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# Chapter 1 Preliminary

## 1 Short title

- (1) This water management protocol may be cited as the Fitzroy Basin Water Management Protocol.
- (2) Reference in this document to ‘this protocol’ means the Fitzroy Basin Water Management Protocol.

## 2 Commencement of the water management protocol

- (1) This protocol commenced on 6 December 2016.
- (2) This amendment to the protocol commences on the first business day after its approval by the chief executive.

## 3 Purpose of protocol

This protocol implements parts of the Water Plan (Fitzroy Basin) 2011.

## 4 Area to which this protocol applies

This protocol applies to parts of the plan area defined in schedule 1 of the Water Plan (Fitzroy Basin) 2011.

## 5 Water to which this protocol applies

- (1) This protocol applies to the following water (surface water) in the plan area—
  - (a) water in a watercourse or lake; and
  - (b) water in a spring not connected to water to which the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 applies;
  - (c) overland flow water, other than water in a spring connected to water to which the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 applies.
- (2) This protocol also applies to groundwater in the plan area that is not managed under the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017.

## 6 Information about areas, schemes and zones

- (1) The location of plan area boundaries, subcatchment areas, water supply schemes, groundwater management areas, groundwater sub areas and zones<sup>1</sup> are held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries<sup>2</sup>.

## 7 Notification of first post-winter flow

The chief executive must—

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<sup>1</sup> Zones are shown on the maps in Attachment 4 of the Water Plan (Fitzroy Basin) 2011.

<sup>2</sup> The boundaries held in digital electronic form may be inspected at any of the department’s offices.





## Part 2 Granting from strategic or general reserve

### 11 Application of part 2

This part applies to unallocated water held as—

- (a) strategic reserve; and
- (b) general reserve.

### 12 Process for granting unallocated water held as strategic or general reserve

- (1) The process for granting unallocated water must be in accordance with the requirements prescribed in part 2, division 2 of the Water Regulation 2016.
- (2) For section 53(b) of the Water Plan (Fitzroy Basin) 2011, in implementing the process under subsection (1), the chief executive may require a person or entity to apply for a water licence under section 107 of the *Water Act 2000*.

### 13 Limitation on making unallocated water available to protect strategic water infrastructure reserve for water infrastructure on the Connors River

Unallocated water is not available to be granted from the Connors River from upstream of its junction with Funnel Creek at AMTD 51.9 km on the Connors River.

### 14 Determining elements of unsupplemented water allocations

The chief executive, in granting any unsupplemented water allocation from the general reserve for surface water, must grant the allocation in accordance with section 90 of the Water Plan (Fitzroy Basin) 2011 and table 1 of this protocol.

**Table 1 – Determining elements of unsupplemented water allocations**

Location	Zone	Flow conditions	Water allocation group	Annual volumetric limit (ML/year)	Maximum rate (Litres/second)
Nogoa Mackenzie Water Management Area	Mackenzie A Mackenzie B Mackenzie C Mackenzie D Mackenzie E	4320 ML/day passing flow	Class 1B	Nominal volume multiplied by 1.20	Nominal volume multiplied by 0.78468
Fitzroy Water Management Area	Fitzroy A Fitzroy B Fitzroy C Fitzroy D Fitzroy E	4320 ML/day passing flow	Class 5B	Nominal volume multiplied by 1.35	Nominal volume multiplied by 0.48438

# Chapter 3 Water allocation dealing rules—supplemented allocations

No changes proposed for this chapter except for the addition of proposed provision 18A for prohibited changes.

## 15 Scope of chapter 3

This chapter contains water allocation dealing rules for all supplemented water allocations managed under a resource operations licence.

## 16 Definitions for chapter 3

In this chapter—

**total nominal volume in a zone** means the sum of the nominal volumes of all water allocations in the same priority group—

- (a) for the zone or zones; and
- (b) for which relevant valid change certificates have been issued under section 159 of the *Water Act 2000*.

## Part 1 General provisions

### 17 Permitted subdivision and amalgamations

- (1) Subdivision of a water allocation is permitted where—
  - (a) the sum of the nominal volumes of the new water allocations is equal to the nominal volume of the water allocation that is being subdivided; and
  - (b) the location and priority group of the new water allocations are the same as that of the water allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted where—
  - (a) the nominal volume of the new water allocation is equal to the sum of the nominal volumes of the water allocations that are being amalgamated;
  - (b) the location and priority group of the water allocations that are being amalgamated are the same; and
  - (c) the location and priority group for the new water allocation are the same as that of the water allocations that are being amalgamated.

### 18 Assessed changes

- (1) The holder of a water allocation that states the purpose as 'distribution loss' may apply to the chief executive under section 159 of the *Water Act 2000* to change the purpose of the water allocation to 'any'.
- (2) The water allocation holder must provide information with the application detailing that there is sufficient volume held under water allocations to provide for distribution losses within the system.

- (3) **Distribution loss** means water that is lost when delivering water for water allocations in reticulated areas via constructed infrastructure through processes such as (but not limited to) evaporation, seepage, pipeline leakage, accidental loss through temporary pipe failure (breaks), loss through pressure relief systems and scouring.

#### 18A Prohibited changes

An application for a change to a water allocation priority group is a prohibited change, unless explicitly provided for in this chapter.

#### 19 Application for changes not specified as permitted, prohibited or assessed

An application for a change to a water allocation that is not specified as permitted, prohibited or assessed in this part or parts 2, 3, 4 or 5 of this protocol may be made in accordance with section 72 of the Water Regulation 2016.

## Part 2 Dawson Valley Water Supply Scheme

#### 20 Scope of part 2

This part provides for changes to a water allocation to take supplemented water which are permitted and prohibited in addition to changes stated in chapter 3, part 1 of this protocol.

#### 21 Permitted changes

- (1) This section applies to a water allocation with a purpose of 'agriculture' or 'any'.
- (2) The following changes to a water allocation are permitted—
  - (a) a change to the location for the taking of water under a water allocation if the change—
    - (i) results in the location of the allocation being zones Dawson B, C, D, E, F, G, H, I, J, K, L or M; and
    - (ii) would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 2;
  - (b) a change to the purpose where the change results in the purpose being 'agriculture' or 'any'; and
  - (c) a change to the priority group—
    - (i) from medium A to medium—if the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 2;
    - (ii) from medium to medium A if—
      - (A) the location of the medium A priority water allocation is zone Dawson I; and
      - (B) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 2;
    - (iii) from medium to high if—
      - (A) the location for the high priority water allocation is zones Dawson C or B;

- (B) the nominal volume is changed by dividing the nominal volume of the allocation belonging to the medium priority group by 3 and rounding down to the nearest whole number; and
  - (C) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 2; or
  - (iv) from high to medium if—
    - (D) the location for the medium priority water allocation is zones Dawson C or B;
    - (E) the nominal volume is changed by multiplying the nominal volume of the allocation belonging to the high priority group by 3; and
    - (F) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 2.
- (3) Subsection (2) does not apply if the change is prohibited under section 22.

**Table 2 – Limits of total nominal volume (ML) in a zone**

Priority group	Nominal volume	Zones							
		L and M	K and J	I	H	G, F and E	D	C	B
High	Maximum	0	600	1060		3519	1200	0	350
	Minimum	—	200	662		3119	1200		
Medium A	Maximum	0		19 456	0	0			
Medium		1760	9850	30 500 <sup>3</sup>		14 450	8838	1942	733
Medium A	Minimum	—		3405	—	—			
Medium		560	6350	25 500		9450	6838		

## 22 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location, if the change would result in the location being other than zones Dawson B, C, D, E, F, G, H, I, J, K, L or M;
- (b) a change to the location of a medium A priority water allocation from zone Dawson I; and
- (c) a change that would result in the total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 2.

## Part 3 Nogoia Mackenzie Water Supply Scheme

<sup>3</sup> Volume includes medium A.

## 23 Scope of part 3

This part provides for changes to a water allocation to take supplemented water which are permitted and prohibited in addition to changes stated in chapter 3, part 1 of this protocol.

## 24 Permitted changes

- (1) This section applies to a water allocation with a purpose of 'agriculture' or 'any'.
- (2) The following changes to a water allocation are permitted—
  - (a) a change to the location for the taking of water under a water allocation if the change—
    - (i) results in the location of the allocation being either zones Mackenzie B, C, D, E, F, G, H, I, J, K, L, M or N; and
    - (ii) would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3;
  - (b) a change to the purpose where the change results in the purpose being 'agriculture' or 'any';
  - (c) a change to the priority group—
    - (i) from medium to high if—
      - (A) the storage level in Fairbairn Dam is not less than EL 199.5 m AHD on the date the application for the change is received by the chief executive; and
      - (B) the nominal volume is also changed by dividing the nominal volume of the allocation belonging to the medium priority group, by 3 and rounding down to the nearest whole number; and
      - (C) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3; or
    - (ii) from high to medium if—
      - (D) the nominal volume is also changed by multiplying the nominal volume of the allocation belonging to the high priority group, by 3; and
      - (E) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3.
- (3) Subsection (2) does not apply if the change is prohibited under section 25.

**Table 3 – Limits of total nominal volume<sup>4</sup> (ML) in a zone**

Priority group	Nominal volume	Zone			
		J to N	H to I	E to G	B to D
High	Maximum	—			700
		56 000			
	Minimum	0	12 000	10 000	0
Medium	Maximum	—	18 000		18 182
		191 000			

<sup>4</sup> A cell without a value (—) in table 3 means there is no maximum limit on the total nominal volume specific to that zone group.



	Minimum	0		5182
Medium and High	Maximum	—	46 000	—

## 25 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location if the change would result in the location being other than zones Mackenzie B, C, D, E, F, G, H, I, J, K, L, M or N; and
- (b) a change that would result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes for the zones in table 3.

## Part 4 Lower Fitzroy and Fitzroy Barrage water supply schemes

### 26 Scope of part 4

This part provides for changes to a water allocation to take supplemented water which are permitted and prohibited in addition to changes stated in chapter 3, part 1 of this protocol.

### 27 Permitted changes

- (1) This section applies to a water allocation with a purpose of 'agriculture' or 'any'.
- (2) The following changes to a water allocation are permitted—
  - (a) in the Lower Fitzroy Water Supply Scheme—a change to the location for the taking of water under a water allocation if the change results in the location of the allocation being in zones Fitzroy A, B or C;
  - (b) a change to the purpose where the change results in the purpose being 'agriculture' or 'any'; and
  - (c) in the schemes, a change to the priority group—
    - (i) from medium to high if the nominal volume is also changed by dividing the nominal volume of the allocation belonging to the medium priority group by 1.5 and rounding down to the nearest whole number;
    - (ii) from high to medium if the nominal volume is also changed by multiplying the nominal volume of the allocation belonging to the high priority group by 1.5; and
    - (iii) if the change would result in a total nominal volume for high priority water allocations being less than the maximum volume or greater than the minimum volume specified in table 4.
- (3) Subsection (2) does not apply if the change is prohibited under section 28.

**Table 4 – Limits of total nominal volume (ML) for high priority water allocations in a zone**

Water supply scheme	Nominal volume	Zone		
		A	B	C
Lower Fitzroy	Maximum	25 800		
	Minimum	25 200		
Fitzroy Barrage	Maximum	51 200	—	—
	Minimum	48 800	—	—

## 28 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) in the Lower Fitzroy Water Supply Scheme—a change to the location, if the change would result in the location being other than zones Fitzroy A, B or C;
- (b) in the Fitzroy Barrage Water Supply Scheme—a change to the location, if the change would result in the location being other than zone Fitzroy A; and
- (c) a change that would result in the total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 4.

