

# **Central Condamine Alluvium Groundwater Management Area**

**Water sharing rules  
Seasonal water assignment rules  
Water licence transfer rules**

**WSS/2013/650  
Version 4.04  
23/07/2018**

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## Version History

Version	Date	Comments
1.00	12/05/2010	Draft water sharing rules for consultation
2.00	10/02/2012	Amendments to provide for the interim plan under the Commonwealth Water Act.
3.00	08/04/2013	Amendments to provide for the establishment of water licence transfer rules and revised management area boundaries.
4.00	29/06/2015	Amendment to water licence transfer rules and seasonal water assignment rules. Updated content to meet current policy and format.  Changed policy ID number from WAP/2010/4068 to WSS/2013/650
4.01	13/07/2015	Minor amendments to correct formatting.
4.02	06/12/2016	Section references updated to be consistent with changes from the Water Reform and Other Legislation Amendment Act 2014.
4.03	18/06/2018	Updated references to the <i>Planning Act 2016</i> (which replaced <i>Sustainable Planning Act 2009</i> ). Updated departmental name.  Minor amendment to the document.
4.04	23/07/2018	Minor amendment to update name of form W2F125.

## Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	23/07/2018

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# 1 Overview

This document defines the water sharing rules for Central Condamine Alluvium groundwater management area as prescribed in section 27 the Water Regulation 2016 (the Water Regulation), including the seasonal water assignment rules as prescribed in section 39 of the Water Regulation.

Section 31 of the Water Regulation prescribes the water licence transfer rules.

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.

## 2 Purpose

Water sharing rules establish a framework for water access, seasonal and permanent trading and water use accounting. These rules apply to the use of underground water within the groundwater management area.

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

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

Water licence transfer rules allow landholders to permanently trade water licences to restructure their water businesses or realise the market value of their existing water entitlements.

## 3 Description of the groundwater management area

### 3.1 Plan of the groundwater management area

The Central Condamine alluvial underground water aquifer is managed under a groundwater management area known as the Central Condamine Alluvium groundwater management area. The Central Condamine alluvium is included in the Upper Condamine Alluvium (Central Condamine Alluvium) Sustainable Diversion Limit (SDL) area in the Commonwealth's Murray-Darling Basin Plan (Basin Plan).

The Central Condamine Alluvium groundwater management area boundary defines the area under which the alluvial aquifer associated with the Condamine River lays. The groundwater management area extends in a north-westerly direction from Pratten at the upper extent, to Warra at the lower end.

The groundwater management area is divided into four sub-areas for management purposes. These areas are defined based on hydrogeological characteristics that can impact on water availability. See the indicative map in Attachment 1 for the current sub-area boundaries.

The geographical boundaries of the groundwater management area are identified in the map included in Attachment 1(CAS1838v2). This map details the groundwater management area, sub-area, transitional zones and cadastral boundaries.

The exact location of the groundwater management area boundaries are held in digital electronic form by the Department of Natural Resources, Mines and Energy and may be inspected at the department's Toowoomba office.

### **3.2 Change to management sub-areas and transitional zones**

Management sub-areas for the groundwater management area were revised in 2013 to more accurately reflect hydrogeological boundaries. There are now four (4) sub-areas.

Sub-areas 2 and 3 also contain additional transitional zones due to variations in water availability and to ensure that the sub-area changes do not adversely affect the access of water users. These transitional zones will be removed as access to underground water within sub-areas 2 and 3 becomes consistent.

The indicative map in Attachment 1 identifies the sub-area and transitional zone boundaries.

### **3.3 Water to which the rules apply**

These water sharing rules, seasonal water assignment rules and water licence transfer rules apply to the use of underground water from the Central Condamine Alluvium within the groundwater management area.

## **4 Water sharing rules**

The water sharing rules provide a range of options for landholders to access the alluvial underground water in the Central Condamine Alluvium groundwater management area and to also provide for the management and accounting of the underground water.

## **5 Annual entitlement**

The annual entitlement is calculated by multiplying the nominal entitlement (the volume stated on the water licence) by the announced entitlement and adjusting the calculated volume for any carry over 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 adjusted.

