

Don and Dee Groundwater Sub-Area

Water sharing rules

Seasonal water assignment rules

WSS/2013/644

Version 4.03

05/04/2019

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Version History

Version	Date	Comments
1.00	06/04/2010	New water sharing rules
2.00	08/07/2010	Water sharing rules amended to include sections on announced entitlement considerations and announced entitlement notification.
2.01	13/03/2012	Attach latest version of the water use assessment report form. Change references to Appendix to Attachment. Update contact details in Metadata. Ensure title of document reflects Water Regulation 2002. Remove text (Qld) from legislative references.
3.00	14/03/2012	Ensure that reference is made to forward draw notification. Changes have been made to provide consistency and standardisation with other water sharing rules.
3.01	28/02/2014	Updated departmental references. Changed stock and domestic and meter malfunction content. Changed policy ID number from WAP/2010/4049 to WSS/2013/644.
4.00	29/06/2015	Updated to reflect amendments to the Water Regulation 2002
4.01	06/12/2016	Section references updated to be consistent with the changes from the Water Reform and Other Legislation Amendment Act 2014.
4.02	18/06/2018	Updated the departmental name. Minor amendments.
4.03	05/04/2019	Updated departmental cover page. Minor amendments to include information about faulty meters.

Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	05/04/2019

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1 Overview

This document defines the water sharing rules for the Don and Dee groundwater sub-area, as prescribed in section 27 of the Water Regulation 2016 (the Water Regulation) and the seasonal water assignment rules, as prescribed in section 39 of the Water Regulation.

Water sharing rules and seasonal water assignment rules are prescribed under the Water Regulation for a water licence not managed under a water management protocol. Water sharing rules describe the management arrangements under which water within a water management area can be accessed.

2 Purpose

The rules detailed below establish a framework for water access, water trading and water use accounting.

Water sharing rules articulate the arrangements for access to water, and water use account within the water management area.

Seasonal water assignment rules enable water users to temporarily trade water on a seasonal basis while maintaining overall level of extraction from the resource.

3 Description of the groundwater sub-area

3.1 Plan of the groundwater sub-area

The Don and Dee groundwater sub-area is divided into six sections for water management purposes. The groundwater sub-area includes parts of the quaternary alluvium associated with the Don River, Dee River and Alma Creek and their associated tributaries.

The geographical boundaries of the Don and Dee groundwater sub-area are identified by the map in Attachment 1.

Attachment 1 is indicative only of the quaternary alluvium managed under the provisions of the Water Regulation. The groundwater sub-area boundaries are also represented in digital electronic form by the department and may be used to assess activities applicable to this document.

3.2 Water to which these rules apply

The Don and Dee groundwater sub-area water sharing rules only apply to underground water from the quaternary alluvium within the Don and Dee groundwater sub-area (refer to Attachment 1).

4 Water sharing rules

4.1 Announced entitlement

4.1.1 Overview

The chief executive must decide an announced entitlement for the Don and Dee groundwater sub-area.

The announced entitlement will be decided before the start of the water year to which the announced entitlement relates.

The announced entitlement may be increased during the water year and must not be greater than 100 per cent.

4.1.2 Considerations

The chief executive must undertake the considerations specified in section 29 of the Water Regulation when deciding the announced entitlement for the Don and Dee groundwater sub-area. That is, the chief executive must consider the following to the extent appropriate for the area:

- trends in underground water levels
- long term average sustainable yield
- historical water use
- anticipated water use
- water available to supplement water licences in the area
- weather conditions, including weather forecasts.

In addition to the considerations specified in section 29 (3) of the Water Regulation, the chief executive will also consider recommendations made by the Don River, Dee River and Alma Creek Association Incorporated.

4.1.3 Notification

Before the start of the water year and prior to the announced allocation during the water year, the chief executive must either:

- give written notice of the announced entitlement to the holders of the water licences to which the entitlement relates
- publish the announced entitlement in the *Morning Bulletin*
- publish the announced entitlement on the Business Queensland's website.

