

TEMPORARY QUALIFICATION OF RIGHTS IN REACH TWO OF 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 Reach Two of the Loddon Water System June 2009.

Background

2. This Qualification qualifies:
 - o rights to water held in accordance with section 8(1) of the Act;
 - o the water shares issued in relation to the Loddon Water System (Water System); and
 - o the following bulk entitlements, as amended:
 - a. Bulk Entitlement (Loddon System – Part Maryborough – Central Highlands Water) Conversion Order 2005
 - b. Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005
 - c. 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 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 the Loddon water system as defined in the Order Declaring Water Systems in Northern Victoria 2007.
 - (b) ‘reach 2’ is a reference to the reach of the Loddon System between Tullaroop Reservoir (inclusive) and Laanecoore Reservoir (exclusive) also referred to as Tullaroop Creek.

- (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.

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 reach 2, 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 relation to the Water System, is qualified so that where a person extracts water from reach 2,
 - i) and the water allocation to a water share in the system is 0%, the right is comprised of a right to take either the volume of water recorded in their ABA, or -
 - (a) the volume of water necessary for the following domestic and stock uses only –
 - 1. in-house household purposes;
 - 2. watering of animals kept as pets;
 - 3. watering of cattle and other stock; and
 - 4. fire-fighting; and
 - (b) the volume of water necessary for the following commercial and industrial uses –
 - 1. watering of animals in intensive animal industries;
 - 2. washdown;
 - 3. cleaning;
 - 4. cooling;
 - 5. dust suppression for health related reasons; and
 - 6. manufacturing and processing, provided best practice water savings measures have been implemented
 - a) whichever is the greater, and only when the Storage Operator has notified the person that it is available for delivery.

- ii) and the water allocation to a water share in the system is greater than 0% and less than 50%, the right is comprised of a right to take either the volume of water recorded in their ABA, or -
- (a) the volume of water necessary for the following domestic and stock uses only –
1. in-house household purposes;
 2. watering of animals kept as pets;
 3. watering of cattle and other stock; and
 4. fire-fighting; and
- (b) the volume of water necessary for the following commercial and industrial uses –
1. watering of animals in intensive animal industries;
 2. washdown;
 3. cleaning;
 4. cooling;
 5. dust suppression for health related reasons; and
 6. 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 (CHW) to take water from Tullaroop Reservoir in order to supply the town of Maryborough under *Bulk Entitlement (Loddon System – part Maryborough – Central Highlands Water) Conversion Order 2005* is qualified so that –
- (a) CHW is entitled to extract from Tullaroop Reservoir any water allocated to it in Tullaroop Reservoir, under the terms of the Temporary Qualification of Rights in the Loddon System July 2007 (as amended), which remained unused on 30 June 2009.
- (b) upon commencement of this qualification, and until 31 October 2009, CHW is obliged to deliver up to 10 ML to supply the rights in clause 7(i)(a)(1) of this qualification.
- (c) from 1 November 2009, the right of CHW to water from Tullaroop Reservoir, in addition to any water held under clause 8(a) of this qualification, in order to supply the town of Maryborough, shall be determined by the restriction rules as set out in clause 9.2 of their bulk entitlement.
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 entitlement to environmental flows in Tullaroop Creek, set out in clause 6 and clause 2 of Schedule 1 of this bulk entitlement is suspended, while both of the following statements are true:

1. the volume in Tullaroop Reservoir, excluding any water held under clause 8(a), 9(b) or 10 (d) of this qualification, is less than 10,000 ML; and
2. allocations in the current year, against high reliability water shares on the Loddon system, are not delivered to water share holders who extract the water from Tullaroop Creek.

(b) the Environmental Water Manager is entitled to release any water allocated to it in Tullaroop Reservoir, under the terms of the Temporary Qualification of Rights in the Loddon System July 2007 (as amended), which remained unused on 30 June 2009. This water may be ordered for release by the Environmental Water Manager, in consultation with the Storage Operator.

(c) if the volume of water in Tullaroop Reservoir on 1 November 2009 exceeds:

1. 2460 ML, the Environmental Water Manager shall be entitled to the next 875 ML in storage; and
2. 6560 ML, the Environmental Water Manager shall be entitled to the next 1000 ML in storage, in addition to the volume received under clause 9(c)(1) of this qualification.

This volume shall be accounted by the Resource Manager in Tullaroop Reservoir, and may be ordered for release by the Environmental Water Manager, in consultation with the Storage Operator.

10. The right of Goulburn-Murray Rural Water Corporation (G-MW) to take water from reach 2 of the Loddon system in order to supply primary entitlements under *Bulk Entitlement (Loddon System – Goulburn-Murray Water) Conversion Order 2005* is qualified so that –

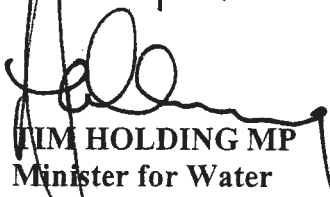
(a) the obligation imposed by clause 10.1 of this bulk entitlement to supply entitlements only after meeting the environmental water entitlement specified in clause 5 of the bulk entitlement is removed, while both of the following statements are true:

1. the volume of water held in Tullaroop Reservoir, excluding the volume held under clause 8(a), 9(a) and 10(d) of this qualification, is less than 10,000 ML; and
2. allocations in the current year, against high reliability water shares on the Loddon system, are not delivered to water share holders who extract the water from Tullaroop Creek

- (b) the obligation imposed by clause 2 of Schedule 3 of this bulk entitlement to supply CHW with a minimum of 50 per cent of entitlement volume each year, is suspended until 1 November 2009.
- (c) G-MW is entitled to extract any water allocated to it under the terms of the Temporary Qualification of Rights in the Loddon System July 2007 (as amended), which remained unused on 30 June 2009.
- (d) From 1 November 2009, G-MW is entitled to extract up to 210 ML/year to supply water to persons under clauses 6 and 7 of this qualification.

Dated:

27/06/2009



TIM HOLDING MP
Minister for Water