## Part 5 Callide Valley Water Supply Scheme

### 29 Scope of part 5

This part provides for changes to a water allocation to take supplemented water which are permitted and prohibited in addition to changes stated in chapter 3, part 1 of this protocol.

### 30 Permitted changes

(1) The following changes to a water allocation are permitted—

- (a) a change to the location for the taking of water under a water allocation if the change—
  - (i) for an allocation belonging to risk priority group—results in the location of the allocation being zones Callide B or C; or
  - (ii) for an allocation belonging to high B priority group—
    - (A) results in the location of the allocation being zones Callide 3B, 3A or 5; and
    - (B) would not result in a total nominal volume in a zone that is greater than the maximum volumes or lesser than the minimum volumes for the zones in table 5; or
  - (iii) for an allocation belonging to medium priority group—
    - (A) results in the location of the allocation being zones Callide 3B, 3A, 5, 7, 8B, 8A or 10B; and
    - (B) would not result in a total nominal volume in a zone that is greater than the maximum volumes in table 5;
- (b) a change to the purpose where the change results in the purpose being ‘agriculture’ or ‘any’; and

- (c) a change to the priority group—
  - (i) from medium to high B if—
    - (A) the nominal volume is also changed by dividing the nominal volume of the allocation belonging to the medium priority group by three, and rounding down to the nearest whole number; and
    - (B) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes in table 5; or
  - (ii) from high B to medium if—
    - (A) the nominal volume is also changed by multiplying the nominal volume of the allocation belonging to the high B priority group by three; and
    - (B) the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 5.

(2) Subsection (1) does not apply if the change is prohibited under section 31.

**Table 5 – Limits of total volume (ML) in a zone**

Priority group	Nominal volume	Zone						
		3B	3A	5	7	8B	8A	10B
High B	Maximum	100	500	1200	0			
			1200					
	Minimum	1066			—			
Medium	Maximum	3230	3905	2510	1965	1079	1300	1949
			5815					
Total	Maximum	14 624						

### 31 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location of an allocation belonging to high A priority group, if the change would result in the location being other than zone Callide A;
- (b) a change to the location of an allocation belonging to risk priority group, if the change would result in the location being other than zones Callide B or C;
- (c) a change to the priority group—if the allocation belongs to the high A or risk priority groups; and
- (d) a change that would result in the total nominal volume in a zone that is greater than the maximum volumes or lesser than the minimum volumes in table 5.

# Chapter 4 Water management areas—general provisions

No changes proposed for this chapter.

## 32 Scope of chapter 4

This chapter contains general provisions which apply to all water allocations in a water management area.

## Part 1 Water sharing rules—general

### 33 Water allocation holder data collection and transfer

- (1) For surface water taken under a water allocation with a flow condition greater than zero, the water allocation holder or any assignee must record meter readings, time and date—
  - (a) at the start of taking water; and
  - (b) at the end of taking water.
- (2) Following the end of taking water, the water allocation holder or any assignee must transfer the data recorded under subsection (1) to the chief executive—
  - (a) for the Dawson, Nogoia Mackenzie and Fitzroy water management areas—within 24 hours; and
  - (b) for the Comet and Theresa Retreat water management areas—within five business days.
- (3) For the Dawson, Nogoia Mackenzie and Fitzroy water management areas—the chief executive will advise the resource operations licence holder for the respective water supply scheme of the meter readings and the authorised quantities of unsupplemented water taken within 7 business days of the conclusion of announced periods for all management reaches in the respective water management area.
- (4) **Assignee** means the person or entity to whom an interest or right to water is being transferred (e.g. seasonally assigned).

### 34 Taking water under a water allocation with multi-year accounting

- (1) This section applies to water allocations in the Dawson, Nogoia Mackenzie, Comet and Theresa Retreat water management areas that state a condition that the take of water under the allocation is managed under a multi-year accounting water sharing rule.
- (2) The chief executive must establish a volumetric account for each water allocation holder by location and water allocation group.
- (3) The maximum opening account balance for the volumetric account is equal to the sum of the annual volumetric limits of the allocations owned by the water allocation holder, multiplied—
  - (a) for the Dawson, Comet and Theresa Retreat water management areas—by 1.5; and
  - (b) for the Nogoia Mackenzie Water Management Area—by 2.

- (4) The minimum account balance that may be held in the volumetric account is zero megalitres.
- (5) Water taken under allocations must be deducted from the volumetric account.
- (6) At the start of each water year the chief executive must—
  - (a) credit the volumetric account with—
    - (i) for the first water year after water allocations are changed to be managed under this section—the sum of the annual volumetric limits of these allocations; and
    - (ii) for subsequent water years—the sum of the annual volumetric limits multiplied by—
      - (A) for the Dawson Water Management Area—0.95;
      - (B) for the Nogoia Mackenzie Water Management Area—1.00; and
      - (C) for the Comet Water Management Area and Theresa Retreat Water Management Area—0.85; and
    - (iii) limit the account balance to the maximum opening account balance.
- (7) In this section—
  - (a) **account balance** means a volume of water, in megalitres, held in a volumetric account at any time during a year.
  - (b) **maximum opening account balance** means the maximum volume of water, in megalitres, that can be held in a volumetric account at the commencement of a water year.

## Part 2 Dealing with water allocations—general

### Division 1 Permitted changes

#### 35 Subdivisions and amalgamations

- (1) Subdivision of a water allocation is permitted where—
  - (a) the new water allocations state the same water allocation group and location as the allocation that is being subdivided;
  - (b) for surface water allocations—
    - (i) the nominal volume, annual volumetric limit, daily volumetric limit and maximum rate of each of the new water allocations are in the same proportions as the nominal volume, annual volumetric limit, daily volumetric limit and maximum rate of the allocation that is being subdivided; and
    - (ii) the sums of the nominal volumes, annual volumetric limits, daily volumetric limits and maximum rates of the new water allocations are equal to the nominal volume, annual volumetric limit, daily volumetric limit and maximum rate of the allocation that is being subdivided; and
  - (c) for the Lower Callide groundwater sub-area—
    - (i) the nominal volume and annual volumetric limit of each of the new water allocations are in the same proportions as the nominal volume and annual volumetric limit of the allocation that is being subdivided; and

- (ii) the sums of the nominal volumes and annual volumetric limits of the new water allocations are equal to the nominal volume and annual volumetric limit of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted where—
  - (a) the allocations being amalgamated state the same water allocation group and location; and
  - (b) for surface water allocations—the nominal volume, annual volumetric limit, daily volumetric limit and the maximum rate for the new water allocation is equal to the sum of the nominal volumes, annual volumetric limits, daily volumetric limits and maximum rates of the allocations being amalgamated; and
  - (c) for the Lower Callide groundwater sub-area—the nominal volume and annual volumetric limit for the new water allocation is equal to the sum of the nominal volumes and annual volumetric limits of the allocations being amalgamated; and
  - (d) if any of the allocations states a condition that the take of water is managed under a multi-year accounting water sharing rule, the amalgamated allocation is to have the same condition.
- (3) This section does not apply if—
  - (a) the allocation states a location which includes an AMTD; and
  - (b) the allocation, located in the Lower Callide groundwater sub-area, has a condition that allows for the take of water from Callide Creek.

### 36 Purpose

A change to the purpose of a water allocation is permitted where the change results in the purpose being 'agriculture' or 'any'.

### 37 Change to allow multi-year accounting

A change that adds a condition of a water allocation that allows the taking of water under the allocation to be managed under a multi-year accounting water sharing rule is permitted for—

- (a) water allocations belonging to water allocation group classes 10A, 10B, 11A, 11B, 12A and 0A; and
- (b) water allocations in the Comet Water Management Area and Theresa Retreat Water Management Area.

### 38 Change to a flow condition for water allocations that state an AMTD

A change to the flow condition of a water allocation that states a location that includes an AMTD is permitted if—

- (a) for water allocations belonging to water allocation group class 10C, 4C or 6C—the change results in a flow condition being stated on the water allocation that allows water to be taken under the water allocation when there is a passing flow of 9 ML per day;
- (b) for water allocations belonging to water allocation group class 9A—the change results in a flow condition being stated on the water allocation that allows water to be taken under the water allocation when there is a passing flow of 432 ML per day;
- (c) for water allocations belonging to water allocation group class 9B—the change results in a flow condition being stated on the water allocation that allows water to be taken under the water allocation when there is a passing flow of 1037 ML per day;

- (d) for a water allocation located in zone Theresa A—the change results in a flow condition being stated on the water allocation that allows water to be taken under the water allocation when there is a passing flow of 173 ML per day; and
- (e) for a water allocation located in zone Retreat A—the change results in a flow condition being stated on the water allocation that allows water to be taken under the water allocation when there is a passing flow of 260 ML per day.

### 39 Change to AMTD location

A change to the location of a water allocation to remove the AMTD is permitted if the allocation includes the relevant flow condition stated in section 38.

## Division 2 Prohibited changes

### 40 Prohibited changes

- (1) The following changes to water allocations are prohibited—
  - (a) a change to the purpose that would result in the purpose being other than ‘agriculture’ or ‘any’;
  - (b) a change to the daily volumetric limit, annual volumetric limit or flow condition that would result in an increase in the simulated mean annual diversion for the allocation; and
  - (c) a change to the water allocation group; and
- (2) Subsection (1) prohibited changes are in addition to prohibited changes specified in chapters 5, 6, 7, 8, 9 and 10.
- (3) ***Simulated mean annual diversion***, for an authorisation or group of authorisations, means the total volume of water simulated to have been taken under the authorisations, if the authorisations were in existence for the whole of the simulation period, divided by the number of years in the simulation period.

## Division 3 Assessed changes

### 41 Assessed changes

- (1) The holder of a water allocation may apply to the chief executive under section 159 of the *Water Act 2000* to—
  - (a) remove a condition about water taken under the authority only being stored in particular notified existing storages only if the water allocation holder provides information with the application detailing—
    - (i) any proposed changes to the particular notified existing works;
    - (ii) any proposed new works for storing water taken under the water allocation;
    - (iii) how the existing and proposed storages and associated works are to be operated; and
    - (iv) how any proposals under subsections (a), (b) or (c) could alter the volume of overland flow water taken.
  - (b) remove a multi-year accounting condition.
- (2) The chief executive may, in making a decision about an application made in accordance with—
  - (a) subsection (1)(a)—remove or amend the condition; and
  - (b) subsection (1)(b)—remove the condition if satisfied a change to the accounting method for the water allocation does not increase the volume of water available to be taken under the allocation.

## Division 4 Other changes

### 42 Application for changes not specified as permitted, prohibited or assessed

An application for a change to a water allocation that is not specified as permitted, prohibited or assessed in this chapter or chapters 5, 6, 7, 8, 9 or 10 of this protocol may be made in accordance with section 72 of the *Water Regulation 2016*.



# Chapter 5 Dawson Valley Water Management Area

No changes proposed for this chapter.

## 43 Scope of chapter 5

This chapter applies to water allocations to take unsupplemented water located in the Dawson Valley water management area.

