



New South Wales

Hay Private Irrigation District Board of Management (Water Rights) By-law 1999

under the

Private Irrigation Districts Act 1973

GORDON SAMUELS, Governor

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve the following By-law made by the Board of Management of the Hay Irrigation District under the *Private Irrigation Districts Act 1973*.

Signed and sealed at Sydney, this 22nd day of September 1999.

By His Excellency's Command,

RICHARD AMERY, M.P.,

Minister for Agriculture and
Minister for Land and Water Conservation.

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Explanatory note

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The Board of Management of the Hay Private Irrigation District may allocate water for irrigation purposes to the owners of holdings within that District. The object of this By-law is to establish a scheme by which the owners of holdings to which water has been allocated for irrigation may request the Board to reduce or increase the quantity of irrigation water allocated to them. Under the proposed scheme, a water entitlement that is surrendered by an owner may be re-allocated to another owner by the Board. An owner who receives an increased allocation of water under the scheme pays the Board a sum of money calculated at a rate determined by the Board, and the Board transfers that sum of money to the owner (or owners) who surrendered the water entitlement that was re-allocated, less a service fee determined by the Board and any amount owing to the Board by that owner.

This By-law is made under the *Private Irrigation Districts Act 1973*, including section 94 (1) (h), (k) and (u).

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Hay Private Irrigation District Board of Management (Water Rights) By-law 1999

1 Name of By-law

This By-law is the *Hay Private Irrigation District Board of Management (Water Rights) By-law 1999*.

2 Definitions

In this By-law:

Board means the Board of Management of the Hay Private Irrigation District.

the Act means the *Private Irrigation Districts Act 1973*.

3 Notes

The explanatory note and table of contents do not form part of this By-law.

4 Application for surrender of water entitlement

- (1) The owner of an irrigated holding may apply to the Board for approval to surrender the whole or any part of an entitlement to water allocated to that holding for irrigation under the Act or this By-law.
- (2) An application under subclause (1) must:
 - (a) be made in writing, and
 - (b) set out the applicant's reasons for making the application, and
 - (c) specify the quantity of water proposed to be surrendered.

5 Determination of application for surrender of water entitlement

- (1) The Board may:
 - (a) refuse an application made under clause 4, or
 - (b) defer the application until the quantity of water to be surrendered can be allocated to another irrigated holding under clause 7, or
 - (c) approve the application on such conditions, if any, as it may consider appropriate.
- (2) Without limiting subclause (1), the Board may:
 - (a) refuse the application if it does not consider that the applicant's reasons for making the application are sufficient, or
 - (b) approve the application in respect of part only of the quantity of water proposed to be surrendered.
- (3) If the Board approves an application made under clause 4, it must re-determine the quantity of water allocated for irrigation to the applicant's holding in accordance with its approval.

6 Application for additional quantity of water

- (1) The owner of an irrigated holding may apply to the Board for the allocation of an additional quantity of water to the holding for irrigation.
- (2) An application under subclause (1) must:
 - (a) be made in writing, and
 - (b) set out the applicant's reasons for making the application, and
 - (c) specify the quantity of additional water required, and
 - (d) set out how the applicant proposes to use the additional quantity of water.

7 Determination of application for additional quantity of water

- (1) The Board may:
 - (a) refuse an application made under clause 6, or
 - (b) defer the application until the additional quantity of water to be allocated is available from a quantity of water surrendered pursuant to an application made under clause 4, or

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- (c) approve the application on such conditions, if any, as it may consider appropriate.
- (2) Without limiting subclause (1), the Board may:
 - (a) refuse the application on the ground that it does not consider that the applicant can utilise any additional quantity of water for irrigation on the applicant's irrigated holding, or
 - (b) approve the application in respect of part only of the additional quantity of water specified in the application.
- (3) If the Board approves an application made under clause 6, the Board must:
 - (a) on payment to the Board by the applicant of a sum of money calculated at the rate determined by the Board for the purpose of re-determinations of the allocation of water for irrigation under this By-law, and
 - (b) on construction by the applicant of such works, if any, as the Board may consider necessary to enable the increased supply of water to be delivered to the applicant's holding, or payment to the Board by the applicant of the cost to the Board of constructing those works,

re-determine the quantity of water allocated for irrigation to the applicant's holding in accordance with its approval.

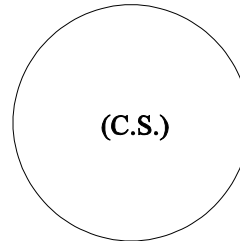
8 Payment to owners surrendering water entitlement

- (1) If the Board receives a sum of money under clause 7 (3) (a), the Board must as soon as practicable pay that sum of money to the owner of the irrigated holding who surrendered the entitlement to the quantity of water for which the money was paid, less a service fee determined by the Board and any amount owed by the owner to the Board.
- (2) If the Board is, pursuant to subclause (1), required to pay a sum of money to 2 or more owners of irrigated holdings, the Board must divide that sum of money among those owners in the same proportion as the quantity of water surrendered by each owner bears to the total quantity of water surrendered.

9 Re-determination of water allocation

A re-determination of the quantity of water allocated to an irrigated holding pursuant to an application made under clause 4 or 6 has effect on and from a date specified in the instrument by which the re-determination is made.

Pursuant to a resolution of the Board
made on 29 July 1999
the common seal of the HAY PRIVATE
IRRIGATION DISTRICT
BOARD OF MANAGEMENT was affixed
hereto on 29 July 1999
in the presence of: }



R. S. Headon
Member

R. J. Laracy
Member

BY AUTHORITY