

Border Rivers Alluvium Groundwater Management Area

Water sharing rules

Seasonal water assignment rules

WSS/2013/601

Version 5.01

18/06/2018

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Version history

Version	Date	Comment
1.00	25/09/2009	Final.
1.01	08/02/2007	Minor amendment update. Departmental name.
1.02	22/02/2007	Update contact details and amend.
2.00	04/09/2009	Provision of additional explanation of the Part A and Part B charges relating to seasonal water assignments and other minor amendments.
3.00	06/05/2009	Amendments to contents and structure.
4.00	22/09/2010	Amendments include change to water year, increased maximum volume of forward draw and change to the maximum volume allowed for a seasonal water assignment.
4.01	09/03/2012	Attach latest version of the water use assessment report form. Change title 'Appendices' to 'Attachments'. Remove text (Qld) from legislative references.
4.02	07/03/2014	Updated departmental references. Changed stock and domestic and meter malfunction content. Changed policy ID number from WAM/2005/2204 to WSS/2013/601.
4.03	11/09/2015	Amended template and metering section to be consistent with the state. Amended management area name to reflect amendment made to the Water Regulation 2002.
5.00	06/12/2016	Amended seasonal water assignment rules to remove 1 July 2015 transitional arrangements based on client feedback. Section references updated to be consistent with the changes from the <i>Water Reform and Other Legislation Amendment Act 2014</i> .
5.01	18/06/2018	Update the departmental name. Minor amendment.

Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	18/06/2018

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1 Overview

This policy defines the water sharing rules for the Border Rivers Alluvium Groundwater Management 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 are the rules prescribed under the Water Regulation for a water licence not managed under a water management protocol. Water sharing rules describe the arrangements for access to water within a water management area.

2 Purpose

Water sharing rules establish a framework for water use accounting. They provide an accountable and auditable trail for the movement of water use within and between water licences.

Water sharing rules also ensure that arrangements for access to water and water use accounting within a water management area are clearly articulated to licence holders to provide them with a stable water use accounting regime.

This policy also defines the rules for water accounting and metering for underground water licences managed within the Border Rivers Alluvium Groundwater Management Area.

3 Description of the water management area

3.1 Geographical boundaries

The Border Rivers Alluvium Groundwater Management Area extends along the Dumaresq River from Mingoola to the Keetah Bridge in Southern Queensland. It covers the extent of the alluvial sediments associated with the Dumaresq River that lie to the north of the River—as the river forms the Queensland/New South Wales border, the extent of the alluvial sediments that lie to the south of the river are managed by New South Wales.

The principal tributaries of the Dumaresq River in Queensland are Pike Creek and Macintyre Brook.

The Border Rivers Alluvium Groundwater Management Area consists of two sub-areas. The sub-areas are managed separately and are assessed independently for the purpose of determining announced allocation and for determining rules for seasonal water assignments. The sub-area boundaries are based on local geology and existing hydro-geological conditions, such as transmissivity and storage capacity. The sub-areas can be described as follows:

- sub-area 1—extends from the confluence of Blackfellow Creek with the Dumaresq River, upstream to Mingoola
- sub-area 2—extends from the confluence of Blackfellow Creek with the Dumaresq River, downstream to where the Keetah Bridge crosses the Dumaresq River.

3.2 Water the water sharing rules apply to

The Border Rivers Alluvium Groundwater Management Area water sharing rules apply only to underground water contained within the alluvial sediments associated with the Dumaresq River which are confined to a paleochannel that extends from Mingoola to Keetah.

The alluvial sediments are generally greater than 30 metres below surface and are up to 50 metres thick and do not outcrop within the Border Rivers groundwater management area. For management definition purposes, these sediments are known as the Border Rivers alluvium.

3.3 Water the rules do not apply to

The water sharing rules and seasonal water assignment rules do not apply to:

- any other water contained within the Border Rivers Alluvium Groundwater Management Area, for example the Dumaresq River alluvium
- the take of underground water from the Border Rivers alluvium for stock or domestic, town water supply or urban purposes.

3.4 Map of the water management area

A map has been prepared for the Border Rivers Alluvium Groundwater Management Area, which shows the extent of the management area including the alluvial boundaries and sub-areas. This map (CAS1907) is included as Attachment 1¹.