## Part 1 Water sharing rules

### 44 Water year

The water year is the 12 month period beginning 1 October and ending 30 September.

### 45 Taking water under a water allocation

- (1) Water may be taken under a water allocation only during an announced period.
- (2) The total volume of water taken under an allocation in a water year must not exceed the annual volumetric limit for the allocation unless the water is taken under the provisions of chapter 4, section 30 of this protocol.
- (3) The volume of water taken under an allocation in a day must not exceed the daily volumetric limit for the allocation.
- (4) Subsection (1) does not apply to allocations belonging to water allocation group classes 10C, 13A and 13C.

### 46 Announced period for water allocations

- (1) This section applies to water allocations belonging to water allocation group classes 10A, 10B, 11A, 11B and 12A.
- (2) The chief executive must announce the start and end of an announced period during which water may be taken under water allocations.
- (3) For each location mentioned in table 6, the chief executive must determine the start of the announced period for each flow condition based on an estimate of when the stream flow at the flow management location for the location of the water allocation in table 6 exceeds the flow condition.
- (4) The chief executive may delay the notification of the start of an announced period for a maximum of 24 hours, provided the end of the announced period is extended by a similar time.
- (5) The chief executive will determine the end of each announced period based on an estimate of when the stream flow at the flow management location for the location of the water allocation in table 6 is less than the relevant flow condition.
- (6) The announced period should not vary by more than 12 hours from the period of time during which the flow conditions for the location are exceeded.
- (7) Despite subsections (2) to (6), the chief executive—
  - (a) must ensure that the announced period does not include any period when the stream flow at the relevant flow management location is less than 2592 ML per day during—

- (i) the Upper Dawson first post-winter flow management period, for water allocations located in zones Dawson F to M and belonging to water allocation group classes 11A and 12A; and
  - (ii) the Lower Dawson first post-winter flow management period, for water allocations located in zones Dawson A to E and belonging to water allocation group class 10A; and
  - (b) may extend a subsequent announced period to adjust for any variations in excess of 12 hours.
- (8) If the flow management location in table 6 cannot be used, the chief executive may use another method of determining stream flow for the flow management location.
- (9) In this section—

***Upper Dawson first post-winter flow management period*** means the period that—

- (a) starts at the earlier of—
  - (i) the activation of the Upper Dawson sub-scheme first post-winter flow management strategy under the Dawson Valley water supply scheme resource operations licence; or
  - (ii) 1 October; and
- (b) ends at the earlier of—
  - (i) 6 days of flow greater than 1 296 ML per day at any flow management location in table 6 that is upstream of the junction of Mimosa Creek and the Dawson River since the start of the period; or
  - (ii) the finalisation of the Upper Dawson sub-scheme first post-winter flow management strategy under the Dawson Valley water supply scheme resource operations licence; or
  - (iii) 30 April.

***Lower Dawson first post-winter flow management period*** means the period that—

- (a) starts at the earlier of—
  - (i) the activation of the Lower Dawson sub-scheme first post-winter flow management strategy under the Dawson Valley water supply scheme resource operations licence; or
  - (ii) 1 October; and
- (b) ends at the earlier of—
  - (i) six days of flow greater than 1 296 ML per day at any flow management location in table 6 that is downstream of the junction of Mimosa Creek and the Dawson River since the start of the period; or
  - (ii) the finalisation of the Lower Dawson sub-scheme first post-winter flow management strategy under the Dawson Valley water supply scheme resource operations licence; or
  - (iii) 30 April.

**Table 6 – Flow management locations for water allocations with a flow condition**

Location	Flow management (gauging station) location
Dawson A Dawson B	GS130362B—Dawson River at Knebworth
Dawson C Dawson D Dawson E	GS130374A—Dawson River at Bindaree
Dawson F Dawson G	GS130350C—Dawson River at Moura Weir headwater
Dawson H Dawson I	GS130317B—Dawson River at Woodleigh
Dawson J	GS130358A—Dawson River at Isla–Delusion Crossing
Dawson K	GS130354B—Dawson River at Gylanda Weir
Dawson L Dawson M	GS130345B—Dawson River at Glebe Weir Tailwater
Dawson N	GS130302A—Dawson River at Taroom
Dawson O	GS130324A—Dawson River at Utopia Downs

**47 Taking water under particular water allocations**

- (1) This section applies to water allocations belonging to water allocation group classes 10C, 13A and 13C.
- (2) Water may only be taken under a water allocation only when the stream flow at the flow management location for the location of the allocation in table 6 exceeds the flow condition stated on the allocation.
- (3) Despite subsection (2), the taking of water under a water allocation with no flow condition is permitted at any time.

## Part 2 Dealing with water allocations

**48 Scope of part 2**

This part provides for changes to a water allocation to take unsupplemented water which are permitted and prohibited, in addition to changes stated in chapter 4, part 2 of this protocol.

### Division 1 Permitted changes

**49 Location**

- (1) A change to the location for the taking of water under a water allocation is permitted if the change—
  - (a) for an allocation belonging to water allocation group classes 10A and 10B— results in the location being zones Dawson A to E;
  - (b) for an allocation belonging to water allocation group classes 11A and 11B— results in the location being zones Dawson F to J;

- (c) for an allocation belonging to water allocation group class 12A—results in the location being zones Dawson K to M; and
  - (d) for an allocation belonging to water allocation group class 13C—results in the location being zones Dawson N or O.
- (2) A change to the location of a water allocation belonging to water allocation group class 13C is permitted if—
- (a) for an allocation to be located in zone Dawson N—the allocation has a flow condition of 11 ML per day; and
  - (b) for an allocation to be located in zone Dawson O—the allocation has a flow condition of 20 ML per day.

## 50 Daily volumetric limit

A change to the daily volumetric limit of a water allocation is permitted if the change results in—

- (a) for an allocation belonging to water allocation group classes 10A, 11A, 12A and 13A—the daily volumetric limit being equal to the annual volumetric limit for the allocation divided by 20; and
- (b) for an allocation belonging to water allocation group class 10B and 11B—the daily volumetric limit being the annual volumetric limit for the allocation divided by 19.

## Division 2 Prohibited changes

### 51 Prohibited changes

- (1) The following changes to a water allocation are prohibited—
- (a) a change to the location of an allocation—
    - (i) belonging to water allocation group classes 10A and 10B—to a zone other than zones Dawson A to E;
    - (ii) belonging to water allocation group class 10C—to a zone other than zone Dawson A;
    - (iii) belonging to water allocation group classes 11A and 11B—to a zone other than zones Dawson F to J;
    - (iv) belonging to water allocation group class 12A—to a zone other than zones Dawson K to M;
    - (v) belonging to water allocation group class 13A—to a zone other than zone Dawson N; and
    - (vi) belonging to water allocation group 13C—to a zone other than zones Dawson N or O;
  - (b) for allocations belonging to water allocation group classes 10A, 10B, 10C, 11A, 11B, 12A and 13A—a change to the flow condition that would result in a lower flow condition;
  - (c) for allocations belonging to water allocation group class 13C—a change to the flow condition that would result in a flow condition that is—
    - (i) for allocations located in zone Dawson N—less than 11 ML per day; and
    - (ii) for allocations located in zone Dawson O—less than 20 ML per day; and

- (d) for allocations belonging to water allocation group classes 10C and 13C—a change that adds a condition to an allocation that allows the taking of water under the allocation to be managed under a multi-year accounting water sharing rule.

## Part 3 Seasonal water assignment rules

### 52 Seasonal water assignment rules

The chief executive may approve a seasonal assignment for a water allocation to take unsupplemented water that has not been taken in the current water year where—

- (a) for water allocations belonging to water allocation group—
  - (i) classes 10A and 10B where the location of the seasonally assigned volume is zones Dawson A to E; or
  - (ii) classes 11A and 11B where the location of the seasonally assigned volume is zones Dawson F to J; or
  - (iii) class 12A where the location of the seasonally assigned volume is zones Dawson K to M; or
  - (iv) class 10C—
    - (A) with a flow condition of 9 ML per day where the location of the seasonally assigned volume is zone Dawson A; or
    - (B) with a no flow condition where the location of the seasonally assigned volume is on the same waterhole as the allocation from which it is assigned; and
  - (v) class 13A where the location of the seasonally assigned volume is zone Dawson N; or
  - (vi) class 13C where the location of the seasonally assigned volume is zones Dawson N and O;
- (b) the amount seasonally assigned must not exceed—
  - (i) the unused annual volumetric limit of a water allocation; or
  - (ii) for a water allocation that states a condition with a multi-year accounting sharing rule—the remaining account balance;
- (c) the flow condition under which water may be taken under seasonal assignment is the same as the flow condition for the water allocation that is being seasonally assigned, unless the water allocation belongs to class 13C and the location for the seasonally assigned volume—
  - (i) is in zone Dawson N, then the flow condition is to be 11 ML per day; or
  - (ii) is in zone Dawson O, then the flow condition is to be 20 ML per day; and
- (d) the daily volumetric limit for taking water under the seasonal assignment must be in proportion to—the volume of water being seasonally assigned and the daily volumetric limit stated on the water allocation being assigned.

# Chapter 6 Nogoia Mackenzie Water Management Area

No changes proposed for this chapter.

## 53 Scope of chapter 6

This chapter applies to water allocations to take unsupplemented water located in the Nogoia Mackenzie water management area.

## Part 1 Water sharing rules

### 54 Taking water under a water allocation

- (1) Water may be taken under a water allocation only during an announced period.
- (2) The total volume of water taken under an allocation in a water year must not exceed the annual volumetric limit for the allocation unless the water is taken under the provisions of chapter 4, section 34 of this protocol.
- (3) The volume of water taken under an allocation in a day must not exceed the daily volumetric limit for the allocation.
- (4) Subsection (1) does not apply to water allocations belonging to water allocation group class 4C.

### 55 Announced period for water allocations

- (1) This section applies to water allocations belonging to water allocation group classes 0A, 1A, 1B, 2A, 2B and 3A.
- (2) The chief executive must announce the start and end of an announced period during which water may be taken under water allocations.
- (3) For each location mentioned in table 7, the chief executive must determine the start of the announced period for each flow condition based on an estimate of when the stream flow at the flow management location for the location of the allocation in table 7 exceeds the flow condition.
- (4) Despite subsection (3), for water allocation group 0A located in zone Mackenzie L, the chief executive must determine the start of the announced period based on an estimate of when the stream flow exceeds the flow condition at both the following flow management locations—
  - (a) GS130216A–Nogoia River at Fairbairn Dam; and
  - (b) GS130219A–Nogoia River at Duckponds.
- (5) The chief executive may delay the notification of the start of an announced period for a maximum of 24 hours, provided the end of the announced period is extended by a similar time.
- (6) The chief executive will determine the end of each announced period based on an estimate of when the stream flow at the flow management location/s for the location of the water allocation in table 7 is less than the flow condition for the location.
- (7) The announced period should not vary by more than 12 hours from the period of time during which the flow conditions for the location are exceeded.
- (8) Despite subsections (2) to (7), the chief executive—

- (a) must ensure that the announced period does not include any period when the stream flow at the relevant flow management location is less than 4320 ML per day during—
    - (i) the Upper Mackenzie first post-winter flow management period, for water allocations located in—
      - (A) zones Mackenzie I to K and belonging to water allocation group 2A;
      - (B) zone Mackenzie L and belonging to water allocation group 3A and 0A; and
      - (C) zones Mackenzie M to N and belonging to water allocation group 0A; and
    - (ii) the Lower Mackenzie first post-winter flow management period, for water allocations located in—
      - (A) zones Mackenzie A to E and belonging to water allocation group 1A; and
      - (B) zones Mackenzie F to H and belonging to water allocation group 2A; and
  - (b) may extend a subsequent announced period to adjust for any variations in excess of 12 hours.
- (9) If the flow management location in table 7 cannot be used, the chief executive may use another method of determining stream flow for the flow management location.
- (10) In this section—

***Upper Mackenzie first post-winter flow management period*** means the period that—

- (a) starts at the earlier of—
  - (i) the activation of the Upper Mackenzie first post-winter flow management strategy under the Nogoia Mackenzie water supply scheme resource operations licence; or
  - (ii) 1 October; and
- (b) ends at the earlier of—
  - (i) for water allocations located in—
    - (A) zones Mackenzie I to K and belonging to water allocation group 2A—6 days since of flow was greater than 2 592 ML per day at GS 130113A—Mackenzie River at Rileys Crossing since the start of the period; and
    - (B) zones Mackenzie L to N and belonging to water allocation groups 3A and 0A—4 days of flow greater than 2 592 ML per day at GS 130219A—Nogoia River at Duckponds since the start of the period; or
  - (ii) the finalisation of the Upper Mackenzie first post-winter flow management strategy under the Nogoia Mackenzie water supply scheme resource operations licence; or
  - (iii) 30 April.