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

$$\text{Annual entitlement (AE)} = \text{NE} \times \text{ANE} + \text{CO} \pm \text{SWA}$$

Where:

- AE - Annual entitlement
- NE - Nominal entitlement
- ANE - Announced entitlement (as percentage)

- CO - Carry over
- SWA - Seasonal water assignment

An example of how to calculate annual entitlement is shown in Table 1.

**Table 1 – Example of how to calculate annual entitlements**

Nominal entitlement	Announcement entitlement	Annual entitlement
100 megalitres	70 %	70 megalitres
50 megalitres	50 %	25 megalitres

## 6 Announced entitlement

The chief executive must decide an announced entitlement for the groundwater management area. The announced entitlement will be decided before the start of the water year.

A different announced entitlement may be decided for each sub-area or zone depending on the availability of water at the time in each of the sub-areas or zones.

The announced entitlement may be increased during the water year.

### 6.1 Considerations

When determining the announced entitlement, the chief executive must decide the volume that may be taken in a particular water year, having regard to:

- the Baseline Diversion Limit (BDL) specified under the Basin Plan for the Upper Condamine Alluvium (Central Condamine Alluvium) Sustainable Diversion Limit Area (SDL)
- any revised BDL
- long term average sustainable yield <sup>1</sup>
- trends in underground water levels
- historical water use
- anticipated water use
- seasonal weather outlook
- the total nominal entitlement
- alternative water sources
- any other relevant considerations by the chief executive
- any recommendations made by a relevant stakeholder body.

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<sup>1</sup> The long term average sustainable yield considered here is **not** the SDL as defined by the Basin Plan.

The announced entitlement determined by the chief executive must not exceed 87 per cent of the total diversion possible within the groundwater management area having regard to the revised BDL.

## 6.2 Notification

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

- give written notice of the announced entitlement to the holders of the water licence to which the entitlement relates
- publish the announced entitlement in the Toowoomba Chronicle, Dalby Herald, and/or Pittsworth Sentinel (Saturday editions)
- publish the announced entitlement on the Business Queensland.

## 6.3 Rules for 'Group S' water licences

'Group S' refers to water licences that previously were able to substitute surface water for underground water. The previous provisions to substitute water no longer exist however the remaining licences are subject to the group S provisions detailed below. Water licences in groups 2S and 2-3S have announced entitlements directly linked to the announced entitlements for sub-area 2 and transitional zone 2-3.

### Water licences in group 2-3S<sup>2</sup>

- If the announced entitlement for transitional zone 2-3 is equal to or greater than 40 per cent, the announced entitlement for water licences in group 2-3S is 100 per cent of the nominal entitlement
- If the announced entitlement for transitional zone 2-3 is less than 40 per cent, the announced entitlement for water licences in group 2-3S is 2.5 times the announced entitlement percentage.

### Water licences in group 2S<sup>3</sup>

- If the announced entitlement for sub-area 2 is equal to or greater than 60 per cent, the announced entitlement for water licences in group 2S is 100 per cent of the nominal entitlement

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<sup>2</sup>Group 2-3S replaces the previous sub-group 3bS; all licences previously in sub-group 3bS are now in ground 2-3S. This change is to align management groups with updated sub-areas for the groundwater management area.

<sup>3</sup> Group 2S replaces the previous sub-group 4S; all licences previously in sub-group 4S are now in group 2S. This change is to align management groups with updated sub-areas for the groundwater management area.

- If the announced entitlement for sub-area 2 is less than 60 per cent, the announced entitlement for water licences in group 2S is 1.67 times the announced entitlement percentage.

## **7 Water products**

### **7.1 Carry over**

Water licence holders in the Central Condamine Alluvium groundwater management area are authorised to carry over any unused portion of the announced entitlement water from the previous water year.

Entitlement holders must contact the department's water services team in Toowoomba to confirm the volume of underground water they are authorised to carry over.

An application is not required to carry over water to the next water year.

#### **7.1.1 Rules**

The carry over volume has effect from the commencement of the next water year.

The volume 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 carry over is transferred to the new owner. The new owner is entitled to carry over any unused announced entitlement at the end of that water year.

In the event that a water licence is sub-divided, the unused carry over will be transferred to the new water licence holders in proportion to the volume of nominal entitlement authorised under each new water licence (unless the parties agree otherwise and inform the department).

