



New South Wales

Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

under the

Water Management Act 2000

I, the Minister for Primary Industries, in pursuance of section 50 of the *Water Management Act 2000*, do, by this Order, make the following Minister's Plan for the Murrumbidgee Unregulated and Alluvial Water Sources.

Dated this 20th day of September 2012.

KATRINA HODGKINSON, MP

Minister for Primary Industries

Explanatory note

This Order is made under Section 50 of the *Water Management Act 2000*.

The object of this Order is to make the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to making this Order.

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Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

Part 1 Introduction

Note. Part 12 allows for amendments to be made to this Part.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012* (hereafter **this Plan**).

2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter **the Act**).
- (2) This Plan is a plan for water sharing and generally deals with the matters set out in sections 20 and 21 of the Act, as well as other sections of the Act.

Note. Where a provision of this Plan is made under another section of the Act, the section is referred to in the notes to this Plan.

3 Commencement of this Plan

This Plan commences on the 4th October 2012.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

4 Application of this Plan

- (1) This Plan applies to the following water sources known as the Murrumbidgee Unregulated and Alluvial Water Sources (hereafter **these water sources**) within the Murrumbidgee Water Management Area and the Murray Water Management Area:

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- (a) the Murrumbidgee Unregulated Water Sources (hereafter *the Murrumbidgee Unregulated Water Sources*) comprised of:
- (i) Adjungbilly / Bombowlee / Brungle Water Source,
 - (ii) Billabong Water Source,
 - (iii) Bredbo Water Source,
 - (iv) Burkes / Bullenbung Water Source,
 - (v) Burrinjuck Dam Catchment Water Source,
 - (vi) Burrumbuttock Water Source,
 - (vii) Gilmore / Sandy Water Source,
 - (viii) Goobarragandra Water Source,
 - (ix) Goodradigbee Water Source,
 - (x) Hillas Water Source,
 - (xi) Houlaghans Water Source,
 - (xii) Jugiong Water Source,
 - (xiii) Kyeamba Water Source,
 - (xiv) Lake George Water Source,
 - (xv) Lower Billabong Water Source,
 - (xvi) Lower Billabong Anabranche Water Source,
 - (xvii) Middle Billabong Water Source,
 - (xviii) Molonglo Water Source,
 - (xix) Mountain Water Source,
 - (xx) Murrumbidgee (Balranald to Weimby) Water Source,
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- (xxi) Murrumbidgee (Gogeldrie to Waldaira) Water Source,
 - (xxii) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (xxiii) Murrumbidgee I Water Source,
 - (xxiv) Murrumbidgee II Water Source,
 - (xxv) Murrumbidgee III Water Source,
 - (xxvi) Murrumbidgee North Water Source,
 - (xxvii) Murrumbidgee Western Water Source,
 - (xxviii) Muttama Water Source,
 - (xxix) Numeralla East Water Source,
 - (xxx) Numeralla West Water Source,
 - (xxxi) Queanbeyan Water Source,
 - (xxxii) Tantangara Water Source,
 - (xxxiii) Ten Mile Water Source,
 - (xxxiv) Upper Tumut Water Source,
 - (xxxv) Upper Wangamong Water Source,
 - (xxxvi) Urana Water Source,
 - (xxxvii) Yarra Yarra Water Source,
 - (xxxviii) Yass Lower Water Source, and
 - (xxxix) Yass Upper Water Source,
- (b) the Murrumbidgee Alluvial Groundwater Sources (hereafter *the Murrumbidgee Alluvial Groundwater Sources*) comprised of:
- (i) Billabong Creek Alluvial Groundwater Source,
-

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- (ii) Bungendore Alluvial Groundwater Source,
- (iii) Gundagai Alluvial Groundwater Source,
- (iv) Kyeamba Alluvial Groundwater Source,
- (v) Mid Murrumbidgee Zone 3 Alluvial Groundwater Source, and

Note. The Mid Murrumbidgee Zone 3 Alluvial Groundwater Source includes the alluvium downstream of Pomingalarna.

- (vi) Wagga Wagga Alluvial Groundwater Source.

Note. The Murrumbidgee Water Management Area and the Murray Water Management Area were constituted by Ministerial order made under section 11 of the *Water Management Act 2000* and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP023_Version 1), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012* (hereafter ***the Plan Map***) held by the Department.

Note. The Plan Map is part of this Plan. Overviews of the Plan Map are shown in Appendix 1. Copies of the Plan Map may be inspected at the offices listed in Appendix 2 and are available at the NSW Legislation website.

- (3) Subject to subclause (5), the Murrumbidgee Unregulated Water Sources include all water:
 - (a) occurring naturally on the surface of the ground within the boundaries of the Murrumbidgee Unregulated Water Sources shown on the Plan Map, and
 - (b) in rivers, lakes and wetlands within the boundaries of the Murrumbidgee Unregulated Water Sources shown on the Plan Map.

Note. *Full capacity* is defined in the Dictionary.

- (4) Subject to subclause (5), the Murrumbidgee Alluvial Groundwater Sources include all water contained within all alluvial sediments below the surface of the ground within the boundaries of the Murrumbidgee Alluvial Groundwater Sources shown on the Plan Map.

Note. *Alluvial sediments* is defined in the Dictionary.

- (5) These water sources do not include water:
-

- (a) contained in any fractured rock or porous rock,
Note. *Fractured rock* and *porous rock* are defined in the Dictionary.
 - (b) contained in channels used for the purposes of conveying water within the area of operations of an irrigation corporation specified in Schedule 1 of the Act,
 - (c) contained in the Murrumbidgee Regulated River Water Source to which the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003* applies,
 - (d) contained in the water sources to which the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*, the *Water Sharing Plan for the Adelong Creek Water Source 2003* and the *Water Sharing Plan for the Upper Billabong Water Source 2003* applies,
 - (e) contained in the groundwater sources to which the following water sharing plans applies:
 - (i) the *Water Sharing Plan for the Lower Murray Groundwater Source*,
 - (ii) the *Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003*,
 - (iii) the *Water Sharing Plan for the Lower Murray Shallow Groundwater Source 2012*,
 - (iv) the *Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011*, and
 - (v) the *Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2011*,
 - (f) contained in Oaklands Basin Groundwater Source to which the *Water Sharing Plan for the NSW Murray-Darling Basin Porous Rock Groundwater Sources 2011* applies, and
 - (g) taken under a floodplain harvesting access licence with a share component that specifies a water source to which this Plan does not apply, and
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- (h) occurring naturally on the surface of the ground or in rivers, lakes and wetlands in the area marked as Lowbidgee Area shown on the Plan Map, except all water:
 - (i) in Talpee Creek within the Murrumbidgee Western Water Source, and
 - (ii) occurring within Lake Tala in the Murrumbidgee Western Water Source and Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source.

5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:
 - (a) Adjungbilly / Bombowlee / Brungle Water Source:
 - (i) Adjungbilly Creek Management Zone,
 - (ii) Brungle Creek Management Zone,
 - (iii) Bombowlee Creek Management Zone,
 - (iv) Killimicat Creek Management Zone, and
 - (v) Oak Creek Management Zone,
 - (b) Jugiong Water Source:
 - (i) Demondrille Creek Management Zone,
 - (ii) Currawong Creek Management Zone, and
 - (iii) Jugiong Tributaries Management Zone,
 - (c) Lower Billabong Water Source:
 - (i) Lower Billabong Creek Management Zone, and
 - (ii) Nowranie Creek Management Zone,

- (d) Middle Billabong Water Source:
 - (i) Billabong Creek Upstream of Culcairn Management Zone, and
 - (ii) Billabong Creek Downstream of Culcairn Management Zone,
- (e) Numeralla West Water Source:
 - (i) Cooma Management Zone, and
 - (ii) Bunyan Management Zone,
- (f) Yass Upper Water Source:
 - (i) Yass River Upstream of Gundaroo Gauge Management Zone, and
 - (ii) Yass River Downstream of Gundaroo Gauge Management Zone.
- (g) Gundagai Alluvial Groundwater Source:
 - (i) Tarcutta Alluvial Management Zone, and
 - (ii) Jugiong Alluvial Management Zone.

Note. The Jugiong Alluvial Management Zone is highly connected to the Murrumbidgee Regulated River system.

Note. *Management zone* is defined in the Dictionary.

- (2) The management zones in subclause (1) are shown on the Plan Map.

6 Extraction management units for these water sources

- (1) The Plan applies to that part of the Unregulated Billabong Extraction Management Unit that includes the water sources specified in Column 2 of Table A to this clause.
- (2) This Plan establishes the following extraction management units (hereafter *the EMUs*):
 - (a) the Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit, which applies to the water sources specified in Column 2 of Table A,

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- (b) the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit, which applies to the water sources specified in Column 2 of Table A, and
- (c) the Unregulated Murrumbidgee Gogeldrie to Weimby Extraction Management Unit, which applies to the water sources specified in Column 2 of Table A.
- (3) The EMUs specified in subclauses (1) and (2) are shown on the Plan Map.

Notes.

- 1 A long-term average annual extraction limit is established in Part 6 of this Plan for each extraction management unit. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences and pursuant to domestic and stock rights and native title rights from all water sources within each extraction management unit on a long-term average annual basis.
- 2 The Unregulated Billabong Extraction Management Unit was established under the *Water Sharing Plan for the Upper Billabong Water Source 2003*.

Table A – Extraction management units

	Column 1 – Extraction management unit	Column 2 – Water sources
(a)	Unregulated Billabong Extraction Management Unit	Burrumbuttock Water Source Lower Billabong Water Source Middle Billabong Water Source Mountain Water Source Ten Mile Water Source Upper Wangamong Water Source Urana Water Source Yarra Yarra Water Source
(b)	Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit	Bredbo Water Source Burrinjuck Dam Catchment Water Source

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	Column 1 – Extraction management unit	Column 2 – Water sources
		<p>Goodradigbee Water Source</p> <p>Lake George Water Source</p> <p>Molonglo Water Source</p> <p>Murrumbidgee I Water Source</p> <p>Murrumbidgee II Water Source</p> <p>Murrumbidgee III Water Source</p> <p>Numeralla East Water Source</p> <p>Numeralla West Water Source</p> <p>Queanbeyan Water Source</p> <p>Tantangara Water Source</p> <p>Yass Lower Water Source</p> <p>Yass Upper Water Source</p>
(c)	Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit	<p>Adjungbilly / Bombowlee / Brungle Water Source</p> <p>Billabung Water Source</p> <p>Burkes / Bullenbung Water Source</p> <p>Gilmore / Sandy Water Source</p> <p>Goobarragandra Water Source</p> <p>Hillas Water Source</p> <p>Houlaghans Water Source</p>

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	Column 1 – Extraction management unit	Column 2 – Water sources
		<p>Jugiong Water Source</p> <p>Kyeamba Water Source</p> <p>Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source</p> <p>Muttama Water Source</p> <p>Upper Tumut Water Source</p>
(d)	Unregulated Murrumbidgee Gogeldrie to Weimby Extraction Management Unit	<p>Lower Billabong Anabranck Water Source</p> <p>Murrumbidgee (Balranald to Weimby) Water Source</p> <p>Murrumbidgee (Gogeldrie to Waldaira) Water Source</p> <p>Murrumbidgee North Water Source</p> <p>Murrumbidgee Western Water Source</p>

Notes.

- 1 The Unregulated Billabong Extraction Management Unit also includes the Upper Billabong Water Source as defined in the *Water Sharing Plan for the Upper Billabong Water Source 2003*.
- 2 The Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit also includes the Adelong Creek Water Source as defined in the *Water Sharing Plan for the Adelong Creek Water Source 2003* and the Tarcutta Creek Water Source as defined in the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*.

7 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect by mandatory conditions for access licences and approvals contained in Part 11 of this Plan.

8 Interpretation

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meaning set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

Note. This Part is made in accordance with section 35 (1) of the Act.

9 Vision statement

The vision for this Plan is to provide for healthy and enhanced water sources and water dependent ecosystems and for equitable water sharing among users in these water sources.

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,
Note. *Groundwater dependent ecosystem* is defined in the Dictionary.
 - (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources,
 - (c) protect basic landholder rights,
 - (d) manage these water sources to ensure equitable sharing between users,
 - (e) provide opportunities for enhanced market based trading of access licences and water allocations within environmental and system constraints,
 - (f) provide water allocation account management rules which allow sufficient flexibility in water use,
 - (g) contribute to the maintenance of water quality,
 - (h) provide recognition of the connectivity between surface water and groundwater,
 - (i) adaptively manage these water sources, and
 - (j) contribute to the “environmental and other public benefit outcomes” identified
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under the “Water Access Entitlements and Planning Framework” in the *Intergovernmental Agreement on a National Water Initiative (2004)* (hereafter *the NWI*).

Note. Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:

- (a) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for,
- (b) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
- (c) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

11 Strategies

The strategies of this Plan are to:

- (a) establish performance indicators,
 - (b) establish environmental water rules,
 - (c) identify water requirements for basic landholder rights,
 - (d) identify water requirements for access licences,
 - (e) establish rules for the granting and amending of access licences and approvals,
 - (f) establish rules that place limits on the availability of water for extraction,
 - (g) establish rules for making available water determinations,
 - (h) establish rules for the operation of water allocation accounts,
 - (i) establish rules which specify the circumstances under which water may be extracted,
 - (j) establish access licence dealing rules, and
 - (k) identify triggers for and limits to changes to the rules in this Plan.
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12 Performance indicators

The following indicators are to be used to measure the success of the strategies to reach the objectives of this Plan:

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in surface water and groundwater extraction relative to the long-term average annual extraction limits,
- (d) change in local water utility access,
- (e) change in the ecological value of key water sources and their dependent ecosystems,
- (f) the extent to which domestic and stock rights and native title rights requirements have been met,
- (g) the extent to which local water utility requirements have been met,
- (h) the change in economic benefits derived from water extraction and use, and
- (i) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Part 3 Bulk access regime

13 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
 - (a) the environmental water rules established in Part 4 of this Plan,
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
 - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
 - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime for these water sources:
 - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Division 1 of Part 6 of this Plan,
 - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan and available water determinations to be made contained in Division 2 of Part 6 of this Plan,
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 14,
 - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan,
 - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences, contained in Division 2 of Part 11 of

this Plan, and

- (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

14 Climatic variability

This Plan recognises the effects of climatic variability on river flow and groundwater levels in these water sources by having provisions that:

- (a) manage the sharing of water in these water sources within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis in these water sources, contained in Division 2 of Part 8 of this Plan.

Note. Other statutory tools are available to manage climatic variability within a water source, for example, temporary water restrictions under section 324 of the Act.

Part 4 Planned environmental water provisions

Notes.

- 1 This Part is made in accordance with sections 8, 8A and 20 of the Act.
- 2 Part 12 allows for amendments to be made to this Part.

15 General

This Part contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in these water sources.

Note. In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances and that cannot to the extent committed be taken or used for any other purpose.

16 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in these water sources in the following ways:

- (a) by reference to the commitment of the physical presence of water in these water sources,
- (b) by reference to the long-term average annual commitment of water as planned environmental water, and
- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

17 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established in these water sources as follows:
 - (a) it is the physical presence of water:

- (i) in the Murrumbidgee Unregulated Water Sources that results from the access rules specified in Division 2 of Part 8 of this Plan,

Note. The rules in Division 2 of Part 8 of this Plan for the Murrumbidgee Unregulated Water Sources set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (ii) in the Billabong Creek Alluvial Groundwater Source that is equal to 40% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual recharge in high environmental value areas,

Notes.

1 At the commencement of this Plan the long-term average annual rainfall recharge for the Billabong Creek Alluvial Groundwater Source is estimated to be 12,500 megalitres per year (hereafter **ML/year**) of which 18.3 ML/year is from high environmental value areas.

2 **High environmental value areas** and **recharge** are defined in the Dictionary.

- (iii) in the Bungendore Alluvial Groundwater Source that is equal to 30% of the long-term average annual rainfall recharge,

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Bungendore Alluvial Groundwater Source is estimated to be 1,811 ML/year.

- (iv) in the Gundagai Alluvial Groundwater Source that is equal to 56% of the long-term average annual rainfall recharge,

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Gundagai Alluvial Groundwater Source is estimated to be 4,436 ML/year.

- (v) in the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source that is equal to 100% of the long-term average annual rainfall recharge in high environmental value areas, and

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source is estimated to be 5.9 ML/year in those areas that are high environmental value areas.

- (vi) in the Murrumbidgee Alluvial Groundwater Sources that is within the groundwater storage of the Murrumbidgee Alluvial Groundwater

Sources over the long term,

Note. In connected alluvial groundwater sources a significant proportion of recharge comes from rivers. The average annual volume of water permitted to be extracted under the rules in this Plan is less than the average annual recharge of the Murrumbidgee Alluvial Groundwater Sources from all recharge sources over the long term, ensuring that water within the groundwater storage of the Murrumbidgee Alluvial Groundwater Sources is protected from extraction.

- (b) it is the long-term average annual commitment of water as planned environmental water in:
 - (i) the Murrumbidgee Unregulated Water Sources that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determination rules as specified in Division 2 of Part 6 of this Plan,
 - (ii) the Billabong Creek Alluvial Groundwater Source that is equal to 40% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual recharge in high environmental value areas,
 - (iii) the Bungendore Alluvial Groundwater Source that is equal to 30% of the long-term average annual rainfall recharge,
 - (iv) in the Gundagai Alluvial Groundwater Source that is equal to 56% of the long-term average annual rainfall recharge, and
 - (v) in the Murrumbidgee Alluvial Groundwater Sources that is within the groundwater storage of the Murrumbidgee Alluvial Groundwater Sources over the long term, and
- (c) it is the water remaining in these water sources after water has been taken pursuant to basic landholder rights and access licences in accordance with the rules specified in Parts 6 and 8 of this Plan.

Note. The water remaining in the Murrumbidgee Alluvial Groundwater Sources over the long term after water has been taken pursuant to basic landholder rights and access licences is equal to the water within the groundwater storage plus all recharge in excess of the long-term average annual extraction limit for each of the Murrumbidgee Alluvial Groundwater Sources.

- (2) The planned environmental water established under subclause (1) (a) is maintained in:
- (a) the Murrumbidgee Unregulated Water Sources by the rules specified in Division 2 of Part 8 of this Plan, and
 - (b) the Murrumbidgee Alluvial Groundwater Sources by the rules specified in Parts 6 and 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained in these water sources by the application of the long-term average annual extraction limits and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determinations as specified in Division 2 of Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained in these water sources by the rules specified in Parts 6 and 8 of this Plan.

