4/4/3/419-C0730000000039400005-0 regarding 394/3 & 5 respectively, dated 17 Feb 2015; **Appendix 12 & 14**.

Table 1: Summary of current water uses:

	<i>Source</i>	<i>Name of Source</i>	<i>Total Volume (m³)</i>	<i>Share (%)</i>
'TAKINGS'				
Van der Wattskraal 394 Portion 3 Sangasdrift Trust - T18864/1995				
1	Listing under Zonderendrivier WUA (summer water) (58ha @ 6 000m ³ /ha/a)	Riviersonderend Catchment	348,502	97%
2	Listing under Zonderendrivier WUA (summer water) (1.9ha @ 6 000m ³ /ha/a)	Riviersonderend Catchment	11,498	3%
	TOTAL		360,000	100%
Van der Wattskraal 394 Portion 5 Sangasdrift Trust - T6311/2000				
1	Listing under Zonderendrivier WUA (summer water) (8ha @ 6 000m ³ /ha/a)	Riviersonderend Catchment	48,502	42%
2	Listing under Zonderendrivier WUA (summer water) (1.9ha @ 6 000m ³ /ha/a)	Riviersonderend Catchment	11,498	10%
3	Oppervlak water (winter)	Riviersonderend Catchment	55,358	48%
	TOTAL		115,358	100%
'STORING'				
Van der Wattskraal 394 Portion 3 Sangasdrift Trust - T18864/1995				
	NONE			N/A
Van der Wattskraal 394 Portion 5 Sangasdrift Trust - T6311/2000				
	NONE			N/A

viii. **Additional water (this WULA):**

The additional water use applied for on properties Van der Wattskraal 394/3 & 5 in this application, is equal to 50% of the surplus winter water in the Eksteenskloof as well as the local catchment run-off and amount to a total of about 275 000m³.

- 'New' surplus winter water - **120 000m³** (50% portion of available winter water from Eksteenskloof ~ to be shared with neighbouring applicant)
- 'New' Local Run-off - **155 000m³** (Refer to Heading 6: Hydrology)
- TOTAL = **275 000m³**

ix. **Additional storage (this WULA):**

The concerned water uses to be stored on one of the properties, namely Van der Wattskraal 394/3, amounts about 300 000m³ and are listed and set out below.

- Existing Lawful Use - **55 358m³** (Refer V&V 394/5)
(small dam already abandoned by flooding)
- 'New' Local Run-off - **155 000m³** (Refer to Heading 6: Hydrology)
- 'New' surplus winter water - **120 000m³** (50% portion of available winter water from Eksteenskloof ~ to be shared with neighbouring applicant)
- TOTAL = **330 358m³**

x. **Proposed New Dam:**

- **Sangasdrift Dam** (off-stream) = **330 000m³**

Note: This is the current preliminary design volume and will be adjusted accordingly when the portion size of available surplus winter water is confirmed.

1. CLASIFICATION & REGISTRATION

The reservoir is subject to the Dam Safety Legislation in terms of Chapter 12 of the National Water Act and the dam is likely to be classified as a Category II, medium size work with a small hazard potential rating. Such application is in the process and was submitted to DWS, Dam Safety Office, Pretoria by the appointed Approved Professional Person, in this case **Sarel Bester Engineers** and the outcome thereof is awaited. See **Appendix 30**.

2. PROCESSING FEE

The application processing fee of R114 will be transferred as soon as BGCMA has opened a WULA file and allocated it to a case officer.

3. "BBBE EMPOWERMENT"

Also Refer to Section 27 (1)(b) & Attached Business Plan (DRAFT):

This licence is based on the BBBEE vision submitted in 2010 that formed part of the last application, however, this time round, **Mrs Olivia Jonker**, being one of two trustee's of *Sangasdrift Trust*, is applying in her own **capacity as a woman** on behalf of *Sangasdrift Trust* for this licence.

