

Bowen Groundwater Management Area

Water sharing rules

Seasonal water assignment rules

WSS/2013/636

Version 4.07

21/03/2022



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Version History

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3.00	06/05/2009	Amendments to contents and structure
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4.00	09/12/2011	Amendments to the content to include seasonal water assignment rules
4.01	27/03/2012	Ensure that the title reflects the Water Regulation. Add link to latest version of form W2F095 Water use assessment report.
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Approval

Position	Name	Date
Director, Water Operations, Divisional Support	Ian Gordon	21/03/2022

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1.0 Overview

This document defines the water sharing rules for the Bowen groundwater management area as prescribed in section 27 of the Water Regulation 2016 (the Water Regulation), including the seasonal water assignment rules prescribed in section 39 of the Water Regulation.

Water sharing rules are the rules prescribed under the Water Regulation for a water licence not managed under a resource operations plan or water management protocol. Water sharing rules describe the arrangements for access to water within a water management area.

2.0 Purpose

Water sharing rules establish a framework for water use accounting. They provide an accountable and auditable trail for the movement of water use within and between water licences.

Water sharing rules also ensure that arrangements for access to water and water use accounting within a water management area are clearly articulated to licence holders to provide them with a stable water use accounting regime.

3.0 Description of the water management area

3.1 Geographical boundaries

The Bowen groundwater management area generally overlies the area of alluvial floodplain associated with the lower reaches of the Don River and Euri Creek catchments. The lower reaches of these catchments are located to the west and south of Bowen.

The Bowen groundwater management area is divided into 14 zones for management purposes. The zones are defined based on hydrological characteristics, such as aquifer yield and water quality, that may affect water availability.

The zones are assessed independently for the purpose of deciding announced entitlements.

The Bowen groundwater management area water sharing rules apply to the area of Don River and Euri Creek Alluvium within the Bowen groundwater management area, which is identified in Plan Reference CAS3065.

3.2 Water to which the water sharing rules apply

The Bowen groundwater management area water sharing rules apply to water from the following aquifers within the Bowen groundwater management area:

- Don River Alluvium
- Euri Creek Alluvium
- Granite
- Town Common Alluvium

3.3 Plan of the water management area

A plan has been prepared for the Bowen groundwater management area. The plan (reference CAS3065) is included as Attachment 1¹.

3.4 Water year

A 'water year' is the accounting period for taking water under the licence. The period may be prescribed under a regulation or stated on the licence.

The water year for the Bowen groundwater management area is the 12 month period from 1 April to 31 March.

4.0 Nominal entitlement

'Nominal entitlement' is the volume of water authorised to be taken during a water year, as specified on a water licence. The volume of water that a licence holder may use during a water year may be varied by an announced entitlement.

5.0 Stock or domestic allowance

The take of stock or domestic water is authorised under section 96 of the *Water Act 2000* (the Act). The take of stock or domestic water is separate from the nominal entitlement associated with the water licence. Water authorised to be taken under a stock or domestic allowance is not subject to these water sharing rules and is therefore not affected by the announced entitlement.

The holder of a metered entitlement may notify the department of the stock or domestic allowance claimed. The 'Stock or domestic allowance notification form' (W2F058) is available on the Business Queensland website at www.business.qld.gov.au.

The volume for the stock or domestic allowance is accounted for as the first volume taken in a water year².

6.0 Announced entitlement

The chief executive must decide an announced entitlement for the Bowen groundwater management area.

'Announced entitlement' is a percentage of the entitlement holder's nominal entitlement. It is the percentage of the nominal entitlement that an entitlement holder may take in a water year.

The announced entitlement will be decided before the start of the water year to which the announced entitlement relates.

The announced entitlement may be increased during the water year.

¹ The plan in Attachment 1 is indicative only. The area and the exact location of the boundaries of the water management area are held in digital electronic form by the department and may be inspected at the department's Mackay office.

² Water taken for stock or domestic purposes under section 96 of the Act cannot be traded.

6.1 Considerations

The chief executive must undertake the considerations specified in Section 29 (3) of the Water Regulation when deciding the announced entitlement. That is, the chief executive must consider the following to the extent appropriate for the area:

- trends in underground water levels
- long term average sustainable yield
- historical water use
- anticipated water use
- water available to supplement water licences in the area
- weather conditions, including weather forecasts.