For example, water licence A authorising a nominal entitlement of 100 megalitres (ML) is sub-divided to create two new water licences. Water licence B authorises a nominal entitlement of 60 ML and water licence C authorises a nominal entitlement of 40 ML. Prior to the subdivision, water licence A had 20 ML of carry over. Based on the subdivision, 12 ML of carry over is transferred to water licence B and 8 ML of carry over is transferred to water licence C.

Entitlements acquired through seasonal water assignment do not qualify for carry over.

Any unused carry over from the previous year does not qualify for subsequent carry over.

## Example

Table 2 provides an example of calculating carry over and the annual entitlement where the nominal entitlement is 50 ML.

**Table 2 – Calculating carry over and the annual entitlement**

Date	Description	Volume
1 Jul 2017	Announced entitlement volume for 2017–18 water year	100% = 50 ML
	Calculated annual entitlement for 2017–18 water year (carry over from 2010–11 = 0 ML)	50 ML
30 Jun 2018	Metered use for 2017–18 water year	30 ML
	Available carry over	20 ML
1 Jul 2018	Announced entitlement volume for 2018–19 water year	100% = 50 ML
	Calculated annual entitlement for 2018–19 water year	70 ML

## 7.2 Seasonal water assignment

This product is intended for meeting additional short-term water needs. Under this water accounting arrangement, some or all of the annual entitlement available under a water licence or seasonal water assignment notice can be assigned to another person.

There is no limit to the number of assignments of unused water that can be made in any water year. Any unused part of the assigned water can be reassigned to a third party during the remainder of the water year.

The holder of a water licence or seasonal water assignment notice may apply for a seasonal water assignment using the 'Application for seasonal assignment of a water licence' form (W2F016). The form is available on the Business Queensland website and must include all details requested on the form and be accompanied by the prescribed fee.

Following the approval of the application, the volume assigned to the buyer is deducted from the seller's annual entitlement for the current water year.

As seasonal water assignment applies to the current water year only, an application for a seasonal water assignment cannot be made prior to the commencement or after the end of the water year for which it is required.

### 7.2.1 Rules

The rules for seasonal water assignment that apply in the Central Condamine Alluvium groundwater management area include the following:

- Seasonal water assignments are only allowed within sub-areas and also across transitional zones within the same sub-area.

- The maximum volume that can be seasonally assigned by the assignee/buyer is the greater of either 100 ML or 20 per cent of the unused portion of the announced entitlement volume held by the assignee/buyer (excluding any carry over volume).
- The seller and buyer must provide works, meter details and meter readings for all meters that have been used to take the water or could be used to take the water after assignment.
- An application to seasonally assign water must specify a volume equal to or less than the volume available. If the volume applied for is greater than the volume available, the assignment will be reduced to the volume that is available.
- Water may not be assigned from licences with a stated purpose of urban or town water supply.
- A seasonal water assignment will be refused if the chief executive considers that the granting of the assignment might result in adverse impacts on other water users.
- A seasonal water assignment is only allowed for the same purpose and conditions as on the original licence.

## 7.2.2 Approval

In deciding 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 (assignor/seller) 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.

The seasonal water assignment has effect from the day the information notice is given to the applicant (assignor/seller). The assignee/buyer will receive a seasonal water assignment notice that states the volume and purpose for which the water can be taken in the water year. The seasonal water assignment notice only applies for the remainder of the current water year in which the assignment takes place.

If the application for seasonal water assignment is approved, the assignor/seller cannot take the volume of water that has been assigned to the assignee/buyer. Both the assignor/seller and assignee/buyer will have their water accounts adjusted to reflect the transaction.

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 compliance action under the provisions of the *Water Act 2000* (the Water Act).

### 7.2.3 Conditions

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

- of the water licence (from which the water was assigned)
- prescribed under a regulation that the chief executive decides to impose for the particular seasonal water assignment notice.

Provisions under the Water 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 entitlement holder in the Central Condamine Alluvium groundwater management area), subject to these seasonal water assignment rules.

## 7.3 Water licence transfer

A water licence transfer is a permanent trade of water to an owner of land within the Central Condamine Alluvium groundwater management area and is available to be undertaken at any time.

