

# **Prospect Creek and Upper Callide Groundwater Sub-Areas**

**Water sharing rules**

**Seasonal water assignment rules**

**WSS/2013/618**

**Version 4.02**

**05/04/2019**

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## Version History

Version	Date	Comments
1.00	17/10/2005	Endorsed.
1.01	18/12/2006	Minor amendment update Departmental name.
1.02	10/06/2008	Convert to new SharePoint template.
2.00	05/05/2009	Amendments to contents and structure.
2.01	09/03/2012	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.
2.02	28/02/2014	Updated departmental references. Changed stock and domestic and meter malfunction content.  Changed policy ID number from WAM/2005/2209 to WSS/2013/618.
3.00	29/06/2015	Updated to reflect changes in the Water Regulation 2002.
4.00	06/12/2016	Removal of the Lower Callide Groundwater Sub-area water sharing rules which have now transitioned into Fitzroy Basin Resource Operations Plan 2014.  Removal of the announced entitlement rules in conjunction with the reduced nominal entitlement volumes.  Section references updated to be consistent with the changes from the Water Legislation Amendment Bill 2015.
4.01	18/06/2018	Updated the departmental name. Minor amendment.
4.02	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 Prospect Creek and Upper Callide groundwater sub-areas, 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 with the groundwater sub areas.

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 groundwater sub-areas include parts of the quaternary alluvium associated with Kariboe Creek, Grevillea Creek and Prospect Creek.

Prospect Creek and Upper Callide groundwater sub-areas are located upstream of the Callide Valley Water Supply Scheme (benefited area).

The geographical boundaries of the Prospect Creek and Upper Callide groundwater sub-areas 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 Zones

The Prospect Creek groundwater sub-area consists of two zones: 4A and 4B.

The Upper Callide groundwater sub-area consists of three zones: 10A, 11A and 11B.

The zones are managed separately for the purpose of determining rules for seasonal water assignments due to their differing hydro-geological conditions.

### 3.3 Water to which these rules apply

The Prospect Creek and Upper Callide groundwater sub-areas water sharing rules only apply to quaternary alluvium within the Prospect Creek and Upper Callide groundwater sub-areas (refer to Attachment 1).

The Prospect Creek and Upper Callide groundwater sub-areas do not include water that is managed by SunWater under the Callide Valley Water Supply Scheme Resource Operations Licence.

## **4 Water sharing rules**

### **4.1 Annual entitlement**

#### **4.1.1 Overview**

The annual entitlement is equal to the nominal entitlement at the beginning of each 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.

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

$$AE = NE \ +/- \ SWA^*$$

Definitions:

- AE - annual entitlement
- NE - nominal entitlement
- SWA - seasonal water assignment

\* If applicable.

### **4.2 Carry over rules**

Carry over is not permitted by licence holders in the Prospect Creek and Upper Callide groundwater sub-areas.

### **4.3 Seasonal water assignment rules**

#### **4.3.1 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 Prospect Creek and Upper Callide groundwater sub-areas may apply for a seasonal water assignment.

The maximum entitlement volume that can be assigned by the assignor/seller is 50 megalitres (ML).

#### **4.3.2 Application**

An application for a seasonal water assignment may be made by the licensee of a water licence or by 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 with a seasonal water assignment notice, with or without conditions.

### **4.3.3 Rules**

The following rules apply for seasonal water assignment applications within the Prospect Creek and Upper Callide groundwater sub-areas.

- The assignor/seller must have sufficient unused nominal entitlement volume to meet the volume of the seasonal assignment application.
- The seasonal assignment application volume must not be greater than 50 ML.
- The location (section) of the seasonal assignment notice must be the same as the licence location (section) of the assignor/seller.
- Stock or domestic allowance (riparian allowance) volumes cannot be seasonally assigned.
- The chief executive must be satisfied the volume taken under the seasonal assignment notice must not adversely affect other groundwater users (including stock or domestic) or the environment.
- An approved meter must be used to measure the water taken under the seasonal water assignment notice.

### **4.3.4 Conditions**

A granted seasonal water assignment notice is subject to the same conditions of the assignor/seller 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 land owner in the Prospect Creek and Upper Callide groundwater sub-areas, 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.

### **4.3.5 Approval**

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

## 5 Management and accounting

### 5.1 Stock or domestic allowance

The take of stock or domestic water is authorised under section 93 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.

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 (W2F062)

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 93 of the Act cannot be traded.

### 5.2 Water accounting

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

1. stock or domestic allowance (if applicable)
2. annual entitlement

### 5.3 Example

Table 1 provides an example of annual entitlement calculations where a seasonal water assignment has been granted.

**Table 1 – Calculating annual entitlement with seasonal water assignment**

	Date	Description	Calculation	Annual entitlement	Available entitlement*
Water Licence A - Nominal Entitlement = 100 ML					
Assignor/seller	1 July 2017	Nominal Entitlement 100 ML	NE = 100 ML	100 ML	100 ML
	2 November 2017	Metered use to date is 50 ML			50 ML
		Adjusted for seasonal water assignment of 20 ML by the licence holder	AE - SWA = 50 ML – 20 ML	30 ML	30 ML
	30 June 2018	Total metered use for 2004-05 water year is 70 ML			10 ML



	Date	Description	Calculation	Annual entitlement	Available entitlement*
	1 July 2018	Nominal Entitlement 100 ML	NE = 100ML	100 ML	100 ML
Water Licence B - Nominal Entitlement = 120 ML					
Assignee/buyer	1 July 2017	Nominal Entitlement 120 ML	NE = 120ML	120 ML	120 ML
	2 November 2017	Metered use to date is 90 ML			30 ML
		Adjusted for seasonal water assignment of 20 ML by the licence holder	AE + SWA = 30 ML + 20 ML	50 ML	80 ML
	30 June 2018	Total metered use for 2004-05 water year is 130 ML			10 ML
	1 July 2018	Nominal Entitlement 120 ML	NE = 120	120 ML	120 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).

## 6 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.

### 6.1 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

## 7 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.

## 8 Responsibilities

Licence holders within the Prospect Creek and Upper Callide groundwater sub-areas:

- 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 install, maintain, arrange validation and read water meters, consistent with the requirements outlined in the Water Regulation.

The department:

- Must decide any applications for seasonal water assignment in accordance with the seasonal water assignment rules.

## 9 Contact

For enquiries relating to any aspect of water management within the Prospect Creek and Upper Callide groundwater sub-areas, 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](http://www.business.qld.gov.au)

## 10 Definitions

**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 nominal entitlement volume that, if permitted, an entitlement holder may carry over from one water year to the next water year.

**Metered entitlement** is an authority under the *Water Act 2000* 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.

**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** is defined in the Water Regulation 2016.

**Water assessment report form** is the approved form available on the Business Queensland website: [www.business.qld.gov.au/water](http://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 Prospect Creek and Upper Callide groundwater sub-areas is the 12 month period from 1 July to 30 June.

# Appendix 1: Prospect Creek and Upper Callide Groundwater Area