Sangasdrift Trust is an entity in which Mrs Olivia Jonker, as a **South African woman**, currently has 50% of the decision making power in her capacity as one of two trustees. *Sangasdrift Trust* currently owns two neighbouring properties, namely Van der Wattskraal 394 Portion 3 & 5 and are farmed as one unit in the Swellendam district. Mrs Olivia Jonker still has the longterm vision of establishing a BBBEE project on one part of the farming unit, namely Van der Wattskraal 394 portion 5, entailing a development ± 55 ha of a variety of nuts. The long term idea is thus that both such a development as well as the land on which it will be exercised, will be transferred to the envisioned BBBEE entity itself at a later stage, having the option to manage and further develop itself. Thus, this application, based on the 'new' takings, also including a smaller ELU, as well as the storing thereof will be incorporated solely for the establishing of the BEE project on the farm 394/5, namely the proposed nut development.

Although the BEE business plan is in its baby shoes, to show her commitment to the BBBEE development, Mrs Olivia Jonker is already in the process of setting up the necessary BBBEE entities with its shareholding, including all legal documentation. The BEE entity is called *Ubuhle Bendalo (Pty) Ltd* and the project as such will develop over a period of five years with the newly applied-for water uses as set out in this licence application. Refer to applicable Legal Documents from **Joubert van Vuuren Attorneys, Appendix 38**.

Mrs Olivia Jonker wishes to empower their workers by establishing the mentioned BEE project whereby shares and ownership is offered to the beneficiaries. With sound training and with a legal mentorship agreements in place the training and mentoring will enable the beneficiaries to take part in decision making opportunities and become commercial farmers. Henceforth the establishment of both *Ubuhle Bendola (Pty) Ltd*, being 100% black owned by Sangasdrift workers, as well as Sonderend Farmers being the entity in which *Ubuhle Bendola* will start by having 30% shares and with the aim of growing it to 51%. Also, Mrs Olivia Jonker and her son, Nicolaas Jonker, will act as their mentor through the operating and already existing company called *Mooiuitsig Boere (Pty) Ltd* via the mutually agreed Mentorship Agreement with *Sonderend Farmers* with the aim to mentor the black shareholders and farmers to become successful black commercial farmers and businessmen, thus ensuring that the BEE project is managed according to best practices as well as that the necessary skills is transferred to the black shareholders. Refer to basic business concepts and organogram within above mentioned documents. (**Appendix 38**)

The project's aim is to establish ± 55 ha of nut orchards, and therefore not only economic growth will be promoted, but additional employment opportunities will be generated in the process.

4. CROP INFORMATION

The current crops on Van der Wattskraal 394/3 & 5 are summarized in **Table 2** below and indicated on the attached Photomap, **Appendix 22**. The necessary detailed information however is contained in the application form, DW787, **Appendix 21**.

The two properties have been neglected for many years before it was bought in 1995 and 2000 and from there it was slowly developed over years until recently to reach the stage where their water uses are fully exercised. Currently, farm 394/5 has two spillpoints (centre pivots) with which they irrigate about 44ha in total, alternating 50% yearley. The second property, farm 394/3, has a total area of about 22ha of irrigated land, 6ha pecan nuts and 15ha of pastures.

A relative small ELU (listing of about 4ha) is being used for feedlots.

This application, including 275 000m³ new/ additional water as well as 55 358m³ winter ELU but which could never have been stored, would therefore ensure a BEE development of about 55ha of nut plantation with an application rate of ±6 000m³/ha/a on the allocated piece of land on farm 394/5. See *Site Plan*, **Appendix 5**.

