



**MINISTER  
HUMAN SETTLEMENTS, WATER AND SANITATION  
REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION NO 4**

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**(INTERNAL QUESTION PAPER NO. 1)**

**4. Mr S N August (Good) to ask the Minister of Human Settlements, Water and Sanitation:**

- (1) What steps have been taken to (a) implement the reserve or minimum flow of the National Water Act, Act 32 of 1998, in the Lemoenshoek River outside Barrydale, Western Cape, and (b) enforce the required downstream water provision flows from the dam;
- (2) What actions have been taken against officials who allegedly illegally authorised a borehole for groundwater abstraction within 100m of a watercourse for the owner(s) of the large dam?

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**MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION**

- (1) The Department of Water and Sanitation is in the process of determining the Resource Classes and Resource Quality Objectives for the whole Breede-Gouritz Water Management Area as contemplated in Section 13 of the National Water Act (NWA). The Lemoenshoek/Huis River is included in this project. Once the Resource Classes and Resource Quality Objectives (RQO) are finalized (gazette next financial year) and approved the flow requirements for the reserve will be set and implemented, where applicable. The RQOs project started around 2017 and was estimated to take 3-4 years and is expected to be completed by end of 2020.

Preventative measures to avoid possible impact on watercourse included regular site visits and also measuring of water levels from the new borehole in question versus the old borehole located even closer to the non-perennial stream. The observations indicated no influence to the old borehole. The landowner has been also asked to install a datalogger which will record (monitor) water levels for proper management of the aquifer. The landowner had appointed an independent Geohydrologist to perform pumping test (July 2018) before applying for a General Authorisation (GA) to ascertain impact and sustainable yield. The report provided sound recommendations in terms of borehole

monitoring for future impacts which were acceptable in terms of consideration during the process.

- (2) No action was taken against any official regarding this matter because the General Authorisation (Notice 538 of 2016) which was approved by the Director General (Acting) of the Department of Water and Sanitation on 15/04/2016 and clarity on the GA confirmation process/authorisation is provided on sub-section 4 below. The General Authorisation (GA) is applicable for the whole of South Africa with certain exclusion areas, amongst others that no groundwater can be taken, in terms of the GA, within a radius of 100 metres from the delineated riparian edge of a watercourse. In this case, based on the findings during the site visits and observations made, the determination made was that the extraction of such quantity (3628m<sup>3</sup>/a) of groundwater was not illegal.

The Breede-Gouritz Catchment Management Agency (BGCMA) does not authorize water use under the General Authorisation; the mandate of BGCMA is to confirm if the requirement of GA is being met for registration of water use. No approval is required as it is already approved, as mentioned above. In terms of condition 7 of the GA a person must register the water use if the use of groundwater is more than 10m<sup>3</sup> on average per day. Below a volume of 10m<sup>3</sup>/d the taking is too small for registration. The particular Lemoenshoek property (Remainder of farm Lemoenshoek 37/24) submitted documentation to the BGCMA for the registration of the taking of water from groundwater for a volume of 3628m<sup>3</sup> per annum. On average this is less than the required 10m<sup>3</sup> daily taking from groundwater (small water use).

The BGCMA conducted a site visit on 3 December 2018 and the findings were as follows:

- The river was extremely dry at the time and as the river is not delineated it was difficult to determine where the edge of the watercourse is. The river has been dry for previous years stretching from approximately 2014 and there has never been observation of flow for both summer and winter period since drought started. It should be clarified that the watercourse referred to as a river is a non-perennial stream which is a tributary of the Doring River located 4km north-west of the site.
- There is an existence of old borehole which is closer to the watercourse that has been used by the farmer for irrigation and the current drilled borehole was even further away from watercourse which is a replacement of the existing borehole due to its blockage.
- The extraction of water from groundwater was then confirmed for registration purposes, as the volume is small and the perceived risk is low.
- Water levels observed from the new borehole were compared with water levels from old boreholes on three occasions during December 2018 to July 2019 and the results indicated no response of the old borehole to the new pumping borehole. As a result, the new borehole did not seem to influence the non-perennial stream which has been dry some years prior to the drilling. It should be noted that the decision by the farmer to drill a replacement borehole was based on the fact that even the dam below was getting dry such that there was not enough water to be released downstream.

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