

Guideline for establishing and administering stock or domestic allowance for riparian water users in resource operations plan areas

WAM/2006/2417 – Version 3

Endorsed 30/10/2009
by RB (Tom) Crothers, General Manager Water Allocation and Planning

Table of Contents

Version history	1
Purpose	2
Rationale	3
Procedure	4
Background.....	4
Establishment of allowance	4
Licensee's responsibilities - 2ML or less.....	5
DERM responsibilities - 2ML or less.....	5
DERM responsibilities - Over 2ML.....	5
Term of agreement.....	6
Renewing or renegotiating agreement.....	6
Responsibilities	7
Definitions	8
Legislation	9
Attachments	10

Version history

Version	Date	Comment
1	17/02/2006	Endorsed
1.1	15/05/2008	Update to new policy register template, minor formatting and keywords updated to improve web search
1.2	26/06/2008	Update review expiry date
1.3	30/09/2008	Correct NRMW abbreviation and add definition for stock purposes as per Water Act 2000
1.4	16/10/2008	Update link to Stock or domestic notification form
2	23/10/2008	Change from version 1 to version 2. 2008-09-30 changes should have made this version 2.
3	05/11/2009	<ul style="list-style-type: none"> • Changes include: minor formatting and punctuation changes • update NRW to DERM • change stock and domestic to stock or domestic • change to definition for contiguous land • remove contact details for services centres from form w2f062 and add link to DERM business centres webpage in attachment section.

Purpose

This guideline deals with the agreement that may be made between a Resource Operations Licence (ROL) holder or a Distribution Operations Licence (DOL) holder within a water supply scheme (the Licensee) and a riparian water user within the scheme concerning the adjustment to be made to the riparian water user's metered water use for the stock or domestic water taken through the Licensee's meter under the authorisation provided by section 20(3) of the *Water Act 2000* (the Act).

The guideline applies to each water supply scheme mentioned in a Resource Operations Plan (ROP), if the ROP has provisions requiring arrangements, or otherwise where a Licensee and a riparian water user agree to enter into an arrangement, to allow adjustments to be made to metered water use for water taken under section 20(3) of the Act.

Rationale

A Resource Operations Plan may provide for an arrangement to be made between a riparian water user and a Licensee, or a Licensee and a riparian water user may agree to an arrangement, for an adjustment to be made to metered water use for water taken under the authorisation provided in s20(3) of the Act. This guideline provides a basis for achieving consistency between agreements, not only within schemes but across different schemes.

Procedure

Background

The authorisation provided under section 20(3) of the Act for an owner of land adjoining the watercourse to take water from the watercourse, stands regardless of whether or not a watercourse is used by a Licensee for a water supply scheme to distribute water (supplemented watercourse).

In the case of a supplemented watercourse, riparian water users often take the water under a s20(3) authority through the Licensee's meter. Unless an adjustment is made, the volume taken will register and be accounted for as supplemented water taken (metered use) under the water user's entitlement supplied by the Licensee.

The riparian water user is likely to desire that the Licensee adjust the volume of water registered by the meter to allow for the volume of water taken under the s20(3) authority, the stock or domestic allowance.

Establishment of allowance

The riparian water user's stock or domestic requirements must be identified and an agreed volume established for the stock or domestic allowance. Agreement must be reached for each riparian water user seeking an adjustment for use of water under s20(3) to ensure that the Licensee's water accounting acknowledges this entitlement appropriately. The agreement may be established at any time during the year and the water accounting adjustment will be applied from the date when the agreement is reached. The procedure for establishing and reaching agreement on the stock or domestic allowance is as follows:

Riparian water user responsibilities

Calculate the volume

The riparian water user must estimate the volume of water required for the stock or domestic allowance, which is to be taken through metered facilities by completing section 5 of the *Stock or domestic allowance notification form*. If the riparian water user's calculated stock or domestic allowance varies significantly from the annual consumption amounts in the *Stock or domestic allowance notification form*, the riparian water user must provide evidence of the reasoning for the variation.

In determining the stock or domestic allowance, a deduction should be made for stock or domestic water obtained from other sources. For example, water sourced for stock or domestic purposes using un-metered pumps, bores, stock dams, etc.

Complete and submit the stock or domestic allowance notification form

The volume and calculations must be documented on the *Stock or domestic allowance notification form*. This form is located in Attachment A to these guidelines or is available from Department of Environment and Resource Management (DERM).

If the stock or domestic allowance sought to be taken through the meter is two megalitres (ML) or less per water year, the water user must submit the *Stock or domestic allowance notification form* to the Licensee.

If the stock or domestic allowance sought to be taken through the meter is greater than 2ML per water year, the riparian water user must submit the *Stock or domestic allowance notification form* to DERM.

If a riparian water user has submitted a *Stock or domestic allowance notification form* and an agreement has

been reached, then this agreement remains in place until its expiry or another *Stock or domestic allowance notification form* seeking a change to the stock or domestic allowance is submitted and a new agreement is reached.

If the riparian water user does not submit a *Stock or domestic allowance notification form* then the Licensee will assume that no water taken under s20(3) is taken through the Licensee's meter and no stock or domestic allowance will be made to metered water use.

Licensee's responsibilities - 2ML or less

Assess stock or domestic allowance

When the *Stock or domestic allowance notification form* submitted is for 2ML or less per water year, the Licensee must establish agreement or non-agreement with the riparian water user's nominated stock or domestic allowance.