Note. The rules in Part 6 of this Plan ensure that there will be water remaining in these water sources over the long term by maintaining compliance with the long-term average annual extraction limits. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limits have been assessed to have been exceeded.

Part 5 Requirements for water

Division 1 General

18 Application

- (1) This Part identifies the requirements for water from these water sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these water sources and the total volumes or unit shares specified in the share components of all access licences in these water sources. The actual volumes of water available for extraction in these water sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these water sources and the total share components of all access licences authorised to extract water from these water sources may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 6 of this Plan.

Note. The total share components of access licences in these water sources may change during the term of this Plan as a result of:

- (a) the grant, surrender or cancellation of access licences in these water sources,
- (b) the variation of local water utility licences under section 66 of the Act, or
- (c) changes due to the volumetric conversion of *Water Act 1912* entitlements that are currently non-volumetric.

Division 2 Requirements for water for basic landholder rights

19 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 5,486

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ML/year, distributed as follows:

- (a) 91 ML/year in the Adjungbilly / Bombowlee / Brungle Water Source,
- (b) 75 ML/year in the Billabung Water Source,
- (c) 72 ML/year in the Bredbo Water Source,
- (d) 82 ML/year in the Burkes / Bullenbung Water Source,
- (e) 45 ML/year in the Burrinjuck Dam Catchment Water Source,
- (f) 0 ML/year the Burrumbuttock Water Source,
- (g) 67 ML/year in the Gilmore / Sandy Water Source,
- (h) 39 ML/year in the Goobarragandra Water Source,
- (i) 28 ML/year in the Goodradigbee Water Source,
- (j) 113 ML/year in the Hillas Water Source,
- (k) 100 ML/year in the Houlaghans Water Source,
- (l) 291 ML/year in the Jugiong Water Source,
- (m) 75 ML/year in the Kyeamba Water Source,
- (n) 178 ML/year in the Lake George Water Source,
- (o) 44 ML/year the Lower Billabong Water Source,
- (p) 169 ML/year the Lower Billabong Anabranche Water Source,
- (q) 156 ML/year the Middle Billabong Water Source,
- (r) 103 ML/year in the Molonglo Water Source,
- (s) 73 ML/year the Mountain Water Source,
- (t) 2 ML/year in the Murrumbidgee (Balranald to Weimby) Water Source,

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- (u) 34 ML/year in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (v) 92 ML/year in the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
- (w) 218 ML/year in the Murrumbidgee I Water Source,
- (x) 133 ML/year in the Murrumbidgee II Water Source,
- (y) 116 ML/year in the Murrumbidgee III Water Source,
- (z) 73 ML/year in the Murrumbidgee North Water Source,
- (aa) 476 ML/year in the Murrumbidgee Western Water Source,
- (ab) 92 ML/year in the Muttama Water Source,
- (ac) 150 ML/year in the Numeralla East Water Source,
- (ad) 128 ML/year in the Numeralla West Water Source,
- (ae) 133 ML/year in the Queanbeyan Water Source,
- (af) 5 ML/year in the Tantangara Water Source,
- (ag) 1 ML/year the Ten Mile Water Source,
- (ah) 10 ML/year in the Upper Tumut Water Source,
- (ai) 50 ML/year the Upper Wangamong Water Source,
- (aj) 24 ML/year the Urana Water Source,
- (ak) 64 ML/year the Yarra Yarra Water Source,
- (al) 87 ML/year in the Yass Lower Water Source,
- (am) 338 ML/year in the Yass Upper Water Source,
- (an) 635 ML/year in the Billabong Creek Alluvial Groundwater Source,

- (ao) 25 ML/year in the Bungendore Alluvial Groundwater Source,
- (ap) 496 ML/year in the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source,
- (aq) 156 ML/year in the Gundagai Alluvial Groundwater Source,
- (ar) 12 ML/year in the Kyeamba Alluvial Groundwater Source, and
- (as) 135 ML/year in the Wagga Wagga Alluvial Groundwater Source.

Notes.

- 1 Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.
- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

20 Native title rights

At the commencement of this Plan, there are no native title rights in these water sources. Therefore the water requirements for native title rights are 0 ML/year.

Note. A change in native title rights may occur pursuant to the provisions of the *Native Title Act 1993* (Cth).

21 Harvestable rights

The requirement for water under harvestable rights in these water sources is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under Part 1 of Chapter 3 of the Act.

Division 3 Requirements for water for extraction under access licences

22 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these water

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sources total 3,391.25 ML/year, distributed as follows:

- (a) 20 ML/year in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (b) 13 ML/year in the Billabung Water Source,
 - (c) 0 ML/year in the Bredbo Water Source,
 - (d) 22 ML/year in the Burkes / Bullenbung Water Source,
 - (e) 105 ML/year in the Burrinjuck Dam Catchment Water Source,
 - (f) 0 ML/year the Burrumbuttock Water Source,
 - (g) 70.5 ML/year in the Gilmore / Sandy Water Source,
 - (h) 12 ML/year in the Goobarragandra Water Source,
 - (i) 1 ML/year in the Goodradigbee Water Source,
 - (j) 30 ML/year in the Hillas Water Source,
 - (k) 12 ML/year in the Houlaghans Water Source,
 - (l) 59 ML/year in the Jugiong Water Source,
 - (m) 35 ML/year in the Kyeamba Water Source,
 - (n) 0 ML/year in the Lake George Water Source,
 - (o) 2,044 ML/year the Lower Billabong Water Source,
 - (p) 12 ML/year the Lower Billabong Anabranh Water Source,
 - (q) 31 ML/year the Middle Billabong Water Source,
 - (r) 12 ML/year in the Molonglo Water Source,
 - (s) 7 ML/year the Mountain Water Source,
 - (t) 0 ML/year in the Murrumbidgee (Balranald to Weimby) Water Source,
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- (u) 51 ML/year in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (v) 123 ML/year in the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
- (w) 59.5 ML/year in the Murrumbidgee I Water Source,
- (x) 25 ML/year in the Murrumbidgee II Water Source,
- (y) 45 ML/year in the Murrumbidgee III Water Source,
- (z) 37 ML/year in the Murrumbidgee North Water Source,
- (aa) 36 ML/year in the Murrumbidgee Western Water Source,
- (ab) 27 ML/year in the Muttama Water Source,
- (ac) 20.25 ML/year in the Numeralla East Water Source,
- (ad) 11 ML/year in the Numeralla West Water Source,
- (ae) 4 ML/year in the Queanbeyan Water Source,
- (af) 0 ML/year in the Tantangara Water Source,
- (ag) 0 ML/year the Ten Mile Water Source,
- (ah) 2 ML/year in the Upper Tumut Water Source,
- (ai) 0 ML/year the Upper Wangamong Water Source,
- (aj) 179 ML/year the Urana Water Source,
- (ak) 20 ML/year the Yarra Yarra Water Source,
- (al) 31 ML/year in the Yass Lower Water Source,
- (am) 115 ML/year in the Yass Upper Water Source,
- (an) 0 ML/year in the Billabong Creek Alluvial Groundwater Source,

- (ao) 0 ML/year in the Bungendore Alluvial Groundwater Source,
- (ap) 0 ML/year in the Gundagai Alluvial Groundwater Source,
- (aq) 0 ML/year in the Kyeamba Alluvial Groundwater Source,
- (ar) 120 ML/year in the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source, and
- (as) 0 ML/year in the Wagga Wagga Alluvial Groundwater Source.

23 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from these water sources total 32,119 ML/year, distributed as follows:

- (a) 516 ML/year in the Gilmore / Sandy Water Source,
 - (b) 30 ML/year in the Jugiong Water Source,
 - (c) 40 ML/year the Lower Billabong Water Source,
 - (d) 250 ML/year in the Molonglo Water Source,
 - (e) 2,236 ML/year in the Murrumbidgee I Water Source,
 - (f) 5 ML/year in the Murrumbidgee II Water Source,
 - (g) 153 ML/year in the Upper Tumut Water Source,
 - (h) 1,700 ML/year in the Yass Lower Water Source,
 - (i) 1,505 ML/year in the Billabong Creek Alluvial Groundwater Source,
 - (j) 472 ML/year in the Bungendore Alluvial Groundwater Source,
 - (k) 4,912 ML/year in the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source,
 - (l) 100 ML/year in the Gundagai Alluvial Groundwater Source,
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- (m) 20,200 ML/year in the Wagga Wagga Alluvial Groundwater Source,
- (n) 0 ML/year in all other water sources.

24 Share components of unregulated river access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river access licences authorised to take water from these water sources total 72,857.55, unit shares, distributed as follows:

- (a) 582 unit shares in the Adjungbilly / Bombowlee / Brungle Water Source,
- (b) 135 unit shares in the Billabung Water Source,
- (c) 236.5 unit shares in the Bredbo Water Source,
- (d) 516.5 unit shares in the Burkes / Bullenbung Water Source,
- (e) 12 unit shares in the Burrinjuck Dam Catchment Water Source,
- (f) 0 unit shares the Burrumbuttock Water Source,
- (g) 4,272.75 unit shares in the Gilmore / Sandy Water Source,
- (h) 1,652 unit shares in the Goobarragandra Water Source,
- (i) 874 unit shares in the Goodradigbee Water Source,
- (j) 1,513.1 unit shares in the Hillas Water Source,
- (k) 11 unit shares in the Houlaghans Water Source,
- (l) 2,206.5 unit shares in the Jugiong Water Source,
- (m) 388 unit shares in the Kyeamba Water Source,
- (n) 340.5 unit shares in the Lake George Water Source,
- (o) 8,140 unit shares the Lower Billabong Water Source,
- (p) 1,308 unit shares the Lower Billabong Anabranh Water Source,

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- (q) 358 unit shares the Middle Billabong Water Source,
 - (r) 244.5 unit shares in the Molonglo Water Source,
 - (s) 0 unit shares the Mountain Water Source,
 - (t) 0 unit shares in the Murrumbidgee (Balranald to Weimby) Water Source,
 - (u) 15,644 unit shares in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
 - (v) 6,980 unit shares in the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (w) 1,752.5 unit shares in the Murrumbidgee I Water Source,
 - (x) 6,584.5 unit shares in the Murrumbidgee II Water Source,
 - (y) 1,881.2 unit shares in the Murrumbidgee III Water Source,
 - (z) 903 unit shares in the Murrumbidgee North Water Source,
 - (aa) 8,040 unit shares in the Murrumbidgee Western Water Source,
 - (ab) 873 unit shares in the Muttama Water Source,
 - (ac) 4,288 unit shares in the Numeralla East Water Source,
 - (ad) 339 unit shares in the Numeralla West Water Source,
 - (ae) 431 unit shares in the Queanbeyan Water Source,
 - (af) 0 unit shares in the Tantangara Water Source,
 - (ag) 0 unit shares the Ten Mile Water Source,
 - (ah) 40 unit shares in the Upper Tumut Water Source,
 - (ai) 0 unit shares the Upper Wangamong Water Source,
 - (aj) 221 unit shares the Urana Water Source,
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- (ak) 12 unit shares the Yarra Yarra Water Source,
- (al) 427 unit shares in the Yass Lower Water Source,
- (am) 1,651 unit shares in the Yass Upper Water Source.

25 Share components of unregulated river (high flow) access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river (high flow) access licences authorised to take water from these water sources total 0 unit shares in these water sources.

Note. Part 10 of this Plan allows for a specified amount of share components to be traded into these water sources as unregulated river (high flow) access licences. However, at the commencement of this Plan, there are no existing access licences of this category, hence the 0 unit shares indicated.

26 Share components of aquifer access licences

It is estimated that at the time of commencement of this Plan the share components of aquifer access licences authorised to take water from these water sources total 60,375 unit shares, distributed as follows:

- (a) 3,867 unit shares in the Billabong Creek Alluvial Groundwater Source,
- (b) 746 unit shares in the Bungendore Alluvial Groundwater Source,
- (c) 2,070 unit shares in the Kyeamba Alluvial Groundwater Source,
- (d) 43,351 unit shares in the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source,
- (e) 1,957 unit shares in the Gundagai Alluvial Groundwater Source,
- (f) 8,384 unit shares in the Wagga Wagga Alluvial Groundwater Source.

27 Share components of aquifer (high security) access licences

It is estimated that at the time of commencement of this Plan the share components of aquifer (high security) access licences authorised to take water from the Gundagai Alluvial Groundwater Source total 1,955 unit shares.

28 Share components of salinity and water table management access licences

It is estimated that at the time of commencement of this Plan the share components of salinity and water table management access licences authorised to take water from the Billabong Creek Alluvial Groundwater Source total 1,500 ML/year.

Part 6 Limits to the availability of water

Note. Part 12 allows for amendments to be made to this Part.

Division 1 Long-term average annual extraction limits

29 General

The availability of water for extraction in these water sources on a long-term basis is to be managed in accordance with this Part.

30 Volume of the long-term average annual extraction limits

- (1) This clause establishes the long-term average annual extraction limits by reference to the EMUs and each of the Murrumbidgee Alluvial Groundwater Sources.
- (2) Subject to any variation under subclause (11), the long-term average annual extraction limit for the Unregulated Billabong Extraction Management Unit is:
 - (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the following water sources:
 - (i) Burrumbuttock Water Source,
 - (ii) Lower Billabong Water Source,
 - (iii) Middle Billabong Water Source,
 - (iv) Mountain Water Source,
 - (v) Ten Mile Water Source,
 - (vi) Upper Wangamong Water Source,
 - (vii) Urana Water Source, and
 - (viii) Yarra Yarra Water Source, plus

- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the following water sources at the commencement of this Plan:
 - (i) Burrumbuttock Water Source,
 - (ii) Lower Billabong Water Source,
 - (iii) Middle Billabong Water Source,
 - (iv) Mountain Water Source,
 - (v) Ten Mile Water Source,
 - (vi) Upper Wangamong Water Source,
 - (vii) Urana Water Source, and
 - (viii) Yarra Yarra Water Source, plus
 - (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the Unregulated Billabong Extraction Management Unit, plus
 - (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the Upper Billabong Water Source as defined in the *Water Sharing Plan for the Upper Billabong Water Source 2003*, plus
 - (e) the annual water requirements pursuant to domestic and stock rights and native title rights in the Upper Billabong Water Source at the commencement of the *Water Sharing Plan for the Upper Billabong Water Source 2003*.
- (3) Subject to any variation under subclause (11), the long-term average annual extraction limit for the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit is:
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- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the following water sources:
- (i) Adjungbilly / Bombowlee / Brungle Water Source,
 - (ii) Billabung Water Source,
 - (iii) Burkes / Bullenbung Water Source,
 - (iv) Gilmore / Sandy Water Source,
 - (v) Goobarragandra Water Source,
 - (vi) Hillas Water Source,
 - (vii) Houlaghans Water Source,
 - (viii) Jugiong Water Source,
 - (ix) Kyeamba Water Source,
 - (x) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (xi) Muttama Water Source, and
 - (xii) Upper Tumut Water Source, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the following water sources at the commencement of this Plan:
- (i) Adjungbilly / Bombowlee / Brungle Water Source,
 - (ii) Billabung Water Source,
 - (iii) Burkes / Bullenbung Water Source,
 - (iv) Gilmore / Sandy Water Source,
 - (v) Goobarragandra Water Source,
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- (vi) Hillas Water Source,
 - (vii) Houlaghans Water Source,
 - (viii) Jugiong Water Source,
 - (ix) Kyeamba Water Source,
 - (x) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (xi) Muttama Water Source, and
 - (xii) Upper Tumut Water Source, plus
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit, plus
 - (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the Adelong Creek Water Source as defined in the *Water Sharing Plan for the Adelong Creek Water Source 2003*, plus
 - (e) the annual water requirements pursuant to domestic and stock rights and native title rights in the Adelong Creek Water Source at the commencement of the *Water Sharing Plan for the Adelong Creek Water Source 2003*, plus
 - (f) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the Tarcutta Creek Water Source as defined in the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*, plus
 - (g) the annual water requirements pursuant to domestic and stock rights and native title rights in the Tarcutta Creek Water Source at the commencement of the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*.
- (4) Subject to any variation under subclause (11), the long-term average annual
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extraction limit for the Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit and the Unregulated Murrumbidgee Gogeldrie to Weimby Extraction Management Unit is the sum of:

- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the respective extraction management unit, plus
 - (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the respective extraction management units at the commencement of this Plan, plus
 - (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the respective extraction management unit.
- (5) The long-term average annual extraction limit for the Billabong Creek Alluvial Groundwater Source is 7,500 ML/year.

Note. The long-term average annual extraction limit for the Billabong Creek Alluvial Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (ii).

- (6) The long-term average annual extraction limit for the Bungendore Alluvial Groundwater Source is 1,268 ML/year.

Note. The long-term average annual extraction limit for the Bungendore Alluvial Groundwater Source is equal to the estimated long-term average annual rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (iii).

- (7) Subject to any variation under subclause (11), the long-term average annual extraction limit for the Gundagai Alluvial Groundwater Source is 1,926 ML/year.

Note. The long-term average annual extraction limit for the Gundagai Alluvial Groundwater Source is as follows:

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered, plus
- (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus

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- (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (8) Subject to any variation under subclause (11), the long-term average annual extraction limit for Kyeamba Alluvial Groundwater Source is 723 ML/year.

Note. The long-term average annual extraction limit for the Kyeamba Alluvial Groundwater Source consists of:

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered, plus
 - (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
 - (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (9) Subject to any variation under subclause (11), the long-term average annual extraction limit for the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source is 30,176 ML/year.

Note. The long-term average annual extraction limit for the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source is as follows:

- (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered, plus
 - (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
 - (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (10) Subject to any variation under subclause (11), the following separate long-term average annual extraction limits are established for the Wagga Wagga Alluvial Groundwater Source:

- (a) a long-term average annual extraction limit for domestic and stock rights, native title rights and access licences, excluding local water utility access licences that is equal to 3,650 ML/year, and
- (b) a long-term average annual extraction limit for local water utility access licences that is equal to 16,998 ML/year.

Notes.

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- 1 The long-term average annual extraction limit for domestic and stock rights, native title and access licences, excluding local water utility access licences in the Wagga Wagga Alluvial Groundwater Source, consists of:
 - (a) the sum of the maximum five-year average of annual extractions for each individual entitlement issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered, plus
 - (b) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source that were not metered, plus
 - (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
 - 2 The long-term average annual extraction limit for local water utility access licences is the sum of the maximum five-year average of annual extractions for the purpose of town water supply under entitlements issued under Part 5 of the *Water Act 1912* in this water source in the period July 2000 to June 2010 that were metered.
- (11) Following the surrender under section 77 of the Act and then the cancellation under section 77A (6) of the Act of that access licence in one of these water sources, the Minister may vary the respective long-term average annual extraction limit that applies to that EMU or that water source.