***Lower Mackenzie first post-winter flow management period*** means the period that—

- (a) starts at the earlier of—
  - (i) the activation of the Lower Mackenzie first post-winter flow management strategy under the Nogoia Mackenzie water supply scheme resource operations licence; or

- (ii) 1 October; and
- (b) ends at the earlier of—
  - (i) for water allocations located in—
    - (A) zones Mackenzie A to E and belonging to water allocation group 1A—8 days of flow greater than 2 592 ML per day at GS130105A—Mackenzie River at Coolmaringa since the start of the period; and
    - (B) zones Mackenzie F to H and belonging to water allocation group 2A—6 days of flow was greater than 2 592 ML per day at GS 130110B since—Mackenzie River at Bingegang Weir TW; or
  - (ii) the finalisation of the Lower Mackenzie first post-winter flow management strategy under Nogoia Mackenzie water supply scheme resource operations licence; or
  - (iii) 30 April.

**Table 7 – Flow management locations for water allocations with a flow condition of 2592 ML/day or 4320 ML/day**

Location	Flow management (gauging station) location
Mackenzie A Mackenzie B	GS130105A—Mackenzie River at Coolmaringa
Mackenzie C Mackenzie D Mackenzie E	GS130109B—Mackenzie River at Tartus Weir head water
Mackenzie F Mackenzie G	GS130110B—Mackenzie River at Bingegang Weir tail water
Mackenzie H	GS130111B—Mackenzie River at Bedford Weir tail water
Mackenzie I Mackenzie J Mackenzie K	GS130113A—Mackenzie River at Rileys Crossing
Mackenzie L	GS130219A—Nogoia River at Duckponds
Mackenzie M Mackenzie N	GS130216B—Nogoia River at Fairbairn Dam head water

## 56 Taking water under particular water allocations

- (1) This section applies to water allocations belonging to water allocation group class 4C.
- (2) Water may only be taken under a water allocation when the passing flow at the junction of the Mackenzie River with Springton Creek exceeds the flow condition stated on the water allocation.
- (3) Despite subsection (2), the taking of water under a water allocation with no flow condition is permitted at any time.



## Part 2 Dealing with water allocations

### 57 Scope of part 2

This part provides for changes to a water allocation to take unsupplemented water which are permitted and prohibited, in addition to changes stated in chapter 4, part 2 of this protocol.

## Division 1 Permitted changes

### 58 Location

A change to the location for the taking of water under a water allocation is permitted if the change—

- (a) for an allocation belonging to water allocation group classes 1A and 1B—results in the location being zones Mackenzie A to E;
- (b) for an allocation belonging to water allocation group classes 2A and 2B—results in the location of the allocation being from zones Mackenzie F to K;
- (c) for an allocation belonging to water allocation group class 0A—results in the location of the allocation being from zones Mackenzie L to N; and
- (d) for an allocation belonging to water allocation group class 4C with a location which includes an AMTD—results in the allocation being located on the same waterhole as determined by the chief executive.

## Division 2 Prohibited changes

### 59 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location of an allocation—
  - (i) belonging to water allocation group class 0A—to a zone other than zones Mackenzie L to N;
  - (ii) belonging to water allocation group classes 1A, 1B, 2A or 2B—to a zone other than zones Mackenzie A to K;
  - (iii) belonging to water allocation group class 3A—to a zone other than zone Mackenzie L; and
  - (iv) belonging to water allocation group class 4C—to a zone other than zone Mackenzie A;
- (b) a change to the flow condition if the change would result in a lower flow condition; and
- (c) for water allocations belonging to water allocation group classes 1A, 1B, 2A, 2B, 3A and 4C—a change that adds a condition to an allocation that allows the taking of water under the allocation to be managed under a multi-year accounting water sharing rule.

## Part 3 Seasonal water assignment rules

### 60 Seasonal water assignment rules

The chief executive may approve a seasonal assignment for a water allocation to take unsupplemented water that has not been taken in the current water year where—

- (a) for water allocations belonging to water allocation group—
  - (i) classes 1A and 1B, where the location of the seasonally assigned volume is zones Mackenzie A to E; or
  - (ii) classes 2A and 2B, where the location of the seasonally assigned volume is zones Mackenzie F to K; or
  - (iii) class 3A, where the location of the seasonally assigned volume is zones Mackenzie L; or
  - (iv) class 0A, where the location of the seasonally assigned volume is zones Mackenzie N and M; or
  - (v) class 4C—
    - (A) with a flow condition of 9 ML per day, where the location of the seasonally assigned volume is zone Mackenzie A; or
    - (B) with a no flow condition, where the location of the seasonally assigned volume is on the same waterhole as the allocation from which it is assigned; and
- (b) the amount seasonally assigned must not exceed—
  - (i) the unused annual volumetric limit of a water allocation; or
  - (ii) for a water allocation that states a condition with a multi-year accounting sharing rule—the remaining account balance.
- (c) the flow condition under which water may be taken under seasonal assignment is the same as the flow condition for the allocation that is being seasonally assigned; and
- (d) the daily volumetric limit for taking water under the seasonal assignment must be in proportion to—the volume of water being seasonally assigned and the daily volumetric limit stated on the water allocation being assigned.

# Chapter 7 Comet Water Management Area

No changes proposed for this chapter.

## 61 Scope of chapter 7

This chapter applies to water allocations to take unsupplemented water located in the Comet water management area.

## Part 1 Water sharing rules

### 62 Taking water under a water allocation

- (1) Water may only be taken under a water allocation only when the stream flow at the flow management location for the location of the allocation in table 8 exceeds the flow condition stated on the allocation.
- (2) The total volume of water taken under an allocation in a water year must not exceed the annual volumetric limit for the allocation, unless the water is taken under the provisions of chapter 4, section 34.
- (3) The volume of water taken under an allocation in a day must not exceed the daily volumetric limit for the allocation.
- (4) Subsection (1) does not apply to an allocation with a location which includes an AMTD where the taking of water under the water allocation is permitted—
  - (a) only when the stream flow exceeds the flow conditions stated on the allocation; or
  - (b) if the water allocation has no flow condition—at any time.

**Table 8 – Flow management locations for water allocations with a flow condition**

Location	Flow management location
Comet A	GS130504B—Comet River at Comet Weir
Comet B	GS130510A—Comet River at Springsure Creek junction
Comet C	GS130506A—Comet River at The Lake

## Part 2 Dealing with water allocations

### 63 Scope of part 2

This part provides for changes to a water allocation to take unsupplemented water which are permitted and prohibited, in addition to changes stated in chapter 4, part 2 of this protocol.

## Division 1 Permitted changes

### 64 Location

- (1) A change to the location for the taking of water under a water allocation is permitted if the change would not result in a total annual volumetric limit in a zone that is greater than the maximum volume for a zone for a water allocation group in table 9.
- (2) In this section—
  - (a) **total annual volumetric limit in a zone** means the sum of the annual volumetric limits of all water allocations belonging to the same water allocation group—
    - (i) for the zone; and
    - (ii) for which relevant valid change certificates have been issued under section 159 of the *Water Act 2000*.

**Table 9 – Maximum total annual volumetric limits (ML)**

Water allocation group	Zone		
	A	B	C
Class 9A	16 500	13 500	12 000
Class 9B	10 000	18 000	10 000

### 65 Daily volumetric limit

A change to the daily volumetric limit of a water allocation is permitted if the change results in—

- (a) for an allocation belonging to water allocation group class 9A—the daily volumetric limit being equal to the annual volumetric limit for the allocation divided by 24; and
- (b) for an allocation belonging to water allocation group class 9B—the daily volumetric limit being equal to the annual volumetric limit for the allocation divided by 20.

## Division 2 Prohibited changes

### 66 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location, if the change would result in a total annual volumetric limit in a zone that exceeds the maximum volume for a zone for a water allocation group in table 10;
- (b) a change to the location of an allocation belonging to—
  - (i) water allocation group class 9A, if the flow condition of the allocation is not 432 ML per day; and

- (ii) water allocation group class 9B, if the flow condition of the allocation is not 1037 ML per day; and
- (c) a change to the flow condition if the change would result in a lower flow condition.

## Part 3 Seasonal water assignment rules

### 67 Seasonal water assignment rules

The chief executive may approve a seasonal assignment of a water allocation to take unsupplemented water that has not been taken in the current water year where—

- (a) for allocations belonging to the water allocation group classes 9A and 9B—the location from which water may be taken under the assignment is zones Comet A, B or C;
- (b) the flow condition under which water may be taken under seasonal assignment is—
  - (i) for an allocation belonging to water allocation group class 9A—432 ML per day; and
  - (ii) for an allocation belonging to water allocation group class 9B—1037 ML per day;
- (c) the amount seasonally assigned must not exceed—
  - (i) the unused annual volumetric limit of a water allocation; or
  - (ii) for a water allocation that states a condition with a multi-year accounting sharing rule—the remaining account balance; and
- (d) the daily volumetric limit for taking water under the seasonal assignment must be in proportion to—the volume of water being seasonally assigned and the daily volumetric limit stated on the water allocation being assigned.

# Chapter 8 Theresa Retreat Water Management Area

No changes proposed for this chapter.

## 68 Scope of chapter 8

This chapter applies to water allocations to take unsupplemented water located in the Theresa Retreat water management area.

## Part 1 Water sharing rules

### 69 Taking water under a water allocation

- (1) Water may only be taken under a water allocation when the stream flow at Theresa Creek at Gregory Highway GS130206A exceeds the flow condition stated on the allocation.
- (2) The total volume of water taken under an allocation in a water year must not exceed the annual volumetric limit for the allocation unless the water is taken under the provisions of chapter 4, section 34.
- (3) The volume of water taken under an allocation in a day must not exceed the daily volumetric limit for the allocation.
- (4) Subsection (1) does not apply to an allocation with a location which includes an AMTD where the taking of water under the water allocation is permitted—
  - (a) only when the stream flow exceeds the flow conditions stated on the allocation; or
  - (b) if the water allocation has no flow condition—at any time.

