**Question 1: South African Water legislation**

**Question:**

Mention 8 activities that are water uses as contemplated in section 21 of the National Water Act 36 of 1998.

Mention the 5 ways how a water use could be authorised or is permissible under the National water Act.

**Answer**

Eight of the following activities are water uses:

taking water from a water resource;

storing water;

impeding or diverting the flow of a watercourse;

engaging in stream flow reduction activities;

using land for afforestation which has been or is being established for commercial purposes; or

an activity which has been declared a stream flow reduction activity by the Minister, if the activity is likely to reduce the availability of water in a watercourse to the Reserve, to meet international obligations or to other water users significantly;

engaging in control activities;

irrigating of any land with waste or water containing waste generated through any industrial activity or by a waterwork;

an activity aimed the modification of atmospheric precipitation;

a power generation activity which alters the flow regime of a water resource;

intentional recharging of an aquifer with waste or water containing waste; or

an activity which has been declared a controlled activity by the Minster, if the activity is likely to impact detrimentally on a water resource;

discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;

disposing of waste in a manner which may detrimentally impact on a water resource;

disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;

altering the bed, banks, course or characteristics of a watercourse;

removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and

using water for recreational purposes.

exploration and or production of onshore naturally occurring hydrocarbons that requires stimulation, including but not limited to hydraulic fracturing and or underground gasification.

The 5 ways how water use could be authorised or is permissible:

* permissible under Schedule 1 to the NWA;
* permissible as a continuation of an existing lawful water use as contemplated in section 32;
* permissible in terms of a general authorisation issued under section 39;
* authorised by an individual licence issued in terms of section 40;
* authorised by licence issuing due to a process to issue compulsory licences in terms of section 47(2).