Notes.

- 1 An example of where the Minister may vary the long-term average annual extraction limit under subclause (11) is where water is surrendered and cancelled to benefit the environment.
- 2 Under section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water, excluding water committed under section 8C of the Act. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.
- 3 Part 12 allows for amendments to be made to modify the long-term average annual extraction limits for the Murrumbidgee Alluvial Groundwater Sources as a result of recharge studies or the granting of salinity and water table management access licences.

31 Calculation of current levels of annual extraction

- (1) After each water year, the total volume of water taken during that water year:
 - (a) under all categories of access licences, and
 - (b) pursuant to domestic and stock rights and native title rights,
 must be calculated for each extraction management unit and each of the Murrumbidgee Alluvial Groundwater Sources, excluding local water utility access

licences in the Wagga Wagga Alluvial Groundwater Source.

- (2) After each water year, the total volume of water taken during that water year under local water utility access licences must be calculated for the Wagga Wagga Alluvial Groundwater Source.

32 Assessment of average annual extraction against long-term average annual extraction limits

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for each extraction management unit and each of the Murrumbidgee Alluvial Groundwater Sources as set out in this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, the assessments referred to in subclause (1) must compare the long-term average annual extraction limits established in clause 30 for the respective extraction management unit against the average of the annual extractions in the preceding three water years, as calculated under clause 31 for the respective extraction management unit.
- (3) Commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 30 (6) for the Bungendore Alluvial Groundwater Source, against the average of the annual extractions in the preceding three water years, as calculated under clause 31 for this water source.
- (4) Commencing in the second water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 30 for each of the following groundwater sources:
 - (a) Billabong Creek Alluvial Groundwater Source,
 - (b) Gundagai Alluvial Groundwater Source,
 - (c) Mid Murrumbidgee Zone 3 Alluvial Groundwater Source, and
 - (d) Kyeamba Alluvial Groundwater Source,

against the average of the annual extractions in the preceding five water years as

calculated under clause 31 for that water source (including years prior to the commencement of this Plan).

- (5) Commencing in the second water year in which this Plan has effect, the assessment referred to in subclause (1) must compare:
- (a) the long-term average annual extraction limit established in clause 30 (10) (a) for domestic and stock rights and native title rights and access licences in the Wagga Wagga Alluvial Groundwater Source against the average of the annual extractions in the preceding five water years as calculated under clause 31 (1) for this water source (including years prior to the commencement of this Plan), and
 - (b) the long-term average annual extraction limit established in clause 30 (10) (b) for local water utility access licences in the Wagga Wagga Alluvial Groundwater Source against the average of the annual extractions in the preceding five water years as calculated under clause 31 (2) for this water source (including years prior to the commencement of this Plan).

33 Compliance with the long-term average annual extraction limits for the EMUs

- (1) Compliance with the long-term average annual extraction limit established for each extraction management unit is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 32 demonstrates that the average of the annual extractions in the respective extraction management unit in the preceding three water years have exceeded the long-term average annual extraction limit established under clause 30 for that extraction management unit by 5% or more, then available water determinations for unregulated river access licences and unregulated river (high flow) access licences in that extraction management unit are to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions in the respective extraction management unit to the long-term average annual extraction

limit established in this Part.

Notes.

- 1 Any reductions to available water determinations under subclause (2) in the Unregulated Billabong Extraction Management Unit will apply to all unregulated river access licences and unregulated river (high flow) access licences in the Unregulated Billabong Extraction Management Unit, including those access licences within the Upper Billabong Water Source to which the *Water Sharing Plan for the Upper Billabong Water Source 2003* applies.
- 2 Any reductions to the available water determinations under subclause (2) in the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit will apply to all unregulated river access licences and unregulated river (high flow) access licences in the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit including those access licences within the Adelong Creek Water Source and the Tarcutta Creek Water Source to which the *Water Sharing Plan for the Adelong Creek Water Source 2003* and the *Water Sharing Plan for the Tarcutta Creek Water Source 2003* applies.

34 Compliance with the long-term average annual extraction limit for the Billabong Creek Alluvial Groundwater Source

- (1) Pursuant to section 58 (4) of the Act, this Plan amends the relative priorities of the categories of aquifer access licence and salinity and water table management access licence to the extent necessary to make the reductions to available water determinations as set out in this clause.
 - (2) Compliance with the long-term average annual extraction limit established for the Billabong Creek Alluvial Groundwater Source is to be managed in accordance with this clause.
 - (3) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 32 (4) demonstrates that the average of the annual extractions in the Billabong Creek Alluvial Groundwater Source in the preceding five water years (including years prior to the commencement of this Plan) have exceeded the long-term average annual extraction limit established in this Part for that water source by 10% or more, then the available water determination for aquifer access licences in that water source are to be reduced for the following water year in accordance with subclause (4).
 - (4) The reduction under subclause (3) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions in the Billabong Creek Alluvial Groundwater Source to the long-term average annual
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extraction limit established in this Part.

35 Compliance with the long-term average annual extraction limit for the Bungendore Alluvial Groundwater Source

- (1) Compliance with the long-term average annual extraction limit established for the Bungendore Alluvial Groundwater Source is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 32 (3) demonstrates that the average of the annual extractions in the Bungendore Alluvial Groundwater Source in the preceding three water years have exceeded the long-term average annual extraction limit established in this Part for that water source by 5% or more, then the available water determination for aquifer access licences in that water source is to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions in the Bungendore Alluvial Groundwater Source to the long-term average annual extraction limit established in this Part.

36 Compliance with the long-term average annual extraction limits for the Gundagai Alluvial Groundwater Source, Kyeamba Alluvial Groundwater Source and Mid Murrumbidgee Zone 3 Alluvial Groundwater Source

- (1) Compliance with the long-term average annual extraction limit established for the following water sources is to be managed in accordance with this clause:
 - (a) Gundagai Alluvial Groundwater Source,
 - (b) Kyeamba Alluvial Groundwater Source, and
 - (c) Mid Murrumbidgee Zone 3 Alluvial Groundwater Source.
 - (2) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 32 (4) demonstrates that the average of the annual extractions in the Gundagai Alluvial Groundwater Source,
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Kyeamba Alluvial Groundwater Source or Mid Murrumbidgee Zone 3 Alluvial Groundwater Source in the preceding five water years (including years prior to the commencement of this Plan) have exceeded the long-term average annual extraction limit in this Part for that water source by 10% or more, then the available water determination for aquifer access licences and aquifer (high security) access licences in that water source are to be reduced for the following water year in accordance with subclause (3).

- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions in the Gundagai Alluvial Groundwater Source, Kyeamba Alluvial Groundwater Source or Mid Murrumbidgee Zone 3 Alluvial Groundwater Source to the long-term average annual extraction limit established in this Part.

37 Compliance with the long-term average annual extraction limits for the Wagga Wagga Alluvial Groundwater Source

- (1) Pursuant to section 58 (4) of the Act, this Plan amends the relative priorities of the categories of aquifer access licences, local water utility access licences and domestic and stock access licences to the extent necessary to legally make the reductions to available water determinations as set out in this clause.
 - (2) Compliance with the long-term average annual extraction limits established for the Wagga Wagga Alluvial Groundwater Source is to be managed in accordance with this clause.
 - (3) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 32 (5) (a) demonstrates that the average of the annual extractions in the Wagga Wagga Alluvial Groundwater Source, excluding extractions under local water utility access licences, in the preceding five water years (including years prior to the commencement of this Plan) have exceeded the long-term average annual extraction limit established under clause 30 (10) (a) for that water source by 10% or more, then the available water determination for aquifer access licences in that water source is to be reduced in the following water year in accordance with subclause (4).
 - (4) The reduction under subclause (3) is to be of an amount that is, in the Minister's
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opinion, necessary to return the long-term average annual extractions in the Wagga Wagga Alluvial Groundwater Source, excluding extractions under local water utility access licences, to the long-term average annual extraction limit established in clause 30 (10) (a).

- (5) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 32 (5) (b) demonstrates that the average of the annual extractions in the Wagga Wagga Alluvial Groundwater Source under local water utility access licences in the preceding five water years (including years prior to the commencement of this Plan) have exceeded the long-term average annual extraction limit established in clause 30 (10) (b) for that water source by 10% or more, then the available water determination for local water utility access licences is to be reduced in the following water year in accordance with subclause (7) and a review shall be undertaken in accordance with subclause (6).
- (6) The review under subclause (5) will consider:
- (a) the Goldenfields Water County Council and Riverina Water Country Council's urban water supply requirements,
 - (b) the impacts associated with an increase to the long-term average annual extraction limit established under clause 30 (10) (b), and a corresponding decrease in the long-term average annual extraction limit established under clause 30 (10) (a), and
 - (c) the impacts of reducing available water determinations for local water utility access licences in the Wagga Wagga Alluvial Groundwater Source to return the long-term average annual extractions to the long-term average annual extraction limit established in clause 30 (10) (b).

Note. The purpose of the review is to determine whether there should be an increase in the long-term average annual extraction limit figure for local water utility access licences and decrease in the long-term average annual extraction limit figure for domestic and stock rights, native title rights and access licences. The outcome of this review may lead to an amendment of the Plan as identified in clause 88 (c).

- (7) The reduction under subclause (5) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions for local
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water utility access licences in the Wagga Wagga Alluvial Groundwater Source to the long-term average annual extraction limit established in clause 30 (10) (b).

Division 2 Available water determinations

38 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
 - (a) a percentage of the share component for access licences where share components are specified ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) Subject to subclause (3), the sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
 - (a) 100% of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.
- (3) For the first water year in which this Plan has effect, subclause (2) does not apply to unregulated river access licences and unregulated river (high flow) access licences with a share component that specifies one of the Murrumbidgee Unregulated Water Sources.

39 Available water determinations for domestic and stock access licences

- (1) In making available water determinations for domestic and stock access licences, the Minister should consider the rules in this clause.
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- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences with a share component that specifies one of these water sources.

40 Available water determinations for local water utility access licences

- (1) In making available water determinations for local water utility access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for local water utility access licences with a share component that specifies one of these water sources, except for the local water utility access licences with a share component that specifies the Wagga Wagga Alluvial Groundwater Source.
- (3) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component, or such lower amount that results from Division 1 of this Part, should be made for local water utility access licences with a share component that specifies the Wagga Wagga Alluvial Groundwater Source.

41 Available water determinations for unregulated river access licences

- (1) In making available water determinations for unregulated river access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for unregulated river access licences with a share component that specifies one of the Murrumbidgee Unregulated Water Sources.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share

component, or such lower amount that is determined under Division 1 of this Part, should be made for unregulated river access licences with a share component that specifies one of the Murrumbidgee Unregulated Water Sources.

Note. Division 1 of this Part provides for available water determinations for unregulated river access licences to be reduced where the long-term average annual extraction limits for the EMUs have been assessed to have been exceeded, as per clauses 32 and 33.

42 Available water determinations for unregulated river (high flow) access licences

- (1) In making available water determinations for unregulated river (high flow) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for unregulated river (high flow) access licences with a share component that specifies one of the Murrumbidgee Unregulated Water Sources.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for unregulated river (high flow) access licences with a share component that specifies one of the Murrumbidgee Unregulated Water Sources.

Note. Division 1 of this Part provides for available water determinations for unregulated river (high flow) access licences to be reduced where the long-term average annual extraction limits for the EMUs have been assessed to have been exceeded, as per clauses 32 and 33.

43 Available water determinations for aquifer access licences

- (1) In making available water determinations for aquifer access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for aquifer access licences with a share component that specifies one of the Murrumbidgee Alluvial Groundwater Sources.

Note. Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limits for the Murrumbidgee Alluvial Groundwater Sources have been assessed to have been exceeded, as per clause 32 and clauses 34–37.

44 Available water determinations for aquifer (high security) access licences

- (1) In making available water determinations for aquifer (high security) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year in which this Plan has effect, an available water determination should be made for aquifer (high security) access licences in the Gundagai Alluvial Groundwater Source, equal to:
 - (a) 0.68 ML per unit of share component, plus
 - (b) 32% of the available water determination made for regulated river (high security) access licences in the Murrumbidgee Regulated River Water Source to which the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003* applies,

or such lower amount that is determined under Division 1 of this Part.

Note. The available water determinations for aquifer (high security) access licences have been informed by hydrogeological modelling, showing that 32% of the water extracted under an average annual pumping scenario originates from the Murrumbidgee Regulated River Water Source.

- (3) After the available water determination under subclause (2) has been made, further available water determinations for aquifer (high security) access licences may be made whenever additional available water determinations for regulated river (high security) access licences in the Murrumbidgee Regulated River Water Source are made.
- (4) Available water determinations made under subclause (3) should be equal to 32% of the available water determination for regulated river (high security) access licences in the Murrumbidgee Regulated River Water Source or such lower amount that is determined under Division 1 of this Part.

Note. Division 1 of this Part provides for available water determinations for aquifer (high security) access licences to be reduced where the long-term average annual extraction limit for the Gundagai Alluvial Groundwater Source has been assessed to have been exceeded,

as per clauses 32 and 36.

45 Available water determinations for salinity and water table management access licences

- (1) In making available water determinations for salinity and water table management access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for salinity and water table management access licences with a share component that specifies one of the Murrumbidgee Alluvial Groundwater Sources.

Part 7 Rules for granting access licences

Notes.

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Access licences granted in these water sources will be subject to mandatory conditions and discretionary conditions.

46 Specific purpose access licences

- (1) Applications may be made for salinity and water table management access licences in the Murrumbidgee Alluvial Groundwater Sources.

Note. The licences that may be applied for under subclause (1) are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the *Water Management (General) Regulation 2011*, subject to the restriction in subclause (2).

- (2) Applications may not be made for a specific purpose access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
- (3) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (4) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teachings, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

Note. *Aboriginal person* is defined in the Dictionary.

47 Granting of access licences as a result of controlled allocation

The Minister may grant an access licence where the right to apply for the licence has been acquired in the manner prescribed by an order made under section 65 of

the Act.

Part 8 Rules for managing access licences

Division 1 Water allocation account management rules

Note. The Act provides for the keeping of water allocation accounts for access licences. The rules in this Division impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

48 Individual access licence account management rules for the Murrumbidgee Unregulated Water Sources

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the Murrumbidgee Unregulated Water Sources.
 - (2) For the period of the first three water years in which this Plan has effect, water taken under an unregulated river access licence or an unregulated river (high flow) access licence must not exceed a volume equal to:
 - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
 - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in those water years, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
 - (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under an unregulated river access licence or
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an unregulated river (high flow) access licence must not exceed a volume equal to the lesser of:

- (a) the sum of:
 - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
 - (ii) the water allocations carried over in the water allocation account for the access licence from the water year prior to those three water years under subclause (5),
 - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in those three water years, and
 - (iv) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
- (b) the sum of:
 - (i) the share component of the access licence at the beginning of the first of those three water years,
 - (ii) the share component of the access licence at the beginning of the second of those three water years,
 - (iii) the share component of the access licence at the beginning of the third of those three water years,
 - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in those three water years, and
 - (v) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three

water years.

- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence or a local water utility access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for an unregulated river access licence or an unregulated river (high flow) access licence is equal to 1 ML per unit share of the access licence share component.
- (6) Water allocations remaining in the water allocation account for a domestic and stock access licence or a local water utility access licence cannot be carried over from one water year to the next.

49 Individual access licence account management rules for the Billabong Creek Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Billabong Creek Alluvial Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the sum of the water allocations carried over in the water allocation account

- for the access licence from the water year prior to that water year under subclause (3), plus
- (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence from one water year to the next is equal to 2 ML per unit share of access licence share component.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence must not exceed a volume equal to:
- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence cannot be carried over from one water year to the next.

50 Individual access licence account management rules for the Bungendore Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Bungendore Alluvial Groundwater Source.

- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) Water allocations remaining in the water allocation account for an access licence cannot be carried over from one water year to the next.

51 Individual access licence account management rules for the Gundagai Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Gundagai Alluvial Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence or an aquifer (high security) access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the sum of water allocations carried over in the water allocation account for the access licence from the water year prior to that water year under subclause (3), plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in that water year, plus
 - (d) any water allocations recredited to the water allocation account for the

access licence in accordance with section 76 of the Act in that water year.

- (3) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence or an aquifer (high security) access licence from one water year to the next is equal to 0.3 ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence cannot be carried over from one water year to the next.

52 Individual access licence account management rules for the Kyeamba Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component specifying the Kyeamba Alluvial Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus

- (b) the sum of water allocations carried over in the water allocation account for the access licence from the water year prior to that water year under subclause (3), plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in that water year, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence from one water year to the next is equal to 0.4 ML per unit share of the access licence share component.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence must not exceed a volume equal to:
- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence cannot be carried over from one water year to the next.

53 Individual access licence account management rules for the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component specifying the Mid Murrumbidgee Zone 3 Alluvial Groundwater
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Source.

- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence must not exceed a volume equal to:
 - (a) the sum of the water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the sum of water allocations carried over in the water allocation account for the access licence from the water year prior to that water year under subclause (3), plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in that water year, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence from one water year to the next is equal to 0.3 ML per unit share of the access licence share component.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.

- (5) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence cannot be carried over from one water year to the next.

54 Individual access licence account management rules for the Wagga Wagga Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licences with a share component that specifies the Wagga Wagga Alluvial Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence must not exceed a volume equal to:
- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the sum of water allocations carried over in the water allocation account for the access licence from the water year prior to that water year under subclause (3), plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence from one water year to the next is equal to 0.4 ML per unit share of the access licence share component.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence must not exceed a volume equal to:
- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
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- (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T or 71V of the Act in that water year, plus
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or a salinity and water table management access licence cannot be carried over from one water year to the next.

Division 2 Flow classes and daily access rules

Note. Part 12 allows for amendments to be made to this Division.

55 General

The rules in this Division apply to the taking of water under an access licence with a share component that specifies one of these water sources.

56 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B for the sharing of flows on a daily basis in these water sources.
- (2) The flow classes in Column 3 and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table B.
- (3) Subject to (4), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day or height in metres) as measured at the flow reference points specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) If in the Minister's opinion, on any day accurate flow data is not available from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing, the flow class that applies for that day. For the purpose of this subclause, notification

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includes publishing a notice on the Department's website.