4.2 Annual entitlement

4.2.1 Overview

The annual entitlement is calculated by multiplying the nominal entitlement for the water licence by the announced entitlement. If, throughout the water year, seasonal water assignment or other water

sharing options are approved in relation to a particular water licence, the annual entitlement will be progressively adjusted.

The annual entitlement for a particular licence can be calculated using the following formula:

$$AE = NE \times ANE - FD \text{ (previous year)} + CO \text{ +/- SWA}^* + FD^* \text{ (following year)}$$

Definitions:

- AE - Annual entitlement
- NE - Nominal entitlement
- ANE - Announced entitlement (as decimal)
- FD - Forward draw
- CO - Carry over
- SWA - Seasonal water assignment

* If applicable.

4.2.2 Carry over rules

Carry over is permitted by licence holders in the Don and Dee groundwater sub-area.

4.2.3 Application

There is no requirement for an application to carry over.

4.2.4 Rules

The rules for carry over in the Don and Dee groundwater sub-area include the following:

- Carry over will be permitted in all sections within the Don and Dee groundwater sub-area.
- A maximum volume of 25 megalitres (ML) or 15 per cent of the announced entitlement volume and up to the unused entitlement for the current water year is allowed to be carried over, whichever is the lesser.
- The carry over volume has effect from the commencement of the following water year.
- The volume of water that is authorised to be the subject of carry over can only be accessed within the water year immediately following the water year for which the announced entitlement was available (that is, the carry over only applies for one year).
- In the event of the sale of a property, any unused entitlement (including carry over) is transferred to the new owner.
- Entitlement acquired through seasonal water assignment does not qualify for carry over

4.3 Forward draw rules

Licence holders in the Don and Dee groundwater sub-area are permitted to forward draw from the following year's nominal entitlement in advance.

Forward draw water is accounted for in the water year immediately following its use. That is, at the start of a new water year, the volume of water taken as forward draw in the previous year is deducted from the current year's announced entitlement

4.4 Notification

A notification to forward draw is required before 31 May using the 'Notification of forward draw' form (W2F089).

4.4.1 Rules

The following rules apply for forward draw in the Don and Dee groundwater sub-area.

- The chief executive may decide not to authorise forward draw for a particular water year.
 - If the chief executive considers the forward draw will potentially adversely affect other water user's access to water or the environment, the forward draw will not be permitted. An 'adverse effect' on another water user's access to water includes adversely affecting the quality of the water that another water user takes.
- If the ability to forward draw is possible in the current water year, the maximum volume of water that may be forward drawn is 25 ML, or 15 per cent of the nominal entitlement specified on a water licence, whichever is the lesser.
- Forward draw will be permitted in all sections.
- Forward draw is only allowed if the water licence holder has notified the department by the 31 May using the forward draw notification form that the holder is about to commence taking water under forward draw arrangements. Water is allowed to be taken under forward draw arrangement only after the water licence holder has used all of the holder's announced entitlement and seasonal water assignment (if applicable). Entitlement available through forward draw arrangements cannot be seasonally assigned under a seasonal water assignment.

Conditions

In the event of the sale of a property, any water that has been taken under forward draw arrangements will be transferred to the new water licence holder (i.e. the volume of water that has been taken under forward draw arrangements will be subtracted from the following water year's annual entitlement). The new water licence holder is entitled to forward draw from the following year's nominal entitlement the volume available under forward draw arrangements.

In the event that a water licence is subdivided, the default decision will be that any water taken under forward draw arrangements will be accounted for against each of the new water licences, in proportion to the volume of the nominal entitlement authorised under each new water licence. Alternate arrangements may be made between the chief executive and the licensee, provided such arrangements are made prior to the subdivision of the water licence.

4.4.3 Approval

Water may be taken under forward draw arrangements once the water licence holder has notified the department using the 'Notification of forward draw' form (W2F089).