In addition to the considerations specified in section 29 (3) of the Water Regulation, the chief executive will also consider:

- trends in underground water quality
- for zones near the coast—the risk of seawater intrusion
- recommendations made by the Bowen Water Advisory Group.

7.0 Annual entitlement

'Annual entitlement' is the volume of water able to be taken by a licence holder for that water year. The annual entitlement is calculated by multiplying the nominal entitlement for the water licence by the announced entitlement.

Annual entitlement for a particular entitlement can be calculated using the following formula:

$$AE = NE \times ANE \pm SWA^*$$

Definitions:

- AE - annual entitlement
- NE - nominal entitlement stated on licence
- ANE - announced entitlement (expressed as a decimal)
- SWA - seasonal water assignment
- * if applicable.

Example

Table 1 provides an example of annual entitlement calculations.

Nominal entitlement = 100 megalitres (ML)

Table 1 – Calculating annual entitlement

Date	Description	Annual entitlement calculation	Annual entitlement	Available entitlement*
1 April 2018	Announced entitlement for 2018–19 water year is 80%	$NE \times ANE$ $= 100 \text{ ML} \times 0.8$	80 ML	80 ML
31 March 2019	Total metered use for 2018–19 water year is 50 ML			30 ML
1 April 2019	Announced entitlement for 2019–20 water year is 100%	$NE \times ANE$ $= 100 \text{ ML} \times 1$	100 ML	100 ML

* Available entitlement is the volume of water that a licensee is authorised to take during the remainder of the current water year (i.e. it is the unused volume of annual entitlement).

8.0 Carry over

Licence holders in the Bowen groundwater management area are not authorised to carry over unused announced entitlement from the previous water year.

'Carry over' is the unused component of an announced entitlement that an entitlement holder may access in the water year following the water year for which the announced entitlement was available.

9.0 Forward draw

Licence holders in the Bowen groundwater management area are not authorised to forward draw from the following years' nominal entitlement in advance.

'Forward draw' is the volume, expressed as a percentage of the licensee's nominal entitlement for the following water year, which the licensee may take during the current water year.

10.0 Seasonal water assignment

The licensee of a water licence or the holder of a seasonal water assignment notice in the Bowen groundwater management area may apply for a seasonal water assignment of their entitlement.

'Seasonal water assignment' for a water licence means the assignment by the holder of a seasonal water assignment notice or a water licence of the benefit under the notice or licence to another person. A seasonal water assignment applies to a water year and for all or part of the water that may be taken under the notice or licence.

10.1 Application

An application for a seasonal water assignment may be made by the licensee of a water licence or by the holder of a seasonal water assignment notice (assignor/seller) for the water year in which the application is made. The application must:

- be made using the approved form
- be accompanied by the prescribed fee
- be supported by sufficient information to enable the chief executive to make a decision
- include the name and address of the proposed assignee/buyer and, if the proposed assignee holds a water licence for the Bowen groundwater management area, details of their water licence
- include the written consent of the proposed assignee/buyer.

As a seasonal water assignment applies to the current water year only, an application for a seasonal water assignment cannot be made prior to the commencement of the water year.

In deciding the application the chief executive must:

- if the application is in accordance with the seasonal assignment rules — approve the application, with or without conditions
- if the application is not in accordance with the seasonal assignment rules — refuse the application
- give to the applicant an information notice as soon as practicable after deciding the application
- if the application is approved — as soon as practicable after approving an application give the assignee (assignee/buyer) a seasonal water assignment notice, with or without conditions.

10.2 Rules

The rules for seasonal water assignments in the Bowen groundwater management area include the following:

- Seasonal water assignment is only allowed:
 - for sub-artesian water in the Bowen groundwater management area
 - within each management zone
 - if the assignment of water is taking from the same aquifer as is identified on the water licence of the assignor
 - where both the assignor/seller and the assignee/buyer have works installed and capable of taking water, those works are metered.
- A seasonal water assignment is not allowed if the:
 - assignor/seller does not have sufficient available entitlement
 - chief executive considers that granting the assignment will potentially adversely affect other water users or the environment.
- The maximum volume of water that can be seasonally assigned in by an assignee within zones 1 to 3 of the Bowen groundwater management area is 100 per cent of their annual entitlement up to a maximum of 20 ML, whichever is the lesser.