## Part 2 Dealing with water allocations

### 70 Scope of part 2

This part provides for changes to a water allocation to take unsupplemented water which are permitted and prohibited, in addition to changes stated in chapter 4, part 2 of this protocol.

## Division 1 Permitted changes

### 71 Location

A change to the location for the taking of water under a water allocation is permitted if the change—

- (a) results in the location of the allocation being zones Theresa A, Theresa B or Retreat A;
- (b) for an allocation located in zones Retreat A or Theresa A, resulting in the location being zone Theresa B—results in the flow condition being 691 ML per day;

- (c) for an allocation located in zones Retreat A or Theresa B, resulting in the location being zone Theresa A—results in the flow condition being 691 ML per day; and
- (d) for an allocation located in zones Theresa A or Theresa B, resulting in the location being zone Retreat A—results in the flow condition being 260 ML per day.

## 72 Daily volumetric limit

A change to the daily volumetric limit of a water allocation is permitted if the change results in the daily volumetric limit being equal to the annual volumetric limit for the allocation divided by 24.

## Division 2 Prohibited changes

### 73 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location that would result in the location being other than zones Theresa A, Theresa B or Retreat A;
- (b) for an allocation located in zone Theresa A—a change to the location which removes the AMTD if the flow condition of the allocation is not 173 ML per day;
- (c) for an allocation located in zone Retreat A—a change to the location which removes the AMTD if the flow condition of the allocation is not 260 ML per day; and
- (d) a change to the flow condition if the change would result in a lower flow condition.

## Part 3 Seasonal water assignment rules

### 74 Seasonal water assignment rules

The chief executive may approve a seasonal assignment of a water allocation to take unsupplemented water that has not been taken in the current water year where—

- (a) the location from which water may be taken under the assignment is zones Theresa A, Theresa B or Retreat A;
- (b) the flow condition under which water may be taken under seasonal assignment is—
  - (i) for a location from which water may be taken of zone Theresa A—691 ML per day;
  - (ii) for a location from which water may be taken of zone Theresa B—691 ML per day;
  - (iii) for a location from which water may be taken of zone Retreat A—260 ML per day;
- (c) the amount seasonally assigned must not exceed—
  - (i) the unused annual volumetric limit of a water allocation; or

- (ii) for a water allocation that states a condition with a multi-year accounting sharing rule—the remaining account balance; and
- (d) the daily volumetric limit for taking water under the seasonal assignment must be in proportion to—the volume of water being seasonally assigned and the daily volumetric limit stated on the water allocation being assigned.



# Chapter 9 Fitzroy Water Management Area

No changes proposed for this chapter.

## 75 Scope of chapter 9

This chapter applies to water allocations to take unsupplemented water located in the Fitzroy water management area.

## Part 1 Water sharing rules

### 76 Taking water under a water allocation

- (1) Water may be taken under a water allocation during an announced period.
- (2) The total volume of water taken under an allocation in a water year must not exceed the annual volumetric limit for the allocation.
- (3) The volume of water taken under an allocation in a day must not exceed the daily volumetric limit for the allocation.
- (4) Subsection (1) does not apply to water allocations belonging to water allocation group classes 6C or 7D.

### 77 Announced period for water allocations

- (1) This section applies to water allocations belonging to water allocation group classes 5A and 5B.
- (2) The chief executive must announce the start and end of an announced period during which water may be taken under water allocations.
- (3) The chief executive must determine the start of the announced period for each flow condition based on an estimate of when the stream flow at Fitzroy River at The Gap GS130005A, exceeds the flow condition and Eden Bann Weir is spilling.
- (4) The chief executive may delay the notification of the start of an announced period for a maximum of 72 hours, provided the end of the announced period is extended by a similar time.
- (5) The chief executive will determine the end of each announced period based on an estimate of when the stream flow at Fitzroy River at The Gap GS130005A is less than the relevant flow condition.
- (6) The announced period should not vary by more than 48 hours from the period of time during which the flow conditions for the location are exceeded.
- (7) If the flow management location Fitzroy River at The Gap GS130005A cannot be used, the chief executive may use another method of determining stream flow for the flow management location.
- (8) Despite subsections (2) to (6), the chief executive—
  - (a) must ensure that the announced period does not include any period when the stream flow at the relevant flow management location is less than 6000 ML per day during the Fitzroy first post-winter flow management period; and
  - (b) may extend a subsequent announced period to adjust for any variations in excess of 48 hours.

- (9) In this section—
- Fitzroy first post-winter flow management period*** means the period that—
- (a) starts 1 October; and
  - (b) ends at the earlier of—
    - (i) A total volume of 90 000 ML has passed Eden Bann Weir since the flow first exceeded 4320 ML per day at Fitzroy River at The Gap GS130005A and Eden Bann Weir is spilling; and
    - (ii) 30 April.

## 78 Taking water under particular water allocations

- (1) This section applies to water allocations belonging to water allocation group classes 6C and 7D.
- (2) Water may only be taken under a water allocation when the stream flow at Fitzroy River at Riverslea GS130003B exceeds the flow condition stated on the allocation.
- (3) Despite subsection (2), the taking of water under a water allocation with no flow condition is permitted at any time.

# Part 2 Dealing with water allocations

## 79 Scope of part 2

This part provides for changes to a water allocation to take unsupplemented water which are permitted and prohibited, in addition to changes stated in chapter 4, part 2 of this protocol.

## Division 1 Permitted changes

### 80 Location

A change to the location for the taking of water under a water allocation is permitted if the change—

- (a) for an allocation belonging to water allocation group classes 5A or 5B—results in the location being zones Fitzroy A to E;
- (b) for an allocation belonging to water allocation group classes 6C or 7D—results in the location being zones Fitzroy D or E; and
- (c) for an allocation belonging to water allocation group class 6C with a location which includes an AMTD—results in the allocation being located on the same waterhole as determined by the chief executive.

### 81 Daily volumetric limit

A change to the daily volumetric limit of a water allocation is permitted if the change results in—

- (a) for an allocation belonging to water allocation group class 5A—the daily volumetric limit being equal to the annual volumetric limit for the allocation divided by 72.

## Division 2 Prohibited changes

### 82 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to a location of an allocation belonging to water allocation group classes 5A or 5B—to a zone other than zones Fitzroy A to E; and
- (b) a change to a location of an allocation belonging to water allocation group classes 6C or 7D—to a zone other than zones Fitzroy D or E.

## Part 3 Seasonal water assignment rules

### 83 Seasonal water assignment rules

The chief executive may approve a seasonal assignment of a water allocation to take unsupplemented water that has not been taken in the current water year where—

- (a) for water allocations belonging to water allocation group—
  - (i) classes 5A and 5B, where the location of the seasonally assigned volume is zones Fitzroy A to E; or
  - (ii) class 7D, where the location of the seasonally assigned volume is zones Fitzroy D or E; or
  - (iii) class 6C—
    - (D) with a flow condition of 9 ML per day, where the location of the seasonally assigned volume is zones Fitzroy D or E; or
    - (E) with no flow condition, where the location of the seasonally assigned volume is on the same waterhole as the allocation from which it is assigned;
- (b) the amount seasonally assigned must not exceed the unused annual volumetric limit of a water allocation;
- (c) the flow condition under which water may be taken under seasonal assignment is the same as the flow condition for the allocation that is being seasonally assigned; and
- (d) the daily volumetric limit for taking water under the seasonal assignment must be in proportion to—the volume of water being seasonally assigned and the daily volumetric limit stated on the water allocation being assigned.

# Chapter 10 Lower Callide Groundwater Sub-Area

No changes proposed for this chapter except for a minor edit to change the number of business days for which the chief executive must make public the details of the announced allocation.

## 84 Scope of chapter 10

This chapter applies to water allocations to take unsupplemented groundwater located in the Lower Callide groundwater sub-area.

## Part 1 Water sharing rules

### 85 Announced allocation

The chief executive must—

- (a) set an announced allocation for water allocations located within each zone, and belonging to water allocation groups GW1A and GW1B, to take effect on the first day of each water year;
- (b) following commencement of a water year for water allocations belonging to water allocation group GW1B—
  - (i) recalculate the announced allocation for each zone following increases to groundwater levels that have resulted from a recharge event, if the current announced allocation is less than 100 per cent; and
  - (ii) reset the announced allocation for a zone only if a recalculation indicates that the announced allocation would—
    - (F) increase by five or more percentage points; or
    - (G) increase to 100 per cent; and
- (c) make public details of the announced allocation, including parameters for determining the announced allocation, within ten business days of setting or resetting an announced allocation.
- (d) The announced allocation that is set by the chief executive must be—
  - (i) for water allocation group GW1A—100 per cent; and
  - (ii) for water allocations located within each zone that belong to water allocation group GW1B—the announced allocation calculated under section 86.

### 86 Calculation of announced allocation for water allocation group GW1B

- (1) This section applies to water allocations belonging to water allocation group GW1B.
- (2) For each zone, the announced allocation for water allocations located in that zone may be calculated by the chief executive as follows—
  - (a) determine the groundwater level for each assessment site in the zone;
  - (b) for groundwater levels that are above or within the range specified in table 10 for the zone—
    - (i) round down each level to a groundwater level mentioned in the table; and
    - (ii) select the corresponding announced allocation in the table; and

- (c) for groundwater levels that are below the range specified in table 10 for the zone—the announced allocation is zero per cent.
- (3) If the monitoring bore for the assessment site cannot be used, the chief executive may use another method of determining the groundwater level for the site.
- (4) In this section—
- (a) **assessment site** means a geographical location referred to in table 10, stated in eastings (E) and northings (N) as Map Grid of Australia 1994 (MGA94) zone 56 coordinates.

**Table 10 – Announced allocation for water allocations**

Announced allocation (%)	Groundwater level (EL – metres AHD)		
	Zone 1	Zone 2B	Zone 2A
	Assessment site— E: 224742, N: 7333892 Lake Pleasant Road (RN13030769)	Assessment site— E: 226520, N: 7328990 Lake Pleasant Road (RN13030777)	Assessment site— E: 237540, N: 7314079 Argoon Rd (RN13030160)
	Reference height – 117.88	Reference height – 124.10	Reference height – 144.24
100	>109.51	>113.60	>131.29
95	109.27	113.45	131.05
90	109.03	113.30	130.81
85	108.79	113.15	130.57
80	108.56	113.00	130.33
75	108.32	112.85	130.09
70	108.08	112.70	129.85
65	108.00	112.55	129.77
60	107.93	112.40	129.69
55	107.85	112.25	129.61
50	107.78	112.10	129.53
45	107.70	111.98	129.45
40	107.63	111.86	129.37
35	107.55	111.74	129.29
30	107.48	111.62	129.21
25	107.40	111.50	129.13
20	107.33	111.38	129.05
15	107.25	111.27	129.03
10	107.18	111.15	129.02
5	107.15	111.12	129.01
0	<107.13	<111.10	<128.99

87 Taking water under a water allocation

The volume of water taken under a water allocation in a water year must not exceed the annual volumetric limit of the water allocation multiplied by the announced allocation.

## Part 2 Dealing with water allocations

88 Scope of part 2

This part provides for changes to a water allocation to take unsupplemented water which are permitted and prohibited, in addition to changes stated in chapter 4, part 2 of this protocol.

