



OFFICE OF THE **CHIEF EXECUTIVE OFFICER**
Cnr Mountain Hill and East Lake Roads, Worcester 6850

☎ (023) 347-2012	✉ Private Bag 3055	👤 J. van Staden
☎	WORCESTER	☎ (023) 346-8000
e-mail: verification@bocma.co.za	6849	📁 FARM 385 HOEKWIL

SENT BY HAND/ REGISTERED POST/ E-MAIL

WILDERNESS FRUIT (PTY) LTD
Private Bag X901
Ermelo
2350

basil@wildernessfruit.co.za

Dear Sir/Madam

BREED OLIFANTS 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 OR EXTENT OF EXISTING TAKING AND STORING OF WATER

The Breede Olifants Catchment Management Agency (BGCMA), being the responsible authority, is undertaking the verification of all water uses in the Gouritz Water Management Area in terms of Section 35 of the National Water Act, 1998 [“the Act”].

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, Ownership and Water User Details

PROPERTY DESCRIPTION	Farm Name	Farm Number	Registration Division	Portion Number	Property Extent (ha)
	HOEKWIL	ERF 385	GEORGE		
PROPERTY OWNER	Name of Owner		ID/Bus Registration No.	Title Deed Number	
	WILDERNESS FRUIT (PTY) LTD				
REGISTERED WATER-USER	Name of Water User		ID/Bus Registration No.	Departmental Register Number	

N.B.: *The property information in Table 1 are details from the qualifying period (see Annexure 1, Item 3) which, in many instances, may be different from current property and ownership details or that in the BOCMA WARMS system. Please correct the details where necessary.*

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 as follows.

Table 2: Water use entitlements and water uses during the qualifying period

Description and Reference	Irrigation (s21(a))				Storing (s21(b))		
	Field Area (ha) ¹	Crop Area (ha) ¹	Volume (m ³ /year)	Source(s)	No. of Dams	Total Storage (m ³)	River / Stream
Water use during the qualifying period	24.5		133 770		1	47,233	
Registered water use ²	24.5		133 770		4	59 500	
Proposed existing lawful water use ³ (s21(a) and (b))	24.5		133 770		1	47,233	
Non-Irrigation Uses (domestic supply, aquaculture, stock-watering, etc.)							
Sector / Source:							
Registered water use volume (m ³ /year) ² :	Groundwater						
	Surface Water						
Proposed existing lawful water use (m ³ /year):	Groundwater						
	Surface Water						

*** Refer to Annexure 1 for a description of the footnotes and other important information.**

In view of the above, the responsible authority, herewith and in terms of Section 35(1) of the Act requires of you to apply for the verification of your water use in order to confirm the lawfulness or extent thereof.

To assist you with this application, an application form is attached hereto to be completed by you. 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 before or on **05 November 2024** at the above-mentioned address. The application may be mailed, faxed, emailed, or delivered by hand. If the time given to meet this request is insufficient, a written application for the extension of time (specific date) is required.

Please note that should the application not reach the responsible authority on or before the due date, or any approved extension of the due date, your entitlement to continue with your water use may lapse.

Please pay particular attention to Section 35(5)(a) of the Act, which states the following:

“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 Act, it is in your best interest to comply with this notice.

Upon receipt of your application, the responsible authority may request 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 delegated authority finally decides on your application in terms of Section 35(4) of the Act.

A final determination of your existing lawful water use is appealable to the Water Tribunal in terms of Section 148(1)(e) of the Act.

Yours faithfully



**Acting CEO: BREEDE OLIFANTS CMA
For the Minister of Water and Sanitation**

DATE: 02 October 2024

APPLICATION FORM ATTACHED

IMPORTANT NOTE:

If you have not received correspondence for other property(ies) on which you undertook a water use during the qualifying period, note that a separate s35(1) application is required for each property to allow the BOCMA to determine its existing lawful water use. Please complete and submit the attached register for these additional properties.

