



New South Wales

Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order 2011

under the

Water Management Act 2000

I, the Minister for Primary Industries, in pursuance of section 45 (1) (a) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*.

Dated this 29th day of June, 2011.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

Section 45 (1) (a) of the *Water Management Act 2000* provides that the Minister may, at any time, by order published on the NSW legislation website, amend a management plan if satisfied it is in the public interest to do so. The purpose of this Order is to amend the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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1 Name of Order

This Order is the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order 2011*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Amendment

The *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003* is amended as set out in Schedule 1.

Schedule 1 Amendment of Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

[1] Clause 35 Available water determinations

Insert after subclause (2):

- (3) In making available water determinations under section 59 of the Act for access licences with share components that specify this water source, the Minister should consider the requirements of this Division.

[2] Clause 40 Available water determinations for Murrumbidgee Irrigation (conveyance) access licences

Omit the clause. Insert instead:

Available water determinations for Murrumbidgee Irrigation (conveyance) access licences shall be made at the commencement of each water year and as required, during the water year, to provide a total volume of water for those access licences that is equal to:

- (a) 98,000 megalitres, of which 80,000 megalitres is available for delivery prior to the end of February in any water year, and
- (b) 243,000 megalitres when the sum of available water determinations made for regulated river (general security) access licences in that water year is greater than 0.60 megalitres per unit share, and
- (c) a further 550 megalitres per 0.01 megalitres per unit share of available water determinations made for regulated river (high security) access licences in that water year, when the sum of available water determinations for regulated river (high security) access licences for the water year is less than or equal to 0.95 megalitres per unit share, and
- (d) a further 550 megalitres per 0.01 megalitres per unit share of total available water determinations made for regulated river (general security) access licences in that water year when the sum of available water determinations for regulated river (general security) access licences for the water year is less than or equal to 0.2 megalitres per unit share, and
- (e) a further 1,650 megalitres per 0.01 megalitres per unit share of total available water determinations made for regulated river (general security) access licences in that water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 0.2 megalitres per unit share but less than or equal to 0.5 megalitres per unit share, and
- (f) a further 3,200 megalitres per 0.01 megalitres per unit share of total available water determinations made for regulated river (general security) access licences in that water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 0.5 megalitres per unit share but less than or equal to 0.6 megalitres per unit share,

provided that the sum of available water determinations made for Murrumbidgee Irrigation (conveyance) access licences in any water year must not exceed a volume equivalent to 1.0 megalitre per unit share of Murrumbidgee Irrigation (conveyance) access licence.

Note. The effect of clause 40 is that incremental available water determinations may be made over the course of a water year for Murrumbidgee Irrigation (conveyance) access licences depending on the amount of water available and the available water determinations made for other access licences, subject to a limit that is equal to a volume equivalent to 1.0 megalitre per unit share of Murrumbidgee Irrigation (conveyance) access licence.

[3] Clause 53 Rules relating to constraints within a water source

Omit clause 53 (5).

[4] Clause 53A Rules relating to dealing constraints within the Yanco system

Insert after clause 53:

53A Rules relating to dealing constraints within the Yanco system

(1) This clause relates to dealings under sections 71Q and 71W of the Act in relation to the Yanco system.

(2) In this clause:

(a) the *Yanco system* means any of the following:

