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Water Act 1989

BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – FLORA AND FAUNA) REVOCATION ORDER 2010

I, Tim Holding, Minister for Water, under section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order.

1. Title

This Order is called the Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Revocation Order 2010.

2. Preliminary

The Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004 (the Bulk Entitlement Order) was made by the then Minister for Water on 28 May 2004 and notified in the Victoria Government Gazette G24 dated 6 October 2004.

3. Purpose

The purpose of this Order is to revoke the Bulk Entitlement Order as part of allocating the water savings generated from the Wimmera–Mallee Pipeline Project and representing the change from a channel system to a fully pipelined system.

4. Authorising provisions

This Order is made in accordance with section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

5. Commencement

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

6. Revocation of Bulk Entitlement Order

The Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004 is hereby revoked.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

SPECIAL

Water Act 1989**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS –
WIMMERA MALLEE WATER) REVOCATION ORDER 2010**

I, Tim Holding, Minister for Water, under section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order.

1. Title

This Order is called the Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Revocation Order 2010.

2. Preliminary

The Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2004 (the Bulk Entitlement Order) was made by the then Minister for Water on 28 May 2004 and notified in the Victoria Government Gazette G24 dated 6 October 2004.

3. Purpose

The purpose of this Order is to revoke the Bulk Entitlement Order as part of allocating the water savings generated from the Wimmera–Mallee Pipeline Project and representing the change from a channel system to a fully pipelined system.

4. Authorising provisions

This Order is made in accordance with section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

5. Commencement

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

6. Revocation of Bulk Entitlement Order

The Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2004 is hereby revoked.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – GRAMPIANS WATER)
REVOCATION ORDER 2010**

I, Tim Holding, Minister for Water, under section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order.

1. Title

This Order is called the Bulk Entitlement (Wimmera and Glenelg Rivers – Grampians Water) Revocation Order 2010.

2. Preliminary

The Bulk Entitlement (Wimmera and Glenelg Rivers – Grampians Water) Conversion Order 2004 (the Bulk Entitlement Order) was made by the then Minister for Water on 28 May 2004 and notified in the Victoria Government Gazette G24 dated 6 October 2004.

3. Purpose

The purpose of this Order is to revoke the Bulk Entitlement Order as part of allocating the water savings generated from the Wimmera–Mallee Pipeline Project and representing the change from a channel system to a fully pipelined system.

4. Authorising provisions

This Order is made in accordance with section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

5. Commencement

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

6. Revocation of Bulk Entitlement Order

The Bulk Entitlement (Wimmera and Glenelg Rivers – Grampians Water) Conversion Order 2004 is hereby revoked.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – WANNON WATER)
REVOCATION ORDER 2010**

I, Tim Holding, Minister for Water, under section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order.

1. Title

This Order is called the Bulk Entitlement (Wimmera and Glenelg Rivers – Wannon Water) Revocation Order 2010.

2. Preliminary

The Bulk Entitlement (Wimmera and Glenelg Rivers – Wannon Water) Conversion Order 2004 (the Bulk Entitlement Order) was made by the then Minister for Water on 28 May 2004 and notified in the Victoria Government Gazette G24 dated 6 October 2004.

3. Purpose

The purpose of this Order is to revoke the Bulk Entitlement Order as part of allocating the water savings generated from the Wimmera–Mallee Pipeline Project and representing the change from a channel system to a fully pipelined system.

4. Authorising provisions

This Order is made in accordance with section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

5. Commencement

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

6. Revocation of Bulk Entitlement Order

The Bulk Entitlement (Wimmera and Glenelg Rivers – Wannon Water) Conversion Order 2004 is hereby revoked.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – COLIBAN WATER)
REVOCATION ORDER 2010**

I, Tim Holding, Minister for Water, under section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order.

1. Title

This Order is called the Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Revocation Order 2010.

2. Preliminary

The Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Conversion Order 2004 (the Bulk Entitlement Order) was made by the then Minister for Water on 28 May 2004 and notified in the Victoria Government Gazette G24 dated 6 October 2004.

3. Purpose

The purpose of this Order is to revoke the Bulk Entitlement Order as part of allocating the water savings generated from the Wimmera–Mallee Pipeline Project and representing the change from a channel system to a fully pipelined system.