The holder/s of a water licence that attaches to land in the groundwater management area may apply to permanently transfer (relocate) the water licence to other land. All or part of the licence may be relocated to other land within the same sub-area. Approval of the transfer is subject to relocation rules.

The relocation of a water licence may include the following:

- a change of the point of take from that described on the licence to other land
- a change in the area of supply from that described on the licence to other land
- a change of licensee from that stated on the existing licence to the proposed new licensee (owner of the proposed land).

The holder of a water licence may apply for a water transfer to other land using the 'Application to relocate all or part of a water licence' form (W2F125).

Information about the current water licence transfer market is available on the Business Queensland website. Landholders wishing to participate in the water licence transfer market can contact a third party broker or other means to determine potential buyers and sellers.

### 7.3.1 Rules

A transfer (relocation) will only be permitted if:

- the existing licence states a nominal entitlement in megalitres
- the proposed licence's activity parcel/s are within the same sub-area as the activity parcels for the original licence
- the transfer (relocation) of a water licence must not increase the total nominal entitlement volume for the groundwater management area
- the assessed impact on the works of any existing water licence holder, other than those owned by the transferor or transferee, is less than 0.5 metres drawdown in the standing water level<sup>4</sup>.

Any bore (new or existing) intended to take water under a relocated entitlement must be assessed to ensure the impact on any metered works (bores) in the Central Condamine Alluvium groundwater management area (which are not owned by the transferor or transferee) is less than 0.5 metres drawdown in the standing water level.

### 7.3.2 Approval

The date of issue of the proposed licence is the date that the transfer (relocation) is deemed to take effect.

Once a relocation has been approved, the new licence holder can commence taking the unused volume of the annual entitlement under the authority of the transferred (relocated) licence:

- after the date the transfer (relocation) takes effect
- if the new owner has works (a water bore) authorised to take water from the Central Condamine Alluvium groundwater management area
- if the authorised works are fitted with an approved meter.

In the event that an entitlement is transferred (relocated), any unused annual entitlement (excluding seasonal water assignment) will be transferred on a proportional basis (unless the parties agree otherwise and inform the department). The unused portion of the annual entitlement is available for use during the remainder of the water year.

The transfer (relocation) of a licence<sup>5</sup> will result in that licence being subject to the destination announced entitlement from the commencement of the next water year.

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<sup>4</sup> As calculated by the Central Condamine Alluvium trade assessment tool or alternatively as proven by a hydrogeological assessment to the satisfaction of the chief executive.

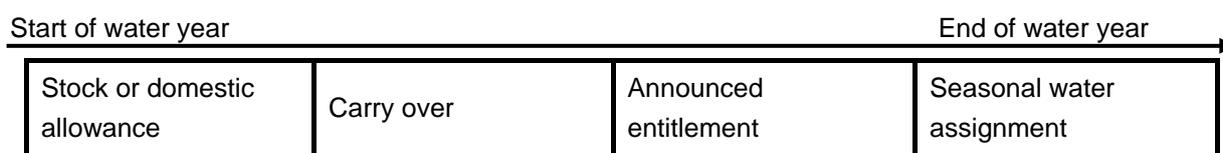
<sup>5</sup> Includes licences in group S and Urban.

## 8 Management and accounting

### 8.1 Water accounting

The water used in each water year is deducted from the client's water account balance in the following order:

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



**Figure 1 – Order in which water use will be accounted during the water year**

The holder of each water licence is billed annually. The current annual licence fee is available on the Business Queensland's website.

There is currently no charge for each megalitre of water taken in the Central Condamine Alluvium groundwater management area.

### 8.2 Drilling a bore to access underground water

The drilling of a new bore is required to meet the provisions under the *Planning Act 2016* and the current State Development Assessment Provisions (SDAP). Under these provisions, a development permit may be required before a water bore can be drilled. The SDAP can be accessed from the Queensland's Planning System website, <https://planning.dsdmip.qld.gov.au/>.

Water bores in Queensland must be constructed by a licensed water bore driller. The driller's licensing requirements under the Water Act ensure all water bore drillers are properly experienced to drill a water bore.