89 Definitions for part 2

In this part—

**total annual volumetric limit in a zone** means the sum of the annual volumetric limits of all water allocations—

- (a) for the zone; and
- (b) for which relevant valid change certificates have been issued under section 159 of the *Water Act 2000*.

### Division 1 Permitted changes

90 Permitted changes

The following changes to water allocations are permitted—

- (a) a change to the location, if the change—
  - (i) results in the location of the allocation being either zone 1, 2B or 2A; and
  - (ii) for allocations belonging to water allocation group GW1B—would not result in a total annual volumetric limit in a zone that is greater than the maximum volume for that zone in table 11;
- (b) a change to the purpose where the change results in the purpose being ‘agriculture’ or ‘any’; and
- (c) a change to remove a condition that allows for the take of water from Callide Creek.

**Table 11 – Limits of total volume (ML) in a zone**

Nominal volume	Zone		
	1	2B	2A
Maximum	1900	4200	1200

### Division 2 Prohibited changes

## 91 Prohibited changes

The following changes to a water allocation are prohibited—

- (a) a change to the location of a water allocation belonging to water allocation group GW1B, if the change would result in a total annual volumetric limit in a zone that exceeds the maximum volume for each zone identified in table 11;
- (b) a change to the annual volumetric limit;
- (c) a change to the nominal volume, if the change would result in the nominal volume not being the same as the annual volumetric limit for the water allocation; and
- (d) a change to add a condition that allows for the take of water from a watercourse.

## Part 3 Seasonal water assignment rules

### 92 Seasonal water assignment rules

- (1) The chief executive may approve a seasonal assignment of a water allocation to take unsupplemented groundwater where—

- (a) the zone from which the extraction is to occur under the assignment is the same as the location for the allocation; or
- (b) otherwise—the approval would result in a potential take volume for a zone that is less than or equal to the total allowable take volume for that zone.

- (2) In this section—

- (a) **potential take volume**, for a zone, means the volume calculated using the formula—

$$VL_{GW1A} + (VL_{GW1B} \times AA_{GW1B}) + SWA_{in} - SWA_{out}$$

- (b) **total allowable take volume**, for a zone, means the volume calculated using the formula—

$$MVL \times AA_{GW1B}$$

- (3) The parameters for the formulae detailed in subsection (2) are defined as:

$VL_{GW1A}$  is the sum of the annual volumetric limits for the water allocations belonging to water allocation group GW1A that are located in the zone.

$VL_{GW1B}$  is the sum of the annual volumetric limits for the water allocations belonging to water allocation group GW1B that are located in the zone.

$AA_{GW1B}$  is the announced allocation for the water allocations belonging to water allocation group GW1B that are located in the zone.

$SWA_{in}$  is the volume seasonally assigned into the zone for the current water year.

$SWA_{out}$  is the volume seasonally assigned out of the zone for the current water year.

$MVL$  is the maximum volume for the zone in table 11.

# Chapter 11 Prospect Creek and Upper Callide Groundwater Sub-Areas

This is a new chapter to include seasonal water assignment rules for water licences in Prospect Creek and Upper Callide Groundwater Sub-Areas.

## 93 Seasonal water assignment rules

- (1) This section applies to water licences to take groundwater located in the Prospect Creek and Upper Callide groundwater sub-area.
- (2) The chief executive may approve a seasonal assignment of a water licence where—
  - (a) the volume of water able to be taken in a water year by the assignor is reduced by a volume equal to the volume being seasonally assigned;
  - (b) the volume seasonally assigned by the assignor must not exceed 50 megalitres in any water year;
  - (c) the groundwater sub-area zone for the seasonal assignment must be the same as the groundwater sub-area zone stated on the water licence and held by the assignor;
  - (d) the volume taken under the seasonal water assignment must not adversely affect other groundwater users or the environment;
  - (e) the conditions under which water may be taken under the seasonal water assignment are the same as the conditions for the water licence that is being seasonally assigned; and
  - (f) an approved measuring device must be used to measure the water taken under a seasonal water assignment.
- (3) In this section—

groundwater sub-area zone means the section stated as an activity location on the water licence.



# Chapter 12 Don and Dee Groundwater Sub- Area

This is a new chapter to include water sharing rules and seasonal water assignment rules for water licences in the Don and Dee Groundwater Sub-Area.

## 94 Scope of chapter 12

- (1) This chapter applies to water licences which take groundwater from a location within the Don and Dee groundwater sub-area.
- (2) For this chapter, if the activity location stated on a water licence is an activity location within the boundary of a groundwater sub-area zone, then the rules for that groundwater sub-area zone apply for that water licence.
- (3) For this chapter, unless a provision explicitly permits a particular aspect of this chapter, any other aspect not dealt with is considered prohibited.

## Part 1 Water sharing rules

### 95 Announced entitlement

- (1) The chief executive must at the start of the water year determine the announced entitlement.
- (2) At any time during the water year the chief executive may increase the announced entitlement.

### 96 Annual entitlement volume

- (1) The holder of a water licence must determine their annual entitlement volume for the water year and must be calculated using the following formula–

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

where–**AE** = annual entitlement volume

**NE** = nominal entitlement

**ANE** = announced entitlement (as decimal)

**FD** = forward draw calculated in accordance with section 97

**CO** = carry over calculated in accordance with section 96

**SWA** = seasonal water assignment

- (2) If the chief executive increases the announced entitlement at any time during the water year, the annual entitlement volume must be recalculated using the formula under subsection (1).

### 97 Carry over rules

- (1) The holder of a water licence may carry over any unused nominal entitlement at the end of a water year, into the following water year where–
  - (a) the volume carried over is lesser of the following–
    - (i) 25 megalitres; or
    - (ii) 15 per cent of the announced entitlement volume; or
    - (iii) up to the unused entitlement for the current water year; and
  - (b) the volume of water carried over is not water held as a seasonal water assignment.
- (2) For subsection (1), the volume of water carried over into the following water year can only be accessed–

- (a) at the commencement of the following water year; and
- (b) within the water year proceeding the water year in which the unused volume of water was carried over from.

## 98 Forward draw rules

- (1) A water licence holder may apply to the chief executive to forward draw a volume of their nominal entitlement which may be taken in the next water year, to be taken in the current water year.
- (2) In deciding to authorise forward draw for a water licence holder, the chief executive must consider—
  - (a) any adverse impacts on other waters users access to the water including water quality; and
  - (b) any adverse impacts on the environment.
- (3) Forward draw is only permitted where—
  - (a) the water licence holder has used all of the available announced entitlement and any seasonal water assignment volume; and
  - (b) the forward draw volume is the lesser of—
    - (i) 25 megalitres; or
    - (ii) 15 per cent of the announced entitlement volume.
- (4) The chief executive may cease forward draw arrangements for a water licence holder if adverse impacts to other water licence holders or the environment is likely to occur.

## Part 2 Seasonal water assignment rules

### 99 Seasonal water assignment rules

- (1) The chief executive may approve a seasonal water assignment of a water licence where—
  - (a) the volume—
    - (i) of water able to be taken in a water year by the assignor is reduced by a volume equal to the volume being seasonally assigned; and
    - (ii) seasonally assigned by the assignor does not exceed 160 megalitres in any water year;
    - (iii) seasonally assigned in by the assignee does not exceed 150 megalitres in any water year; and
  - (b) the activity location of the seasonal water assignment is—
    - (i) between the following zones—
      - (A) zone 1 and zone 2;
      - (B) zone 4 and zone 5;
      - (C) zone 3 and zone 5; or
    - (ii) within the same zone; and
  - (c) the conditions under which water may be taken under the seasonal water assignment are the same as the conditions for the water licence that is being seasonally assigned; and
  - (d) the assignee has an approved measuring device installed which must be used to measure the water taken under a seasonal water assignment.
- (2) The chief executive must refuse a seasonal water assignment where—
  - (a) the assignor does not have sufficient available unused nominal entitlement; or

- (b) the water being seasonally assigned is part of a volume of water subject to forward draw under section 98; or
  - (c) the volume taken under the seasonal water assignment is likely to adversely affect other groundwater users or the environment;
- (3) Despite subsection (1), an assignee who does not hold a water licence or is assigned more than 100 per cent of an existing announced entitlement in any water year will be subject to further assessment.

# Chapter 13 Don and Dee Rivers and Alma Creek Water Management Area

This chapter has been renumbered and amended to remove the water sharing rules for the Don and Dee Rivers and Alma Creek Water Management Area.

Other proposed changes to this chapter include the addition of seasonal water assignment rules.

## 100 Scope of chapter 13

- (1) This chapter applies to water licences which take water from a watercourse in the Don and Dee Rivers and Alma Creek Water Management Area.
- (2) For this chapter, if the location stated on a water licence adjoins the boundary of a water licence zone, then the rules for that water licence zone apply for that water licence.
- (3) For this chapter, unless a provision explicitly permits a particular aspect of this chapter, any other aspect not dealt with is considered prohibited.

## Part 1 Seasonal water assignment rules

### 101 Seasonal water assignment rules

- (1) A holder of a water licence may apply to seasonally assign a water licence where the seasonal water assignment is for—
  - (a) 100% of the seasonal water assignment to be taken as a part A account volume as stated in attachment 4, table 1 column 3; or
  - (b) 100% of the seasonal water assignment to be taken as a part B account volume as stated in attachment 4, table 1 column 4; or
  - (c) a combination of volumes under subsections (1) and (2) but not totaling a volume greater than 100% of the seasonal water assignment volume.
- (2) The chief executive may approve a seasonal assignment of a water licence where—
  - (a) the volume—
    - (i) of water able to be taken in a water year by the assignor is reduced by a volume equal to the volume being seasonally assigned; and
    - (ii) seasonally assigned by the assignor does not exceed 160 megalitres in any water year;
    - (iii) seasonally assigned to the assignee does not exceed 160 megalitres in any water year;
  - (b) the maximum rate at which water may be taken under the seasonal water assignment is—
    - (i) the maximum rate, daily volumetric limit of the existing water licence or seasonal water assignment if the seasonal water assignment is to a holder of an existing water licence or seasonal water assignment notice.  
or
    - (ii) a maximum rate of up to 110 l/s and a daily volumetric limit of up to 5.6 ML/d if the seasonal water assignment is not to a holder of an existing water licence; and
  - (c) the conditions under which water may be taken under the seasonal water assignment—

- (i) are the same as the conditions for the water licence being seasonally assigned; and
  - (ii) for a water licence being seasonally assigned stated in attachment 4, table 1, column 1, if the seasonal water assignment is for a volume of water—
    - (A) stated in column 3 – a condition permitting take when there is a visible surface flow at a location immediately downstream of the point of take; or
    - (B) stated in column 4 – a condition permitting take when there is a flow of 1.25 cumecs at Rannes Gauging Station (130306B); or
    - (C) stated in both column 3 and column 4, the conditions under (A) and (B) are incurred for the relevant volumes of water being seasonally assigned; and
  - (d) the seasonal water assignment is—
    - (i) between the following zones—
      - (A) Don B and Alma;
      - (B) Dee and Alma; or
    - (ii) within the same zone; and
  - (e) the maximum volume of water seasonally assigned into the Alma zone or out of the Alma zone for the water year is not greater than—
    - (i) for water seasonally assigned into the Alma zone—100ML.
    - (ii) for water seasonally assigned out of Alma – 12 ML which is only permitted to be seasonally assigned from a water licence.
  - (f) the assignee has an approved measuring device installed which must be used to measure the water taken under a seasonal water assignment.
- (3) The chief executive must refuse a seasonal water assignment where the volume taken under the seasonal water assignment is likely to adversely affect other groundwater users or the environment.