- The maximum volume of water that can be seasonally assigned in by an assignee within zones 4 to 14 of the Bowen groundwater management area is 100 per cent of their annual entitlement up to a maximum of 50 ML, whichever is the lesser.
- Stock or domestic allowance water cannot be seasonally assigned to another water user.

10.3 Approval

The seasonal water assignment has effect from the day the information notice is given to the applicant. The seasonal water assignment notice only applies for the remainder of the current water year in which the assignment takes place (that is the assignment will expire midnight on 31 March).

If the application for seasonal water assignment is approved, the assignor/seller cannot take the assigned water under the water licence from which it has been assigned. This means the assignor's/seller's annual entitlement is reduced to account for the volume of water that has been the subject of seasonal water assignment and the assignee's/buyer's annual entitlement is increased. See tables 2 and 3 below.

If the assignee/buyer holds a water licence for the Bowen groundwater management area, the seasonal water assignment notice has the effect of increasing the volume of water authorised to be taken under the assignee/buyer's licence by the volume stated in the notice.

Approval of a seasonal water assignment in one water year does not imply that a similar seasonal water assignment will be approved in subsequent years, due to possible changing hydrological conditions.

Note: Seasonal water assignments will not be approved retrospectively to cover excess water use. Any excess use is an offence under the Act and may result in prosecution.

10.4 Conditions

The seasonal water assignment notice that is granted to the assignee/buyer will be subject to the conditions:

- to which the water licence (from which the water was assigned) is subject
- prescribed under a regulation
- that the chief executive decides to impose for the particular seasonal water assignment notice.

Provisions under the Act allow the take of water under a seasonal water assignment notice to be limited.

A seasonal water assignment notice does not attach to land. If the holder of a seasonal water assignment notice sells their land, the new owner of the same land does not automatically acquire the seasonal water assignment notice. However, the holder of a seasonal water assignment notice may apply to re-assign the unused part of the seasonally assigned water to the new owner.

Example

Tables 2 and 3 provide an example of annual entitlement calculations in instances where a seasonal water assignment has been granted.

Assignor/seller

Nominal entitlement = 100 ML

Table 2 – Calculating seasonal water assignments for assignors/sellers

Date	Description	Annual entitlement calculation	Annual entitlement	Available entitlement*
1 April 2018	Announced entitlement for 2018–19 water year is 80%	$NE \times ANE$ $= 100 \text{ ML} \times 0.8$	80 ML	80 ML
2 Sept 2018	Metered use to date is 30 ML			50 ML
	Seasonal water assignment of 20 ML by the licence holder (i.e. assignor/seller)	$AE - SWA$ $= 80 \text{ ML} - 20 \text{ ML}$	60 ML	30 ML
31 March 2019	Total metered use for 2018–19 water year is 50 ML			10 ML
1 April 2019	Announced entitlement for 2019–20 water year is 100%	$NE \times ANE$ $= 100 \text{ ML} \times 1$	100 ML	100 ML

* Available entitlement is the volume of water that a licensee is authorised to take during the remainder of the current water year (i.e. it is the unused volume of annual entitlement).

Assignee/buyer

Nominal entitlement = 100 ML

Table 3 – Calculating seasonal water assignments for assignees/buyers

Date	Description	Annual entitlement calculation	Annual entitlement	Available entitlement*
1 April 2018	Announced entitlement for 2018–19 water year is 80%	$NE \times ANE$ $= 100 \text{ ML} \times 0.8$	80 ML	80 ML
2 Sept 2018	Metered use to date is 40 ML			40 ML
	Seasonal water assignment of 20 ML to the licence holder (i.e. assignor/seller)	$AE + SWA$ $= 80 \text{ ML} + 20 \text{ ML}$	100 ML	60 ML
31 March 2019	Total metered use for 2018–19 water year is 95 ML			5 ML
1 April 2019	Announced entitlement for 2019–20 water year is 70%	$NE \times ANE$ $= 100 \text{ ML} \times 0.7$	70 ML	70 ML