4. Authorising provisions

This Order is made in accordance with section 42 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

5. Commencement

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

6. Revocation of Bulk Entitlement Order

The Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Conversion Order 2004 is hereby revoked.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – GWMWATER) ORDER 2010**

The Minister, under the provisions of the Water Act 1989, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS**1. CITATION**

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

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

4. DEFINITIONS

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Agreement**’ means the Murray Darling Basin Agreement;

‘**Basin Water Accounts**’ means an annual report, required by the water Minister, on compliance by entitlement holders and licensees, respectively, in the Wimmera, Mallee and Glenelg basins, with the terms of their bulk entitlements or licences;

‘**cap model**’ means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

‘**carryover**’ means the volume of water allocated to entitlement holders that is authorised to be taken in a subsequent water season under a declaration made by the water Minister under sections 47DA and 48 MA of the Act;

‘**Coliban Water**’ means Coliban Region Water Corporation;

‘**dead storage**’ means the water stored in reservoirs which the storage manager deems to be inaccessible for release for consumptive use in any given year;

‘**Department**’ means the Department supporting the water Minister administering the **Water Act 1989**;

‘**entitlement holder**’ means an authority or corporation, or any other person holding a bulk entitlement or environmental entitlement in the Wimmera-Mallee system granted under Division 1 or 3 of Part 4 of the Act;

‘**environment Minister**’ has the same meaning as in section 3 of the Act, and includes any delegate of the environment Minister under s 48PB of the Act;

‘**Glenelg basin**’ means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Glenelg River compensation flow annual operating plan**’ means the plan to release water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir prepared in accordance with clause 14;

‘**GWMWater**’ means Grampians Wimmera Mallee Water Corporation;

‘**headworks**’ means the water supply works of the waterways, reservoirs, weirs and transfer channels listed in Schedule 3.

‘**MDBA**’ means the Murray Darling Basin Authority, or any business division of the Authority or that Authority’s assignee or delegate exercising any relevant function;

‘Murray–Darling Basin cap’ means the arrangements introduced by the Murray–Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray–Darling Basin and as defined in the **Water Act 2004** (Cwlth) Schedule 1– The Murray–Darling Basin Agreement, Schedule E;

‘offtake point’ means any or all of the locations specified in Schedule 5 for taking water under this Order;

‘recreation lakes water supply plan’ means a plan prepared by GWMWater under clause 15;

‘reserve’ means the volume of water calculated by the storage manager in accordance with the rules provided in the relevant instrument of appointment;

‘resource manager’ means a person appointed by the water Minister under section 43A of the Act to be the resource manager for the Wimmera, Avoca, and Glenelg basins;

‘storage manager’ means any Authority appointed by the water Minister under section 122ZK of the Act to carry out any of the functions specified under Part 6C of the Act for the Wimmera–Mallee system;

‘system operating water’ means the water used to meet losses in the Wimmera–Mallee system;

‘Wannon Water’ means Wannon Region Water Corporation;

‘water allocation’ has the meaning given to it in section 3 of the Act;

‘water Minister’ means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under s 306 of the Act;

‘waterway’ means any or all of –

- (a) the Wimmera River and its tributaries upstream of Lake Hindmarsh, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs; and
- (d) the Avon and Richardson Rivers upstream of and including Rich Avon weir;

‘Wimmera basin’ means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘Wimmera–Mallee system’ means the waterway and the headworks;

‘year’ means the 12 months next following 1 July.

PART 2 – ENTITLEMENT

5. GRANTING OF A BULK ENTITLEMENT

GWMWater’s entitlement to water from the Wimmera–Mallee system is granted on the conditions set out in this Order.

6. BULK ENTITLEMENT

- 6.1 GWMWater may take up to 125,500 ML each year from the waterway in order to supply the primary entitlements in Schedule 1, subject to the water allocation determined in accordance with clause 7.
- 6.2 For the purposes of sub-clause 6.1, water taken under this Order includes water supplied to another water system as a result of –
 - (a) an entitlement issued in respect of the Wimmera–Mallee system being transferred; or
 - (b) a water allocation under an entitlement described in Schedule 1 being assigned or applied to another entitlement under Division 1A of Part 4 of the Act.

