



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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

I, **Mr Moses Siphoskosana** in my capacity as Chief Director: Water Use Authorisation Management in the Department of Water and Sanitation and acting under the powers delegated to me by the Minister of Water and Sanitation, hereby authorises the following water use in respect of this licence.

Serial Number : 5383618208995463060

Chief Director: Water Use Authorisation Management

Date: Mar 8 2024 1:31PM

**LICENCE NO: 02/H10B/AB/13972
FILE NO: 27/2/1/H210/8/1
REF. NO: WU28098**

Licensee: Jade Farming Pty Ltd

Postal Address: PO Box 72
CERES
6835

Physical Address: Jade Farm,
CERES
6835

CD: WUAM

1. Water Uses authorised by this licence

Table 1: Summary of water uses authorised

2.1	Section 21(a) of the Act	Taking water from a water resource, subject to the conditions set out in Appendices I and II.
2.2	Section 21(b) of the Act	Storing water, subject to the conditions set out in Appendices I and III

2. Property in respect of which the water use licence is issued

Table 2: Property details where the water use(s) will take place

Property description	Title Deed number	Owner
Portion 26 of farm Stinkfontein 383, Ceres	T13043/2013	Jade Farming Pty Ltd

** the abstraction takes place on Portion 50 of the farm Stinkfontein 383, Ceres at the existing abstraction point for the Rietvalley Scheme.

3. Licence and Review Period

- 3.1 This licence is valid for a period of Twenty (20) year(s) from the date of issuance and it may be reviewed at intervals of not more than five (5) years.
- 3.2 On review of the licence, a Responsible Authority may amend any condition of the licence, other than the period of validity thereof.

4. Definitions

Any terms, words and expressions as defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence."

4.1 The following definitions are of relevance, but not exclusive, to this licence

Act	National Water Act, 1998 (Act 36 of 1998).
Buffer zone	Buffer zone: a strip of land surrounding a wetland or riparian area in which activities are controlled or restricted, in order to reduce the impact of adjacent land uses on the wetland or riparian area. The buffer zone is measured from the edge of the delineated watercourse determined according to the Departmental guideline - "A practical field procedure for identification and delineation of wetlands and riparian areas."
CEO	The Chief Executive Officer of Catchment Management Agency Breede-Olifants CMA, c/o East Lake and Mountain Mill Road, Worcester 6849
Commencement date	The date on which water use starts.
CMA	Catchment Management Agency.
Days	Calendar days.
Delegated Authority	The person that has been delegated certain functions of the Act.
Department	The Department of Water and Sanitation.
Extent of the watercourse	(a) the outer edge of the 1:100 year floodline or the delineated riparian habitat, whichever is the greatest, measured from

	the middle of the watercourse of a river, spring, natural channel, lake or dam; and (b) Wetlands and pans: the delineated boundary (outer temporary zone) of any wetland or pan.
Minister	Minister of the Department of Water and Sanitation.
Provincial Head	Head of Provincial Operations: Western Cape (Voortrekker Road, Bellville, Cape Town, 8000)
Regulated area of a watercourse	(a) The outer edge of the 1 in 100 year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam; (b) In the absence of a determined 1 in 100 year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or (c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.
Responsible Authority	"Responsible authority" in relation to a specific power or duty in respect of water uses, means (a) if that power or duty has been assigned by the Minister to a catchment management agency, that catchment management agency; or (b) if that power or duty has not been so assigned, the Minister
Watercourse	"Watercourse" means (a) a river or spring; (b) a natural channel in which water flows regularly or intermittently; (c) a wetland, lake or dam into which, or from which, water flows; and (d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks.

5. Description of activity and affected water resource(s)

The licence authorises Jade Farming Pty Ltd to abstract a volume of 110 000 m³/a from the Titus river as part of the Rietvalley Scheme for storage of 110 000 m³ in a dam on the property owned by the applicant. The property falls within the H10B quaternary catchment of the Breede-Olifants Water Management Area. The water abstracted will be used for irrigation of agricultural crops.