PLEASE REGARD THIS AS NOTIFICATION TO APPLY FOR VERIFICATION OF YOUR UNREGISTERED PROPERTIES, IF ANY. FAILURE TO DO SO MAY RESULT IN THE LAPSE OF YOUR WATER USE ON THESE PROPERTIES.

ANNEXURE 1

DESCRIPTION OF FOOT NOTES FROM TABLE 2:

^{*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. Notice Number 515, published in the Government Gazette Number 21215, dated 26 May 2000, requested the registration of water use in the Gouritz Water Management Area.

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.

^{*3} The proposed existing lawful uses are included in this application on pages 4 and 5 of this letter. You are required to indicate whether you agree with this determination. If you agree, your registration will be amended to reflect this. If you do not agree, proof of existing lawful use(s) must be provided (see point 3 of the Additional Notes) with this signed application.

ADDITIONAL 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. Please request in writing should you require more information regarding the crops and crop irrigation requirements for this property.

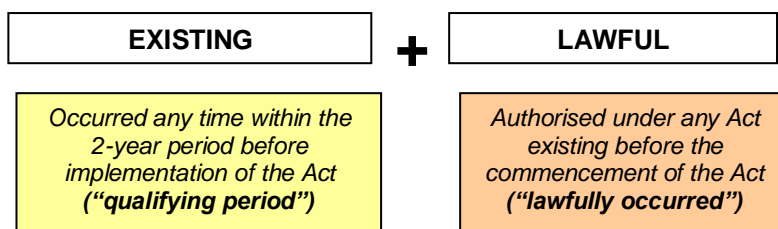
2. **Existing Lawful Water Use**

To qualify as 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 (the "Qualifying Period" [QP]).
- 1 October 1996 to 30 September 1998 for groundwater, e.g. water from boreholes.
 - 1 October 1996 to 30 September 1998 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.



OR

- 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).

3. If the water user is not the registered owner of the property, it is advised that the water user informs the owner of this letter.

**APPLICATION FORM IN TERMS OF SECTION 35(1) FOR THE CONFIRMATION OF THE
LAWFULNESS AND EXTENT OF EXISTING WATER USE ON A PROPERTY, IN TERMS OF THE
NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)**

1. PROPERTY INFORMATION

<i>Registration Division</i>	<i>Farm Number</i>	<i>Portion</i>	<i>Farm Name</i>	<i>Property Extent(ha)</i>	<i>Departmental Register Number</i>
GEORGE	385		HOEKWIL		

2. TITLE DEED INFORMATION

<i>Name of Owner</i>	<i>ID Number or Business Registration Number</i>	<i>Share</i>	<i>Title Deed Number</i>	<i>Title Deed Date</i>
WILDERNESS FRUIT (PTY) LTD				

3. POSTAL ADDRESS (WATER USER)

<i>Name</i>	<i>Postal Address</i>	<i>Telephone</i>	<i>Cell Phone</i>
WILDERNESS FRUIT (PTY) LTD	Private Bag X901 Ermelo 2350	+2782825208 6	basil@wildernessfruit.co.za

4. RESIDENTIAL ADDRESS (WATER USER)

Erf 385 Hoekwil, George

5. VALIDATION OF EXISTING WATER USES DURING THE QUALIFYING PERIOD

Type of Water Use		Proposed Existing Lawful Water Use		Please indicate whether or not you agree with the provisional validation result	
A 1	Irrigation (m³/annum) (s21(a))	TOTAL	133 770	Yes <input checked="" type="checkbox"/>	No
		Surface Water (river / stream)	133 770	Yes <input checked="" type="checkbox"/>	No
		Ground Water		Yes	No
A 2	Non-Irrigation (m³/annum) (s21(a)) (for example: stock-watering)	TOTAL		Yes	No
		Surface Water (river / stream)		Yes	No
		Ground Water		Yes	No
B	Storing (m³) (s21(b))	47 233		Yes	No <input checked="" type="checkbox"/>
C	If not registered, or incorrectly registered (see Table 2), please indicate whether the <u>existing lawful water use</u> may be registered, or the registration amended.			Yes	No <input checked="" type="checkbox"/>