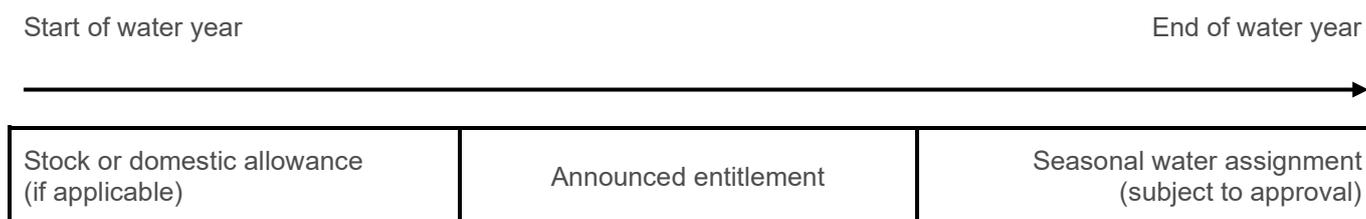
* Available entitlement is the volume of water that a licensee is authorised to take during the remainder of the current water year (i.e. it is the unused volume of annual entitlement).

11.0 Water accounting

For each water year, water use will be accounted for in the following order (depicted in Figure 1 below):

1. Stock and domestic allowance (if applicable)
2. Announced entitlement
3. Seasonal water assignment (subject to approval).

Figure 1 – Order in which water use will be accounted during the water year



12.0 Installation, maintenance and validation of meters

The volume of water taken in the groundwater management area is measured using an approved water meter. Water entitlement holders are required to manage the purchase, installation, maintenance and validation of their own water meter(s). The water meter can be purchased and installed by the entitlement holder or by a private company of the holder's choice.

A water validation certificate is required to be completed by an authorised meter validator and submitted to the department by the water entitlement holder. This certificate validates the meter is in accordance with the 'Queensland Interim water meter standard for non-urban metering'. The lodgement of this completed certificate verifies that the holder has a metered entitlement with an approved meter installed.

Approved meters are required to be revalidated by a validator in accordance with schedule 11 in the Water Regulation. The water entitlement holder must provide evidence of the revalidation to the department using the validation certificate once the repair/inspection is completed.

12.1 Faulty meters

Water entitlement holders are required to ensure that their meters are operational and report any faults to the department. If a water entitlement holder becomes aware that their meter is faulty, they must:

1. Notify the department in writing within 3 days.
2. Repair or replace the meter within 60 business days of notifying the department. Extensions of time will be considered on a case-by-case basis. Within this 60 day period, users can continue to take water, providing they manually record the water take using the 'water assessment report form'.
3. Once the meter has been repaired or replaced, a validation certificate (completed by an authorised meter validator) along with the completed water use assessment report form are to be submitted to the department.

A faulty meter, as defined in the Water Regulation, is a meter which has one of the following defects:

- cannot be read or cannot record the volume of water taken within acceptable tolerances
- leaks water or air that affects the flow of water through the meter
- does not have a tamper proof seal

13.0 Meter readings

Entitlement holders are required to provide up to two readings within a water year to the department for each approved water meter. These readings will be required after the sixth month and at the end of each water year.

The entitlement holder is also required to provide meter readings:

- with any application for seasonal water assignment
- with any application for water licence transfer
- in the event of the sale of a property
- as requested by the department.

Meter readings supplied by the entitlement holder are subject to auditing to ensure that the supplied meter reading is accurate.

13.1 Seasonal water assignments

The assignor/seller is required to supply meter readings with any application for a seasonal water assignment.

The process for the licence holder to supply meter readings is detailed on the application form for seasonal water assignment of a water licence.

13.2 Quality check of readings

Meter readings supplied by the entitlement holder are subject to a check to ensure that the supplied meter reading is accurate.

For example, the supplied meter reading must:

- be equal to or more than the previous reading
- correspond with the sequence of meter readings recorded for that meter by the department.

14.0 Responsibilities

Water entitlement holders

- Must ensure that water is taken in accordance with the conditions of the water licence and is consistent with the water sharing rules.
- May apply for a seasonal water assignment in accordance with the seasonal water assignment rules.
- Must install, maintain, arrange validation and read water meters, consistent with the requirements outlined in the Water Regulation.

Department

- Decide the announced entitlement prior to the commencement of the water year and either give notice or publish the announced entitlement.
- Decide any subsequent variations to the announced entitlement and either give notice or publish the amended announced entitlement.
- Decide an application for a seasonal water assignment in accordance with the seasonal water assignment rules.