Note. There is a general requirement for holders of water supply work approvals to record in a Logbook, where one is required to be kept, a confirmation and means of confirmation that the relevant cease to take conditions do not apply before taking water. Holders of access licences may contact the Department's Leeton office at the address listed in Appendix 4 or check the Department's website to find out what flow class applies that day and note this as required in the Logbook. In determining whether access to water is permitted that day, the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

- (5) The flow classes commence in the year specified in Column 4 of Table B.
- (6) For the purpose of Table B *Year 1 of this Plan* means from the date of commencement of this Plan.

Notes.

- 1 The flow classes, flow reference points, water sources or management zones to which a flow class applies or any other matter listed in Table B may be amended as provided for in Part 12 of this Plan.
- 2 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.

Table B – Flow Classes

Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day or height in metres)	Column 6 Flow reference point	Column 7 Day on which flow class applies
Adjungbilly / Bombowlee / Brungle Water Source	Adjungbilly Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 14.3 ML/day	Adjungbilly Creek at Darbalara (The Elms) gauge (410038)	Same day
		A Class	Year 1 of this Plan	More than 14.3 ML/day and less than or equal to 20 ML/day		Same day
		B Class	Year 1 of this Plan	More than 20 ML/day		Same day
	Brungle Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Brungle Creek at the Gundagai - Tumut road bridge	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
	Bombowlee Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Bombowlee Creek at Bombowlee gauge (410070)	Same day
		A Class	Year 1 of this Plan	More than 4 ML/day		Same day
	Killimicat Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Killimicat Creek at the Gundagai Tumut road bridge	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
	Bredbo Water Source		Very Low Flow Class	Year 1 of this Plan	No Visible flow	Bredbo River at Monaro

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Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day or height in metres)	Column 6 Flow reference point	Column 7 Day on which flow class applies
		A Class		Visible flow	Highway road bridge	
Billabung Water Source		Very Low Flow Class	Year 1 of this Plan	Below or equal to 0.6 metres at the gauge	Billabung Creek at Nangus Road water quality station (41010705 "Billabong Creek at Nangus Road")	Same day
		A Class	Year 1 of this Plan	Above 0.6 metres at the gauge		Same day
Gilmore / Sandy Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Gilmore Creek at Gilmore (Willows) gauge (410059)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day and less than or equal to 218 ML/day		Same day
		B Class	Year 1 of this Plan	More than 218 ML/day		Same day
Goobarragandra Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 63 ML/day	Goobarragandra River at Lacmalac gauge (410057)	Same day
		A Class	Year 1 of this Plan	More than 63 ML/day and less than or equal to 87 ML/day		Same day
		B Class	Year 1 of this Plan	More than 87 ML/day and less than or equal to 118 ML/day		Same day
		C Class	Year 1 of this Plan	More than 118 ML/day		Same day
Goodradigbee Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 45 ML/day	Goodradigbee River at Wee Jasper gauge (410024)	Same day
		A Class	Year 1 of this Plan	More than 45 ML/day and less than or equal to 78 ML/day		Same day
		B Class	Year 1 of this Plan	More than 78 ML/day and less than or equal to 89 ML/day		Same day
		C Class	Year 1 of this Plan	More than 89 ML/day		Same day
Hillas Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 8 ML/day	Hillas Creek at Mt Adrah gauge (410043)	Same day
		A Class	Year 1 of this Plan	More than 8 ML/day and less than or equal to 87 ML/day		Same day

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Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day or height in metres)	Column 6 Flow reference point	Column 7 Day on which flow class applies
		B Class	Year 1 of this Plan	More than 87 ML/day		Same day
Jugiong Water Source	Demondrille Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Demondrille Creek at the Huntleigh Road crossing	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
	Currawong Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Currawong Creek at Neill Street crossing	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Kyeamba Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Kyeamba Creek at Ladysmith gauge (410048)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
Lower Billabong Water Source	Lower Billabong Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	From 1 January to 30 June: Less than or equal to 80 ML/day on a rising river and less than or equal to 49 ML/day on a falling river. From 1 July to 31 December: Less than or equal to 66 ML/day on a rising river and less than or equal to 49 ML/day on a falling river.	Billabong Creek at Walbundrie gauge (410091)	Same day
		A Class	Year 1 of this Plan	From 1 January to 30 June: more than 80 ML/day on a rising river and more than 49 ML/day on a falling river. From 1 July to 31 December: more than 66 ML/day on a rising river and more than 49 ML/day on a falling river.		Same day
	Nowranie Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 66 ML/day on a rising river and less than or equal to 60 ML/day on a falling river	Billabong Creek at the Walbundrie gauge (410091)	Same day

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Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day or height in metres)	Column 6 Flow reference point	Column 7 Day on which flow class applies
		A Class	Year 1 of this Plan	More than 66 ML/day on a rising river and more than 60 ML/day on a falling river		Same day
Middle Billabong Water Source	Billabong Creek Upstream of Culcairn Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 2 ML/day	Billabong Creek at Aberfeldy gauge (410097) in the Upper Billabong Water Source as defined in the <i>Water Sharing Plan for the Upper Billabong Water Source 2003</i>	Same day
		A Class	Year 1 of this Plan	More than 2 ML/day		Same day
	Billabong Creek Downstream of Culcairn Management Zone	Very Low Flow Class	Year 1 of this Plan	From 1 January to 30 June: Less than or equal to 80 ML/day on a rising river and less than or equal to 49 ML/day on a falling river From 1 July to 31 December: Less than or equal to 66 ML/day on a rising river and less than or equal to 49 ML/day on a falling river	Billabong Creek at the Walbundrie gauge (410091) in the Lower Billabong Water Source	Same day
		A Class	Year 1 of this Plan	From 1 January to 30 June: more than 80 ML/day on a rising river and more than 49 ML/day on a falling river. From 1 July to 31 December: more than 66 ML/day on a rising river and more than 49 ML/day on a falling river		Same day
Molonglo Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1.6 ML/day	Molonglo River at Burbong	Same day

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Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day or height in metres)	Column 6 Flow reference point	Column 7 Day on which flow class applies
		A Class	Year 1 of this Plan	More than 1.6 ML/day	gauge (410705)	Same day
Mountain Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Billabong Creek Downstream of Ten Mile and Mountain Creeks gauge (410186) in the Middle Billabong Water Source	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
Murrumbidgee I Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 33 ML/day	Murrumbidgee River at Mittagang Crossing gauge (410033)	Same day
		A Class	Year 1 of this Plan	More than 33 ML/day		Same day
Murrumbidgee II Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 27 ML/day	Murrumbidgee River at Billilingra gauge (410050)	Same day
		A Class	Year 1 of this Plan	More than 27 ML/day		Same day
Murrumbidgee III Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 87 ML/day	Murrumbidgee River at Halls Crossing gauge (410777)	Same day
		A Class	Year 1 of this Plan	More than 87 ML/day and less than or equal to 459 ML/day		Same day
		B Class	Year 1 of this Plan	More than 459 ML/day		Same day
Numeralla East Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4.5 ML/day	Numeralla River at Rose Valley low flow gauge (41000206)	Same day
		A Class	Year 1 of this Plan	More than 4.5 ML/day		Same day
Numeralla West Water Source	Cooma Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 0.6 ML/day	Cooma Creek at Cooma No 2 (The Grange) gauge (410081)	Same day
		A Class	Year 1 of this Plan	More than 0.6 ML/day		Same day
	Bunyan Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Cooma Creek at the Highway Bridge at Bunyan	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Queanbeyan Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Queanbeyan at the ACT Border gauge (410770)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
Ten Mile Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Billabong Creek Downstream	Same day

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Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day or height in metres)	Column 6 Flow reference point	Column 7 Day on which flow class applies
		A Class	Year 1 of this Plan	More than 1 ML/day	of Ten Mile and Mountain Creeks gauge (410186) in the Middle Billabong Water Source	Same day
Yarra Yarra Water Source		Very Low Flow Class	Year 1 of this Plan	No visible flow	Yarra Yarra Creek at the Hume Highway road bridge	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Yass Lower Water Source		Very Low Flow Class	Year 1 of this Plan	No visible flow over the weir	Yass River at Railway Weir	Same day
		A Class	Year 1 of this Plan	Visible flow over the weir		Same day
Yass Upper Water Source	Yass River Upstream of Gundaroo Gauge Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Yass River at Above Macks Reef Road gauge (410851)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
	Yass River Downstream of Gundaroo Gauge Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 6 ML/day	Yass River at Gundaroo gauge (410090)	Same day
		A Class	Year 1 of this Plan	More than 6 ML/day		Same day

Notes.

The flow percentiles below refer to flows at the gauge and include all days of record.

- 1 For the Adjungbilly Creek at Darbalara (The Elms) gauge (410038), 14.3 ML/day corresponds to the estimated 95th percentile flow.
- 2 For the Bombowlee Creek at Bombowlee gauge (410070), 4 ML/day corresponds to an estimated height of 0.43 metres.
- 3 For the Gilmore Creek at Gilmore (Willows) gauge (410059):
 - 10 ML/day corresponds to the estimated 95th percentile flow, and
 - 218 ML/day corresponds to the estimated 30th percentile flow.
- 4 For the Goobarragandra River at Lacmalac gauge (410057):
 - 63 ML/day corresponds to the estimated 97th percentile flow, and
 - 87 ML/day corresponds to the estimated 95th percentile flow.
- 5 For the Goodradigbee River at Wee Jasper gauge (410024):
 - 45 ML/day corresponds to the estimated 97th percentile flow, and

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- 78 ML/day corresponds to the estimated 95th percentile flow.
- 6 For the Hillas Creek at Mt Adrah gauge (410043):
- 8 ML/day corresponds to the estimated 90th percentile flow, and
 - 87 ML/day corresponds to the estimated 30th percentile flow.
- 7 For the Kyeamba Creek at Ladysmith gauge (410048), 1 ML/day corresponds to the estimated 50th percentile flow.
- 8 For the Billabong Creek at Walbundrie gauge (410091):
- 49 ML/day corresponds to the estimated 56th percentile flow,
 - 60 ML/day corresponds to the estimated 51st percentile flow,
 - 66 ML/day corresponds to the estimated 49th percentile flow, and
 - 80 ML/day corresponds to the estimated 43rd percentile flow.
- 9 For the Billabong Creek at Aberfeldy gauge (410097), 2 ML/day corresponds to the estimated 80th percentile flow,
- 10 For the Molonglo River at Burbong gauge (410705), 1.6 ML/day corresponds to the estimated 80th percentile flow.
- 11 For the Billabong Creek Downstream of Ten Mile and Mountain Creeks gauge (410186), 1 ML/day corresponds to the estimated 80th percentile flow.
- 12 For the Murrumbidgee River at Mittagang Crossing gauge (410033), 33 ML/day corresponds to the estimated 95th percentile flow.
- 13 For the Murrumbidgee River at Billilunga gauge (410050), 27 ML/day corresponds to the estimated 95th percentile flow.
- 14 For the Murrumbidgee River at Halls Crossing gauge (410777):
- 87 ML/day corresponds to the estimated 95th percentile flow, and
 - 459 ML/day corresponds to the estimated 50th percentile flow.
- 15 For the Numeralla River at Rose Valley low flow gauge (41000206), 4.5 ML/day corresponds to an estimated height of 0.30 metres.
- 16 For the Cooma Creek at Cooma No 2 (The Grange) gauge (410081), 0.6 ML/day corresponds to the estimated 80th percentile flow.
- 17 For the Queanbeyan at the ACT Border gauge (410770), 1 ML/day corresponds to the estimated 95th percentile flow.
- 18 For the Yass River at Above Macks Reef Road gauge (410851), 1 ML/day corresponds to the estimated 24th percentile flow.
- 19 For the Yass River at Gundaroo gauge (410090), 6 ML/day corresponds to the estimated 24th percentile flow.
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The flow percentiles below refer to critical month flows (February) at the gauge and include all days of record.

- 1 For the Adjungbilly Creek at Darbalara (The Elms) gauge (410038), 20 ML/day corresponds to the estimated 80th percentile flow.
- 2 For the Goobarragandra River at Lacmalac gauge (410057), 118 ML/day corresponds to the estimated 80th percentile flow.
- 3 For the Goodradigbee River at Wee Jasper gauge (410024), 89 ML/day corresponds to the estimated 80th percentile flow.

57 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from the Murrumbidgee Unregulated Water Sources, excluding the taking of water under an access licence used only to account for the taking of water in association with an aquifer interference activity.
 - (2) Subject to subclause (22), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone in which the water supply work used to take water is located are in the Very Low Flow Class. This subclause does not apply to the taking of water:
 - (a) from an off-river pool,
 - (b) from an off-river dam pool,
 - (c) from an in-river dam pool,
 - (d) from pools, lagoons and lakes specified in Column 1 of Schedule 1, and
 - (e) under an access licence listed in Column 2 of Schedule 2.

Note. *Off-river pool*, *off-river dam pool* and *in-river dam pool* are defined in the Dictionary.
 - (3) Subject to subclause (22), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water:
 - (a) from an off-river pool,
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- (b) from an off-river dam pool,
- (c) from an in-river pool,
Note. *In-river pool* is defined in the Dictionary.
- (d) from an in-river dam pool,
- (e) from pools, lagoons and lakes specified in Column 1 of Schedule 1,
- (f) under an access licence listed in Column 2 of Schedule 2 or Column 1 of Schedule 3, or
- (g) under an access licence with a share component or extraction component that specifies:
 - (i) the Brungle Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (ii) the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (iii) the Bredbo Water Source,
 - (iv) the Demondrille Creek Management Zone in the Jugiong Water Source,
 - (v) the Currawong Creek Management Zone in the Jugiong Water Source,
 - (vi) the Bunyan Management Zone in the Numeralla West Water Source,
 - (vii) the Yarra Yarra Water Source, and
 - (viii) the Yass Lower Water Source.

Note. *Visible flow* is defined in the Dictionary.

- (4) Water must not be taken under an access licence where a cease to take condition that was specified on the *Water Act 1912* entitlement that the access licence replaces is, in the Minister's opinion, higher than:

- (a) the upper limit of the relevant Very Low Flow Class (as specified in Column 5 of Table B), or
- (b) the access rules specified in subclauses (2), (3), (10) or (12),

when flows are at or less than the cease to take conditions that was specified on the replaced *Water Act 1912* entitlement. This subclause does not apply to the taking of water from an access licence specified in Column 1 of Schedule 3, an in-river dam pool, or a runoff harvesting dam.

Notes.

- 1 Those former *Water Act 1912* entitlements and the cease to take conditions that have been identified as being higher than the upper limit of the relevant Very Low Flow Class or the access rules specified in subclauses (2), (3), (10) or (12) are listed in Appendix 3.
 - 2 **Cease to take condition** and **Water Act 1912 entitlement** are defined in the Dictionary.
- (5) The cease to take condition that arises from subclause (4) only applies to water supply works that were nominated by the access licence at the commencement of this Plan.
 - (6) The cease to take condition that arises from subclause (4) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
 - (7) Water must not be taken under an unregulated river (high flow) access licence with an extraction component or share component that specifies one of the following management zones or water sources when flows in that water source or management zone in which the water supply work used to take water is located, are in the Very Low Flow Class or A Class:
 - (a) the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,

- (b) the Gilmore / Sandy Water Source,
 - (c) the Hillas Water Source , or
 - (d) the Murrumbidgee III Water Source excluding unregulated river (high flow) access licences that only nominate water supply works located on a tributary to the Murrumbidgee River.
- (8) Water must not be taken under an unregulated river (high flow) access licence with a share component that specifies the Goodradigbee Water Source or the Goobarragandra Water Source when flows in the respective water source are in the Very Low Flow Class, A Class or B Class.
- (9) Subject to subclause (22), water must not be taken under an access licence with a share component that specifies the Goobarragandra Water Source or the Goodradigbee Water Source between sunrise and sunset when flows in the respective water source are in the A Class. This subclause does not apply to the taking of water from an off-river pool, an off-river dam pool or an in-river dam pool.
- (10) Subject to subclause (23), water must not be taken under an access licence from an off-river pool or an off-river dam pool when the volume of water in that pool is less than 80% of the full capacity of the off-river pool or the natural capacity of the off-river dam pool. This subclause does not apply to the taking of water from a pool, lagoon or lake specified in Column 1 of Schedule 1 or access licences listed in Column 2 of Schedule 2.

Notes.

- 1 The intention of this rule is to limit the taking of water to that which has been licensed by the works to augment the holding capacity of an off-river pool and to limit the taking of water to 80% of the full capacity of the natural pool for environmental purposes.
- 2 **Natural capacity** is defined in the dictionary.
- (11) Subject to subclause (23), water must not be taken from an off-river pool or an off-river dam pool listed in Schedule 4 when:
- (a) the water level in that off-river pool or off-river dam pool is less than or equal to 80% of the full capacity of the off-river pool or the natural capacity
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of the off-river dam pool, or

- (b) an environmental water release from Burrinjuck Dam water storage or Blowering Dam has caused the water level in an off-river pool or an off-river dam pool listed on Schedule 4 to increase from less than or equal to 50% of the full capacity of the off-river pool or off-river dam pool to greater than 50% of the full capacity of the off-river pool or off-river dam pool, until such time as the water level in the off-river pool or off-river dam pool increases due to water entering the off-river pool or off-river dam pool that is not from an environmental water release. For the purposes of this paragraph, an *environmental water release* means a release made from an environmental water allowance under clause 15 of the *Water Sharing Plan for the Murrumbidgee Regulated Rivers Water Source 2003*.

Notes.

- 1 The Minister shall notify water access licence holders when environmental Water releases are being made under clause 15 of the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*.
- 2 The Minister may make a temporary water restriction order under section 324 of the Act directing that, for a specified period, the taking of water from a specified water source is prohibited, or is subject to specified restrictions, as the case requires, if satisfied that it is necessary to do so in the public interest. Temporary water restrictions may be considered by the Minister in order to protect environmental diversions into off-river pool and off-river dam pool listed in Schedule 4.
- (12) Subject to subclause (22), in water sources where flow classes have not commenced water must not be taken under an access licence from an in-river pool when the volume of water in that pool is less than the full capacity of the pool. This subclause does not apply to the taking of water from a pool, lagoon or lake specified in Column 1 of Schedule 1 or an access licences listed in Column 2 of Schedule 2 or Column 1 of Schedule 3.
- (13) Subject to subclause (22), water must not be taken from a pool, lagoon or lake specified in Column 1 of Schedule 1 in contradiction of the access rule specified in Column 2 of Schedule 1.
- (14) Subject to subclause (2), water must not be taken under an access licence from an in-river pool listed in Schedule 2 when the volume of water in that pool is less than 50% of the full capacity of the pool.