Table 2: Summary of Crop Information

Property	Crops (ha)	Type	Application (m ³ /ha/a)	Volume (m ³)
CURRENT				
Van der Wattskraal (Farm 394 Portion 3)	6ha	Pecan Nuts	6 000	36 000
	15ha	Pasture	9 500	142 500
		Feedlot		11 500
Van der Wattskraal (Farm 394 Portion 5)	44ha (50% irr)	Lusern	10 000	220 000
		Feedlot		11 500
TOTAL				421 500
PROPOSED (NEW)				
BEE project	±55	Nut	6 000	330 000
TOTAL IRRIGATION	±55	Nut	6 000	330 000

5. ENVIRONMENTAL IMPACT STUDY

Government Notices R385, R386 & R387 of 21 April 2006, issued under Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998), also known as the "NEMA" procedures determine that Sangasdrift application for Hut dam does trigger certain environmental aspects and therefore qualifies for a full Environmental Impact Assessment (EIA) study. The impact assessment and application is currently under way under the auspices of **Messrs EnviroAfrica** and the process is currently in the pre-application phase and the EIA application and formal NEMA Scoping is planned to be submitted Nov 2017 & Feb 2018 respectively and approval is therefore expected to be issued about mid 2018. (Refer to **Appendix 35**)

6. HYDROLOGY

The position of the dam lies within the H60K quaternary drainage area. The proposed in-stream dam is situated within a smaller catchment of a tributary to the Riviersonderend River which forms part of the larger Breede River. Although the dam will store about 330 000m³, the 'new' water concerning this licence application is only in the order of 275 000m³ since 55 358m³ is an ELU (surface winter water) on farm 394/5.

The new water will however consist of two new *takings*, about 120 000m³ and 155 000m³ respectively from two separate abstraction points and will be directed by contour furrow to the lower positioned Hut dam. The first taking consist of a 50% portion of available surplus winter water from the Eksteenskloof and we also refer to parallel running *Dasberg WULA* who applied for the balance of this available water earlier this year (**Appendix 39**)

Such a study to determine the available winter water from Eksteenskloof was undertaken by a specialist in the field of Hydrology, *Mr Gerald Howard* and we refer to his report (see **Appendix 36.**) The findings of the **Hydrology Study**, indicating the available surplus winter water of the Eksteenskloof is summarised in **Table 3** below. Refer to the Eksteenskloof Hydrology Map, **Appendix 10**.

Table 3: Summary of Hydrology Study, according to G Howard, Feb 2017:

CATCHMENT DESCRIPTION	Area (km ²)	MAP (mm)	MAR (x10 ⁶ m ³)
Upper (sub-catchment A)	7.2	598	0.93
Lower (sub-catchment B)	1.3	450	0.08
Lower (sub-catchment C)	1.2	429	0.06
Total	9.7	n/a	1.07

Table 4 below however indicate the available surplus winter water when using above *Hydrology* figures after the ELU's and the Reserve has been protected.

Table 4: Available surplus winter water:

WATER AVAILABILITY (Hydrology Study; G Howard; Mrt 2017)				
	SUB-CATCHMENTS			
	Cumulative Catchment A	Cumulative Catchment B	Cumulative Catchment C	
Primary Catchment	0.930	1.010	1.070	x10 ⁶ m ³
VIRGIN MAR	0.930	1.010	1.070	x10⁶m³
- MAR (50%) IFR	0.465	0.505	0.535	x10 ⁶ m ³
- Existing Use (Sangasdrift Trust)	0.055	0.055	0.055	x10 ⁶ m ³
- Existing Use: Servitude (Viljoen Trust)	0.240	0.240	0.240	x10 ⁶ m ³
NETT MAR / AVAILABLE	0.170	0.210	0.240	x10⁶m³

Please note that both the existing lawful uses (ELU's), namely a servitude of 240 000m³ (Viljoen Trust on RE399) as well as 55 000m³ (Sangasdrift Trust on 394/5) from the Eksteenskloof, have been protected by not including it in the available winter water. We refer to **Appendix 12 & 13** for BGCMA V&V, 17 Feb 2015 & 17 May 2017; Farm Van der Wattskraal 394/5 & Farm Van der Wattskraal RE399.