3.5 Granting of new or increased nominal entitlements

The chief executive must not make a decision that will result in an increase in the volume of water taken from the Border Rivers Alluvium Groundwater Management Area, apart from a decision required to be made under the *Water Act 2000* (the Act) or its subordinate legislation:

- about a water permit
- about reinstating or replacing an expired water licence
- for the taking of underground water for stock or domestic purposes.

Such decisions will maintain the integrity of an agreement reached between the New South Wales Office of Water, the Queensland Department of Natural Resources, Mines and Energy and the Border Rivers Commission to cap the volume allocated from the underground water system at 30 000 megalitres (ML) per water year to be shared across both states.

3.6 Water year

A 'water year' is the accounting period for taking water under the licence. The period may be prescribed under a regulation or stated on the licence.

¹ The map is indicative only and is not the legally recognised map of the area under the provisions of the Water Regulation. The area and the exact location of the boundaries of the water management area are held in digital electronic form by the department and may be inspected by the public at the department's Goondiwindi office.

The water year for the Border Rivers Alluvium Groundwater Management Area is the 12 month period from 1 July to 30 June.

4 Nominal entitlement and annual 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 water licence holder is authorised to take during a water year is the 'annual entitlement' that is established from the announced entitlement. This is calculated as a percentage of the nominal entitlement and adjusted to allow for the volumes of forward draw provided in these water sharing rules.

5 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.

The holder of a metered entitlement may notify the department of the stock or domestic allowance claimed. The 'Stock or domestic allowance notification form' (W2F058) is available on the Business Queensland website.

The volume for the stock or domestic allowance is accounted for as the first volume taken in a water year².

6 Announced entitlement

The chief executive must decide an announced entitlement for the Border Rivers Alluvium Groundwater Management Area.

'Announced entitlement':

- is a percentage of the nominal entitlement of a water licence that may be taken in a water year and is all or part of the annual entitlement for the water licence
- will be decided before the start of the water year to which the announced entitlement relates
- may be increased during the water year
- may be different in each sub-area
- may be announced differently for each water licence
- does not apply to water licences with the purpose of urban or town water supply unless specified by the chief executive.

² Water taken for stock or domestic purposes under section 96 of the Act cannot be traded.

6.1 Considerations

The chief executive must undertake the considerations specified in section 29 (3) of the Water Regulation when deciding the announced entitlement. 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 any recommendations made by the Dumaresq Valley Irrigators Association, the New South Wales Office of Water and the Border Rivers Commission.

6.2 Notification

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 Goondiwindi Argus and Macintyre Gazette
- publish the announced entitlement on the Business Queensland website on the internet.

Notification of the initial announced entitlement for a water year will be made within 10 business days prior to the start of that water year. For subsequent variations to the announced entitlement, the chief executive will endeavour to provide notification of the revised announced entitlement within 10 business days of its commencement.

7 Annual entitlement

'Annual entitlement' is the volume of water able to be taken by a water licence holder for that water year. As stated in section 30 (1) of the Water Regulation, the annual entitlement is calculated by:

- multiplying the nominal entitlement for the water licence by the announced entitlement
- adjusting the calculated volume for any forward draw that applies to the water licence for the water year.

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.

8 Annual entitlement formula

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

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

Definitions:

- AE - annual entitlement
- NE - nominal entitlement
- ANE - announced entitlement (expressed as a decimal)
- FD - forward draw
- SWA - seasonal water assignment
* if applicable

9 Carry over

Water licence holders in the Border Rivers Alluvium Groundwater Management Area are not authorised to carry over unused announced entitlement from the previous water year.

10 Forward draw

Water licence holders in the Border Rivers Alluvium Groundwater Management Area are authorised to forward draw from the following year's nominal entitlement.

'Forward draw' is the volume, expressed as a percentage of the water licence's nominal entitlement, which the water licence holder may take during the current water year.

Forward draw water is accounted for in the water year immediately following its use. 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.