- (15) Subject to subclause (22), water must not be taken by a water supply work located in a water source specified in Column 2 of Schedule 3 under an access licence specified in Column 1 of Schedule 3 in contradiction of the corresponding access rule specified in Column 3 of Schedule 3.
- (16) A cease to take condition that arises from subclauses (13)–(15) only applies to water supply works that were nominated by the access licence at the commencement of this Plan..
- (17) A cease to take condition that arises from subclauses (13)–(15) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
- (18) Water must not be taken under an access licence from an in-river dam pool or a runoff harvesting dam when flows or storage levels in that pool or dam are at or less than a cease to take condition that was specified on the former *Water Act 1912* entitlement that the access licence replaces.
- (19) Water must not be taken from an in-river dam pool unless the in-river dam is:
- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
 - (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.
- Note.** *In-river dam* is defined in the Dictionary.
- (20) The conditions for construction, operation and maintenance of the in-river dam to be specified on the water supply work approval for the in-river dam referred to in subclause (19) are:
- (a) the conditions for construction, operation and maintenance that were specified in conditions on the *Water Act 1912* entitlement that the approval

replaces, or

- (b) where no conditions for construction, operation and maintenance were specified on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.
- (21) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (19) are:
- (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
 - (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.
- (22) Subclauses (2), (3), (9) and (12)–(15) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 5 applies or an access licence which replaces a *Water Act 1912* entitlement, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (23):
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) the taking of water for stock watering only under a domestic and stock
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access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first five years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,

Note. Grazeable area is defined in the Dictionary.

- (d) the taking of water using a runoff harvesting dam, and

Note. Runoff harvesting dam is defined in the Dictionary.

- (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 5 applies.

- (23) Subclauses (10) and (11) do not apply to the following:

- (a) the taking of water under an access licence to which clause 1 of Schedule 5 applies or an access licence which replaces a *Water Act 1912* entitlement, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (24):

- (i) fruit washing,
- (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
- (iii) poultry watering and misting, or
- (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,

- (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,

- (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence
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that existed at the commencement of this Plan, for the first five years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day, and

- (d) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 5 applies.
- (24) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (22) (a) or (23) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

Note. The method by which the Minister can reduce the maximum daily volume limit is by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

58 Access rules for local water utility access licences in the Bungendore Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under a local water utility access licence with a share component that specifies the Bungendore Alluvial Groundwater Source.
- (2) For the first water year in which this Plan has effect, the volume of water taken under a local water utility access licence must not exceed:
 - (a) 322 ML/year from the Turallo borefield, and
 - (b) 150 ML/year from the Currandooly borefield.
- (3) For each water year after the first water year in which this Plan has effect, the volume of water taken under a local water utility access licence must not exceed:
 - (a) 272 ML/year from the Turallo borefield, and
 - (b) 200 ML/year from the Currandooly borefield.

59 Total daily extraction limits

At the commencement of this Plan, there are no total daily extraction limits (hereafter *TDELS*) established for any access licences in these water sources.

Notes.

- 1 TDELS are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. Where, TDELS have been established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 58.
- 2 *Total daily extraction limit* is defined in the Dictionary.

60 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 57 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

Note. *Individual daily extraction limit* is defined in the Dictionary.

Part 9 Rules for water supply work approvals

Notes.

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to this Part.

Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works that take surface water

61 General

The rules in this Division apply to water supply work approvals for water supply works authorised to take water from the Murrumbidgee Unregulated Water Sources.

62 Granting or amending water supply work approvals

- (1) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:
 - (a) a dealing,
 - (b) the surrender under section 77 of the Act and then the cancellation under section 77A (6) of the Act of an access licence,
 - (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
 - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

Notes.

- 1 Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which
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this Plan applies, consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

- 2 The Minister can require the modification of the dam by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.
- (2) A water supply work approval must not be granted or amended to authorise the construction and use of a water supply work which, in the Minister's opinion, is being used or is proposed to be used to take water from:
- (a) a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source, or
 - (b) an off-river pool.
- (3) Subclause (2) does not apply to a replacement surface water supply work.
- (4) For the purposes of this Plan, ***replacement surface water supply work*** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from one of the Murrumbidgee Unregulated Water Sources where:
- (a) the existing water supply work is authorised by a water supply work approval under the Act,
 - (b) the replacement surface water supply work is to be constructed to extract water from the same water source and the same location as the existing water supply work.

Division 2 Rules applying to granting and amending of water supply work approvals for water supply works that take groundwater

63 General

- (1) The rules in this Division apply to water supply work approvals for water supply works that are authorised to take water from the Murrumbidgee Alluvial Groundwater Sources.
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- (2) In this Division, a reference to a water supply work is limited to a water supply work that is authorised to take water from the Murrumbidgee Alluvial Groundwater Sources.

64 Rules to minimise interference between water supply works in the Billabong Creek Alluvial Groundwater Source

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work in the Billabong Creek Alluvial Groundwater Source which, in the Minister's opinion, is or is proposed to be located within:
- (a) 500 metres of a water supply work located on another landholding that is authorised to take water from the same water source and is nominated by another access licence,
 - (b) 500 metres of a water supply work located on another landholding that is authorised to take water from the same water source pursuant to basic landholder rights only,
 - (c) 250 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
 - (d) 500 metres of a water supply work that is authorised to take water from the same water source and is nominated by a local water utility access licence or a major utility access licence, unless the licence holder has provided consent in writing, or
 - (e) 500 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the water supply work is solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
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- (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction, if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

65 Rules to minimise interference between water supply works in the Bungendore Alluvial Groundwater Source

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work in the Bungendore Alluvial Groundwater Source which, in the Minister's opinion, is or is proposed to be located within:
- (a) 750 metres of a water supply work located on another landholding that is authorised to take water from the same water source and is nominated by another access licence,
 - (b) 750 metres of a water supply work located on another landholding that is authorised to take water from the same water source pursuant to basic landholder rights only,
 - (c) 200 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
 - (d) 750 metres of a water supply work that is authorised to take water from the
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- same water source and is nominated by a local water utility access licence or a major utility access licence, unless the licence holder has provided consent in writing, or
- (e) 400 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the water supply work is solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction, if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

66 Rules to minimise interference between water supply works in the Gundagai Alluvial Groundwater Source, Kyeamba Alluvial Groundwater Source, Mid Murrumbidgee Zone 3 Alluvial Groundwater Source and Wagga Wagga Alluvial Groundwater Source

- (1) A water supply work approval must not be granted or amended to authorise the
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construction of a water supply work in the Gundagai Alluvial Groundwater Source, Kyeamba Alluvial Groundwater Source, Mid Murrumbidgee Zone 3 Alluvial Groundwater Source or Wagga Wagga Alluvial Groundwater Source which, in the Minister's opinion, is or is proposed to be located within:

- (a) 1,000 metres of a water supply work located on another landholding that is authorised to take water from the same water source and is nominated by another access licence,
 - (b) 400 metres of a water supply work located on another landholding that is authorised to take water from the same water source pursuant to basic landholder rights only,
 - (c) 500 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
 - (d) 1,000 metres of a water supply work that is authorised to take water from the same water source and is nominated by a local water utility access licence or a major utility access licence, unless the licence holder has provided consent in writing, or
 - (e) 1,000 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the water supply work is solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
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- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extractions, if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

67 Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
 - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 6, or
 - (b) between 250 metres and 500 metres of the plume associated with a contamination source listed in Schedule 6, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume.

Note. *Drawdown* is defined in the Dictionary.

- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 6 that is likely to be insufficient to protect the water source or public health and safety.
- (3) The distance restrictions specified in subclause (1) do not apply in relation to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the proposed distance is adequate to protect the water source, the environment and public health and safety, or

- (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on the water source, the environment and public health and safety.

68 Rules for water supply works located near groundwater dependent ecosystems

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
 - (a) within 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 7 in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only,
 - (b) within 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 7 in the case of a water supply work that will be nominated by an access licence,
 - (c) within 40 metres of the top of the high bank of a river.
- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a high priority groundwater dependent ecosystem listed in Schedule 7 if the construction and use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater dependent ecosystem. This paragraph does not apply to water supply works that will be authorised to take water pursuant to basic landholder rights only.
- (3) The distance restrictions specified in subclauses (1) (a) and (b) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of any

groundwater dependent ecosystem listed in Schedule 7.

- (4) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and any groundwater dependent ecosystems.
- (5) The Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that:
 - (a) for the purpose of subclause (2), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 7, or
 - (b) for the purpose of subclause (4) (d), the location of the water supply work at a lesser distance will result in no greater impact on these water sources and any groundwater dependent ecosystems.

69 Rules for water supply works located near groundwater dependent culturally significant sites

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
 - (a) 100 metres of a groundwater dependent culturally significant site, in the case of a water supply work that will be authorised to take water pursuant to basic

- landholder rights only, or
- (b) 200 metres of a groundwater dependent culturally significant site, in the case of a water supply work that will be nominated by an access licence.
- (2) The distance restrictions specified in subclause (1) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that:
- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance will result in no more than minimal impact on these water sources and any groundwater dependent culturally significant sites.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on these water sources and any groundwater dependent culturally significant sites.

70 Replacement groundwater works

- (1) For the purpose of this Plan, *replacement groundwater work* means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from an aquifer where:
- (a) the existing water supply work is authorised by a water supply work approval under the Act,
 - (b) the replacement groundwater work is to be constructed to extract water from

- the same water source as the existing water supply work,
- (c) the replacement groundwater work is to be constructed to extract water from:
 - (i) the same depth as the existing water supply work, or
 - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
 - (d) the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work, or
 - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
 - (e) if the existing water supply work is located within 40 metres of the high bank of a river , the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
 - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purposes of this paragraph, *internal diameter* means the diameter of the inside of the casing of the water supply work which is a water bore and *excavation footprint* means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.
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- (2) For the purpose of subclause (1) (c) (ii), the Minister may require that the applicant submit a hydrogeological study to demonstrate to the Minister's satisfaction that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (3) For the purpose of subclauses (1) (d) (ii) or (e) (ii), the Minister may require that the applicant submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

Note. The Minister may amend an approval on the application of the holder of the approval, under section 107 of the Act. The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.

Division 3 Rules for the use of water supply works used to take groundwater

71 Rules for the use of water supply works located within restricted distances

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from the Murrumbidgee Alluvial Groundwater Sources.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 64–69 must not, in any water year, be used to take more water than the volume of water that is equal to:
 - (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus
 - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of the Plan in accordance with:
 - (i) clause 49 (3) of this Plan for aquifer access licences with a share component that specifies the Billabong Creek Alluvial Groundwater

Source,

- (ii) clause 51 (3) of this Plan for aquifer (high security) access licences with a share component that specifies the Gundagai Alluvial Groundwater Source,
 - (iii) clause 52 (3) of this Plan for aquifer access licences with a share component that specifies the Kyeamba Alluvial Groundwater Source,
 - (iv) clause 53 (3) of this Plan for aquifer access licences with a share component that specifies the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source,
 - (v) clause 54 (3) of this Plan for aquifer access licences with a share component that specifies the Wagga Wagga Alluvial Groundwater Source.
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 64–69 as a result of an amendment to this Plan, must not, in any water year, be used to take more water than the volume of water that is equal to:
- (a) the sum of the share components of the access licences nominating that water supply work at the time of the amendment, plus
 - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the date of the amendment in accordance with:
 - (i) clause 49 (3) of this Plan for aquifer access licences with a share component that specifies the Billabong Creek Alluvial Groundwater Source,
 - (ii) clause 51 (3) of this Plan for aquifer (high security) access licences with a share component that specifies the Gundagai Alluvial Groundwater Source,
 - (iii) clause 52 (3) of this Plan for aquifer access licences with a share
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- component that specifies the Kyeamba Alluvial Groundwater Source,
- (iv) clause 53 (3) of this Plan for aquifer access licences with a share component that specifies the Mid Murrumbidgee Zone 3 Alluvial Groundwater Source, or
 - (v) clause 54 (3) of this Plan for aquifer access licences with a share component that specifies the Wagga Wagga Alluvial Groundwater Source.
- (4) Subclauses (2) and (3) do not apply:
- (a) where a restricted distance does not apply in accordance with clauses 64 (2) (a), (c) and (d), 65 (2) (a), (c) and (d), 66 (2) (a), (c) and (d), 67 (3), 68 (3), 68 (4) (a), (b) and (d), 69 (2) (a), (b) and (d) or
 - (b) to the taking of water pursuant to basic landholder rights.
- (5) The Minister may specify a daily rate or annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 64–69 pursuant to clauses 64 (2) (d), 65 (2) (d), 66 (2) (d), 67 (3) (a), 68 (3), 68 (4) (d) or 69 (2) (d).
- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 64 (2) (d), 65 (2) (d), 66 (2) (d), 67 (3) (a), 68 (3), 68 (4) (d) or 69 (2) (d).

Part 10 Access licence dealing rules

72 General

The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.

Notes.

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

73 Conversion of access licence to new category

- (1) Dealings under section 71O of the Act are prohibited unless:
 - (a) the conversion is from an unregulated river access licence to an unregulated river (high flow) access licence, or
 - (b) the conversion is from an unregulated river (high flow) access licence that does not specify one of the following water sources or management zones to an unregulated river access licence:
 - (i) Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (ii) Gilmore / Sandy Water Source,
 - (iii) Goobarragandra Water Source,
 - (iv) Goodradigbee Water Source,
 - (v) Hillas Water Source, or
 - (vi) Murrumbidgee III Water Source.
 - (2) A dealing under subclause (1) is subject to the share component of the unregulated
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river (high flow) access licence being equal to the share component of the unregulated river access licence.

74 Assignment of rights dealings (within water sources)

- (1) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from:
 - (a) an access licence with an extraction component that specifies the Brungle Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if:
 - (i) the assignment of rights is to an access licence of a category other than unregulated river (high flow), and
 - (ii) it would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700,
 - (b) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
 - (c) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Brungle Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence in the Bombowlee Creek Management Zone in the Adjungbilly / Bombowlee /

Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components in the Bombowlee Creek Management Zone at the commencement of this Plan,

- (d) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, the Brungle Creek Management Zone, the Bombowlee Creek Management Zone or the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence in the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (e) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Brungle Creek Management Zone or Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence in the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (f) an access licence that does not nominate a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that nominates a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,
 - (g) an access licence that nominates a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that does not nominate a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source,
 - (h) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that does nominate a water supply work located on an off-river pool in one of these water sources,
 - (i) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in one of these water
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sources,

- (j) an access licence that does not nominate a water supply work located on Talpee Creek or Lake Tala within the Murrumbidgee Western Water Source to an access licence that nominates water supply work on Talpee Creek or Lake Tala within the Murrumbidgee Western Water Source,
- (k) an access licence that does not nominate a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source to an access licence that nominates a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (l) an access licence with an extraction component that specifies the Tarcutta Alluvial Management Zone within the Gundagai Alluvial Groundwater Source to an access licence with an extraction component that specifies the Jugiong Alluvial Management Zone within the Gundagai Alluvial Groundwater Source, or
- (m) an access licence with an extraction component that specifies the Jugiong Alluvial Management Zone within the Gundagai Alluvial Groundwater Source to an access licence with an extraction component that specifies the Tarcutta Alluvial Management Zone within the Gundagai Alluvial Groundwater Source.

75 Amendment of share component dealings (change of water source)

- (1) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
 - (a) the cancellation of an access licence with a share component specifying a water source in one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit,
 - (b) the granting of an access licence with a share component specifying a water source in one extraction management unit following the cancellation of an

- access licence with a share component specifying a water source in another extraction management unit,
- (c) the granting of a new access licence with a share component that specifies one of the following water sources:
- (i) the Bredbo Water Source,
 - (ii) the Burrinjuck Dam Catchment Water Source,
 - (iii) the Lake George Water Source,
 - (iv) the Lower Billabong Anabranch Water Source,
 - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
 - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
 - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (viii) the Murrumbidgee I Water Source,
 - (ix) the Murrumbidgee II Water Source,
 - (x) the Murrumbidgee North Water Source,
 - (xi) the Murrumbidgee Western Water Source,
 - (xii) the Queanbeyan Water Source,
 - (xiii) the Tantangara Water Source,
 - (xiv) the Ten Mile Water Source,
 - (xv) the Upper Tumut Water Source,
 - (xvi) the Upper Wangamong Water Source,
 - (xvii) the Yass Lower Water Source,
 - (xviii) the Yass Upper Water Source, or
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- (xix) the Murrumbidgee Alluvial Groundwater Sources,
- (d) the granting of a new access licence with a share component that specifies one of the following water sources, if it would cause the sum of the share components of all access licences in the respective water source to exceed the sum of the share components of all access licences in the respective water source at the commencement of this Plan:
 - (i) the Billabong Water Source,
 - (ii) the Houlaghans Water Source,
 - (iii) the Jugiong Water Source,
 - (iv) the Kyeamba Water Source,
 - (v) the Lower Billabong Water Source,
 - (vi) the Middle Billabong Water Source,
 - (vii) the Molonglo Water Source,
 - (viii) the Mountain Water Source,
 - (ix) the Muttama Water Source,
 - (x) the Numeralla East Water Source,
 - (xi) the Numeralla West Water Source, or
 - (xii) the Yarra Yarra Water Source,
- (e) the granting of a new access licence with a share component that specifies the Adjungbilly / Bombowlee / Brungle Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700,

- (f) the granting of a new access licence with a share component that specifies the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
- (g) the granting of a new access licence with a share component that specifies the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the commencement of this Plan,
- (h) the granting of a new access licence with a share component that specifies the Adjungbilly / Bombowlee / Brungle Water Source and an extraction component that specifies the Killimicat Creek Management Zone,
- (i) the granting of a new access licence with a share component that specifies the Adjungbilly / Bombowlee / Brungle Water Source and an extraction component that specifies the Oak Creek Management Zone,
- (j) the granting of a new access licence with a share component that specifies the Burkes / Bullenbung Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 700,
- (k) the granting of a new access licence with a share component that specifies the Burrumbuttock Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 120,
- (l) the granting of a new access licence with a share component that specifies the Gilmore / Sandy Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences

in the Gilmore / Sandy Water Source to exceed 7,800,

- (m) the granting of a new access licence with a share component that specifies the Goobarragandra Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences in the Goobarragandra Water Source to exceed 4,200,
- (n) the granting of a new access licence with a share component that specifies the Goodradigbee Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences in the Goodradigbee Water Source to exceed 3,200,
- (o) the granting of a new access licence with a share component that specifies the Hillas Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences in the Hillas Water Source to exceed 3,100,
- (p) the granting of a new access licence that nominates a water supply work located on an off-river pool,
- (q) the granting of a new access licence with a share component that specifies the Murrumbidgee III Water Source, if:
 - (i) it would cause the sum of the share components of all access licences in the Murrumbidgee III Water Source to exceed 16,500, or
 - (ii) the dealing involves an access licence of a category other than

unregulated river (high flow), or

- (iii) the dealing involves the granting of an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River, or
 - (r) the granting of a new access licence with a share component that specifies the Urana Water Source, if it would cause the sum of the share components of all access licences in the water source to exceed 584.
- (2) A dealing under subclause (1) is subject to the share component of a new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with section 71R dealing shall not carry over the extraction component from the cancelled access licence.

