



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

ENQUIRIES: Adv. S Skosana

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REFERENCE: 27/2/2/1

Executive Manager: OUTA
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By email address: [REDACTED]

Dear Mr. Julius Kleynhans

**DEPARTMENT OF WATER AND SANITATION RESPONSE TO ORGANISATION
UNDOING TAX ABUSE (OUTA): REQUEST FOR CLARITY ON SCHEDULE 1
WATER USE AND BOREHOLE REGISTRATION REQUIREMENTS**

1. Your letter dated 6 July 2026 requesting clarification from the Department of Water and Sanitation (Department) on the current water-use registration process informed by Government Notice Number 54575 published in the Gazette Number 7408 and how it applies to Schedule 1 water use, particularly by domestic borehole users, has bearing on the subject.
2. Under the South African National Water Act 36 of 1998 (NWA), Schedule 1 water use refers to specific, low-volume and low-impact water activities that any individual is legally permitted to carry out without needing a water use licence or formal registration. According to Schedule 1 of the NWA, a person may lawfully do the following:
 - a) Domestic Household Use: Take water for reasonable domestic use in that person's household, directly from any water resource to which that person has lawful access [National Water Act 36 of 1998 Schedule 1 item 1(1)(a)] and/or take water for use on land owned or occupied by that person, for -reasonable domestic use; [National Water Act 36 of 1998 Schedule 1 item 1(1)(b)(i)].
 - b) Small Gardening: Use water on land they own or occupy for small-scale gardening, provided it is not for commercial purposes [National Water Act 36 of 1998 Schedule 1 item 1(1)(b)(ii)].
 - c) Animal Watering: Water livestock or animals that graze on that specific land, up to the natural grazing capacity of the property. Feedlots are explicitly excluded

from this provision purposes [National Water Act 36 of 1998 Schedule 1 item 1(1)(b)(iii)].

- d) Rainwater Harvesting: Catch, store, and use run-off water collected from a roof [National Water Act 36 of 1998 Schedule 1 item 1(1)(c)].
 - e) Emergency Situations: Take water from any accessible water resource for urgent human consumption or firefighting [National Water Act 36 of 1998 Schedule 1 item 1(1)(d)].
 - f) Recreation: Use the water or water surface for recreational activities (such as swimming or boating) where there is legal access, or carry a boat across adjacent land to continue boating [National Water Act 36 of 1998 Schedule 1 item 1(1)(d)].
3. The Department has shared this information through a Media Statement: Water and Sanitation calls on water users to register or update water user information: <https://www.gov.za/news/media-statements/water-and-sanitation-calls-water-users-register-or-update-water-user-0>. To ensure that households, businesses, farmers, body corporates, estates, schools, churches, guesthouses and other water users comprehend the water use registration language – there is a special website link dedicated to the published notice with Schedule 1 related water use information guide: <https://www.dws.gov.za/Projects/WARMS/Notices.aspx> as well as a website with a simplified Frequently Asked Questions (FAQs): <https://www.dws.gov.za/Projects/WARMS/>.
4. Table 1 below provides responses to your asked questions:

Table 1: DWS Response to OUTA Questions	
Question	Response
4.1 Whether ordinary households using borehole water for reasonable domestic use are required to register with the Department (Paragraph 8.1)?	No. Refer to Paragraph 2(a) above.
4.2 Whether households using borehole water for small, non-commercial gardening are exempt from registration as Schedule 1 users (Paragraph 8.1)?	No. Refer to Paragraph 2(a) above.
4.3 Whether the Department distinguishes between registering a borehole, registering a groundwater abstraction point and registering a water use (Paragraph 8.3)?	Yes. There is difference. The Department does not register an abstraction point by itself. Instead, the abstraction point is a mandatory technical field required on the registration forms. An abstraction point is the exact geographic location (GPS coordinates) where water is taken from a resource. When you