According to Mr J Roberts from Department Water & Sanitation recommendation, the same was done to protect 50% of the MAR for the Reserve before concluding the available winter water, which thus

amounts to about 240 000m³. Of this calculated available surplus winter water from the Eksteenskloof, both *Sangasdrift* Trust and **Dasberg Boerdery** hereby apply for a 50% part of it, which amounts to 120 000m³. (**Note:** We also refer to the neighbouring party applying for the balance of the available winter water under the applicant name of *Dasberg Boerdery, Van der Wattskraal 399/5, its WULA running parallel to this one*)

The dam being an in-stream dam with its own local run-off as the second part of the new *taking* has thus been part of the hydrology study. Based on the same methodology used by the hydrologist, *Mr G Howard*, we calculated the available surplus winter water and compared it to the **Elsenburg Catchment Delineation Tool**, also based on the **WRC Report 2005**, refer **Appendix 32**. Refer to **Appendix 11**, for the local catchment. The findings of the run-off figures are summarised in **Table 5** below, confirming a balance of about 115 000m³ after the intended 'taking' of 155 000m³.

Table 5: Adjacent Catchment: Hut Dam Local Run-off relevant to the quaternary catchment detail:

WATER AVAILABILITY (WR2005)			
	QUATERNARY CATCHMENT	SUB-CATCHMENTS	
	H60K	Local Hut Dam	
Area	262	2.93	km ²
MAP	371	385	mm
MAR	40	98	mm
Virgin Runoff	11%	25%	
MAR(Virgin)	10.5	0.270	x10 ⁶ m ³
Intended Taking (Adjacent)		0.155	m ³
BALANCE		0.115	x10 ⁶ m ³

From the above we conclude the total available surplus winter water from both Eksteens- as well as the adjacent stream for potting in *Hut dam*. See table **Table 6** below.

Table 6: Total available surplus winter water.

TOTAL AVAILABLE WATER FOR STORAGE	Volume (m ³)
From Eksteenskloof (50% portion)	120,000
Local Catchment	155,000
Existing Water Use (ELU)	55,000
TOTAL	330,000

7. PUBLIC PARTICIPATION

The Public Participation Process for the WULA licence application as per regulation was addressed by **Messrs EnviroAfrica** and was covered in the same advertised public notices as the environmental impact study or NEMA procedures require. The responses will be sent forth for your attention as soon as this process has been completed. See **Appendix 26**, for the placed advertisement in the *Langeberg Bulletin*, 15 June 2017, comments to be expected within 20days thereafter.

8. WATER ACT 36, 1998 SECTION 27 MOTIVATION

For the purpose of completeness of this licence application in terms of Article 27(1) of the National Water Act, 1998, we state:

1. 27(1)(a): Existing Lawful Water Uses

The current existing lawful water uses (ELU's) on the Eksteenskloof (before it joins the Riviersonderend River) of which there are two, namely Sangasdrift (55 000m³) and RE399 servitude (240 000m³) were protected in this WULA calculations. Secondly, to protect the Reserved volume as such, 50% of the Eksteenskloof MAR was calculated to be released into the Riviersonderend River. We refer to **Table 4** under the heading **Hydrology**.

2. 27(1)(b): Redress results of past Racial and Gender Discrimination

This licence is based on the BBBEE vision submitted in 2010 that formed part of the last application, however, this time round, Mrs Olivia Jonker, being one of two trustee's of *Sangasdrift Trust*, is applying in her own capacity as a **woman** and **HDI** on behalf of *Sangasdrift Trust* for this licence.

Sangasdrift Trust is an entity in which Mrs Olivia Jonker, as a **South African woman** and **HDI**, currently has 50% of the decision making power in her capacity as one of two trustees. *Sangasdrift Trust* currently owns two neighbouring properties, namely Van der Wattskraal 394 Portion 3 & 5 and are farmed as one unit in the Swellendam district. Mrs Olivia Jonker still has the longterm vision of establishing a BBBEE project on one part of the farming unit, namely Van der Wattskraal 394 portion 5, entailing a development ±55ha of a variety of nuts. The long term idea is thus that both such a development as well as the land on which it will be exercised, will be transferred to the envisioned BBBEE entity itself at a later stage, having the option to manage and further develop itself. Thus, this application, based on the 'new' takings, also including a smaller ELU, as well as the storing thereof will be incorporated solely for the establishing of the BEE project on the adjacent farm 394/5, namely the proposed nut development.