76 Amendment of extraction component dealings

Dealings under section 71S of the Act are prohibited if the dealing involves:

- (a) an access licence with an extraction component that specifies the Brungle Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source being varied to specify the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if:
 - (i) it would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700, or
 - (ii) the access licence is a category other than unregulated river (high flow),
- (b) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source being varied to

- specify the Brungle Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the date of commencement of this Plan,
- (c) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Brungle Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source being varied to specify the Bombowlee Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the date of commencement of this Plan,
- (d) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, the Brungle Creek Management Zone, the Bombowlee Creek Management Zone or the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source being varied to specify the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
- (e) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Brungle Creek Management Zone or Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source being varied to specify the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
- (f) an access licence with an extraction component that specifies the Tarcutta Alluvial Management Zone in the Gundagai Alluvial Groundwater Source being varied to specify the Jugiong Alluvial Management Zone within the Gundagai Alluvial Groundwater Source, or
- (g) an access licence with an extraction component that specifies the Jugiong
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Alluvial Management Zone in the Gundagai Alluvial Groundwater Source being varied to specify the Tarcutta Alluvial Management Zone within the Gundagai Alluvial Groundwater Source.

77 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation from:
 - (a) an access licence with an extraction component that specifies the Brungle Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, to an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Adjungbilly Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700 megalitres, or
 - (ii) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (b) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Brungle Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of

this Plan,

- (c) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Brungle Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, to an access licence with an extraction component that specifies the Bombowlee Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Bombowlee Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the commencement of this Plan,
 - (d) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, the Brungle Creek Management Zone, the Bombowlee Creek Management Zone or the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (e) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Brungle Creek Management Zone or Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source to an access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (f) an access licence that does not nominate a water supply work located on the tributary to the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that nominates a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,
 - (g) an access licence that nominates a water supply work located on a tributary
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to the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that nominates a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source, if the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),

- (h) an unregulated river (high flow) access licence to an access licence of another category in the following water sources or management zones:
 - (i) Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (ii) Gilmore / Sandy Water Source,
 - (iii) Goobarragandra Water Source,
 - (iv) Goodradigbee Water Source,
 - (v) Hillas Water Source, or
 - (vi) Murrumbidgee III Water Source,
- (i) an access licence that does not nominate a water supply work located on an off-river pool in these water sources to an access licence that does nominate a water supply work located on an off-river pool,
- (j) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source,
- (k) an access licence that does not nominate a water supply work located on Talpee Creek or Lake Tala in the Murrumbidgee Western Water Source to an access licence that nominates a water supply work located on Talpee Creek or Lake Tala in Murrumbidgee Western Water Source,
- (l) an access licence that does not nominate a water supply work located on Five Mile Lagoon in the Murrumbidgee (Gogeldrie to Waldaira) Water Source to an access licence that nominates a water supply work located on

Five Mile Lagoon in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,

- (m) an access licence with an extraction component that specifies the Tarcutta Alluvial Management Zone in the Gundagai Alluvial Groundwater Source to an access licence in the Jugiong Alluvial Management Zone in the Gundagai Alluvial Groundwater Source, or
 - (n) an access licence with an extraction component that specifies the Jugiong Alluvial Management Zone in the Gundagai Alluvial Groundwater Source to an access licence in the Tarcutta Alluvial Management Zone in the Gundagai Alluvial Groundwater Source.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves an assignment of water allocation:
- (a) from an access licence in one extraction management unit to an access licence in another extraction management unit,
 - (b) to an access licence in one of the following water sources:
 - (i) the Bredbo Water Source,
 - (ii) the Burrinjuck Dam Catchment Water Source,
 - (iii) the Lake George Water Source,
 - (iv) the Lower Billabong Anabranch Water Source,
 - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
 - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
 - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (viii) the Murrumbidgee I Water Source,
 - (ix) the Murrumbidgee II Water Source,
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- (x) the Murrumbidgee North Water Source,
 - (xi) the Murrumbidgee Western Water Source,
 - (xii) the Queanbeyan Water Source,
 - (xiii) the Tantangara Water Source,
 - (xiv) the Ten Mile Water Source,
 - (xv) the Upper Tumut Water Source,
 - (xvi) the Upper Wangamong Water Source,
 - (xvii) the Yass Lower Water Source,
 - (xviii) the Yass Upper Water Source, or
 - (xix) the Murrumbidgee Alluvial Groundwater Sources,
- (c) to an access licence in one of the following water sources, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences that specified that water source at the commencement of this Plan:
- (i) the Billabong Water Source,
 - (ii) the Houlaghans Water Source,
 - (iii) the Jugiong Water Source,
 - (iv) the Kyeamba Water Source,
 - (v) the Lower Billabong Water Source,
 - (vi) the Middle Billabong Water Source,
 - (vii) the Molonglo Water Source,

- (viii) the Mountain Water Source,
 - (ix) the Muttama Water Source,
 - (x) the Numeralla East Water Source,
 - (xi) the Numeralla West Water Source, or
 - (xii) the Yarra Yarra Water Source,
- (d) to an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if:
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Adjungbilly Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700 megalitres, or
 - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (e) to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that management zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,
- (f) to an access licence with an extraction component that specifies the Bombowlee Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that management zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the
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commencement of this Plan,

- (g) to an access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (h) to an access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (i) to an access licence in the Burkes / Bullenbung Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700 megalitres,
 - (j) to an access licence in the Burrumbuttock Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 120 megalitres,
 - (k) to an access licence with a share component that specifies the Gilmore / Sandy Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Gilmore / Sandy Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 7,800 megalitres, or
 - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
 - (l) to an access licence with a share component that specifies the Goobarragandra Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water
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- allocation accounts of all access licences in the Goobarragandra Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 4,200 megalitres, or
- (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (m) to an access licence with a share component that specifies the Goodradigbee Water Source, if:
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Goodradigbee Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,200 megalitres, or
 - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (n) to an access licence with a share component that specifies the Hillas Water Source, if
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Hillas Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,100 megalitres, or
 - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (o) to an access licence with a share component that specifies the Murrumbidgee III Water Source, if:
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Murrumbidgee III Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 16,500

megalitres, or

- (ii) to an allocation account for an access licence of a category other than unregulated river (high flow), or
 - (iii) to an allocation account for an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River,
- (p) to an access licence in the Urana Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 584 megalitres, or
- (q) to an access licence that nominates a water supply work located on an off-river pool.

78 Interstate transfer of access licences and assignment of water allocations

- (1) Subject to subclauses (2) and (3), dealings under section 71U of the Act involving the interstate transfer of access licences to or from these water sources may only be permitted where administrative arrangements have been agreed to and put in place by the States.
- (2) Dealings under section 71U of the Act involving the interstate transfer of access licences to these water sources are prohibited if the dealing involves any of the following:
 - (a) the granting of a new access licence with a share component that specifies one of the following water sources:
 - (i) the Bredbo Water Source,
 - (ii) the Burrinjuck Dam Catchment Water Source,
 - (iii) the Lake George Water Source,
 - (iv) the Lower Billabong Anabranche Water Source,

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- (v) the Murrumbidgee (Balranald to Weimby) Water Source,
 - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
 - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (viii) the Murrumbidgee I Water Source,
 - (ix) the Murrumbidgee II Water Source,
 - (x) the Murrumbidgee North Water Source,
 - (xi) the Murrumbidgee Western Water Source,
 - (xii) the Queanbeyan Water Source,
 - (xiii) the Tantangara Water Source,
 - (xiv) the Ten Mile Water Source,
 - (xv) the Upper Tumut Water Source,
 - (xvi) the Upper Wangamong Water Source,
 - (xvii) the Yass Lower Water Source,
 - (xviii) the Yass Upper Water Source, or
 - (xix) the Murrumbidgee Alluvial Groundwater Sources,
- (b) the granting of a new access licence with a share component that specifies one of the following water sources, if it would cause the sum of the share components of all access licences in the respective water source to exceed the sum of the share components of all access licences in the respective water source at the date of commencement of this Plan:
- (i) the Billabung Water Source,
 - (ii) the Houlaghans Water Source,
 - (iii) the Jugiong Water Source,

- (iv) the Kyeamba Water Source,
 - (v) the Lower Billabong Water Source,
 - (vi) the Middle Billabong Water Source,
 - (vii) the Molonglo Water Source,
 - (viii) the Mountain Water Source,
 - (ix) the Muttama Water Source,
 - (x) the Numeralla East Water Source,
 - (xi) the Numeralla West Water Source, or
 - (xii) the Yarra Yarra Water Source,
- (c) the granting of a new access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if:
- (i) the dealing would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700, or
 - (ii) the dealing involves the granting of an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone of a category other than unregulated river (high flow),
- (d) the granting of a new access licence with a share component that specifies the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences with an extraction component that specifies the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
- (e) the granting of a new access licence with a share component that specifies
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the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of the share components of all access licences with an extraction component that specifies the Bombowlee Creek Management Zone to exceed the sum of the share components of all access in the Bombowlee Creek Management Zone at the commencement of this Plan,

- (f) the granting of a new access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (g) the granting of a new access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
 - (h) the granting of a new access licence with a share component that specifies the Burkes / Bullenbung Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 700,
 - (i) the granting of a new access licence with a share component that specifies the Burrumbuttock Water Source, if it would cause the sum of the share components of all access licences that specify that water source to exceed 120,
 - (j) the granting of a new access licence with a share component that specifies the Gilmore / Sandy Water Source, if:
 - (i) the dealing would cause the sum of the share components of all access licences in the Gilmore / Sandy Water Source to exceed 7,800, or
 - (ii) the dealing involves the granting of an access licence with a share component that the Gilmore / Sandy Creek Water Source of a category other than unregulated river (high flow),
 - (k) the granting of a new access licence with a share component that specifies the Goobarragandra Water Source, if:
 - (i) the dealing would cause the sum of the share components of all access licences in the Goobarragandra Water Source to exceed 4,200, or
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- (ii) the dealing involves the granting of an access licence with a share component in the Goobarragandra Water Source of a category other than unregulated river (high flow),
- (l) the granting of a new access licence with a share component that specifies the Goodradigbee Water Source, if:
 - (i) the dealing would cause the sum of the share components of all access licences in the Goodradigbee Water Source to exceed 3,200, or
 - (ii) the dealing involves the granting of an access licence with a share component in the Goodradigbee Water Source of a category other than unregulated river (high flow),
- (m) the granting of a new access licence with a share component that specifies the Hillas Water Source, if:
 - (i) the dealing would cause the sum of the share components of all access licences in the Hillas Water Source to exceed 3,100, or
 - (ii) the dealing involves the granting of an access licence with a share component in the Hillas Water Source of a category other than unregulated river (high flow),
- (n) the granting of a new access licence with a share component that specifies the Murrumbidgee III Water Source, if:
 - (i) the dealing would cause the sum of the share components of all access licences in the Murrumbidgee III Water Source to exceed 16,500,
 - (ii) the dealing would involve the granting of an access licence with a share component in the Murrumbidgee III Water Source of a category other than unregulated river (high flow), or
 - (iii) the dealing involves the granting of an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River,

- (o) the granting of a new access licence with a share component that specifies the Urana Water Source, if it would cause the sum of the share components of all access licences in the Urana Water Source to exceed 584, or
 - (p) the granting of a new access licence that nominates a water supply work located on an off-river pool.
- (3) The share component of a new access licence specifying one of these water sources granted in accordance with subclause (2) shall be equal to the share component of the cancelled access licence.
- (4) Subject to subclause (5), dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in these water sources may only be permitted where administrative arrangements have been agreed to and put in place by the States.
- (5) Dealings under section 71V of the Act involving the interstate assignment of water allocations to access licences in these water sources are prohibited if the dealing involves any of the following:
- (a) an assignment of water allocation to an access licence in one of the following water sources:
 - (i) the Bredbo Water Source,
 - (ii) the Burrinjuck Dam Catchment Water Source,
 - (iii) the Lake George Water Source,
 - (iv) the Lower Billabong Anabranche Water Source,
 - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
 - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
 - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (viii) the Murrumbidgee I Water Source,

- (ix) the Murrumbidgee II Water Source,
 - (x) the Murrumbidgee North Water Source,
 - (xi) the Murrumbidgee Western Water Source,
 - (xii) the Queanbeyan Water Source,
 - (xiii) the Tantangara Water Source,
 - (xiv) the Ten Mile Water Source,
 - (xv) the Upper Tumut Water Source,
 - (xvi) the Upper Wangamong Water Source,
 - (xvii) the Yass Lower Water Source,
 - (xviii) the Yass Upper Water Source, or
 - (xix) the Murrumbidgee Alluvial Groundwater Sources,
- (b) an assignment of water allocation to an access licence in one of the following water sources, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the respective water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that water source at the commencement of this Plan:
- (i) the Billabung Water Source,
 - (ii) the Houlaghans Water Source,
 - (iii) the Jugiong Water Source,
 - (iv) the Kyeamba Water Source,
 - (v) the Lower Billabong Water Source,

- (vi) the Middle Billabong Water Source,
 - (vii) the Molonglo Water Source,
 - (viii) the Mountain Water Source,
 - (ix) the Muttama Water Source,
 - (x) the Numeralla East Water Source,
 - (xi) the Numeralla West Water Source, or
 - (xii) the Yarra Yarra Water Source,
- (c) an assignment of water allocation to an access licence in the Adjungbilly Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if:
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Adjungbilly Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700 megalitres, or
 - (ii) the assignment of water allocations is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (d) an assignment of water allocation to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Brungle Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,
- (e) an assignment of water allocation to an access licence with an extraction component that specifies the Bombowlee Creek Management Zone in the

Adjungbilly / Bombowlee / Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Bombowlee Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,

- (f) an assignment of water allocation to an access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
- (g) an assignment of water allocation to an access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly / Bombowlee / Brungle Water Source,
- (h) an assignment of water allocation to an access licence in the Burkes / Bullenbung Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Burkes / Bullenbung Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700 megalitres,
- (i) an assignment of water allocation to an access licence in the Burrumbuttock Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Burrumbuttock Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 120 megalitres,
- (j) an assignment of water allocation to an access licence with a share component that specifies the Gilmore / Sandy Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Gilmore / Sandy Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 7,800 megalitres, or

- (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
 - (k) an assignment of water allocation to an access licence with a share component that specifies the Goobarragandra Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in Goobarragandra Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 4,200 megalitres, or
 - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
 - (l) an assignment of water allocation to an access licence with a share component that specifies the Goodradigbee Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Goodradigbee Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,200 megalitres, or
 - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
 - (m) an assignment of water allocation to an access licence with a share component that specifies the Hillas Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Hillas Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,100 megalitres, or
 - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
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- (n) an assignment of water allocation to an access licence with a share component that specifies the Murrumbidgee III Water Source, if:
 - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Murrumbidgee III Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 16,500 megalitres,
 - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow), or
 - (iii) the assignment of water allocation is to an allocation account for an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River,
- (o) an assignment of water allocation to an access licence in the Urana Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Urana Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 584 megalitres, or
- (p) an assignment of water allocation to an access licence that nominates a water supply work located on an off-river pool.

79 Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,
 - (b) an access licence which does not nominate a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source being amended to nominate a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,
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- (c) an access licence which nominates a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source being amended to nominate a water supply work that is not located on the Murrumbidgee River in the Murrumbidgee III Water,
 - (d) an access licence that does not nominate a water supply work located on an off-river pool in these water sources being amended to nominate a water supply work located on an off-river pool,
 - (e) an access licence that nominates a water supply work located on an off-river pool in one of these water sources being amended to nominate a water supply work located on another off-river pool in that water source,
 - (f) an access licence that does not nominate a water supply work located on Talpee Creek or Lake Tala within the Murrumbidgee Western Water Source being amended to nominate a water supply work located on Talpee Creek or Lake Tala within Murrumbidgee Western Water Source, or
 - (g) an access licence that does not nominate a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source being amended to nominate a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source.
- (2) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources may only be permitted where administrative arrangements have been agreed to and put in place by the States.
- (3) Dealings under section 71W of the Act that involve the nomination of water supply works in these water sources by interstate access licences are prohibited.

Part 11 Mandatory conditions

Note. Part 12 allows for amendments to be made to this Part.

Division 1 General

80 General

In this Part:

- (a) a requirement to notify the Minister will be satisfied by making a notification in writing to the address listed in Appendix 4 of this Plan or to the email address for the Department Licensing Enquiries Information Centre,

Note. At the commencement of this Plan, the email address for the Department Licensing Enquiries Information Centre is information@water.nsw.gov.au.

- (b) a *metered water supply work with a data logger* means a water supply work with a data logger and a meter that complies with the Australian Technical Specification ATS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and

Note. The definition of *metered water supply work with a data logger* does not include all water supply works that are metered or that have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a metered water supply work with a data logger.

- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

Note. *Logbook* is defined in the Dictionary.

Division 2 Access licences

Note. This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

81 General

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
 - (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,
 - (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
 - (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence, except for the holder of a salinity or water table management access licence, must record the following in the Logbook:
 - (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) for unregulated river access licences and unregulated river (high flow) access licences with share components that specify one of the

- Murrumbidgee Unregulated Water Sources, the volume of water taken in the first three water years of this Plan, by comparison to the maximum volume of water permitted to be taken in those years under clause 48 (2),
- (vi) for unregulated river access licences and unregulated river (high flow) access licences with share components that specify the Murrumbidgee Unregulated Water Sources, the volume of water taken in any three consecutive water years after the first water year of this Plan, by comparison to the maximum volume of water permitted to be taken in those years under clause 48 (3),
 - (vii) for domestic and stock access licences and local water utility access licences with share components that specify the Murrumbidgee Unregulated Water Sources, the volume of water taken in the water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 48 (4),
 - (viii) for aquifer access licences, aquifer (high security) access licences, domestic and stock access licences, local water utility access licences and salinity and water table management access licences with share components that specify one of the Murrumbidgee Alluvial Groundwater Sources, the volume of water taken in the water year, by comparison to the maximum volume of water permitted to be taken in that water year under clauses 49–54, and
 - (ix) any other information required to be recorded in the Logbook to implement the provisions of this Plan,
- (c) the holder of a salinity and water table management access licence must record the following in the Logbook:
- (i) the dates and periods of time during which water was taken under the access licence for the previous monthly accounting period,
 - (ii) the volume of water taken for the previous monthly accounting period,

- (iii) the water supply work approval number for the water supply work used to take water during the previous monthly accounting period,
 - (iv) the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clauses 49 (4), 50 (2), 51 (4), 52 (4), 53 (4) and 54 (4), and
 - (v) any other information required to be recorded in the Logbook under the rules of this Plan,
- (d) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
- (e) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements set out in subclause (2).
- (4) An access licence for a development approved under Part 3A, Part 4 if the development was for a state significant development or Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to:
- (a) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan, and
 - (b) the rules for the use of water supply work located within the restricted distances specified in clause 71.