The take of water under forward draw arrangements must cease if the chief executive notifies the licence holder that potentially adverse effects to other licence holders access to water or environment have been considered likely to occur

4.5 Seasonal water assignment

4.5.1 Overview

Water entitlements or seasonal water assignment notices prescribe a volume of water that may be taken by the holder of these authorities. This water may also be 'seasonally assigned' (or temporarily transferred) to another party via a seasonal water assignment.

A seasonal water assignment applies within a water year and to the water that may be taken under the notice or licence.

Water entitlement holders or seasonal water assignment notice holders in the Don and Dee groundwater sub-areas may apply for a seasonal assignment.

The maximum entitlement volume that can be assigned by the assignor/seller is the unused portion of the nominal entitlement volume up to 160 ML.

4.5.2 Applications

An application for a seasonal water assignment may be made by the licensee of a water licence or the holder of a seasonal water assignment notice (assignor/seller using the 'Application for seasonal assignment of a water licence' form (W2F016)).

An application for a seasonal water assignment cannot be made prior to the commencement of the water year for which it is required.

In deciding the application the chief executive must either:

- if the application is in accordance with the seasonal assignment rules—approve the application, with or without conditions
- if the application is not in accordance with the seasonal assignment rules—refuse the application.

The chief executive must give the applicant an information notice as soon as practicable after deciding the application. If the application is approved — the chief executive must, as soon as practicable after approving an application, provide the assignee/buyer a seasonal water assignment notice, with or without conditions.

4.5.3 Rules

The following rules apply for seasonal water assignments applications within the Don and Dee groundwater sub-area.

- The maximum volume of water that can be seasonally assigned out by the assignor within the Don and Dee groundwater sub-area is 160 ML.
- The maximum volume of water that can be seasonally assigned to another licensee in a single transaction is 80 ML.

- The maximum volume of water that can be seasonally assigned in by the assignee within the Don and Dee groundwater sub-area is 100 per cent of their announced entitlement volume up to a maximum of 150 ML.
- Seasonal water assignments are allowed only between holders of current water licences in the Don and Dee groundwater sub-area.
- A seasonal water assignment is allowed within each section.
- A seasonal water assignment is not allowed between sections, other than if the assignment is between:
 - section 1 and section 2
 - section 4 and section 5
 - section 3 and section 5.
- A seasonal water assignment will be refused if the assignor/seller does not have sufficient available entitlement.
- A seasonal water assignment will be refused if the chief executive considers that granting the assignment will potentially adversely affect other water user's access to water or the environment.
- An adverse effect on another water user's access to water includes adversely affecting the water quality of the water that another water user takes.
- An approved meter must be used to measure the water taken under the seasonal water assignment notice.

4.5.4 Conditions

A granted seasonal water assignment notice is subject to the same conditions of the assignor/seller's water licence. The chief executive may decide to add or remove conditions for a particular seasonal water assignment notice.

A seasonal water assignment notice does not attach to land. If the holder of a seasonal water assignment notice sells their land, the new owner of the same land does not automatically acquire the seasonal water assignment notice. However, the holder of a seasonal water assignment notice may apply to re-assign the unused part of the seasonally assigned water to the new owner (or to another licence holder in the Don and Dee groundwater sub-area, subject to the seasonal water assignment rules).

Under the *Water Act 2000* (the Act), the chief executive can limit the take of water under a seasonal water assignment notice.

4.5.5 Approval

The seasonal water assignment notice has effect from the day the information notice is given to the applicant (assignor/seller). If approved, a seasonal water assignment notice only applies for the remainder of the current water year in which the assignment takes place (i.e. the seasonal water assignment notice will expire midnight on 30 June).

If the application for seasonal water assignment is approved, the volume assigned is no longer available to the assignor/seller. The volume seasonally assigned is debited from the annual entitlement volume for the water licence from which the assignment was made on the date of approval.

Note: Applications for seasonal assignment cannot be made retrospectively to cover excess use. Any unauthorised water use in excess of the annual entitlement is considered a breach under the provisions of the Act.