### 8.3 Stock and/or domestic allowance

The take of stock and/or domestic water is authorised under section 96 of the Water 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 take of stock or domestic water may be stipulated on a water licence that has a volumetric entitlement. The holder of a metered entitlement may also notify the department of the stock or

domestic allowance claimed. The 'Stock or domestic allowance notification form' (W2F062) is available on the Business Queensland website.

The stock or domestic allowance is accounted as the first volume taken in a water year<sup>6</sup>.

## 8.4 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.

## 8.5 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 a seasonal water assignment
- with any application for a 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.

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

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<sup>6</sup> Water taken for stock or domestic purposes under section 96 of the Water Act cannot be traded.

## 9 Responsibilities

### Water entitlement holders

- Must ensure that 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.
- May apply to transfer all or part of the licences nominal volume to other land in accordance with the water licence transfer rules.
- Must install, maintain, arrange validation and read water meters, consistent with the requirements outlined in the requirements outlined in the Water Regulation.

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

## 10 Dictionary

The following terms and their meanings apply to the Central Condamine Alluvium groundwater management area.

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

**Annual entitlement** means the volume authorised to be taken during a water year under a water licence. This is calculated by multiplying the nominal entitlement for the water licence by the announced entitlement; and adjusting the volume for any carry over that applies to the licence for the water year.

**Baseline Diversion Limit (BDL)** means the BDL identified for the Upper Condamine Alluvium (Central Condamine Alluvium) Sustainable Diversion Limit (SDL) area under the Basin Plan.

**Basin Plan** means the Murray-Darling Basin Plan, including any amended version of the plan.

**Carry over** means the unused volume of an announced entitlement that a water licence holder may access in the water year following the year for which the announced entitlement was available.

**Central Condamine Alluvium** trade assessment tool is the agreed tool to assess the potential impact of taking water from the Central Condamine Alluvium groundwater management area for a water licence transfer (relocation).

**Nominal entitlement** means the volume of water authorised to be taken during a water year under a water licence. The volume of water that a licence holder may use during a water year may be varied by an announced entitlement.

The agreed values<sup>7</sup> to be used in the Central Condamine Alluvium trade assessment tool are:

Transmissivity – 500m<sup>2</sup> per day (average value attributed to the whole groundwater management area)

Specific yield – 10% (average value for unconfined alluvial aquifers)

Drawdown impact – 0.5 metres, the agreed maximum impact on the Standing Water Level (at full supply level)

Pump rate – 100 days (365 days for Urban/Town Water Supply)

Entitlement value – 100% of nominal entitlement

**Seasonal water assignment** is a temporary trade where some or all of the available water from a water entitlement can be traded to another person or place in a water year.

**Stock or domestic allowance** means the take of stock or domestic water authorised under the Water Act. Water authorised to be taken under a stock or domestic allowance is not subject to these water sharing rules. The take of stock or domestic water is separate from the nominal entitlement associated with the water licence and may be stated on a water licence.

**Underground water** means water that occurs naturally in, or is introduced artificially into, an aquifer.

**Upper Condamine Alluvium** (Central Condamine Alluvium) SDL area means the area identified as the Upper Condamine Alluvium (Central Condamine Alluvium) SDL area in the Basin Plan<sup>8</sup>.

**Water bore** includes a bore, shaft, well, gallery, spear or excavation and any works constructed in connection with the bore, shaft, well, gallery, spear or excavation that taps an aquifer.

**Water entitlement holder** means a person holding a water licence, seasonal water assignment notice or other authorisation to take water in the groundwater management area.

**Water Year** for the Central Condamine Alluvium groundwater management area is the 12 month period starting 1 July and ending 30 June.

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<sup>7</sup> These are the current values for which agreement has been reached between the Central Condamine Alluvium groundwater management area advisory committee and the department.

<sup>8</sup> A map showing the Upper Condamine Alluvium (Central Condamine Alluvium) SDL area can be viewed on the Murray Darling Basin Authority website.

