

Water Act 1989

TEMPORARY QUALIFICATION OF RIGHTS IN THE LODDON WATER SYSTEM

I, Tim Holding, as Minister administering the Water Act 1989 (the Act), make the following Qualification.

Title

1. This Qualification is called the Temporary Qualification of Rights in the Loddon Water System, July 2009.

Background

2. This Qualification qualifies:
 - rights to water held in accordance with section 8(1) of the Act;
 - the water shares issued in relation to the Loddon Water System (Water System); and
 - the following bulk entitlements:
 - a. Bulk Entitlement (Loddon System – Coliban Water) Conversion Order 2005
 - b. Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005
 - c. Bulk Entitlement (Creswick) Conversion Order 2004
 - d. Bulk Entitlement (Loddon System – Goulburn–Murray Water) Conversion Order 2005.

Duration

3. This Qualification comes into effect upon notification pursuant to section 33AAC(1) of the Act or 1 July 2009, whichever is the later, and remains in force until 30 June 2011.

Authorising provision

4. This Qualification is made under section 33AAA(1) of the Act.

Definitions

5. In this Qualification, a reference to –
 - (a) the water system is a reference to that system as defined in the Order Declaring Water Systems in Northern Victoria 2007, but excluding the system between Tullaroop Reservoir (inclusive) and Laanecoorie Reservoir (exclusive) which is referred to as reach 2 or Tullaroop Creek.

- (b) a reference to a year is a year commencing 1 July.
- (c) a reference to the Environmental Water Manager is a reference to North Central Catchment Management Authority.
- (d) a reference to an ABA is a reference to an Allocation Bank Account, recorded in the Water Register, and linked to a Loddon system water entitlement.
- (e) "Loddon Weir Withheld Flows Account", herein after referred to as "LWWFA" means the account established to record minimum flows which would otherwise be released below Loddon Weir.
- (f) "Loddon System Withheld Flows Account", herein after referred to as "LSWFA" means the account established to record environmental flows which would otherwise be released in the Loddon system.
- (g) "bridging allocation" is a reference to the circumstance of an allocation being announced before enough water is held in storage to cover all the losses for delivery of the allocation. The allocation may be delivered over a shortened season, or by rostering of deliveries, or both.

Qualification of Rights

- 6. The right of a person to take water under section 8(1) of the Act, in relation to the Water System, is qualified so that where a person extracts water from the water system and the water allocation to a water share in the system is less than 50%, the right is comprised of a right to take the volume of water necessary for the following domestic and stock uses only –
 - (a) in-house household purposes;
 - (b) water of animals kept as pets;
 - (c) watering of cattle and other stock; and
 - (d) fire-fighting.

- 7. The right of a person to take water under a water share deemed to be issued pursuant to section 33F(1) of the Act in the Water System is qualified so that –
 - (a) where the water allocation to a water share in the Water System is less than 50%, the right is comprised of a right to take either the volume of water recorded in their ABA, or the volume necessary only:

for the following domestic and stock uses:

 - A. in-house household purposes;
 - B. watering of animals kept as pets;

- C. watering of cattle and other stock; and
- D. fire-fighting; and

for the following commercial and industrial uses:

- A. watering of animals in intensive animal industries;
- B. washdown;
- C. cleaning;
- D. cooling;
- E. dust suppression for health related reasons; and
- F. manufacturing and processing, provided best practice water savings measures have been implemented;

whichever is the greater.

8. The right of Central Highlands Region Water Corporation to take up to 500 ML from the Water System under *Bulk Entitlement (Creswick) Conversion Order 2004* is qualified so that the obligation imposed by clause 7.2 of the bulk entitlement, to provide minimum flows in Creswick Creek of the lesser of 1.0 ML/day and the inflow, is removed until the township of Creswick is no longer subject to stage 4 water restrictions.

9. The right of the Minister administering the **Conservation, Forests and Lands Act 1987** under *Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005* is qualified so that –

(a) The Storage Operator must establish a LSWFA -

- (i) With an initial volume equal to the volume of water allocated to the LWWFA under the terms of the Temporary Qualification of Rights in the Loddon System July 2007 (as amended), which remained unused on 30 June 2009, minus 5 percent for losses;
- (ii) the Storage Operator must maintain a record in the LSWFA of the volume of minimum flows withheld under clauses 9(c), 9(d) and 9(e) of this qualification, which would otherwise be released pursuant to the obligation imposed by clause 6, and Schedule 1 of the Bulk Entitlement;
- (iii) Subject to the conditions set out in clause 9 of this qualification, the water in the LSWFA may be used in any reach of the system, excluding reach 2;
- (iv) up to 2000 ML/year held in the LSWFA may be transferred to the Wetland Entitlement under Schedule 3 of the Bulk Entitlement; and
- (v) the total unused volume of the LSWFA may be carried over into subsequent years.