4.6 Management and accounting

4.6.1 Stock or domestic allowance

The take of stock or domestic water is authorised under section 96 of the Act. The take of stock or domestic water is separate from the nominal entitlement associated with the water licence.

Water authorised to be taken under a stock or domestic allowance is not subject to these water sharing rules and is therefore not affected by the announced entitlement.

Before taking stock and domestic allowance water through a metered entitlement where the entitlement does not stipulate a volume for stock and domestic allowance – the holder of the metered entitlement must notify the department using ‘Stock or domestic allowance notification’ form (W2F058)

The volume for the stock or domestic allowance is accounted for as the first volume taken in a water year. Water taken for stock and domestic purposes under section 96 of the Act cannot be traded.

4.6.2 Water accounting

For each water year, water use will be accounted for in the following order:

1. Stock or domestic allowance (if applicable)
2. Carry over
3. Announced entitlement
4. Seasonal water assignment (subject to approval)
5. Forward draw (subject to approval).

4.6.3 Example

Table 1 provides an example of annual entitlement calculations with carry over. Table 2 provides an example of how forward draw is calculated.

Table 1 – Calculating annual entitlement with carry over

Date	Description	Calculation	Annual entitlement	Available entitlement*
Nominal entitlement = 100 ML				
1 July 2017	Announced entitlement for	NE x ANE	100 ML	100 ML

	2014-15 water year is 100%	= 100 ML x 1.0		
30 June 2018	Metered use to date is 20 ML			80 ML
	Available carry over	The lesser of:- 25 ML (<i>max allowable</i>) 80 ML (<i>unused volume</i>) 100 ML x 0.15 = 15 ML		
1 July 2018	Announced entitlement for 2015–16 water year is 100%	NE x ANE = 100 ML x 1.0	100 ML	100 ML
	Adjusted for carry over volume from previous water year	NE x ANE + CO = 100 ML x 1.0 + 15 ML	115 ML	115 ML

* Available entitlement is the volume of water that a licensee is authorised to take during the remainder of the current water year (the unused volume of annual entitlement).

Table 2 – Calculating annual entitlement with forward draw

Date	Description	Calculation	Annual entitlement	Available entitlement*
Nominal entitlement = 100 ML				
1 July 2017	Announced entitlement for 2010-11 water year is 100%	NE x ANE = 100 ML x 1.0	100 ML	100 ML
	Chief executive has authorised forward draw			
1 March 2018	Notification by licence holder prior to 31 st of May of intention to forward draw 10 ML NE adjusted for forward draw application	The lesser of:- 25 ML (max allowable) 10 ML (<i>notified</i>) 100 ML x 0.15 = 15 ML NE x ANE + FD = 100 ML x 1.0 + 10 ML	110 ML	110 ML
30 June 2018	Metered use for 2014-15 water year is 105 ML Forward draw used is 5 ML			5 ML
1 July 2018	Announced entitlement for 2016–17 water year is 100%	NE x ANE = 100 ML x 1.0	100 ML	100 ML
	Adjusted for forward draw use in previous water year	NE x ANE - FD = 100 ML x 1.0 – 5 ML	95 ML	95 ML

* Available entitlement is the volume of water that a licensee is authorised to take during the remainder of the current water year (the unused volume of annual entitlement).

5 Installation, maintenance and validation of meters

Water entitlement holders are required to manage the purchase, installation, maintenance and validation of their own water meter(s). The water meter can be purchased and installed by the entitlement holder or by a private company of the holder's choice.

A water validation certificate is required to be completed by an authorised meter validator and submitted to the department by the water entitlement holder. This certificate validates the meter in accordance with the Queensland Interim water meter standard for non-urban metering. The lodgement of this completed certificate verifies that the holder has a metered entitlement with an approved meter installed.

Approved meters are required to be revalidated by a validator in accordance with schedule 11 in the Water Regulation. The water entitlement holder must provide evidence of the revalidation to the department using the validation certificate once the repair/inspection is completed.