- (i) Billabong Creek from its junction with Colombo Creek to its confluence with the Edward River;
- (ii) Billabong Creek upstream from its confluence with Colombo Creek to the concrete dam situated between portion 63, Parish of Cocketgedong and portion 24, Parish of Nowranie both in the County of Urana;
- (iii) Colombo Creek from its offtake from Yanco Creek to its confluence with Billabong Creek;
- (iv) Cuddell Creek from the intersection point of creek bank and the common boundary between portions 4 and 5, Parish of Cuddell, County of Mitchell, to its confluence with Yanco Creek;
- (v) Forest Creek from its offtake from Billabong Creek within T.S.R. 30139, Parish of Thulabin, County of Townsend downstream to Warriston Weir;
- (vi) Nowranie Creek upstream from its confluence with Billabong Creek to the concrete dam situated within portion 27, Parish of Nowranie, County of Urana;
- (vii) Sheepwash Creek from its confluence with Billabong Creek within portion 49, Parish of Wanganella, County of Townsend, upstream to its intersection with the eastern boundary of said portion, parish and county;
- (viii) Unnamed lagoon, from its upstream effluence to its downstream confluence with Colombo Creek both located adjacent to Morundah Racecourse all within Reserve 67478, Parish of Waugh, County of Urana;
- (ix) Unnamed watercourse, from its confluence with Yanco Creek within portion 22, Parish of Moonbria, County of Townsend, to the earth dam located 158 metres upstream within portion 3, Parish of Moonbria, County of Townsend;
- (x) Unnamed watercourse offtaking from Yanco Creek within portion 159, Parish of Bundure, County of Urana, to its upper limits within portion 58, Parish of Douglas, County of Urana;
- (xi) Unnamed watercourse from its offtake from an unnamed watercourse within portion 57, Parish of Douglas, County of Urana, and traversing portions 58, 61 and 156, Parish of Douglas, County of Urana;
- (xii) Unnamed watercourse (artificially improved), from its confluence with Yanco Creek within WR 1630 adjacent to portion 73, Parish of Uroly, County of Boyd, to its confluence with Back Creek within said portion;
- (xiii) Unnamed watercourse from its offtake from Colombo Creek within Reserve 1631, east of Portion 127, Parish of Bingagong, County of Urana, downstream to its confluence with Yanco Creek within Portion 114, Parish of Bingagong, County of Urana;
- (xiv) Unnamed watercourse from its junction with Yanco Creek, within Reserve 1630, fronting Portion 128, Parish of Uroly, County of Boyd, to its junction with another unnamed watercourse within Portion 132, Parish of Uroly, County of Boyd, at a point approximately 870 metres east from the

western boundary and 50 metres south from the northern boundary of the said portion;

(xv) Washpen Creek from its confluence with Pine Watercourse and Back Creek within portion 72, Parish of Uroly, County of Boyd to its confluence with Pine Watercourse and Woolshed Creek within the Road Reserve located between portions 163 and 176, Parish of Howell, County of Boyd;

(xvi) Woolshed Creek from its confluence with Pine Watercourse and Washpen Creek within Road Reserve between portions 163 and 176, Parish of Howell, County of Boyd, to its confluence with Yanco Creek within WR 1684 adjacent to portion 142, Parish of Howell, County of Urana; and

(xvii) Yanco Creek from its offtake from the Murrumbidgee River to its confluence with Billabong Creek.

(b) the *Yanco dealing limit* is equal to the sum of the share components of all access licences, excluding supplementary water access licences, nominating water supply works in the Yanco system as at 1 July 2011, less:

(i) the sum of the share components of all access licences, excluding supplementary water access licences, that were acquired by Water for Rivers prior to 1 July 2011 and that nominated a water supply work in the Yanco system on 1 July 2011; and

(ii) the sum of the share components of all access licences, excluding supplementary water access licences, that were acquired by Water for Rivers on or after 1 July 2011 and that nominate a water supply work in the Yanco system.

(3) A dealing under section 71Q of the Act is prohibited if it involves an assignment of rights from an access licence that nominates a water supply work that is not in the Yanco system to an access licence that nominates a water supply work in the Yanco system and the dealing would cause the sum of the share components of all access licences, excluding supplementary water access licences, that are not held by Water for Rivers and that nominate a water supply work in the Yanco system to be greater than the Yanco dealing limit.

(4) A dealing under section 71W of the Act is prohibited if it involves an access licence that nominates a water supply work that is not in the Yanco system being amended to nominate a water supply work in the Yanco system and the dealing would cause the sum of the share components of all access licences, excluding supplementary water access licences, that are not held by Water for Rivers and that nominate a water supply work in the Yanco system to be greater than the Yanco dealing limit.

Note. This clause does not prohibit dealings that leave the sum of share components of all access licences in the Yanco system unchanged (i.e. a dealing within the Yanco system), even if that total is greater than the Yanco dealing limit at the time of the dealing.

[5] Clause 63 Replenishment flows

Omit the clause.

[6] Clause 74 Other amendments of this Plan

Omit “clause 40 (2)” from clause 74 (a).

Insert instead “clause 40”.