The abstraction of water from the Titus River is made during the period 15 April to 15 September of a year as per scheme rules as stipulated under the special conditions in Annexure II of this licence.

APPENDIX I

GENERAL PROVISIONS AND CONDITIONS OF THE LICENCE

1. GENERAL PROVISIONS

Legal Framework

- 1.1 This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998) as amended from time to time.
- 1.2 The licence shall not be construed as exempting the Licensee from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.

Administrative duties/obligations/responsibilities of the Licensee

- 1.3 The responsibility for complying with the provisions of the licence is vested in the licensee and not any other person or body.
- 1.4 The licensee will be responsible for any water use charges or levies imposed by a Responsible Authority according to the pricing strategy. The levies/charges will be charged from the date of the issuance of this licence.
- 1.5 No water taken may be pumped, stored, diverted, or alienated for any other purpose other than as intended in this licence without the written approval of the Delegated Authority.
- 1.6 It is the responsibility of the licensee to request an amendment of this licence to reflect the registered volume should the requirements change. All requests must be made to the Responsible Authority.
- 1.7 If the water use licence is not exercised or fully exercised within the 5 (five) year period and the extended 2 (two) year period, as referred to in condition 2.4 and condition 2.5 in appendix 1, the licence may be amended to reflect the extent of the water use that is being exercised, or the licence may be withdrawn.

Change of property details

- 1.8 Amendment of the licence to reflect the name of the new owner will not be approved if there are any outstanding charges or levies imposed by the Responsible Authority to the previous owner.

Issue of no guarantee of supply

- 1.9 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.

Monitoring

- 1.10 The quantity of water authorised to be taken in this licence may not be exceeded.
- 1.11 Any changes to the monitoring programmes should be approved by the Provincial Head/CEO.

Reviewal of licences

- 1.12 The volume authorised in this licence may be reduced when the licence is reviewed.

Effecting of the Reserve

- 1.13 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.

Liabilities and Rights

- 1.14 The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of, shortage of water; inundations or flood; siltation of the resource; and required Reserve releases.
- 1.15 The Minister reserves the right to construct water storage works at any time in any watercourse and to store all surplus water reaching the storage works, as well as to control the allocation of such water.

Dam Safety Requirements

- 1.16 The licensee is not indemnified from any detrimental effect that the dam(s) may have on other properties.
- 1.17 The Department does not accept any responsibility or liability for any damages or losses that may be suffered by any other party because of the construction and utilisation of the dams.
- 1.18 The licensee is not exempted from compliance with the provisions of the Dam Safety Regulations published under Government Gazette Notice R.139 of 24 February 2012 or any amendment thereof read with Chapter 12 of the Act, which are applicable to all dams with a safety risk.

Restrictions

- 1.19 The licensee must adhere to any restrictions that are gazetted and imposed on the respective water resource.

Water measurement and reporting

- 1.20 The Provincial Head/CEO may at any time direct a licensee, at the licensee's expense, to have the accuracy of the licensee's water measuring device/s verified, in addition to the requirements of their inspection and calibration schedule by a person or an institution accredited to verify the accuracy.

Stormwater Management

- 1.21 Stormwater leaving the licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped, spilled on the premises.

Amendments

- 1.22 The licensee may apply for amendment of this licence in terms of the Act at any time during the period of validity of this licence. Applications must be submitted to the Provincial Head/CEO.

Appeals

- 1.23 If this licence is appealed, it is automatically suspended and the water use activities must cease upon receipt of a notification of the appeal from the Department, alternatively the licensee may request the Minister to lift the suspension pending conclusion of the appeal via the Chief Director Legal Services at the address below:

Private Bag X313,
Pretoria,
0001.

