

Your rights to domestic and stock water

You have basic rights to water under the Victorian Water Act

These rights allow water to be used for domestic and stock purposes

These are rights to take water from a bore, a dam or river/ stream

Contact us on 1800 013 357 if you have any queries.

Private Rights to Water

Section 8 of the *Water Act 1989* (the Act) makes provision for individuals in the state of Victoria to take domestic and stock water, from a waterway or bore to which that person can access. This is often referred to as a “private right”. An extract of the relevant sections of the Act is provided over the page for your information.

Access to water under a private right is limited by other provisions of the Act and you should ensure you check your private right to water exists before proceeding to take and use water.

What is “domestic and stock” use?

Domestic and stock use refers to water which is used for:

- Household use
- Watering of stock and pets
- Watering of a ‘kitchen garden’ (a description of a kitchen garden is provided over the page)

Domestic and stock use DOES NOT include the use of water for piggeries, poultry, dairies or any other licensable purpose (eg irrigation of land or crops, operating a commercial enterprise).

Please note that water supplied by G-MW is unfit for human consumption, directly or indirectly, without first being properly treated.

River or creek water

You may be eligible for a private right to water from a river or stream under some circumstances but you will need to check with Goulburn-Murray Water before you take water to determine if private right exists on your property.

Generally you can take river or creek water for domestic and stock use under a private right if:

- A section of the river or stream is within your property boundary

- Your property boundary directly abuts the river or stream

Bore water

You can generally take water from a bore for domestic and stock use if the bore is located on a property you own or occupy.

If you do not have access to a bore on your property you can construct a new one, however, you will need to apply for a Licence to Construct Works before commencing any work on the bore. Check our website for application forms and current fees.

More information

Contact G-MW on 1800 013 357 for more information or to discuss your situation with one of our staff. More information can also be found at www.g-mwater.com.au.

EXTRACTS FROM THE WATER ACT 1989

Private Rights to water (Section 8)

Continuation of private rights to water

- a) A person has the right to take water, free of charge, for that person’s domestic and stock use from a waterway or bore to which that person has access
- b) By a public road or public reserve; or
- c) Because the at person occupies the land on which the water flows or occurs; or
- d) In the case of a waterway, because that person occupies land adjacent to it and the bed and banks of the waterway have remained the property of the Crown by virtue of section 385 of the Land Act 1658 or any corresponding previous enactment; or
- e) Subject to section 33C, in the case of a bore, because that person occupies it.

Definitions (Section 3)

Domestic and stock use

Domestic and stock use, in relation to water, means use for-

- a) Household purposes; or
- b) Watering of animals kept as pets; or
- c) Watering of cattle or other stock; or
In the case of the curtilage of a house and any outbuilding, watering an area not exceeding 1.2 hectares for fire prevention purposes with water obtained from a spring or soak or water from a dam; or
- f) irrigation of a kitchen garden
- g) but does not include use for dairies, piggeries, feedlots, poultry or any other licensable purpose use.

Kitchen garden

A kitchen garden means a garden-

- a) that is used solely in connection with a dwelling; and
- b) no produce from which is sold; and
- c) in the case of a garden irrigated solely with surface water that is not part of an allotment that was alienated from the Crown before 15 December 1886, that is not bigger than 0.4 hectares; and
- d) in the case of a garden irrigated with both surface water and groundwater that is not part of an allotment that was alienated from the Crown before 15 December 1886, that is not bigger than 0.4 hectares; and
- e) in the case of a garden irrigated solely with groundwater, that is not bigger than 0.4 hectares; and
- f) in the case of a garden that is part of an allotment that was alienated from the Crown before 15 December 1886, that is not bigger than 1.2 hectares