PART 3 – WATER AVAILABLE**7. WATER ALLOCATION**

The storage manager must –

- (a) determine the water allocation for GWMWater’s entitlements in Schedule 1 applying the method and rules in Schedule 2;
- (b) inform GWMWater of the water allocation determined under paragraph (a); and
- (c) make available to GWMWater the method and calculations and any other information used to determine the water allocation.

8. SHARE OF STORAGE CAPACITY

8.1 GWMWater is entitled to store water in the headworks up to the amounts and full supply levels listed in Schedule 3.

8.2 If for any reason the storage manager declares a changed storage capacity, the storage manager must –

- (a) adjust GWMWater’s share of the storage capacity accordingly; and
- (b) advise all entitlement holders of the changed capacity.

9. SHARE OF INFLOW

9.1 In order to supply the primary entitlements in Schedule 1, GWMWater may store all the inflow to the headworks, subject to –

- (a) the passing flow requirements of any entitlement granted to the environment Minister; and
- (b) the operating arrangements developed in clause 12.

9.2 GWMWater must not take, as part of this entitlement, any flow in the waterway which is being transferred by any other entitlement holder.

PART 4 – GENERAL CONDITIONS AND PROVISIONS**10. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**

Water taken from the Wimmera-Mallee system under this Order must be used to supply the primary entitlements listed in Schedule 1 subject to the water allocation determined in accordance with clause 7.

11. TAKING WATER

11.1 GWMWater may take water to which it is entitled under this Order at –

- (a) the offtake points and at the rates specified in Schedule 5; or
- (b) such other off-take points and rates as are, at the request of GWMWater, agreed to in writing by the water Minister.

11.2 For the purpose of clause 6, the water taken by GWMWater is –

- (a) the total volume of water taken at the off-take points referred to in sub-clause 11.1; less
- (b) the total volume of water returned to the waterway as:
 - (i) a compensation flow under clause 14; and
 - (ii) an environmental flow under any entitlement granted to the environment Minister.

12. OPERATING ARRANGEMENTS

12.1 GWMWater, jointly with the storage manager and the other entitlement holders must endeavour to agree on operating arrangements for supplying water from the Wimmera-Mallee system under this entitlement.

12.2 If GWMWater, the storage manager and the other entitlement holders have not reached agreement under sub-clause 12.1 within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 16.

12.3 GWMWater, the storage manager and the other entitlement holders may agree to vary the operating arrangements from time to time.

13. REVIEW OF OPERATING ARRANGEMENTS

13.1 Within three years of the commencement of this Order, or when rights to water in the Wimmera-Mallee system headworks have been qualified by the water Minister in accordance with section 33AAA of the Act to supply entitlement holders' critical needs, GWMWater, jointly with the other entitlement holders and in consultation with the Department, must direct the storage manager to review the operation of the Wimmera-Mallee system to assess its performance against the storage management objectives in the relevant storage manager instrument of appointment.

13.2 The review must –

- (a) take into account all data and information that is available at that time, including:
 - (i) data collected by the storage manager on water flows and losses in the Wimmera-Mallee system;
 - (ii) data collected by the entitlement holders on water supplied to their main customer groups; and
 - (iii) up to date research findings on the impacts of climate change on rainfall, evaporation and stream flows in south east Australia as it affects the Wimmera-Mallee system;
- (b) support its findings using the version of the Wimmera-Mallee system model agreed to by the entitlement holders and the Department, updated to include:
 - (i) the data collected in paragraph 13.2(a);
 - (ii) the storage management rules applying at the time of the review; and
 - (iii) any changes to the capacities of the headworks;
- (c) report on the findings and recommend any changes to operating arrangements needed to improve efficiency of operation and achievement of the storage management objectives.

13.3 The storage manager must make copies of the report prepared in paragraph 13.2(c) available to all entitlement holders and the Department.

14. OBLIGATION TO SUPPLY THE GLENELG RIVER COMPENSATION FLOW

14.1 GWMWater must direct the storage manager to release the water allocation for the Glenelg River Compensation Flow for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir in accordance with the annual operating plan prepared under sub-clause 14.2.

