

West Corurgan Board of Management (Water Rights) By-law 1980

[1980-157]



New South Wales

Status Information

Currency of version

Current version for 18 April 1980 to date (accessed 18 May 2024 at 21:51)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Note**

The [West Corurgan Board of Management \(Water Rights\) By-law 1980](#) made under the *Private Irrigation Districts Act 1973* is on and from 1.1.2001 taken to be a by-law made under the [Water Management Act 2000](#). See clause 44 of Division 9 of Part 2 of Schedule 9 to the [Water Management Act 2000 No 92](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 January 2001

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West Corugan Board of Management (Water Rights) By-law 1980



New South Wales

The West Corugan Board of Management, in pursuance of the *Private Irrigation Districts and Water (Amendment) Act 1973*, makes the following By-law:

1 Name of By-law

This By-law may be cited as the *West Corugan Board of Management (Water Rights) By-law 1980*.

2 Definitions

In this By-law:

Board means the West Corugan Board of Management.

irrigated holding means a holding in respect of which water is supplied by the Board for domestic and stock use and in respect of which the Board has, under the Act, made an allocation of water for irrigation.

the Act means the *Private Irrigation Districts and Water (Amendment) Act 1973*.

3 Application for surrender of water entitlement

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

4 Determination of application under clause 3

- (1) Where an application is made under clause 3, the Board may:

- (a) refuse the application,
 - (b) defer the application until the quantity of water to be surrendered pursuant to the application can be allocated to another irrigated holding pursuant to an application under clause 5, or
 - (c) approve the application upon such conditions, if any, as it may consider appropriate.
- (2) Without limiting the generality of subclause (1), the Board may:
- (a) refuse the application if it does not consider that the applicant's reasons for making the application are sufficient, or
 - (b) approve the application in respect of part only of the quantity of water proposed to be surrendered.
- (3) Where the Board approves an application made under clause 3, it shall re-determine the quantity of water allocated for irrigation to the applicant's holding in accordance with its approval.

5 Application for additional quantity of water

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

6 Determination of application under clause 5

- (1) Where an application is made under clause 5, the Board may:
- (a) refuse the application,
 - (b) defer the application until the additional quantity of water to be allocated pursuant to the application is available from a quantity of water surrendered pursuant to an application made under clause 3, or
 - (c) approve the application upon such conditions, if any, as it may consider appropriate.
- (2) Without limiting the generality of subclause (1), the Board may:

- (a) refuse the application on the ground that it does not consider that the applicant can utilise any additional quantity of water for irrigation on his holding, or
- (b) approve the application in respect of part only of the additional quantity of water specified in the application.

(3) Where the Board approves an application under clause 5, it shall, upon:

- (a) payment to the Board by the applicant of a sum of money calculated at the rate determined by the Board for the purpose of re-determinations of the allocation of water for irrigation pursuant to this By-law, and
- (b) construction by the applicant of such works, if any, as the Board may consider necessary to enable the increased supply of water to be delivered to the applicant's holding, or payment to the Board by the applicant of the cost to the Board of constructing those works,

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

7 Payment to owners surrendering water entitlement

- (1) The Board shall, forthwith after receiving any money pursuant to clause 6 (3) (a), pay that money to the owner of the irrigated holding who surrendered the entitlement to the quantity of water for which the money was paid, less a service charge determined by the Board and any amount owed by the owner to the Board.
- (2) Where the Board is, pursuant to subclause (1), required to pay a sum of money to 2 or more owners of irrigated holdings, the Board shall divide that sum of money among those owners in the same proportion as the quantity of water surrendered by each owner bears to the total quantity of water surrendered.

8 Re-determination of water allocation

A re-determination of the quantity of water allocated to a holding pursuant to an application made under clause 3 or 5 has effect on and from a date specified in the instrument by which the re-determination is made.

Sealed at Berrigan, this 19th day of February, 1980.

The Common Seal of the West Corugan Board of Management was affixed hereto pursuant to a resolution of the Board made on 19th February, 1980 in the presence of:

(L.S.)

P.M. WALLIS,
Secretary.

J.F. SANDRAL,
Chairman.