2. GENERAL CONDITIONS

Administrative duties/obligations/responsibilities of the License

- 2.1 The licensee must avail an original copy of the water use licence and the supporting reports upon request by the Department.
- 2.2 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.

Commencement of a water use licence.

- 2.3 The licensee must inform the Provincial Head/CEO in writing within seven (07) days after the licensee commences with water use licence and again within thirty (30) days upon completion of the activity/ies.
- 2.4 The water uses authorised in this licence must be fully exercised within five (5) years from the date of issuance of this licence.
- 2.5 If the licensee cannot exercise or fully exercise the water use licence within 5 (five) years, the licensee may request from the Provincial Head/CEO, with reasons, an extension of time to fully utilise the said water use licence, at least three months, before the expiry of the 5 (five) years. Only one request for extension of time, with maximum of 2 (two) years for commencement or of fully exercising of water use licence will be considered.

Change of details of licensee or property

- 2.6 The licensee must inform the Provincial Head/CEO of any change of ownership, name, address, premises and/or legal status within sixty (60) days of such change taking place.
- 2.7 If the properties in respect of this licence is/are subdivided or consolidated, the licensee must provide full details of any change(s) in respect of the properties to the Provincial Head/CEO within sixty (60) days after the registration of title deed(s).
- 2.8 If the licensee is not the end user/beneficiary of the water user related infrastructure and will not be responsible for long term maintenance and management of the infrastructure, the licensee must provide a hand over report to the successor in title including a brief management/maintenance plan and the agreement for infrastructure along with allocation of responsibilities, within sixty (60) days after the date of change of end user or beneficiary.

Early renewal for the Licence

- 2.9 The licensee must, if needed, apply for early renewal of this licence in terms of the Act within one (1) year before the expiry date of a licence. The application must be submitted to the Provincial Head/CEO.

Malfunctions, incidences, contingencies, and pollution prevention

- 2.10 The licensee must service all vehicles and other machinery outside the extent of the watercourse/s.
- 2.11 Oils and other potential pollutants must be disposed of at a licensed site, with the necessary agreement from the owner of such a site.
- 2.12 The licensee must handle, transport, store and use any hazardous substances according to the relevant legislation or South African National Standards (SANS).
- 2.13 Any incident that causes or may cause water pollution shall be reported to the Provincial Head/CEO or the designated representative within 24 hours. Should the incident occur during a weekend or public holiday, the licensee must report the incident on the next official working day.
- 2.14 The licensee must prevent pollution from continuing or recurring.
- 2.15 All incidents must be recorded in an incident register.

Water Conservation and Water Demand Management (WCWDM)

- 2.16 The licensee must establish and implement a continual process of raising awareness among itself, its workers, and stakeholders with respect to WCWDM initiatives.
- 2.17 The licensee must continually investigate new and emerging technologies and put into practice water efficient devices and /or apply technique for the efficient use of water, in an endeavour to conserve water at all times.

Water measurement and reporting

- 2.18 The licensee shall install appropriate water measuring devices to measure the amount of water abstracted prior use of water.
- 2.19 The licensee shall ensure that all measuring and monitoring devices are properly maintained and in good working order as per design specification and must be easily accessible. This shall include a programme of checking, calibration, and/ or renewal of measuring devices.
- 2.20 Calibration /verification certificates of the flow measuring, recording and integrating devices must be available for inspection by the Provincial Head/CEO or the representative upon request.

Membership to a Water Users Association

- 2.21 If a water user association exists or is established in the area to manage the resource, it is compulsory for the licensee to be a member of the water user association. The licensee must adhere to the rules, regulations, and water management stipulations of the water user association.

Stormwater Management

- 2.22 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to erosion and excessive levels of silt entering the stream.

Auditing and reporting

- 2.23 The licensee must conduct annual internal audits on compliance with the conditions of this licence. The first audit must be conducted within ninety (90) calendar days from the date of commencement of water use entitlement. A report on internal audits must be submitted to the Provincial Head/CEO within sixty (60) calendar days of the finalisation of the audits.