Although the BEE business plan is in its baby shoes, to show her commitment to the BBBEE development, Mrs Olivia Jonker is already in the process of setting up the necessary BEE entities with its share-holding, including all legal documentation. The BEE entity is called *Ubhle Bendalo (Pty) Ltd* and the project as such will develop over a period of five years with the newly applied-for water uses as set out in this licence application. Refer to applicable Legal Documents from **Joubert van Vuuren Attorneys, Appendix 38**.

Mrs Olivia Jonker wishes to empower their workers by establishing the mentioned BEE project whereby shares and ownership is offered to the beneficiaries. With sound training and with a legal mentorship agreements in place the training and mentoring will enable the beneficiaries to take part in decision making opportunities and become commercial farmers. Henceforth the establishment of both *Ubhle Bendola (Pty) Ltd*, being 100% black owned by Sangasdrift workers, as well as Sonderend Farmers being the entity in which Ubhle Bendola will start by having 30% shares and with the aim of growing it to 51%. Also, Mrs Olivia Jonker and her son, Nicolaas Jonker, will act as their mentor through the operating and already existing company called *Mooiuitsig Boere (Pty) Ltd* via the mutually agreed Mentorship Agreement with *Sonderend Farmers* with the aim to mentor the black shareholders and farmers to become successful black commercial farmers and businessmen, thus ensuring that the BEE project is managed according to best practices as well as that the necessary skills is transferred to the black shareholders. Refer to basic business concepts and organogram within above mentioned documents. (**Appendixes 38**)

The project's aim is to establish ±55ha of nut orchards, and therefore not only economic growth will be promoted, but additional employment opportunities will be generated in the process.

3. **27(1)(c): Efficient and Beneficial Use of Water in Public Interest**
This application is based on the productive and beneficial use of water whereby 295 000m³ water would be used to expand and develop ±55ha of nut development for a BEE project, thus the application rate turns out to be within the very effective range of 6 000m³/ha/a, also ensuring additional jobs in this area that need it very much. Secondly, the storage and distribution of water will ensure gravitational feed to proposed orchards, ensuring effective and economical farming.

4. **27(1)(d): Socio-Economic Impact**
Firstly, in calculating the available 'new' water, all existing water uses as well as 50% of MAR for the Reserve were protected. Secondly, this water use application driven by a **South African woman**, thus will not only ensure effective and economic storage, but also the effective use of the water necessary for the further agricultural development of the BEE land on the property. As a woman, Mrs Jonker's main aim for this project is not only sustaining the BEE project in itself, but the approval of this application will also lead to a more stable and positive labour environment and socio-economic activities while creating additional job opportunities in the agricultural sector.

Would this licence application not be authorised, all additional BEE job opportunities, including giving the previously disadvantaged the opportunity to develop managerial, farming and business skills, as well as all initiating cost will be lost. Both of these aspects would therefore have disadvantageous effects on both the micro- and macro socio-economic impact on the farming community of that area.

5. **27(1)(e): Catchment Management Strategy**
No particular official strategy does exist and it is based primarily on DWS considerations. However, the Breede-Gouritz CMA is appointed by DWS to manage this particular larger Breede & Gouritz River catchment area whereas Zonderend WUA is one of the smaller delegated Water User Associations to regulate water uses in this area in which the applicant's property is located.
6. **27(1)(f): Effect of Water Use on Water Resource and other Water Users**
Regarding the 'New' Taking: No surrounding or downstream water users will be affected in any significant way because the application include the protection of both existing lawful uses as well as a **50% MAR** for the Reserve that will be released into the Riviersonderend River.
7. **27(1)(g): Class and Resource Quality Objectives**
The Departmental classification and quality objectives of the specific resource is: **Class D: Largely Modified** (according to WR2005, Version 0.1)
8. **27(1)(h): Investments made in respect of Water Uses in Question**
Primary capital expenditure include consultations, legal advice, registrations of business entities and a trust, formulating legal contracts, business plan, liaison with Departments Water Affairs & Agriculture, valuations and inspections which amounts to about **R50 000**.