14.2 Glenelg-Hopkins Catchment Management Authority must prepare an annual operating plan each year in consultation with the environment Minister and the storage manager and the plan must include –

- (a) the rates at which the water is to be released, the period over which the water is to be released, and the locations from which the water is to be released; and
- (b) the arrangements for varying the plan if conditions change during the year.

- 14.3 If Glenelg–Hopkins Catchment Management Authority has not prepared a plan under sub-clause 14.2 before 1 November in any year, the storage manager must commence release of the compensation flow allocation on 1 November at a uniform continuous rate calculated for the period between 1 November and 30 April next or in accordance with a temporary release plan prepared by Glenelg–Hopkins Catchment Management Authority in consultation with the storage manager.

15. OBLIGATION TO SUPPLY RECREATION LAKES

- 15.1 GWMWater must supply the Recreation primary entitlement in Schedule 1 for recreation lakes in the area formerly supplied by the Wimmera–Mallee channel system in accordance with the recreation lakes water supply plan prepared under sub-clause 15.2.
- 15.2 GWMWater must prepare a recreation lakes water supply plan each year in consultation with the persons and agencies representing the local community in the area supplied by the Wimmera–Mallee Pipeline.
- 15.3 The plan must specify the principles and rules for supply to the recreation lakes including –
- (a) a list of the recreation lakes nominated to receive a supply and their location;
 - (b) the priority for supply to each of the recreation lakes for a range of water allocations;
 - (c) the timing and method for supplying the recreation lakes;
 - (d) the cost of supplying the recreation lakes including the cost of any additional infrastructure required; and
 - (e) the persons or agencies responsible for paying the cost of infrastructure and supply.
- 15.4 GWMWater must –
- (a) make a copy of the recreation lakes water supply plan available to any person on request; and
 - (b) inform the local community of the volume of water to be supplied to each of the recreation lakes under the recreation lakes water supply plan.

16. DISPUTE RESOLUTION

- 16.1 If a difference or dispute arises between GWMWater, the storage manager or the resource manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 16.2 If a difference or dispute arises between GWMWater and another entitlement holder, concerning the interpretation or application of this Order, GWMWater may give written notice to the other entitlement holder requiring the matter to be determined by an independent expert.
- 16.3 If a difference or dispute arises between GWMWater and another entitlement holder, concerning the interpretation or application of this Order, and the other entitlement holder gives written notice to GWMWater requiring the matter to be determined by an independent expert, GWMWater must comply with the notice.
- 16.4 The notice requiring the matter be determined by an independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 16.5 The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 16.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but may extend the period for reaching a conclusion on the matter by a further 30 days.

- 16.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 16.8 In any difference or dispute to which the water Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the water Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 16.9 In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 16.10 GWMWater may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

PART 5 – MONITORING WATER TAKEN

17. METERING PROGRAM

- 17.1 GWMWater must, in consultation with the storage manager, propose to the water Minister within twelve months of the date of this Order, an updated metering program to demonstrate GWMWater's compliance with this Order.
- 17.2 The metering program proposed in sub-clause 17.1 must be prepared in accordance with any guidelines issued by the water Minister for preparation of metering programs.
- 17.3 A proposal under sub-clause 17.1 must include details of any existing or proposed arrangements made by GWMWater for any person other than GWMWater to measure or to calculate flows.
- 17.4 The water Minister may –
- (a) approve a program proposed under sub-clause 17.1; or
 - (b) require GWMWater to amend the proposed program; or
 - (c) not approve the proposed program.
- 17.5 The water Minister may, at any time, require GWMWater to –
- (a) review the program approved by the water Minister if, in the water Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the water Minister.
- 17.6 GWMWater must, at its cost and in accordance with any guidelines issued from time to time by the water Minister –
- (a) implement and maintain any metering program approved by the water Minister;
 - (b) maintain metering equipment and associated measurement structures in good condition;
 - (c) ensure that metering equipment is periodically re-calibrated;
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

18. REPORTING REQUIREMENTS

- 18.1 GWMWater may be required to report on all or any of the following matters, as provided in this clause –
- (a) the daily amount of water taken under this entitlement at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the annual amount of water supplied by GWMWater to each of the primary entitlement holders listed in Schedule 6;
 - (d) the final water allocation to GWMWater for the year under this Order;