- If you marked "Yes" under A, B, C, and D, you only need to complete and sign the "Declaration by the applicant" on the last page of this application. Please return both pages of this application form to this office on or before the due date.
- Should you have responded with a "No" under A, B, and/or C, you must please complete the rest of the form, and this must be submitted along with any documentation in support of your representation to this office before or on the due date. Supporting documentation may include:

- (a) Any permit, water court decision, servitude, agreement, or other legal proof allowing you to abstract or store water.
- (b) Any determination in terms of Section 33 of the National Water Act, 1998 declaring your water use as existing lawful water use.
- (c) Evidence or proof of why you should be allowed to irrigate a larger area or may abstract/store more than the allowable volume on the property or any proof of authorization or transfer of water use entitlements (temporary or permanent).

EXISTING WATER RIGHTS OR ENTITLEMENTS

Type	Water Resource	Reference Number	m³/annum or m³

6. REMARKS / COMMENTS

Total Section 21 (b) storage volume is proposed to be 51 333 m³ as per attached supporting documentation.

DECLARATION BY APPLICANT

I declare that the information provided herein is true and correct:

Surname and Initials: Christoph Grey

Designation / Position: Director Wilderness Fruit

E-MAIL AUTHORITY

☐ I elect to use the following email address to receive all further water use verification correspondence: cgrey@randagriet.co.za

Signature:  _____

Date: 06 February 2025

The Water Tribunal
Private Bag X316, PRETORIA 0001

Contact Person: Water Tribunal Registrar

Mr Robert Ernest Nkole Mabe
Tel: +27 12 336 7034
Fax no. (012) 336 7321
E-mail: Maber@dwa.gov.za

Water Tribunal Clerk

Ms Sibongile Madimabe
Tel: (012) 336 7709
Fax no. (012) 336 7321
E-mail: madimabes@dws.gov.za

Validation and Verification of 21 (b) Water Use on Erf 385 Hoekwil

- Consolidation of 4 smaller into one single dam is confirmed to be a volume of 47 233 m³ (as per the attached survey completed by Atkinson Associates).



Figure 1: Satellite images showing location of 4 smaller dams which were consolidated into 1 single dam with a storage volume 47 233 m³

- In addition to this consolidated dam a smaller dam is located further to the east. This dam is visible in historical imagery from 1991 (Figure 1), 2000 (Figure 2) and 2013 (Figure 3).



Figure 2: Orthophoto from 1991 indicating presence of dam.



Figure 3: Orthophoto from 2000 indicating presence of dam.



Figure 4: Google Earth satellite image from 2006 indicating presence of dam.

- The estimated specifications of the dam during the qualifying period are as follows:
 - Estimated Surface Area: 2 067 m²
 - Estimated Wall Height: 5 m
 - Storage Volume¹: 4100 m³
- Based on this evidence the proposed existing lawful water use for Section 21 (b) is:
 - 47 233 m³ + 4 100 m³ = 51 333 m³

¹ Assuming Volume = Surface Area x Wall Height x 0.4



ASD

Atkinson Survey and Designs

11 Protea Hills, Maitland Street, Blanco, George, 6529. Tel 081 831 2469

20 May 2020

Wilderness Fruit Farm (Pty) Ltd
Farm 385
Hoekwil
Wilderness

To Whom it may concern

CAPACITY OF NEW DAM ON FARM 385

We hereby thank you for the opportunity to survey and calculate the volume of water for storage on the abovementioned property.

The final as build plan is attached. The total area was surveyed inside the water area and outside. The volume was calculated, and table is attached.

We here by certify that the full water volume of this dam is 47 603,73m³ and full water area of 23 750m².

If you have any question, please do not hesitate to contact me.

Kind regards

Allan Atkinson