15.0 Contact

For enquiries relating to any aspect of water management within the Bowen groundwater management area please contact:

Water Services

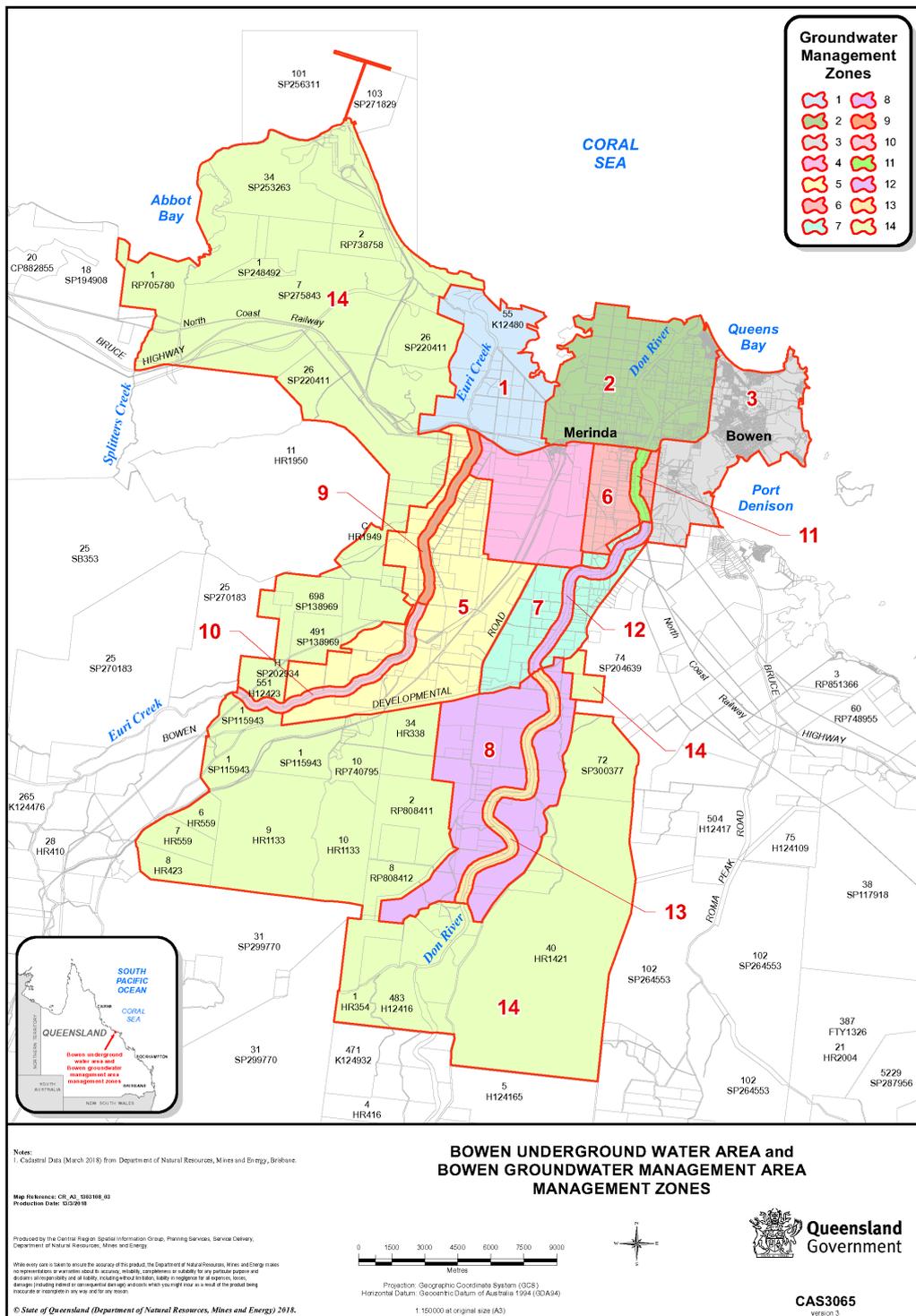
Street address: Level 1, 44 Nelson Street, Mackay QLD 4740

Postal address: PO Box 63 Mackay QLD 4740

Email: centralwaterservices@rdmw.qld.gov.au

Phone: 1800 822 100

Attachment 1—Bowen groundwater management area CAS3065





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