

Water Act 1989

TEMPORARY QUALIFICATION OF RIGHTS IN THE MURRAY WATER SYSTEM

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

Title

1. This Qualification is called the Temporary Qualification of Rights in the Murray 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 in relation to the Murray Water System (**Water System**); and
 - the following bulk entitlements, as amended:
 - (a) Bulk Entitlement (River Murray – Coliban Water) Conversion Order 1999
 - (b) Bulk Entitlement (River Murray – Goulburn Valley Water) Conversion Order 1999
 - (c) Bulk Entitlement (River Murray – Lower Murray Water) Conversion Order 1999
 - (d) Bulk Entitlement (River Murray – North East Water) Conversion Order 1999
 - (e) Bulk Entitlement (River Murray – Wimmera Mallee Water) Conversion Order 1999
 - (f) Bulk Entitlement (River Murray – Flora and Fauna) Conversion Order 1999
 - (g) Bulk Entitlement (River Murray – Goulburn-Murray Water) Conversion Order 1999

Duration

3. This Qualification comes into effect upon notification pursuant to section 33AAC(1) of the Act or 1 July 2009, whichever is 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) a reference to the Water System is a reference to that system as defined in the Order Declaring Water Systems in Northern Victoria 2007;
- (b) a reference to a year is a year commencing 1 July;
- (c) a reference to an ABA is a reference to an Allocation Bank Account recorded in the Water Register, and linked to a Murray System water entitlement.

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 the water allocation to a water share in the Water System is less than 20% 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) watering 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 20% the right is comprised of a right to take either the volume of water recorded in their ABA or the volume of water necessary only –

- (i) 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

- (ii) 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 purposes; and
- F. manufacturing and processing, provided best practice water savings measures have been implemented

whichever is the greater.

8. The right of an Authority to take from the River Murray and the distribution system for the purpose of supplying their water systems under the bulk

entitlements listed in clause 2(a) to clause 2(f) of this qualification is qualified so that –

(a) the right includes the right to take unused water recorded in their 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 that 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

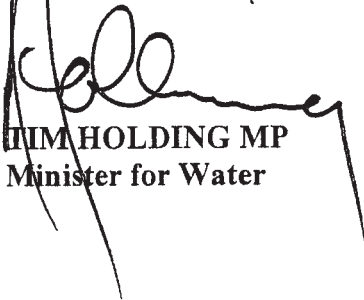
C = the volume of carryover (megalitres).

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

9. The right of Lower Murray Urban and Rural Water Corporation to take from the River Murray for the purpose of supplying its water systems under *Bulk Entitlement (River Murray – Lower Murray Water) Conversion Order 1999* is qualified so that where the water allocation to a water share in the Water System is less than 10%, Lower Murray Urban and Rural Water Corporation's share of the water available for urban supply, set out at clause 6 and Schedule 1 of the bulk entitlement, is increased to 9,800 ML/year.
10. The right of Grampians Wimmera Mallee Water Corporation to take from the River Murray for the purpose of supplying its water systems and primary entitlements under *Bulk Entitlement (River Murray – Grampians Wimmera Mallee Water) Conversion Order 1999* is qualified so that where the water allocation to a water share in the Water System is less than 10%, Grampians Wimmera Mallee Water Corporation's share of the water available, set out at clause 6 and Schedule 1 of the bulk entitlement, is increased to 2,746 ML/year.
11. The right of Coliban Region Water Corporation to take from the River Murray and the distribution system for the purpose of supplying its water systems under *Bulk Entitlement (River Murray – Coliban Water) Conversion Order 1999* is qualified so that where the water allocation to a water share in the Water System is less than 10%, Coliban Region Water Corporation's share of the water available, set out at clause 6 and Schedule 1 of the bulk entitlement, is increased to 4,000 ML/year.

12. The right of North East Region Water Corporation to take from the River Murray for the purpose of supplying its water systems under *Bulk Entitlement (River Murray – North East Water) Conversion Order 1999* is qualified so that where the water allocation to a water share in the Water System is less than 10%, North East Region Water Corporation's share of the water available, set out at clause 6 and Schedule 1 of the bulk entitlement, is increased to 6,584.5 ML/year.
13. The right of Goulburn Valley Region Water Corporation to take from the River Murray for the purpose of supplying its water systems under *Bulk Entitlement (River Murray – Goulburn Valley Water) Conversion Order 1999* is qualified so that where the water allocation to a water share in the Water System is less than 10%, Goulburn Valley Region Water Corporation's share of the water available, set out at clause 6 and Schedule 1 of the bulk entitlement, is increased to 3,435 ML/year.

Dated: 24/06/2009



TIM HOLDING MP
Minister for Water