Non-agreement with the nominated stock or domestic allowance

If the Licensee does not agree with the riparian water user's nominated stock or domestic allowance, the Licensee may in the first instance negotiate with the riparian water user. If an agreement is not reached, the Licensee must notify DERM of the non-agreement.

Agreement with the nominated stock or domestic allowance

If the Licensee agrees with the stock or domestic allowance nominated by the riparian water user, the Licensee will adjust the riparian water user's account by that amount.

Notification of agreement

The Licensee must supply details of the arrangements with each individual riparian water user to the chief executive, DERM within 20 business days of an agreement being reached.

DERM responsibilities - 2ML or less

Notification of non-agreement by the Licensee

If the Licensee advises DERM of non-agreement between the Licensee and the riparian water user on the stock or domestic allowance, DERM will consult with the riparian water user and after consideration of the facts, the chief executive DERM will decide on the volume of the stock or domestic allowance.

Notification of decision on stock or domestic allowance

The chief executive DERM will notify both the Licensee and the riparian water user of the decided stock or domestic allowance.

DERM responsibilities - Over 2ML

Assess stock or domestic allowance

When the *Stock or domestic allowance notification form* submitted is for more than 2ML per water year, DERM will evaluate the riparian water user's nominated stock or domestic allowance.

Non - Agreement with the nominated stock or domestic allowance

If DERM does not agree with the riparian water user's nominated stock or domestic allowance, DERM will consult with the riparian water user and after consideration of the facts the chief executive DERM will decide the volume of the stock or domestic allowance.

Notification of decision on stock or domestic allowance

The chief executive DERM will notify both the Licensee and the riparian water user of the decided stock or domestic allowance.

Term of agreement

The term of the agreement may be nominated by the riparian water user on the *Stock or domestic allowance notification form* .

Renewing or renegotiating agreement

The agreement must be renewed or renegotiated when:

- there is a change in the riparian water user's circumstances that substantially change the stock or domestic allowance to be taken through the Licensee's meter for the remaining term of the agreement. (e.g. change in stock numbers or requirements, new residences on the land, new alternative sources of water, etc), or
- there is a change of ownership of all or part of the property, or
- the expiry of the term of the agreement (the term of the agreement may be for any duration nominated by the riparian water user).

Responsibilities

Riparian water user

Calculate own stock or domestic allowance, complete and forward *Stock or domestic allowance notification form* :

- if the stock or domestic allowance sought is 2 ML or less per water year, to the Licensee, or
- if the stock or domestic allowance sought exceeds 2 ML per water year, to DERM

Licensee

If the stock or domestic allowance sought is 2 ML or less per water year, assess the stock or domestic allowance and establish agreement or non-agreement. If Licensee agrees, the Licensee must notify DERM of the agreement and adjust the riparian water user's account accordingly. If the Licensee does not agree, the Licensee must notify DERM of the non-agreement.

Chief executive, Department of Environment and Resource Management (DERM)

If the stock or domestic allowance sought exceeds 2 ML per water year or if the Licensee and the riparian water user are unable to agree on the volume of the stock or domestic allowance the chief executive, DERM must decide on the volume of the stock or domestic allowance and notify the licensee and the riparian water user.

Definitions

Contiguous lands, for the purpose of this document, are parcels of land that are touching or nearly touching land that adjoins a watercourse. Also, land parcels on either side of a watercourse would be considered contiguous.

Domestic purposes is given the meaning under Schedule 4 of the *Water Act 2000*. This definition includes irrigating a garden, not exceeding 0.25 ha, being a garden cultivated for domestic use and not for the sale, barter or exchange of goods produced in the garden.

Land for subsection 20(3), includes any land contiguous with the land adjoining the watercourse, lake or spring if all the land is owned by the same registered owner (see s20(8) of the *Water Act 2000*).

Licensee is the Resource Operations Licence holder for, or Distribution Operations Licence holder within a water supply scheme.

Riparian water user is an owner of land adjoining a watercourse, lake or spring who, under section 20(3) of the *Water Act 2000*, may take water without a water entitlement for domestic purposes and for watering stock (riparian water user).

Occupier of land, means the person in actual occupation of the land or, if there is no person in actual occupation, the person entitled to possession of the land. (Schedule 4 of the *Water Act 2000*).

Stock purposes is given the meaning under Schedule 4 of the *Water Act 2000*, in relation to taking water, means:

- a. watering stock of a number that would normally be depastured on the land on which the water is, or is to be, used, or
- b. watering travelling stock on a stock route (as defined by schedule 3 of the *Land Protection (Pest and Stock Route Management) Act 2002*)

Legislation

Legislation	Section	Relates to
<i>Water Act 2000</i>	20(3)	Authorised taking of stock or domestic water without a water entitlement.

Attachments

Attachment A - Stock or domestic allowance notification form for Resource Operations Plan areas
<attachments/w2f062.pdf>

If your stock or domestic allowance shown in Part 5(b) box F of the form is:

- 2ML or less—mail/deliver the completed form to your local Resource Operations Licence or Distribution Operations Licence holder's office
- More than 2ML—mail/deliver the completed form to your local departmental office
<http://www.derm.qld.gov.au/water/management/forms/application_contacts.html> .