Compensative measures

- 2.24 The licensee must prevent adverse effects on other water users. All complaints must be recorded in complaints register and be investigated by a suitable qualified person, accredited by an institution/ registration body, appointed by the licensee and if investigations prove that the licensee has impaired the rights of other water users, the licensee must implement appropriate compensative measures as determined by the Minister.

APPENDIX II

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

1. Taking water from a resource

- 1.1. This licence authorises Jade Farming Pty Ltd to take a maximum quantity of 110 000 m³/a (one hundred and ten thousand cubic metres per annum) from the Titus River through the Rietvalley Schem as detailed in Table 1.

Table 1 : Details of water uses authorised

Water use description	Purpose	Property	Volume of water taken (m ³ /annum)	Coordinates
Section 21(a)-taking water from a water resource				
Abstraction of surface water	Irrigation of agricultural crops	Stinkfontein 383 Portion 26, Ceres	110 000	-33.39149 19.369447

- 1.3 Groundwater abstraction is limited to direct use and may not be stored within the Jade Farming dam.

2. Water measurement

- 2.1. All water taken from the resources shall be measured, recorded and reported as follows:
- 2.1.1 The daily quantity of water taken must be metered or gauged and the total recorded at the last day of each month during the abstraction period 15 April to 15 September; and
- 2.1.2 The Licensee shall keep record of all water taken and a copy of the records shall be forwarded to the Provincial Head/CEO on or before 25 January of each year.
- 2.1.3 Water measurement records shall be made available to the Titus River Irrigation Board and / or any Water Users Association established in the catchment on request.

3. Transformation/ Equity/ Redress

- 3.1 The licensee must submit, to the Provincial Head/CEO, annual audited financial statements of the enterprise in respect of this licence, for the full duration of this licence within sixty (60) calendar days after the end of each financial year of the enterprise. Should the annual turnover of the said enterprise exceed R10 000 000.00, the licensee must contribute to need to redress the results of the past gender and racial discrimination in a way the Responsible Authority deems acceptable.

4. Site Specific conditions

- 4.1 The water use licence authorises Jade Farming Pty Ltd to abstract water from the Titus River between 15 April and 30 September each year in line with existing regulations including minimum flow requirements in the Titus River.
- 4.2 Install a suitable water meter at a suitable position on the rising main after the Jade Hills division structure to the dam to measure water abstracted from the Titus River and pumped into the dam.
- 4.3 Abstraction can only happen when the flow of the Titus River at Point 9 (as prescribed by the Titus River Irrigation Board and / or established Water Users Association) meets the requirements for surplus flow and exceeds 216 m³/hr.
- 4.4 No groundwater abstracted may be stored in the dam.

APPENDIX III

Section 21 (b) of the Act: Storing water

1. Storing water

- 1.1. The licensee is authorised to store a maximum quantity of 110 000 m³ (One hundred and ten thousand cubic metres) of water in the Jade Farming dam in Table 2.

Table 2: Details of the water use(s) authorised

Water use description	Purpose	Properties	Capacity (m ³)	Coordinates
Section 21(b): Storing of water				
Jade Farming dam	Storage of water	Portion 50 of the farm Stinkfontein 383, Ceres RD	110 000	-33.375306 19.3703865

- 1.2. The quantity of water stored must be recorded at the last day of each month and the records must be submitted to the Provincial Head/CEO annually.

2. Monitoring requirements

- 2.1. The Licensee must install appropriate measuring devices to measure the levels of the dam. Should the dam level reach a critical level then protective measures should be implemented.

3. Dam safety requirements

- 3.1 The construction, enlargement, alteration, or repair of a dam with a safety risk, must be carried out under a licence issued in terms of the above Regulations.
- 3.2 The licensee must supply any information, drawings, specifications, design assumptions, calculations, documents, and test results when requested by the Provincial Head/CEO.

[END OF LICENCE]