10.1 Rules

The rules for forward draw in the Border Rivers Alluvium Groundwater Management Area include the following:

- The maximum volume of water that may be forward drawn is 25 per cent of the nominal entitlement specified on a water licence.
- Forward draw is allowed only if the water licence holder has notified the department they are about to commence taking water under forward draw arrangements using the approved form.
- 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).
- The chief executive may decide not to authorise forward draw for a particular water year if the chief executive considers that authorising forward draw may adversely impact the natural environment or other water users. In such instances the chief executive will notify water licence holders in the Border Rivers Alluvium Groundwater Management Area prior to the commencement of the water year.

- If the chief executive considers that granting the forward draw will potentially adversely affect other water users or the environment, the application will be refused.
- An adverse effect on another water user includes adversely affecting the quality of the water available to other water users.

10.2 Approval

Water may be taken under forward draw arrangements once the water licence holder has notified the department they are about to commence taking water under forward draw arrangements.

Use the 'Forward draw notification form' (W2F089) available on the Business Queensland website or the department's Goondiwindi office.

10.3 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 position 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 also be made between the chief executive and the licensee provided such arrangements are made prior to the subdivision of the water licence.

For example, water licence 'A' authorising a nominal entitlement of 100 ML is sub-divided to create two new water licences—water licence 'B' authorising a nominal entitlement of 60 ML and water licence 'C' authorising a nominal entitlement of 40 ML. The holder of water licence 'A' had taken 10 ML of water under forward draw arrangements prior to the subdivision. Consequently, 6 ML of forward draw will be accounted for against water licence 'B', and 4 ML of forward draw is accounted for against water licence 'C'.

Entitlement available through forward draw arrangements cannot be seasonally assigned.

11 Seasonal water assignment

Water licence holders or seasonal water assignment notice holders in the Border Rivers Alluvium Groundwater Management Area may apply for a seasonal water assignment of their entitlement.

'Seasonal water assignment' for a water licence, means the assignment by the holder of a seasonal water assignment notice or a water licence of the benefit under the notice or licence to another person.

A seasonal water assignment applies to a water year and for all or part of the water that may be taken under the seasonal water assignment notice or water licence.

11.1 Application

An application for a seasonal water assignment may be made by the holder of a water licence or by the holder of a seasonal water assignment notice (assignor/seller) for the water year in which the application is made. The application must:

- be made using the approved form
- be supported by sufficient information to enable the chief executive to make a decision
- include the name and address of the proposed assignee/buyer and water licence number
- include the written consent of the proposed assignee/buyer
- be accompanied by the prescribed fee.

As a seasonal water assignment applies to the current water year only, an application for a seasonal water assignment cannot be made prior to the commencement of the water year.

In assessing the application the chief executive must:

- 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
- give the applicant an information notice as soon as practicable after deciding the application
- if the application is approved—as soon as practicable after approving an application give the assignee/buyer a seasonal water assignment notice, with or without conditions for the current water year.

11.2 Rules

The rules for seasonal water assignments in the Border Rivers Alluvium Groundwater Management Area include the following:

- A seasonal water assignment is not allowed where the assignor/seller or the assignee/buyer has an unpaid water invoice.
- A seasonal water assignment is only allowed where the works from which water is to be taken are attached to a water licence authorising the take of water from the Border Rivers alluvium for a purpose that is irrigation, agriculture or stock intensive. These works must be metered.
- A seasonal water assignment is allowed
 - within sub-area 1
 - within sub-area 2
 - from sub-area 2 to sub-area 1.
- A seasonal water assignment is not allowed
 - from sub-area 1 to sub-area 2.

- A seasonal water assignment may not be approved if the chief executive considers that the granting of the assignment might result in adversely impacting the natural environment or other water users.
- An adverse effect on another water user includes adversely affecting the quality of the water available to other water users.
- A seasonal water assignment will not be approved if the assignment results in the annual entitlement of the assignee/buyer's water licence exceeding a volume that is equivalent to 6 ML per hectare of alluvium associated with the land attached to the water licence at the time of originally granting the water licence.
- A seasonal water assignment will be refused if the assignor/seller does not have sufficient available entitlement.
- Water may not be assigned from water licences with a stated purpose of urban or town water supply.