- (b) where the water allocation to a water share in the Water System is 0% -
- (i) the obligation imposed by clause 6, together with Schedule 1, of the bulk entitlement to provide minimum flows below Cairn Curran Dam, Laanecoorie Reservoir, Serpentine Weir, and Loddon Weir is removed;
 - (ii) the obligation imposed by clause 6, together with Schedule 1, of the bulk entitlement providing for river freshening flows below Cairn Curran Dam, Laanecoorie Reservoir, Serpentine Weir and Loddon Weir is removed; and
 - (iii) 600 ML of the water which is accounted in the LSWFA on 1 July of the current year, pursuant to clause 9(a)(i) of this Qualification, may be ordered for release by the Environmental Water Manager, in consultation with the Storage Operator.
- (c) where the water allocation (including a bridging allocation) to a water share in the Water System is 1% or greater -
- (i) the Storage Operator must maintain a record of the volume of water that would otherwise be released to meet environmental flow obligations under clause 6, together with Schedule 1, of the bulk entitlement in the LSWFA
 - (ii) all water held in the LSWFA on 1 July of the current year, may be ordered for release by the Environmental Water Manager, in consultation with the Storage Operator; and
 - (iii) in all other respects, clauses 9(a) and 9(b) of this qualification apply.
- (d) where the water allocation to a water share is 5% or greater (including a bridging allocation) -
- (i) the total volume of water in the LSWFA may be ordered for release by the Environmental Water Manager, in consultation with the Storage Operator;
 - (ii) in all other respects, clauses 9(a), 9(b) and clause 9(c) of this qualification apply.
- (e) when the water allocation to a water share in the Water System is 100% or greater -
- (i) 6,000 ML of the volume of water accrued in the Deficit and Reimbursement account may be released by the Environmental Water Manager, in consultation with the Storage Operator;
 - (ii) where 6,000 ML is available under clause 9(e)(i) of this qualification, and a volume less than 6,000 ML of the Deficit and Reimbursement account is used in the current year, the remaining volume may be used in the following year, minus 5 per cent for losses; and
 - (iii) in all other respects, clauses 9(a), 9(b), 9(c), and 9(d), of this qualification apply.

- (f) The maximum volume permitted to accrue in the Deficit and Reimbursement account under Schedule 2, sub-clause 5.3(a)(iii) of the bulk entitlement is increased to 25,000 ML for the term of the Qualification..
 - (g) Clause 1 of Schedule 3 of the bulk entitlement is amended to delete the words ‘Subject to clause 2 of this Schedule’;
 - (h) Clause 1 of Schedule 3 of the bulk entitlement is amended to insert ‘Little Lake Boort’ after the words ‘Lake Leaghur’ under the heading ‘Supplies’;
 - (i) Clause 2 of Schedule 3 of the bulk entitlement is suspended;
 - (j) Clause 4.2 of Schedule 3 of the bulk entitlement is amended to add the words “as well as all water transferred into the wetland entitlement from the Loddon System Withheld Flows Account” to the end of the clause.
10. The right of Goulburn-Murray Rural Water Corporation to take water from the Loddon River in order to supply primary entitlements under *Bulk Entitlement (Loddon System – Goulburn-Murray Water) Conversion Order 2005* is qualified so that –
- (a) the obligation imposed by clause 10.1 of the bulk entitlement to supply entitlements only after meeting the environmental water entitlement specified in clause 5 of the bulk entitlement is removed;
 - (b) where the water allocation to water shares in the Water System is less than 10%, the obligation imposed by clause 11, together with Schedule 1, of the bulk entitlement to supply the East Loddon Waterworks District, is removed;
 - (c) where the water allocation to water shares in the Water System is 10% or greater, the volume to be supplied to the East Loddon Waterworks District will be in accordance with the following formula:
- $$R = E * A$$
- where –
- R = volume of water supplied to the East Loddon Waterworks District,
- E = 1,600 ML, and
- A = allocation announced for the Loddon system high reliability water shares, expressed as a decimal fraction.
11. The right of Coliban Region Water Corporation to take water from the water system and the distribution system for the purpose of supplying its water systems under *Bulk Entitlement (Loddon System – Coliban Water) Conversion Order 2005*, is qualified so that –

(a) the right includes the right to take unused water recorded in its bulk entitlement ABA on 30 June of the previous year, up to a maximum volume equivalent to 50 per cent of the bulk entitlement volume recorded in its ABA on 1 July of the current year, minus 5 per cent for losses. This volume of water will be referred to in this qualification as 'carryover'; and

(b) in the current year, the following formula applies:

$$M = E - C$$

where

M = limit on future seasonal determination (megalitres) in the current year, against the bulk entitlement volume recorded in the ABA on 1 July of the current year.

E = the bulk entitlement volume (megalitres) recorded in their ABA at 1 July in the current year

C = the volume of carryover (megalitres).

(c) Any limit on future seasonal determination (M) will not be affected by a transfer or limited term transfer.

Dated:

27/06/2009



TIM HOLDING MP
Minister for Water