5.1 Faulty meters

Water entitlement holders are required to ensure that their meters are operational and report any faults to the department. If a water entitlement holder becomes aware that their meter is faulty, they must:

1. Notify the department in writing within 3 days.
2. Repair or replace the meter within 60 business days of notifying the department. Extensions of time will be considered on a case-by-case basis. Within this 60 day period, users can continue to take water, providing they manually record the water take using the 'water assessment report form'.
3. Once the meter has been repaired or replaced, a validation certificate (completed by an authorised meter validator) along with the completed water use assessment report form are to be submitted to the department.

A faulty meter, as defined in the Water Regulation, is a meter which has one of the following defects:

- cannot be read or cannot record the volume of water taken within acceptable tolerances
- leaks water or air that affects the flow of water through the meter
- does not have a tamper proof seal

5.2 Meter readings

Entitlement holders are required to supply up to two readings to the department within a water year. These readings will be required after the eighth month and at the end of each water year.

The entitlement holder is also required to provide meter readings—

- with any application for seasonal water assignment;
- in the event of the sale of a property
- as requested by the department.

Meter readings supplied by the entitlement holder are subject to auditing to ensure that the supplied meter reading is accurate.

6 Responsibilities

Licence holders within the Don and Dee groundwater sub-area:

- Must ensure that water is taken in accordance with the conditions of the licence, the water sharing rules and seasonal water assignment rules
- May apply for a seasonal water assignment, consistent with the seasonal water assignment rules
- Must notify the department if they intend to forward draw part of the nominal entitlement volume from the following water year, consistent with forward draw rules
- Must install, maintain, arrange validation and read water meters, consistent with the requirements outlined in the Water Regulation.

The department:

- Must provide notification of the announced entitlement prior to the commencement of the water year and prior to the commencement of any subsequent variations to the announced entitlement
- Must decide any applications for seasonal water assignment in accordance with the seasonal water assignment rules
- May provide notification that forward draw will not be authorised prior to the commencement of the water year.

7 Contact

For enquiries relating to any aspect of water management within the Don and Dee groundwater sub-area, please contact:

Position:	Senior Advisor, Regulatory Services, Water Services
Street address:	Lvl 1, 209 Bolsover Street, Rockhampton QLD 4700
Postal address:	PO Box 1762, Rockhampton QLD 4700
Telephone:	1800 822 100
Facsimile:	(07) 4927 3079
Website:	www.business.qld.gov.au

8 Definitions

Announced entitlement is the percentage of the nominal entitlement volume that a licence holder may take in a water year.

Annual entitlement is the volume of water able to be taken by a licence holder for that water year.

Carry over is the unused component of an announced entitlement volume that, if permitted, an entitlement holder may carry over from one water year to the next water year.

Forward draw is part of the licensee's nominal entitlement volume for the following water year, which the licensee may take during the current water year

Metered entitlement is an authority under the Water Act to take or interfere with water prescribed under the Water Regulation 2016 to be a metered entitlement.

Nominal entitlement is the volume of water authorised to be taken during a water year, as specified on the water licence. The volume of water that a licence holder may use during a water year may be varied by an announced entitlement.

Queensland Interim Water Meter Standard for Non-urban Metering is a guide to meter selection, site maintenance and validation requirements.

Seasonal water assignments are assignments where some or all of the water that may be taken under a water entitlement in a water year can be assigned to another person or place.

Validator a person who is accredited by Irrigation Australia Limited CAN 002 567 633 as a certified meter validator or a person appointed by the chief executive as an authorised meter validator under section 109 of the Water Regulation 2016.

Water assessment report form is the approved form available on the Business Queensland website: www.business.qld.gov.au/water.

Water year is the accounting period for taking water under a water licence. The period may be prescribed under the Water Regulation or stated on a licence. The water year for the Don and Dee groundwater sub-areas is the 12 month period from 1 July to 30 June.

Attachment 1 Don and Dee groundwater sub-area