# Chapter 14 Seasonal water assignment for particular water licences

No changes proposed for this chapter except consequential renumbering.

## 102 Definitions for chapter 12

In this chapter—

**ponded area** means area of inundation at full supply level of storage.

## 103 Seasonal water assignment areas

Subject to the rules in section 104, seasonal water assignments of water licences are allowed in the following areas—

- (a) the ponded area of Teviot Creek Dam located on Teviot Creek at AMTD 31.0 km; and
- (b) the ponded area of Burton Gorge Dam located in the Isaac River at AMTD 280.7 km.

## 104 Rules for seasonal water assignment

- (1) The holder of a water licence mentioned in subsection (2) may apply under section 127 of the *Water Act 2000* for a seasonal water assignment.
- (2) Seasonal water assignments are permitted only for water licences that—
  - (a) take water from the ponded area of Teviot Creek Dam and the ponded area of Burton Gorge Dam;
  - (b) specify the amount of water to be taken; and
  - (c) are metered entitlements.
- (3) The amount of water that may be seasonally assigned under a water licence in a water year may not exceed the unused portion of water for that water licence.

# Chapter 15 Water licence applications and water licence dealings applications

This is a new chapter for water licence dealings. These provisions were previously taken to be transitioned to the water plan from the resource operations plan.

## 105 Scope of chapter 15

This chapter applies to an application—

- (a) for a water licence made under section 107 of the Water Act 2000; and
- (b) for a water licence dealing made under section 120 of the Water Act 2000.

## 106 Applications to be refused

The chief executive must refuse an application to which this chapter applies unless—

- (a) the application is for a water licence made under section 107 of the Water Act 2000 which is permitted to be accepted in accordance with section 53 of the Water Plan (Fitzroy Basin) 2011; or
- (b) the application is for a water licence dealing made under section 120 of the Water Act 2000 which is permitted to be accepted in accordance with sections 54 or 55 of the Water Plan (Fitzroy Basin) 2011; and
- (c) this chapter explicitly provides for granting the application made under (a) or (b) if the following sections of the of the Water Plan (Fitzroy Basin) 2011 apply—
  - (i) section 53(d)(ii);
  - (ii) section 54(2)(b);
  - (iii) Section 55(1)(a).

## 107 Application to amend a water licence which takes treated coal seam gas water

- (1) This section applies to an application for which section 55(1)(a) of the Water Plan (Fitzroy Basin) 2011 applies, to amend a water licence which takes treated coal seam gas water.
- (2) The chief executive may grant the application only if the chief executive is satisfied that—
  - (a) the proposed taking of water under the proposed water licence is consistent with the relevant authorities required for the discharge of treated coal seam gas water; and
  - (b) there are no negative impacts upon water entitlement holders and natural ecosystems within the plan area; and
  - (c) there is demonstrated additional demand for treated coal seam gas water by unsupplemented water allocation holders.

## 108 Application to increase the maximum rate at which water may be taken

- (1) This section applies to an application for which section 55(1)(a) of the Water Plan (Fitzroy Basin) 2011 applies, to amend a water licence to increase the maximum rate at which water may be taken

- (2) The chief executive may grant the application only if there is an existing development permit associated with the water licence and—
  - (a) the maximum rate specified in the existing water licence is less than—
    - (i) if there is an existing development permit associated with the water licence that states a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the rate stated in schedule 10, column 2 of the Water Plan (Fitzroy Basin) 2011; or
    - (ii) if there is an existing development permit associated with the water licence that states a pump size other than a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 10, column 2 of the Water Plan (Fitzroy Basin) 2011; and
  - (b) where schedule 10 of the Water Plan (Fitzroy Basin) 2011 does not apply—the works authorised by an existing development permit associated with the water licence have the capacity to take water at a rate greater than the maximum rate specified in the existing water licence.
- (3) The chief executive must refuse the application if the maximum rate sought under the application exceeds—
  - (a) if there is an existing development permit associated with the water licence that states a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the rate stated in schedule 10, column 2 of the Water Plan (Fitzroy Basin) 2011;
  - (b) if there is an existing development permit associated with the water licence that states a pump size other than a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 10, column 2 of the Water Plan (Fitzroy Basin) 2011; and
  - (c) the rate at which the works authorised by an existing development permit associated with the water licence are capable of taking water.

## 109 Application to increase the daily volumetric limit

- (1) This section applies to an application for which section 55(1)(a) of the Water Plan (Fitzroy Basin) 2011 applies, to amend a water licence to increase the daily volumetric limit,
- (2) The chief executive may grant the application only if there is an existing development permit associated with the water licence and—
  - (a) the daily volumetric limit specified on the existing water licence is less than—
    - (i) if there is an existing development permit associated with the water licence that states a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the daily volumetric limit stated in schedule 10, column 3 of the Water Plan (Fitzroy Basin) 2011; and
    - (ii) if there is an existing development permit associated with the water licence that states a pump size other than a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the daily volumetric limit decided by the chief executive having regard to the limits stated for similar pump sizes in schedule 10, column 3 of the Water Plan (Fitzroy Basin) 2011.
  - (b) where schedule 10 of the Water Plan (Fitzroy Basin) 2011 does not apply—the works authorised by an existing development permit associated with the water licence have the capacity to take water at a rate greater than the daily volumetric limit specified on the existing water licence.
- (3) The chief executive must refuse the application if the daily volumetric limit applied for exceeds—



- (a) if there is an existing development permit associated with the water licence that states a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the daily volumetric limit stated in schedule 10, column 3 of the Water Plan (Fitzroy Basin) 2011;
- (b) if there is an existing development permit associated with the water licence that states a pump size other than a pump size mentioned in schedule 10, column 1 of the Water Plan (Fitzroy Basin) 2011—the daily volumetric limit decided by the chief executive having regard to the limits stated for similar pump sizes in schedule 10, column 3 of the Water Plan (Fitzroy Basin) 2011; and
- (c) the maximum volume the works authorised by an existing development permit associated with the water licence are capable of taking in a day at the maximum rate decided.

**110 Application to change location where water may be taken**

- (1) This section applies to an application for which section 54(2)(b) of the Water Plan (Fitzroy Basin) 2011 applies, to amend the location from which water may be taken under a water licence if the change would result in the new location being a parcel of land contiguous to the existing location.
- (2) The chief executive may grant the application.
- (3) Despite subsection (2), if the licence states a zone from which water may be taken—the application must be refused if the proposed change would result in water being taken from within a different zone.
- (4) For subsection (3), a reference to a zone is taken to be a reference to a zone mentioned in sections 7C or 7D of the Water Plan (Fitzroy Basin) 2011.

**111 Application to amend a water licence to interfere with the flow of water by impoundment**

- (1) This section applies to an application for which section 55(1)(a) of the Water Plan (Fitzroy Basin) 2011 to amend a water licence to interfere with the flow of water by impoundment.
- (2) The chief executive may grant the application.
- (3) Despite subsection (2), the chief executive must refuse the application if granting the application would increase the storage capacity of the impoundment.

**112 Application to take water for the removal of mine site seepage or runoff from a watercourse**

- (1) This section applies to an application for which section 53(d) of the Water Plan (Fitzroy Basin) 2011 applies, to take water from a watercourse where—
  - (a) the applicant is the holder of a mining tenure; and
  - (b) the application is for the taking of water for the purpose of the removal of mine site seepage or runoff that has unavoidably entered or proposed to enter a watercourse.
- (2) The chief executive may grant the application only if the chief executive is satisfied that the arrangements for the mine site seepage or runoff entering a watercourse is authorised by the relevant environmental authority.
- (3) A water licence to which this section applies must have a condition that water can only be taken if the effect on naturally occurring flow in the watercourse downstream of the mining tenure is inconsequential.
- (4) In this section—**mining tenure** means a mineral development licence or mining lease granted under the *Mineral Resources Act 1989*.

- (a) the proposed taking of water under the proposed water licence is consistent with the relevant authorities required for the discharge of treated coal seam gas water; and
- (b) there are no negative impacts upon water entitlement holders and natural ecosystems within the plan area; and
- (c) there is demonstrated additional demand for treated coal seam gas water by unsupplemented water allocation holders.

# Chapter 16 Overland flow water

This is a new chapter for overland flow water. These provisions were previously taken to be transitioned to the water plan from the resource operations plan.

## Part 1 Granting water licences for taking overland flow water—*Water Act 2000*, section 116.

### 113 Granting a water licence

- (1) This section applies to a water licence to take overland flow water granted under section 116 of the *Water Act 2000*.
- (2) The chief executive may grant a licence for the take of overland flow water to replace an authority granted under section 111(4) of the *Water Plan (Fitzroy Basin)*—
  - (a) at any time; or
  - (b) if a submission has been made by a prescribed person or prescribed tenure holder requesting a water licence for the take of overland flow water;
  - (c) for subsection (b) to remove any doubt, a submission—
    - (i) does not include an application for a water licence to take overland flow water made under section 107 of the *Water Act 2000*; and
    - (ii) does not require an application for a water licence to take overland flow water to be made under section 107 of the *Water Act 2000*.
- (3) Before granting a water licence under subsection (1), the chief executive may require an authorisation holder to provide a certified report for existing overland flow works in accordance with section 114;
- (4) In making a decision about granting a licence under subsection (1), the chief executive—
  - (a) must consider—
    - (i) a notice mentioned in section 111(3) of the *Water Plan (Fitzroy Basin) 2011*;
    - (ii) the average annual volume of overland flow water that could have been taken, immediately before the commencement of the *Water Plan (Fitzroy Basin) 2011*, using the existing overland flow works to which the authority relates;
    - (iii) the annual volumes of overland flow water estimated by the chief executive to have been taken using the works during the period, of not more than 10 years, immediately before the commencement of the *Water Plan (Fitzroy Basin) 2011*;
    - (iv) if a certified report has been required under subsection (2)—the information provided; and
    - (v) any other matters the chief executive considers relevant.
  - (b) may consider the extent to which the works, immediately before the commencement of the *Water Plan (Fitzroy Basin) 2011*, allowed—
    - (i) the taking of other water under another authorisation; or

- (ii) the storage of other water taken under another authorisation.
- (5) The chief executive may decide to grant the water licence to replace the authority if the licence states—
  - (a) the maximum volume that may be stored under the licence; and
  - (b) location.
- (6) The chief executive may impose a condition on the water licence that water taken under the licence may only be stored in particular works.

**114 Certified reports for existing overland flow works**

- (1) A certified report is a report prepared in accordance with the standards and requirements of the chief executive.
- (2) The purpose of the certified report is to provide the chief executive with an accurate representation of—
  - (a) the infrastructure to which the report relates;
  - (b) how the infrastructure is operated; and
  - (c) the ability of the infrastructure to take overland flow water.
- (3) The certified report must be verified and signed by a registered professional engineer.

# Chapter 17 Monitoring and reporting

This chapter, the associated provisions and in text references have been renumbered due to the addition of new Chapters above.

