



Victoria Government Gazette

No. S 13 Thursday 27 January 2005

By Authority, Victorian Government Printer

Water Act 1989

BULK ENTITLEMENT (WERRIBEE SYSTEM – IRRIGATION) CONVERSION AMENDMENT ORDER 2005

The Governor in Council under section 44 of the **Water Act 1989** makes the following Order –

1. Title

This Order is called the Bulk Entitlement (Werribee System – Irrigation) Conversion Amendment Order 2005.

2. Preliminary

The Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1997 (the Bulk Entitlement Order) was made by Governor in Council on 26 August 1997 to convert existing poorly defined rights to water in the Werribee system to a defined bulk water entitlement for the Gippsland and Southern Rural Water Authority (SRW).

3. Purpose

The purpose of the Bulk Entitlement (Werribee System – Irrigation) Conversion Amendment Order 2005 (the Amendment Order) is to amend the Bulk Entitlement Order to incorporate revised passing flow provisions at Lerderderg Weir, and correct a typographical error with respect to the passing flow in the Werribee River below Werribee diversion weir.

4. Authorising provisions

The Amendment Order is made in accordance with section 44(1) of the **Water Act 1989**. The Governor in Council makes the Amendment Order on the application of SRW.

5. Commencement

The Amendment Order comes into operation on the day it is published in the Government Gazette.

6. Amendment of the Bulk Entitlement Order

1. In clause 4, after “**licence volume**” insert –

“**O’Brien’s Crossing gauging station**” means the stream gauging station number 231213A, located on the Lerderderg River at O’Brien’s Crossing;”.

2. For clause 12.2 substitute –

“**12.2** Subject to sub-clause 12.4, the Authority must direct the Storage Operator to provide:

- (a) a low flow in the Lerderderg River below the Lerderderg Weir equal to the lesser of the natural flow at this location and 30 ML/day; and
- (b) a fresh flow in the Lerderderg River below the Lerderderg Weir during the period June to December inclusive, of –
 - (i) 150 ML/day, up to five times per year, in accordance with the rules set out in Schedule 8; and
 - (ii) 1500 ML/day for 24 hours, in three out of four years, if the instantaneous natural flow at this location exceeds 1500 ML/day.
- (c) a minimum passing flow in Goodman Creek below Goodman Creek diversion weir of the lesser of 2.5 ML/day or the natural flow at this location.

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- (d) a minimum passing flow in Coimadai Creek downstream of Lake Merrimu of the lesser of 2 ML/day or the natural flow at this location.
 - (e) within the operational tolerances specified in Schedule 7, an average minimum passing flow in the Werribee River below Werribee diversion weir of –
 - (i) 10 ML/day, if the declared seasonal allocation for the Werribee Irrigation District exceeds 130% of water right; or
 - (ii) 1 ML/day averaged over any 30 day period, if the declared seasonal allocation for the Werribee Irrigation District is equal to or less than 130% of water right.
 - (iii) If the natural flow in the Werribee River at Melton Reservoir is less than the minimum passing flow specified in 12.1(c)(i) or 12.1(c)(ii), the passing flow shall be shared between all Authorities having a share of the capacity of Lake Merrimu by the Storage Operator adjusting their volumes of storage in Lake Merrimu in accordance with Schedule 4."
3. After clause 12.3 **insert** –
- 12.4** For the period up to 30 June 2005, the Authority must use its best endeavours to meet the passing flows specified in paragraphs (a) and (b) of sub-clause 12.2.
- 12.5** For the period specified in sub-clause 12.4, the Authority must report to the Minister –
- (a) any failure by the Authority to comply with the passing flows specified in paragraphs (a) and (b) of sub-clause 12.2; and
 - (b) any operational difficulties in meeting the passing flows specified in paragraphs (a) and (b) of sub-clause 12.2 and any remedial action taken or proposed."
4. After Schedule 7 **insert** –

“Schedule 8

Fresh flow in the Lerderderg River below the Lerderderg Weir

- (a) A fresh flow must have a duration of at least 132 hours.
- (b) A fresh flow is triggered when the flow at O'Brien's Crossing gauging station is equal to, or exceeds an instantaneous flow of 150 ML/day.
- (c) Within 24 hours of a fresh flow being triggered, the Storage Operator must set the Lerderderg Weir structure to pass a minimum flow of 150 ML/day.
- (d) The fresh flow is defined as having commenced at the time the Lerderderg Weir Structure is set to pass 150 ML/day.
- (e) Once the valve is set it shall remain open for a minimum of 132 hours.
- (f) After 132 hours, the valve shall be set to provide the greater of -
 - (i) half the flow measured through the valve, or
 - (ii) the low flow in accordance with paragraph (a) of sub-clause 12.2.

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- (g) After 24 hours of the flow being reduced, the valve shall be set to provide the low flow in accordance with paragraph (a) of sub-clause 12.2.
 - (h) The Storage Operator must allow a period of at least 11 days between fresh flow events.
 - (i) An additional fresh flow shall be provided if the fifth fresh flow event commences before October in any year.”.

Dated 25 Jan 2005

Responsible Minister

JOHN THWAITES

Minister for Water

SUDHA KASYNATHAN
Clerk of the Executive Council

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