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Question	Response
	apply to register a water use, the water user must specify exactly where the borehole is located so the DWS can track the cumulative impact on that specific area's aquifer (underground water supply). Registration of water use is the actual legal process required by the National Water Act 36 of 1998. The physical structure (the borehole) and the point where water leaves the ground (the abstraction point) are simply technical details captured within a broader Water Use Registration framework. We encourage stakeholders who drill boreholes to furnish the department with basic borehole information such as borehole logs, water level and related information. This can be captured on our National Groundwater Archive web-enabled system by the user or provide such information to DWS for capturing. A borehole number will be issued by DWS that may be used in any related geohydrological reports. NGA Website: http://www3.dwa.gov.za/nganet/Security/WebLoginForm.aspx. Water users can register for access and capture the information
4.4 Whether any volume threshold applies to Schedule 1 groundwater use and, if so, where this threshold is prescribed in law (Paragraph 8.4)?	There is no volume threshold specified in the National Water Act 36 of 1998 for a Schedule 1 groundwater abstraction. The qualifier is reasonable domestic use, not a commercial use.
4.5 Whether the 90-day registration period applies only to water uses that require registration, such as water-use licences, existing lawful uses and general authorisations, or whether it also applies to Schedule 1 users (Paragraph 8.5)?	Registration of water use applies to all water use authorisations (licences, existing lawful uses and general authorisations) except schedule 1 (Paragraph 4(b) of Government Notice Number 54575 Published In Gazette Number 7408): https://www.gov.za/news/media-statements/water-and-sanitation-calls-water-users-register-or-update-

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Question	Response
	water-user-0
4.6 Whether domestic borehole users whose use falls within Schedule 1 may face any penalty, late registration fee or criminal consequence for not registering with the Department (Paragraph 8.6)?	No. Refer to Paragraph 2(a) above. Domestic borehole users need not to register with Catchment Management Agencies.
4.7 Whether municipal borehole registration requirements under local by-laws are separate from the Department's water-use registration process (Paragraph 8.7)?	Yes.
4.8 Whether the Department intends to publish a simplified public guideline or FAQ to help households, businesses, farmers, body corporates, estates, schools, churches, guesthouses and other users determine whether they are exempt, must register, require a general authorisation, or must apply for a water-use licence(Paragraph 8.8)?	To ensure a comprehensive service development and distribution, the Department has consulted with umbrella bodies of water users [South African Bottled Water Association (SABWA), Federated Hospitality Association of Southern Africa (FEDHASA), Red Meat Abattoir Association (RMAA), South African Sugar Industry Association (SASIA), Beverage Association of South Africa (BEVSA), Transvaal Agriculture Union South Africa (TLU SA), Forestry South Africa(FSA), The South African Association for Water User Associations (SAAFWUA), Agriculture South Africa (AGRISA) and Environmental Assessment Practitioners of South Africa (EAPASA). The Department website: https://www.dws.gov.za/Projects/WA_RMS/ has Frequently Asked Questions (FAQs) on registration of water use. Should there be any further need for assistance to users who may need to Register, they may consult the Department or the respective CMA for assistance.
4.9 Whether the Department intends to treat households that rely on boreholes because of municipal water failures differently from commercial, agricultural, industrial or high-volume abstractors	Yes. Irrespective of municipal failures, taking water for reasonable domestic use in that person's household, directly from any water resource to which that person has lawful access and/or take water for use on land

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Question	Response
(Paragraph 8.9)?	owned or occupied by that person, for - reasonable domestic use – it falls under Schedule 1 and affected water users do not need to register such water use. Commercial, agricultural, industrial or high-volume abstractors must register with the applicable Catchment Management Agencies.
4.10 Whether the Department will extend or clarify the registration period if the current uncertainty has prevented affected users from understanding their obligations (Paragraph 8.6)?	The Department of Water and Sanitation (Department) will in collaboration with the Catchment Management Agencies assess the performance of the published government notice and depending on the outcome of its assessment – the Department will decide if there is a need to extend the registration period.

5. We hope our response will provide clarity to the raised questions.

SPhillips

DR SEAN PHILLIPS
DIRECTOR-GENERAL
DATE: 13 July 2026