## 115 Water monitoring

- (1) The chief executive must measure or collect, and keep publicly available, records of—
  - (a) water quantity;
  - (b) water taken;
  - (c) groundwater levels;
  - (d) nominal volume of water permanently traded and seasonally assigned;
  - (e) the number of permanent trades and seasonal assignments; and
  - (f) prices for water permanently traded.
- (2) The chief executive must collect information on—
  - (a) future consumptive demands for water,
  - (b) the construction of new bores; and
  - (c) existing overland flow works notified under section 111(3) of the Water Plan (Fitzroy Basin) 2011.
- (3) The chief executive may use information collected to support water resource assessment and reporting.

## 116 Natural ecosystems monitoring

The chief executive must collect, and keep publicly available, information on ecological assets that are linked to the general and specific ecological outcomes of the Water Plan (Fitzroy Basin) 2011.

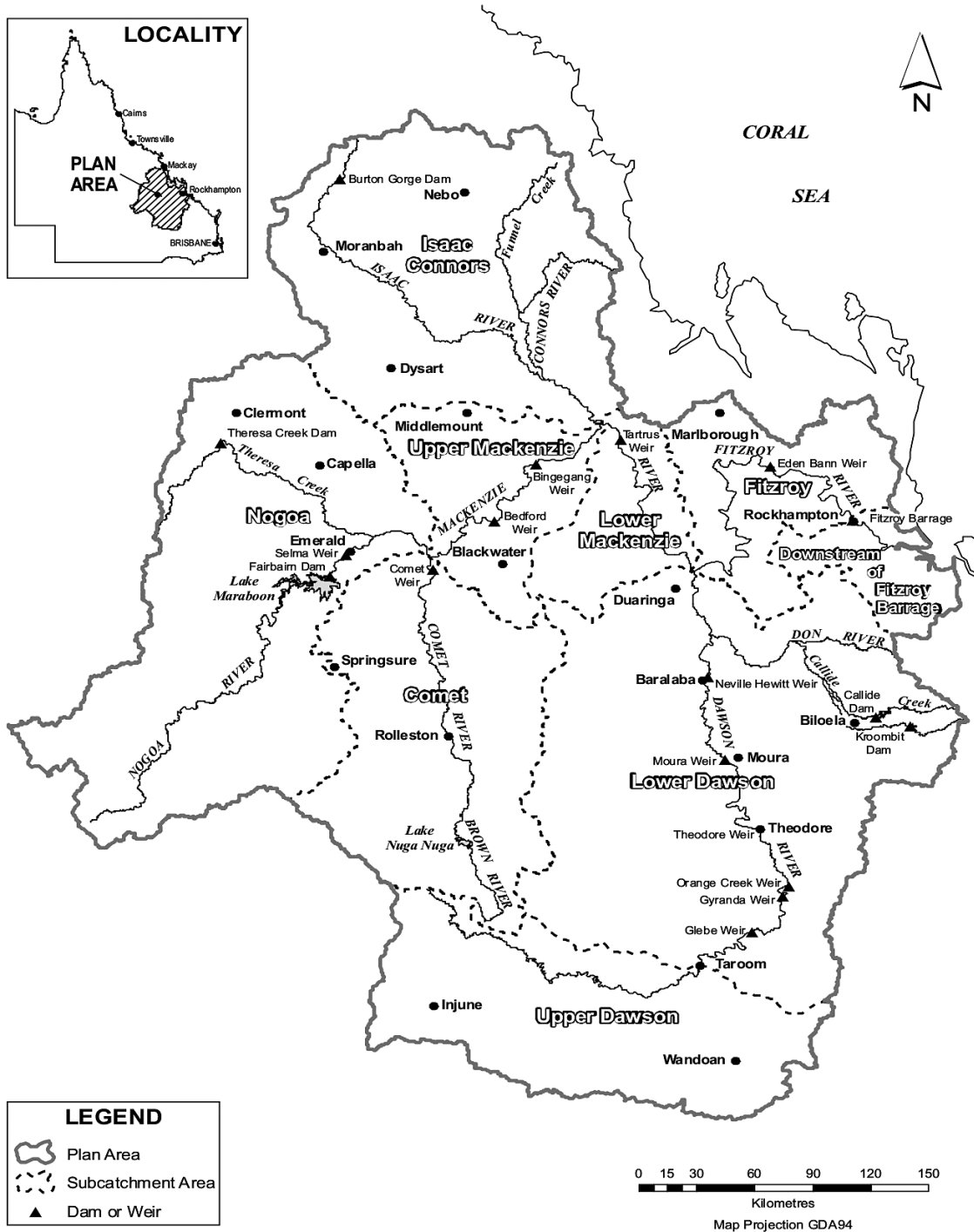
## 117 Assessment and reporting

The chief executive must make ongoing assessments of whether the trends in the data measured, collected and recorded under sections 115 and 116 of this protocol indicate that outcomes specified in the Water Plan (Fitzroy Basin) 2011 are being achieved.

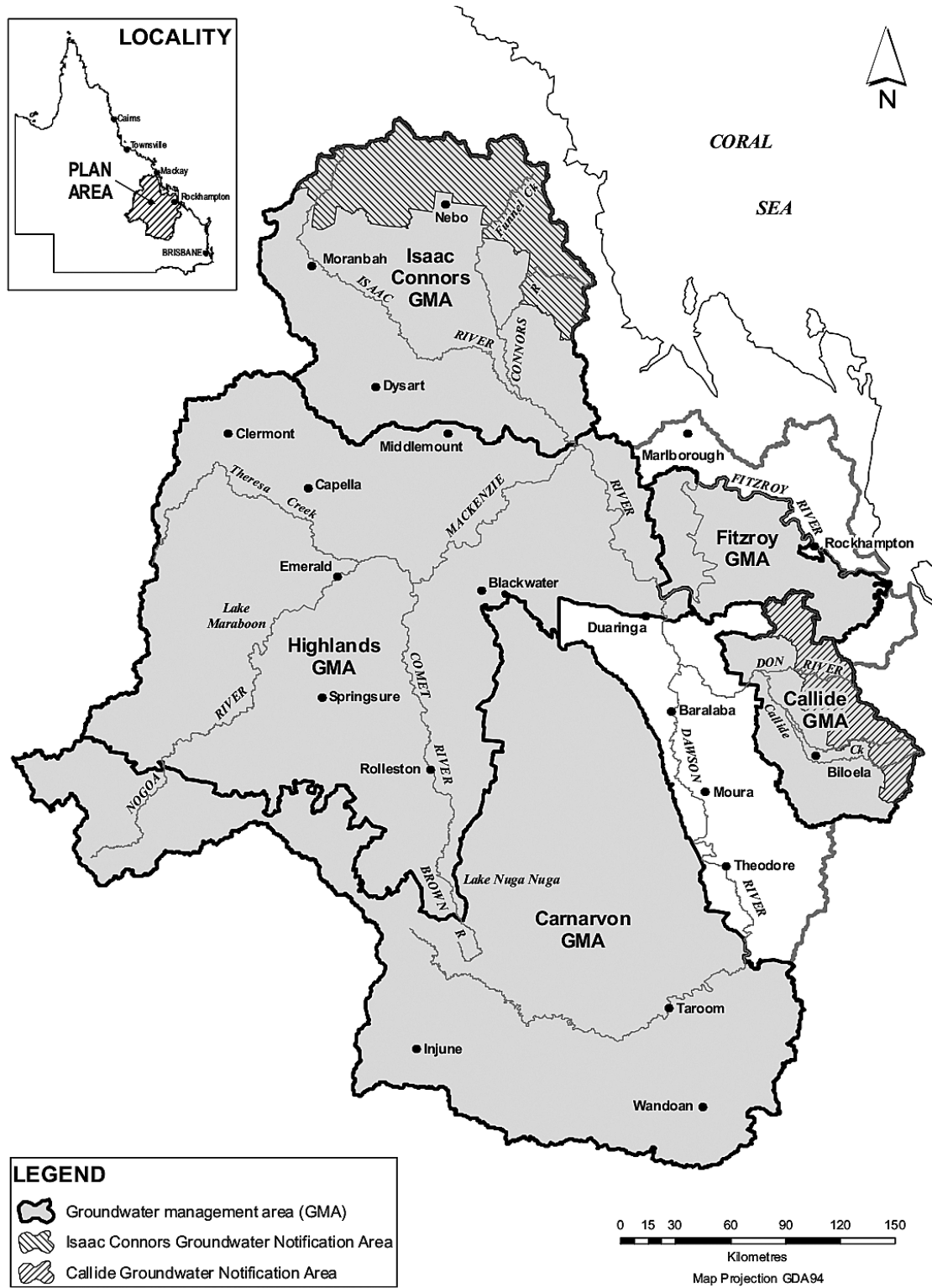
# Attachment 1 Dictionary

Term	Definition
Account balance	a volume of water, in megalitres, held in a volumetric account at any time during a year.
AHD	Australian Height Datum, which references a level or height to a standard base level.
Distribution loss	water that is lost when delivering water for water allocations in reticulated areas via constructed infrastructure through processes such as (but not limited to) evaporation, seepage, pipeline leakage, accidental loss through temporary pipe failure (breaks), loss through pressure relief systems and scouring.
EL	Elevation level
Location	For a water allocation, means the zone from which water can be taken under the water authorisation. For a water licence, means the location of works from which water can be taken under the water licence.
Maximum opening account balance	the maximum volume of water, in megalitres, that can be held in a volumetric account at the commencement of a water year.
Megalitre (ML)	One million litres
Ponded area	area of inundation at full supply level of storage.
Simulated mean annual diversion	for an authorisation or group of authorisations, means the total volume of water simulated to have been taken under the authorisations, if the authorisations were in existence for the whole of the simulation period, divided by the number of years in the simulation period.
Total nominal volume in a zone	the sum of the nominal volumes of all water allocations in the same priority group— (a) for the zone or zones; and (b) for which relevant valid change certificates have been issued under section 159 of the Water Act 2000.

# Attachment 2 Subcatchment areas



# Attachment 3 Groundwater management areas





## Attachment 4 Don and Dee Rivers and Alma Creek Part A and Part B volumes by water licence

Authorisation Reference	Nominal Entitlement (ML)	Part A account volume (ML)	Part B account volume (ML)
14272U	12	12	0
172359	24	24	0
602532	574	410	164
616550	116	116	0
09438U	48	48	0
12301U	168	120	48
17044U	72	72	0
17322U	120	120	0
25368U	140	100	40
28978U	36	36	0
30465U	100	100	0
31582U	112	80	32
32798U	140	100	40
35474U	24	24	0
38319WU	48	48	0
38538U	12	12	0
40101U	48	48	0
40192U	112	80	32
40254U	25	25	0
40264U	112	80	32
41168U	48	48	0
41257U	48	48	0
41349U	48	48	0
41350U	72	72	0
41393U	112	80	32
46153U	140	100	40
607907	60	60	0
19072S	132	132	0
19419S	246	246	0
25131S	48	48	0
32753U	60	60	0
38295U	240	240	0
05821U	40	40	0
16488U	280	200	80
33213U	154	110	44
36587U	120	120	0
38953U	560	400	160
39000U	440	440	0
40070U	264	264	0
40073U	102	102	0
45204U	108	108	0
46201U	400	400	0
48488U	308	220	88
51567U	140	100	40
51612U	252	180	72
57409U	560	400	160