Division 3 Water supply work approvals

Note. This Division is made in accordance with sections 17 (c) and 100 of the Act.

82 General

- (1) Water supply work approvals for water supply works in these water sources must
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have mandatory conditions where required to give effect to the following:

- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,
 - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with the Australian Technical Specification ATS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet, and
 - (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,
- Note.** The Minister may also direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.
- (c) unless otherwise directed by the Minister in writing, the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned, in accordance with any direction from the Minister,
 - (d) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (e) the holder of the water supply work approval must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of

the approval, and

- (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding water supply works that are metered water supply works with data loggers and water supply works nominated only by salinity and water table management access licences, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook:
 - (i) each date and period of time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
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- (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
 - (c) the holder of the water supply work approval must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
- (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 62 (1).
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions where required to give effect to the requirements for a replacement surface water supply work specified in or specified by the Minister in accordance with clause 62 (4).

83 Water supply works used to take water from the Murrumbidgee Alluvial Groundwater Sources

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take water from the Murrumbidgee Alluvial Groundwater Sources.
 - (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
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- (a) the rules for limiting the taking of water within the distance restrictions specified in clause 71,
 - (b) the approval holder must ensure water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence, that nominates the work, and
 - (ii) sealed off from all other water sources,
 - (c) the construction of a new water supply work must:
 - (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 64–69,
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,

Note. *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.

 - (iii) be constructed appropriately so as to prevent contamination between aquifers, and
 - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
 - (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, unless otherwise directed by the Minister in writing,
 - (e) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (f) the approval holder must, within two months of completion of the
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construction of the water supply work or within two months after the issue of the water supply work approval if the water supply work is existing, submit the details of the water supply work to the Department in a form approved by the Minister,

- (g) if, during the construction of the water supply work, contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (ii) take all reasonable steps to minimise contamination and environmental harm,
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and, if specified by the Minister, place an impermeable seal between the casing and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
 - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,

provided that this paragraph does not apply where the water supply work is being constructed for the purpose of taking saline water through a salinity or water management table access licence and the only contaminated water encountered is saline water,

- (h) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
- (i) the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
- (j) any other conditions required to implement the provision of this Plan.

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- (3) A water supply work approval granted in circumstances where clauses 64 (2) (d), 65 (2) (d), or 66 (2) (d) apply, must have a mandatory condition where required to give effect to clause 64 (4), 65 (4) or 66 (4) respectively.

- (4) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 70.

Part 12 Amendment of this Plan

84 General

- (1) Amendments specified throughout this Plan and in this Part are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

Note. For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.

- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

85 Part 1

Part 1 may be amended to do any of the following:

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof) or modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this Plan,
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
- (c) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Plan Map.

86 Part 4

Part 4 may be amended to vary the amount of recharge reserved as planned

environmental water in the Murrumbidgee Alluvial Groundwater Sources as a result of recharge studies undertaken or assessed as adequate by the Minister.

87 Part 6

- (1) Part 6 may be amended to do any of the following:
- (a) modify the long-term average annual extraction limit for one of the Murrumbidgee Alluvial Groundwater Sources as a result of the granting of a salinity and water table management access licence in that groundwater source,
 - (b) modify the long-term average annual extraction limit for the Billabong Alluvial Groundwater Source or the Bungendore Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister, and
 - (c) give effect to the outcomes of a review conducted under clause 37 (5) for the Wagga Wagga Alluvial Groundwater Source to:
 - (i) increase the long-term average annual extraction limit for local water utility access licences established in clause 30 (10) (b), and
 - (ii) reduce the long-term average annual extraction limit for domestic and stock rights, native title rights and access licences, excluding local water utility access licences, established in clause 30 (10) (a).
 - d) modify the long-term average annual extraction limit for the Mid Murrumbidgee Groundwater Zone 3 Alluvial Groundwater Source, the Kyemba Alluvial Groundwater Source, the Wagga Wagga Alluvial Groundwater Source, or the Gundagai Alluvial Groundwater Source based on new information that, in the opinion of the Minister, demonstrates that:
 - (i) a methodology is available that more accurately represents the history of extraction at the commencement of this Plan than the methodology used to determine the history of extraction for the purpose of establishing the long-term average annual extraction limit, or

- (ii) the connectivity between the relevant groundwater source and surface water source is limited.

Note. At this point in time there is no new information and no new methodology proposed. It is not anticipated that new information or methods will be developed within the first 12 months of the plan but the Department will continue to work with the Water Users' Group on these issues. This process could take several years if further analysis or new data is required.

88 Part 8

Division 2 of Part 8 of this Plan may be amended to do any of the following:

- (a) amend the existing flow classes, establish new or additional flow classes and amend the flow reference point to specify a newly installed gauge after year five of this Plan in the:
 - (i) Bredbo Water Source,
 - (ii) Yass Upper Water Source,
 - (iii) Murrumbidgee I Water Source, and
 - (iv) Jugiong Water Source,
 - (b) amend the very low flow class in the Numeralla East Water Source to less than or equal to 9 ML/day at Numeralla River at the Rose Valley flow gauge (41000206) after year five of the Plan, provided that the Minister is satisfied that the amendment will not have a significant adverse impact on the access licence holders in that water source,
 - (c) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended during the term of this Plan as specified in clause 85, provided that the Minister is satisfied that the amendment maintains, to the extent feasible, the same level of access for licence holders in the affected water source or management zone as prior to the establishment of the new or amended water source or management zone,
 - (d) establish a variable cease to pump access rule in the Murrumbidgee I Water Source, the Murrumbidgee II Water Source or the Goodradigbee Water
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Source that:

- (i) reflects seasonal variations,
 - (ii) protects Snowy Mountain Rivers Increased Flows releases as established in the *Snowy Water Inquiry Outcomes Implementation Deed 2002*, and
 - (iii) protects releases made from Tantangara Dam for the ACT,
- (e) amend clause 57 to extend the exemption to the cease to take conditions for stock watering purposes specified in clauses 57 (22) (c) and 57 (23) (c) beyond year five of this Plan or modify the volume of water permitted to be taken for stock watering purposes after year five of this Plan,
 - (f) establish or assign TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
 - (g) establish or assign TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
 - (h) amend or remove TDELs if TDELs have been established or assigned,
 - (i) include rules for the establishment, assignment and removal of IDELs,
 - (j) remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (f) or (h) to protect a proportion of flow within each flow class for the environment, or
 - (k) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (g) and (h).

89 Part 9

Part 9 may be amended to do any of the following:

- (a) amend clause 62 to specify water sources or management zones where water
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supply work approvals must not be granted or amended to authorise in-river dams on a third or higher order streams,

- (b) add, remove or modify a restricted distance specified in:
 - (i) clauses 64–66 after year five of this Plan, or
 - (ii) clause 68 based on the outcomes of further studies of groundwater dependent ecosystem that are to the Minister’s satisfaction,
- (c) amend the definition of a replacement groundwater work in clause 70, or
- (d) amend clause 71 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts.

90 Part 10

Part 10 may be amended within the first five years of this Plan to establish dealing rules to restrict trade within the Kyeamba Alluvial Groundwater Source, Gundagai Alluvial Groundwater Source, Mid Murrumbidgee Zone 3 Alluvial Groundwater Source or Wagga Wagga Alluvial Groundwater Source if the assessment in clause 32 of this Plan demonstrates that annual extractions in the groundwater source exceeds the long-term average annual extraction limit for that groundwater source in any of the first five years of this Plan.

91 Part 11

Part 11 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including in relation to requirements for Logbooks, or
- (b) amend clause 82 or 83 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

92 Dictionary

The Dictionary may be amended to add, modify and/or remove a definition.

93 Schedules

- (1) Schedule 1 may be amended to do any of the following:
 - (a) remove a pool, lagoon or lake from Column 1 of Schedule 1 and to remove the corresponding access rule from Column 3 of Schedule 1,
 - (b) amend the access rule specified in Column 3 of Schedule 1, or
 - (c) add a pool, lagoon or lake to Column 1 of Schedule 1 and to specify an access rule in Column 3 of Schedule 1.
 - (2) Schedule 2 may be amended to add or remove access licences.
 - (3) Schedule 3 may be amended to add or remove access licences from Column 1 of Schedule 3 and amend, add or remove an access rule from Column 3 of Schedule 3.
 - (4) Schedule 4 may be amended to add or remove off-river pools or off-river dam pools.
 - (5) Schedule 5 may be amended to do any of the following:
 - (a) add a new access licence to clause 1 of Schedule 5, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 57 (22) (a) or (23) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
 - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 5, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
 - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 5 if:
-

- (i) an access licence dealing results in water being taken under the licence from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the access licence is surrendered or cancelled,
- (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 5 if:
 - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is surrendered or cancelled.
- (7) Schedule 5 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (8) Schedule 6 may be amended to add or remove a contamination source.
- (9) Schedule 7 may be amended to add or remove:
 - (a) a high priority groundwater dependent ecosystem, or
 - (b) a high priority karst groundwater dependent ecosystem.

94 Other

- (1) This Plan may be amended to include rules for the following:
 - (a) managed aquifer recharge,
 - Note.** Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.
 - (b) the management of floodplain harvesting within these water sources,
 - (c) the shepherding of water,

Note. *Shepherding* is defined in the Dictionary.

- (d) any new category of access licence established for the purpose of urban stormwater harvesting,
- (e) the interception of water before it reaches a stream or aquifer by plantations or other means,
- (f) the management of salt interception schemes,
- (g) the management of aquifer interference activities, including the granting of aquifer interference approvals,
- (h) to give effect to the protection of any environmental releases made from Snowy Hydro storages within these water sources, or
- (i) to give effect to an agreement between the New South Wales Government and the ACT Government for the management of water released from Tantangara Dam for the ACT.

Note. Targeted consultation and notification regarding any amendment to access rules to give effect to an agreement between the New South Wales Government and Snowy Hydro or the ACT Government for the management of water released from Snowy Hydro storages or Tantangara Dam will be undertaken as determined by the Minister.

- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
 - (3) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* (Cth) to give effect to an entitlement granted under that claim.
 - (4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* (Cth).
 - (5) This plan may be amended after year five to provide for rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
 - (a) identify water dependent Aboriginal cultural assets,
 - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
-

- (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, and/or
 - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.
- (8) This Plan may be amended to give effect to clause 2 of the agreement between NSW and the Commonwealth Governments ratified by the *Seat of Government Surrender Act 1909*.

Dictionary

Note. Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the Regulations have the same meaning in this Plan.

Aboriginal person has the same meaning as under section 4 of the *Aboriginal Land Rights Act 1983*.

alluvial sediments means unconsolidated fluvio-lacustrine sediments.

cease to take condition means any term or condition on a water supply work approval, an access licence or *Water Act 1912* entitlement that prohibits the taking of water in a particular circumstance.

drawdown means a lowering of the level to which water will rise in cased bores.

Note. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

fractured rock means sedimentary, igneous and metamorphic rocks with fractures, joints, bedding planes and cavities in the rock mass that are capable of transmitting water.

full capacity means the volume of water that is impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of that pool, lagoon or lake would cease.

grazeable area means, for an individual landholding, the area of pasture in hectares for a pasture type that is accessible for stock grazing and able to grow appropriate vegetation for stock grazing, but does not include impervious surfaces (such as rocks or rocky terrain, man-made structures, mines or quarries) or other such surfaces that do not support grazing vegetation, such as water bodies and forested floors with no undergrowth.

groundwater dependent ecosystem includes ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater.

high environmental value areas are national parks, nature reserves, historic sites, Aboriginal areas, state conservation areas and karst conservation areas.

individual daily extraction limit (IDEL) is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

in-river dam means a dam located in a river created by a structure authorised by a water supply work approval.

in-river dam pool means the area of water immediately upstream of an in-river dam where the river has pooled as a result of an in-river dam.

in-river pool means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- (a) a pool that is on a flood-runner or floodplain, or
- (b) a pool that is on an effluent that only begins to flow during high flows.

Note. In the Dictionary to the Act, a **lake** is defined to include:

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake,
whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

Logbook, in relation to an access licence or water supply work approval, means a written record, kept in hard copy or electronic form, which accurately records all information required to be kept in relation to the access licence or water supply work approval under the rules of this Plan.

management zone is an area within a water source in which rules particular to that management zone will apply, for example daily extraction limits and restrictions on dealings.

Minimum Construction Requirements for Water Bores in Australia means the document published by the National Uniform Drillers Licensing Committee entitled Minimum Construction Requirements for Water Bores in Australia 2012, ISBN 978-0-646-56917-8, as amended or replaced from time to time.

natural capacity means the capacity of an off-river dam pool in the absence of any augmentation works that increased the full capacity of the pool. The natural capacity of an off-river dam pool is deemed to be bounded by the bottom of the diversion works that created the off-river dam pool.

off-river pool means a natural pool, lagoon or lake that is:

- (a) not within a river or stream (regardless of stream size),
- (b) located on a flood-runner or floodplain, or
- (c) located on an effluent that only commences to flow during high flows.

off-river dam pool means the area of water that has pooled as a result a dam constructed to augment a natural off-river pool.

porous rock means consolidated sedimentary rock containing voids, pores or other openings (such as joints, cleats and/or fractures) which are interconnected, in the rock mass and which are capable of transmitting water.

recharge means the addition of water, usually by infiltration, to an aquifer.

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in the harvestable rights orders made under Division 2 of Part 1 of Chapter 3 of the Act and published in the NSW Government Gazette No 40 on 31 March 2006 at page 1628. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

shepherding means the delivery of a calculated volume of water that was created by the non-activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

total daily extraction limit (TDEL) is the volume of water that may be extracted under

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access licences from an unregulated river on a daily basis from a particular flow class.

visible flow means the continuous downstream movement of water that is perceptible to the eye.

Water Act 1912 entitlement has the same meaning as *entitlement* has in clause 2 of Schedule 10 to the Act.

Schedule 1 Access rules for pools, lagoons and lakes

Column 1	Column 2	Column 3
Pool, lagoon or lake	Water Source	Access rule
Goonerah Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken when the water level of Goonerah Lagoon is more than 3.28 metres below the bench mark established on a gum tree on the right bank of Goonerah Lagoon within Portion 120, Parish of Yarabee, County of Mitchell.
Flowerdale Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken when the water level of Flowerdale Lagoon is more than 1.61 metres below the bench mark established on a large gum tree immediately downstream of the pump site.
Mundowey Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken from Mundowey Lagoon when the earthen block in the downstream entrance to Mundowey Lagoon is at a height lower than 1.58 metres below the bench mark established on a gum tree on the right bank of Mundowey Lagoon.
Currawarna Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken from Currawarna Lagoon when the water level drops below the point at which surface outflow ceases to occur, the volume of water taken under an access licence

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Column 1 Pool, lagoon or lake	Column 2 Water Source	Column 3 Access rule
		nominating a water supply work on the lagoon must not exceed 40 megalitres.
Currawarna Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken from Currawananna Lagoon when the volume of water in the lagoon falls below the level on the marker post, as determined by the Minister, located within TS&CR 59613 near the north eastern corner of Lot 122 DP 750832, Parish of Currawananna, Country of Burke.
Yanga Lake	Murrumbidgee Western Water Source	Water must not be taken from Yanga Lake by the regulator authorised under licence number 40SL004936 when the level of water stored is less than 0.26 meters above the sill of the regulator.

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Schedule 2 Access licences that must not pump when the volume of water in the pool is less than 50% of the full capacity as specified in clause 57 (14)

Column 1	Column 2
Water Source	<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan
Bredbo Water Source	40SL031426
Bredbo Water Source	40SL039678
Bredbo Water Source	40SL044074
Bredbo Water Source	40SL043659
Bredbo Water Source	40SL071069
Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	40SA005621

Schedule 3 Access rules for access licences on in-river pools for the purpose of clause 57 (15)

Column 1 <i>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</i>	Column 2 Water Source	Column 3 Access rule
40SA000464	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL027886	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL039709	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SA000279	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.

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40SL042880	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025631	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025381	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL026663	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025673	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.

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40SL040139	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL040045	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025827	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40PE003346	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the concrete bridge on the road leading to Muttama Railway Station and located approximately 1320 metres downstream on the south-western corner of portion 189, Parish of Mooney Mooney, County of Harden.

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40SL010618	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the concrete bridge on the road leading to Muttama Railway Station and located approximately 1320 metres downstream on the south-western corner of portion 189, Parish of Mooney Mooney, County of Harden.
40SL016864	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL017803	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek through the road crossing at the western boundary of portion 104, Parish of Cowcumbala, County of Harden.
40SL034728	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL038755	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.

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40SL039351	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL040904	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL042479	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL043416	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek through the road crossing at the south-eastern corner of portion 70, Parish of Bongongalong, County of Harden.
40SL043729	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.

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40SL044298	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL044568	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek through the road crossing at the south-eastern corner of portion 70, Parish of Bongongalong, County of Harden.
40SL071131	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River exceeds 9 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.
40SL035504	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River is in excess of 9 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.

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40SL071134	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River is in excess of 9 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.
40SL040012	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River is in excess of 6 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.
40SL047141	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the flow of the Murrumbidgee River at the Billilingra gauge (upstream of Bredbo) exceeds 15 megalitres per day with such flow corresponding to a reading on the said gauge of 0.58 metres (or such reading as may be determined from time to time).