Secondary capital expenditure followed such as the first phase of the environmental impact study, agricultural soil tests, site surveys and preliminary investigations regarding dam sites, preliminary dam designs and applications regarding water uses and amounts to approximately **R410 000**.

Thus, in total about **R 510 00** has already been invested in this project.

9. **27(1)(i): Strategic Importance**

This forms part of the National DWS strategy and is considered a Departmental affair managed by BGCMA.

10. **27(1)(j): Quality of Water required for the Reserve and meeting International Obligations**

The water use referred to in this application will not have any negative affect on the water quality of the Riviersonderend River as such, being subjective to Departmental standards. It consist mainly of 'new' surplus winter water while protecting 50% MAR for the Reserve. This implies that the Reserved volume will not be affected in any way. The application will also not have an effect on International obligations.

11. **27(1)(k): Probable Duration**

The stipulated development will be permanent.

List of Appendixes

- 1 - Power of attorney
- 2 - Copy of Identification Document – MC Bester
- 3 - Copy of Identification Document – Olivia Jonker
- 4 - Locality Map (1: 75 000)
- 5 - Site Plan (1:20 000)
- 6 - Alternative Dam Options
- 7 - Locality Map: Application Dasberb / Sangasdrift (1:50 000)
- 8 - Eksteenskloof Weir – Aerial Photomap
- 9 - Owner Approval of Weir rehabilitation
- 10 - Hydrology Map: Eksteenskloof Catchment Areas (1:100 000)
- 11 - Hydrology Map: Local Catchment Area (1:50 000)
- 12 - BGCMA Letter: 394/5&3, dated 17 Feb 2015
- 13 - BGCMA Letter: RE399, dated 17 May 2017
- 14 - Zonderend Water User Association - Listings
- 15 - DW758 – Company
- 16 - DW760 – Taking of water (1)
- 17 - DW760 – Taking of water (2)
- 18 - DW762 – Storing of water
- 19 - DW901 – Property Information (x3)
- 20 - DW902 – Property Owner Information (x2)
- 21 - DW787 – Crop Information
- 22 - Crop Information – Aerial photomap
- 23 - Title Deed Record - Van der Wattskraal 394 Portion 3 & Title Deed
- 24 - Title Deed Record - Van der Wattskraal 394 Portion 5 & Title Deed
- 25 - Title Deed Record - Van der Wattskraal RE234
- 26 - Public Participation: WULA - Advertisement
- 27 - Preliminary Dam Design Documentation of Proposed new Hut dam;
Sarel Bester Engineers, dated May 2017
- 28 - Method Statement – Hut Dam, dated 29 May 2017
- 29 - Method Statement – Eksteenskloof Weir Rehabilitation, dated 29 May 2017
- 30 - Classification Application, dated May 2017
- 31 - Specialist Studies: Section 21 (c) & (i)
- 32 - Eisenburg Delineation Tool – Eksteenskloof Run-off
- 33 - Fresh Water Study
- 34 - SASS Report (Refer Freshwater Study, Sections 3.8 & 4)

- 35 - Environmental Impact Assessment – Proof of Receipt
- 36 - Hydrology Study; *G Howard*, dated March 2017
- 37 - Witzenberg PALS: Summary – Gerrit van Vuuren (available on request)
- 38 - BBEEE Business Plan (DRAFT), by Joubert van Vuuren, dated Jan 2017
- 39 - Dasberg WULA – 1647WULA-W2, dated Apr 2017
- 40 - Sangasdrift Trust – Trust, Trustees & Tax certificate

We trust for the above to be in order and will appreciate your attention in this regard.

Yours Sincerely



M Charl Bester (Pr Ing)

Copies to:	Mrs O Jonker, Sangasdrift Trust / Mooiuitsig Boerdery, Bonnievale
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