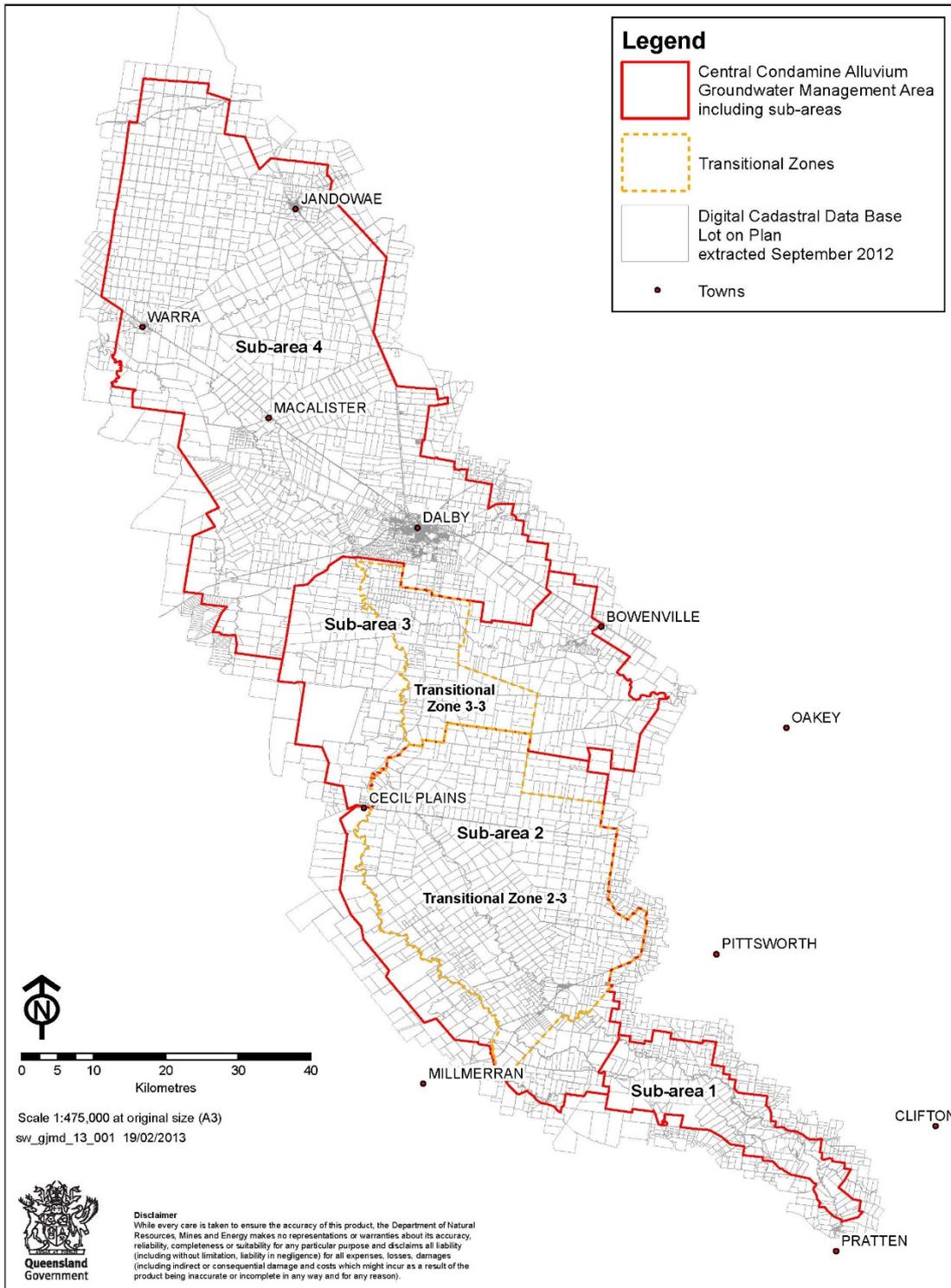
## 11 Contact

For enquiries relating to any aspect of water management within the Central Condamine Alluvium groundwater management area, please contact:

**Position:** Administration Officer, Water Services  
**Street address:** 203 Tor Street, Toowoomba QLD 4350  
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**Telephone:** (07) 4529 1394  
**Facsimile:** (07) 4529 1555  
**Email:** [Waterservices.Toowoomba@dnrme.qld.gov.au](mailto:Waterservices.Toowoomba@dnrme.qld.gov.au)

# Attachment 1—Central Condamine Alluvium groundwater management area map.

## Central Condamine Alluvium Groundwater Management Area



CAS1838v2