Schedule 4 Off-river pools or off-river dam pools that may be the intended recipient of an environmental water release for the purpose of clause 57 (11)

Column 1 Off-river pool or off-river dam pool	Column 2 Water Source
Mantangry Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
Gooragool Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
Euwarderry Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
MIA National Park Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
Sandy Creek	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source
Lake Tala	Murrumbidgee Western
Yanga Lake	Murrumbidgee Western
Goobagumbalin Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source

Schedule 5 Access licences used to take surface water exempt from cease to pump rules

1 General

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan

50SA006598

50SA006600

50SL034722

50SL043091

50SL075427

50SL075434

50SL028566

50SL075476

40SL024487

40SL044012

40SL046461

40SL040846

40SL070732

40SL070598

40SL042353

40SL044800

40SL070862

40SL042553

40SL043103

40SL070701

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan

40SL071127

40SL037204

40SL045027

40SL071120

40SL045012

40SL070617

40SL027712

40SL040879

40SL041564

40SL044734

40SL046070

40SL070861

40SL071118

40SA005602

2 Local water utility access licences and access licences of the subcategory “Town water supply”

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

<i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply”) on commencement of this Plan

40SL049968

40SL071172

40SL029052

40SL070662

40SL045456

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Water Act 1912 entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply”) on commencement of this Plan

40SL071183

40SL031368

40SL031158

40SL045468

50SL028874

50SL047391

50SL052079

Schedule 6 Contamination sources in these water sources

Contamination sources in these water sources comprise the following:

- (a) on site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (c) any sites that are or have been the subject of any activity listed in Table 1 of contaminated land planning guidelines as published under the *Environmental Planning and Assessment Act 1979* from time to time, and
- (d) any sites listed in an agency database relating to contamination sources.

Schedule 7 High priority groundwater dependent ecosystems

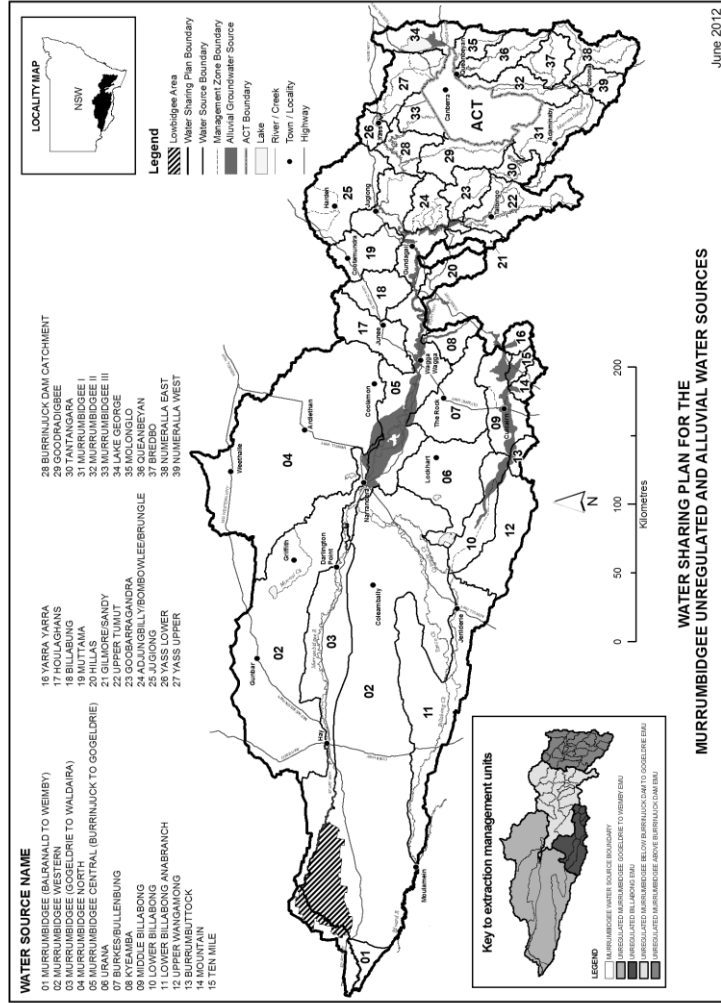
At the commencement of this Plan, no high priority groundwater dependent ecosystems have been identified in this Schedule.

Note. High priority groundwater dependent ecosystems (hereafter **GDEs**) are currently under investigation and some of these may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDE.

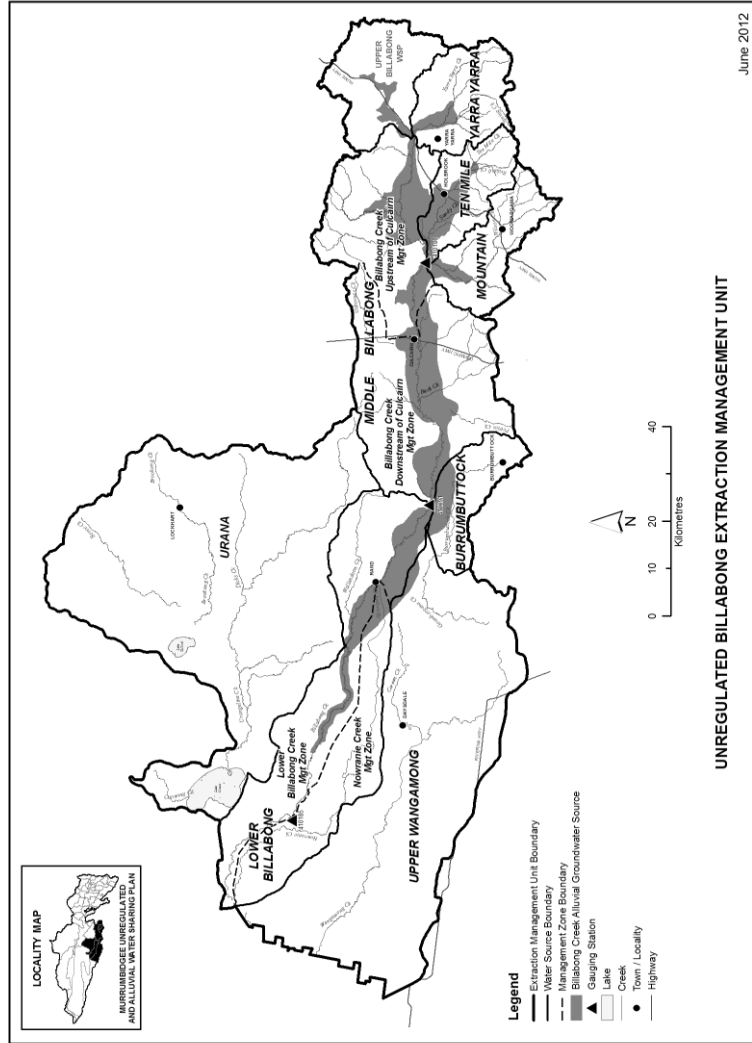
Appendix 1 Overviews of the Plan Map

Overviews of the Plan Map (WSP023_Version 1), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

Map 1 of 5

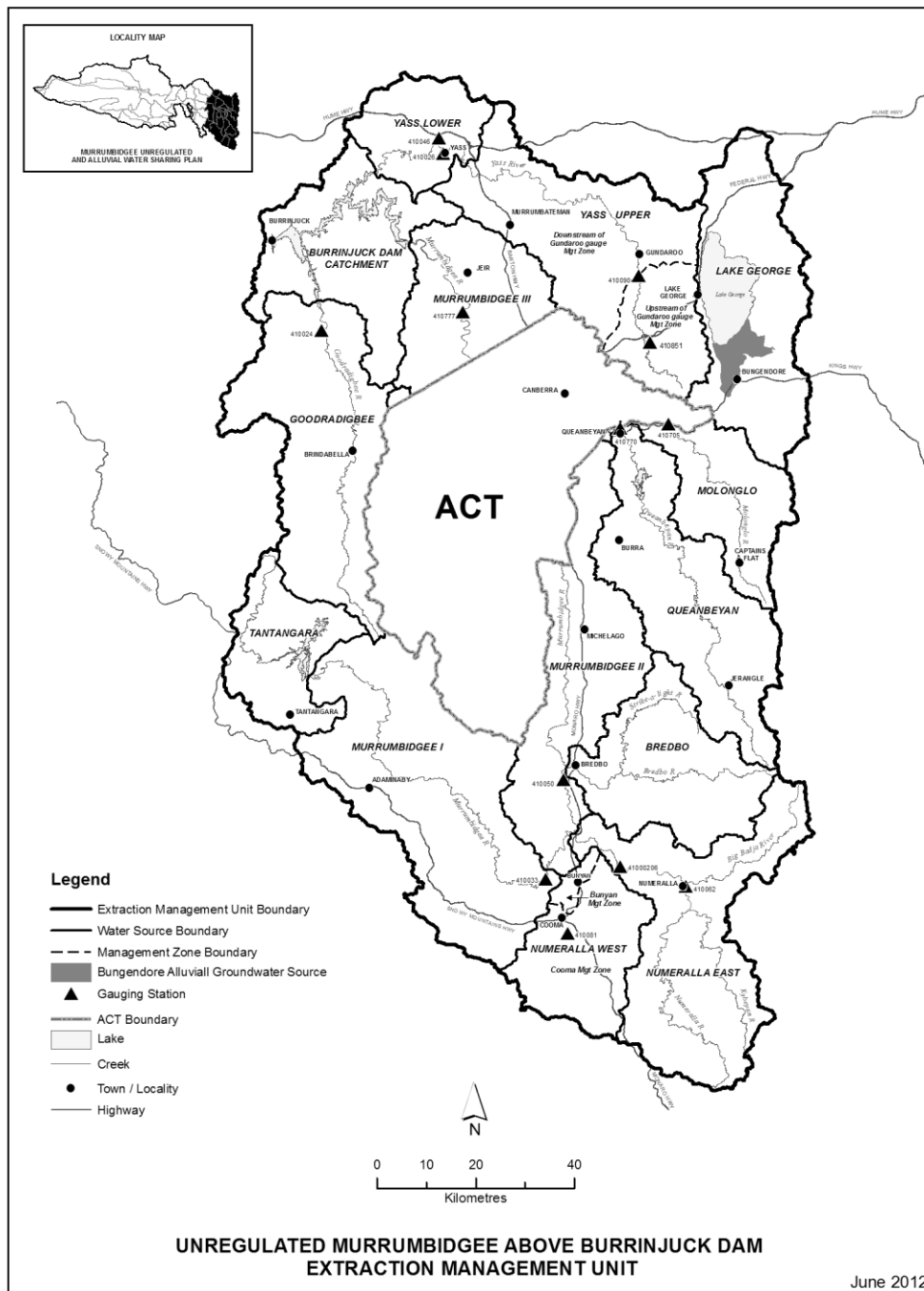


Overviews of the Plan Map (WSP023_Version 1), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012
 Map 2 of 5

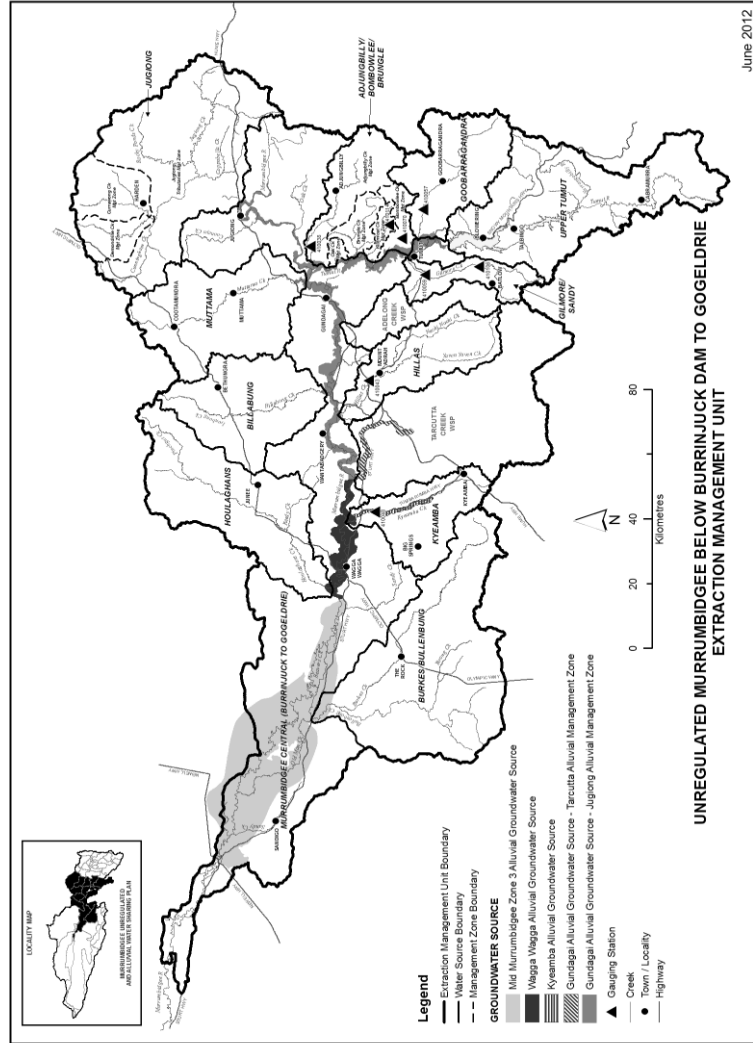


Overviews of the Plan Map (WSP023_Version 1), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

Map 3 of 5

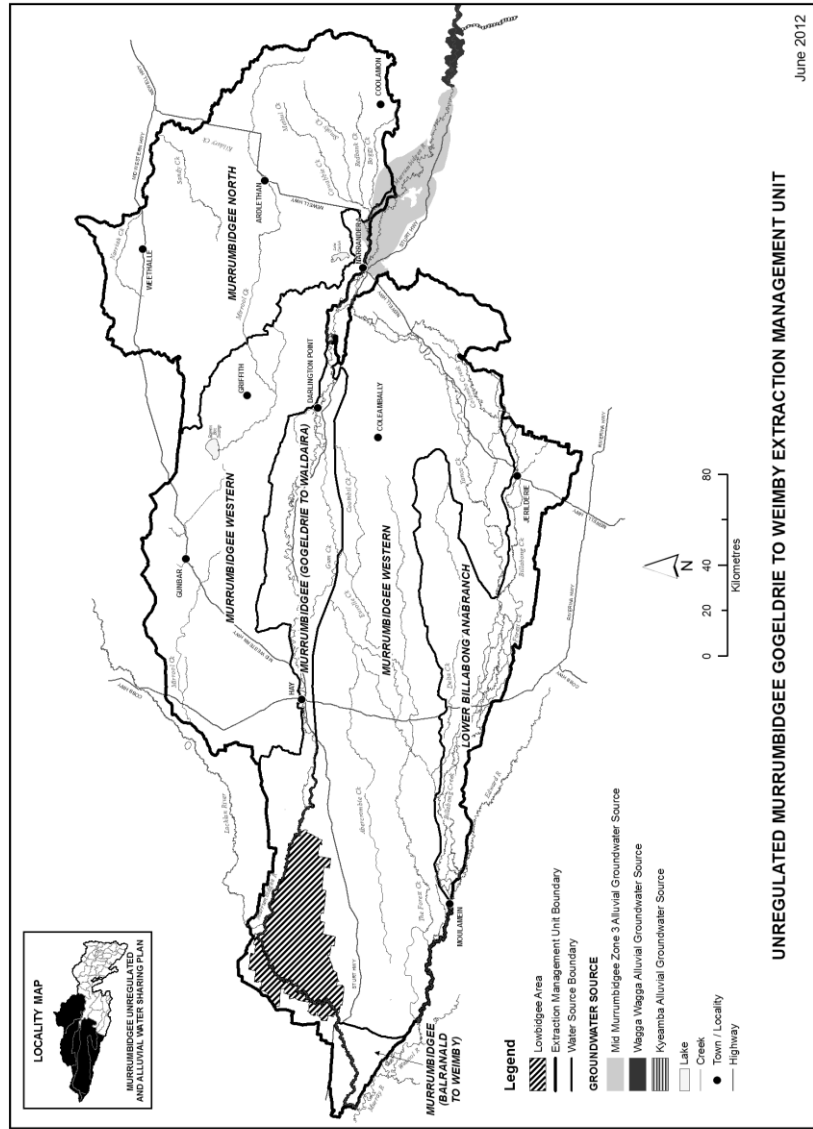


Overviews of the Plan Map (WSP023_Version 1), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012
 Map 4 of 5



Overviews of the Plan Map (WSP023_Version 1), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

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Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

Appendix 2 Inspection of the Plan Map

Copies of the Plan Map may be inspected at the following offices:

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
10 Valentine Ave
PARRAMATTA NSW 2150

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
126 Lachlan Street
HAY NSW 2711

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
NSW Government Service Centre
11 Farrer Place
QUEANBEYAN NSW 2620

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
NSW Government Service Centre
Cnr Sturt and Olympic Highways
WAGGA WAGGA NSW 2650

Appendix 3 Access licences subject to cease to take conditions specified in clauses 57 (4) of this Plan

It is expected that those access licences which replace *Water Act 1912* entitlements listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below will have the applicable *Water Act 1912* conditions specified in Column 3 imposed as mandatory conditions on all water supply work approvals nominated by those access licences to give effect to clause 57 (4) of this Plan.

Column 1 <i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Water Source	Column 3 <i>Water Act 1912</i> conditions
40SL070061	Murrumbidgee Western Water Source	The pump shall not be used for the purpose of irrigation when the level of water stored by the regulator authorised under licence number 40SL004936 is less than 0.26 metres above the sill of the regulator.
40SL046210	Murrumbidgee Western Water Source	The pump shall not be used for the purpose of irrigation when the level of water stored by the regulator authorised under licence number 40SL40709 is less than 0.77 metres above the sill of the regulator.
40SL046211	Murrumbidgee Western Water Source	The pump shall not be used for the purpose of irrigation when the level of water stored by the regulator authorised under licence number 40SL40709 is less than 0.77 metres above the sill of the regulator.

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40SL071182	Yass Upper Water Source	The licensed work shall not be used for the purpose of irrigation unless flows in the Yass River are at or greater than a height of 0.66 metres on the Macks Reef Road gauge (410851) being a flow of 4 megalitres per day.
40SL031599	Muttama Water Source	<p>The 300 mm pump referred to in this licence shall not be used for the purpose of irrigation or for filling a storage for the purposes of irrigation unless the depth of water flowing through the road crossing over Muttama Creek near the western boundary of portion 104, parish of Cowcumbra, County of Harden is greater than 300 millimetres.</p> <p>The 100 mm pump referred to in this licence shall not be used for the purpose of irrigation or for filling a storage for the purposes of irrigation unless the depth of water flowing through the road crossing over Muttama Creek near the western boundary of portion 104, Parish of Cowcumbra, County of Harden is greater than 25 millimetres measured at the upstream side of the crossing.</p>

Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012

Appendix 4 Office

Any notifications that may be required to be made to the Minister as specified in this Plan can be made to the following office:

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
PO Box 156
LEETON NSW 2705