11.3 Approval

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

If the application for seasonal water assignment is approved, the assignor/seller, cannot take the assigned water under the water licence from which it has been assigned. This means the assignor's/seller's annual entitlement is reduced to account for the volume of water that has been the subject of seasonal water assignment and the assignee's/buyer's annual entitlement is increased. See the examples in the 'Annual entitlement' section above.

If the assignee/buyer holds a water licence for the Border Rivers Alluvium Groundwater Management Area, the seasonal water assignment notice has the effect of increasing the volume of water authorised to be taken under the assignee's/buyer's water licence by the volume stated in the notice.

Approval of a seasonal water assignment in one water year does not imply that a similar seasonal water assignment will be approved in subsequent years.

Note: Applications for seasonal water assignment cannot be made retrospectively to cover excess water use.

Any unauthorised water use in excess of the annual entitlement may result in prosecution under the provisions of the Act.

11.4 Conditions

The seasonal water assignment notice that is granted to the assignee/buyer will be subject to the conditions:

- of the water licence where the water was assigned from
- prescribed under a regulation

- that the chief executive decides to impose for the particular seasonal water assignment notice.

Provisions under the Act allow the take of water under a seasonal water assignment notice to be limited.

A seasonal water assignment notice does not attach to land. If the holder of a seasonal water assignment notice sells the 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 water licence holder in the Border Rivers Alluvium Groundwater Management Area, subject to the seasonal water assignment rules).

12 Water accounting

For each water year, water use will be accounted for in the following order (see Figure 1 below):

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

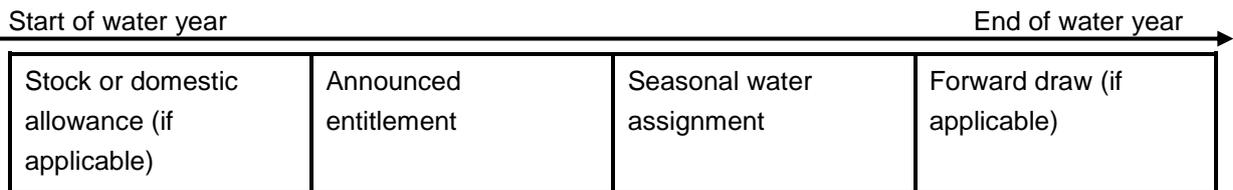


Figure1– Order in which water use will be accounted during the water year

13 Installation, maintenance and validation of meters

The volume of water taken in the groundwater management area is measured using an approved water meter. 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 is 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.

13.1 Meter readings

Entitlement holders are required to provide up to two readings within a water year to the department for each approved water meter. 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
- with any application for water licence transfer
- in the event of the sale of a property
- as requested by the department.

If a meter is non-operational, the licensee must complete a 'Water use assessment report' (form W2F095). This will account for water used during the time the meter was malfunctioning or being repaired.

13.2 Forward draw

The water licence holder is required to supply a meter reading with a notification for taking water under forward draw arrangements.

13.3 Seasonal water assignments

The assignor/seller is required to supply meter readings with any application for a seasonal water assignment.

The process for the water licence holder to supply meter readings is detailed on the application form for seasonal water assignment of a water licence.

The assignee/buyer will be required to provide a meter reading under the seasonal water assignment notice, prior to taking water under the seasonal water assignment notice.

13.4 Quality check of readings

Meter readings supplied by the water licence holder are subject to a quality check to ensure that the supplied meter reading is accurate. For example the supplied meter reading must:

- be equal to or more than the previous reading
- correspond with the sequence of meter readings recorded for that meter by the department.

14 Responsibilities

14.1 Water entitlement holders

- Must ensure water is taken in accordance with the conditions of the water licence and is consistent with the water sharing rules.

- May apply for a seasonal water assignment in accordance with the seasonal water assignment rules.
- Must install, maintain, arrange validation and read water meters, consistent with the requirements outlined in the requirements outlined in the Water Regulation.

14.2 The department

- 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.
- Decide an application for a seasonal water assignment in accordance with the seasonal water assignment rules.
- Decide an application for a water licence transfer in accordance with the water licence transfer rules.

15 Contact

For any enquiries relating to water management within the Border Rivers Alluvium Groundwater Management Area, please contact:

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Attachment 1—Border Rivers Alluvium Groundwater Management Area CAS1907