- (e) the approval, amendment and implementation of the metering program approved under sub-clause 17.4;
 - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (g) any bulk entitlement, licence or water right, temporarily or permanently transferred to the GWMWater supply systems under this Order;
 - (h) any amendment to this Order;
 - (i) any new bulk entitlement granted to GWMWater with respect to the GWMWater supply systems under this Order;
 - (j) any failure by GWMWater to comply with any provision of this Order; and
 - (k) any existing or anticipated difficulties experienced by GWMWater in complying with this Order and any remedial action taken or proposed by GWMWater.
- 18.2 The water Minister may require GWMWater to report on all or any of the matters set out in sub-clause 18.1 –
- (a) in writing, or in such electronic form as may be agreed between GWMWater and the water Minister; and
 - (b) within 14 days of receiving the water Minister's written request or such longer period as the water Minister may determine.
- 18.3 GWMWater must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 18.1, except paragraph (a).

19. DATA

- 19.1 Subject to sub-clause 17.6, the water Minister will use the water Minister's best endeavours to ensure that all hydrological and other data required by GWMWater to comply with this Order are made available to GWMWater.
- 19.2 GWMWater must make available to any person data collected by or on behalf of GWMWater for the purpose of clause 17 or 18 subject to the person paying any fair and reasonable access fee imposed by GWMWater to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS

20. HEADWORKS COSTS

- 20.1 GWMWater must pay a share of the headworks costs in any year, whether or not GWMWater takes water in that year.
- 20.2 The amount of GWMWater's share of costs under sub-clause 20.1 is dependent on any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**, subject to any existing agreement between GWMWater and the storage manager, including an option to extend that agreement.
- 20.3 Before undertaking any new or enhancement work to the headworks, the storage manager must consult with all entitlement holders likely to be affected by the works.

21. WATER RESOURCE MANAGEMENT COSTS

- 21.1 Subject to sub-clause 22.1, GWMWater must pay the resource manager the proportion as determined under sub-clause 21.2 of the costs incurred by the resource manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 21.2 The proportion of the costs referred to in sub-clause 21.1 is to be determined by the resource manager.
- 21.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Corporation to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

22. DUTY TO KEEP ACCOUNTS AND PROVIDE ESTIMATES

- 22.1 GWMWater is not obliged to make any payment to –
- (a) the storage manager under clause 20; or
 - (b) the resource manager under clause 21,
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 22.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage manager in respect of clause 20; and
 - (b) the resource manager in respect of clause 21.
- 22.3 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 21.1, in the ensuing year.
- 22.4 The storage manager must, by 31 March in any year, provide entitlement holders with an estimate of amounts payable in sub-clause 20.1, in the ensuing year.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

SCHEDULE 1. PRIMARY ENTITLEMENTS

The primary entitlements relevant to this bulk entitlement are:

Entitlement	Volume (ML)
Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010	
System operating water:	
– Irrigation losses	9,000
– Pipeline and balancing storage losses	2,960
Irrigation product	19,000
Glenelg compensation flow	3,300
Recreation	2,590
Wimmera–Mallee Pipeline product	44,720
Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Order 2010	
Wimmera–Mallee Pipeline product	300
Bulk Entitlement (Wimmera and Glenelg Rivers – Wannon Water) Order 2010	
Wimmera–Mallee Pipeline product	2,120
Wimmera and Glenelg Rivers Environmental Entitlement 2010	
Wetlands	1,000
Wimmera–Mallee Pipeline product	40,560
Total	125,550

SCHEDULE 2. WATER ALLOCATION RULES**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation.

2. MAKING WATER ALLOCATIONS

2.1 In July and in each subsequent month until the maximum allocation for entitlements in Table 1 of this Schedule is reached, or at such other times as the storage manager believes it to be required, the storage manager must determine the water available to meet the entitlements in Table 1 of this Schedule, and bulk entitlement holders' share of that water in accordance with the following steps.

2.2 To determine the water available to meet entitlements, the storage manager must take the lower of –

- (a) the resources that could be diverted from the Wimmera-Mallee system, determined in accordance with clause 3 of this Schedule; and
- (b) the amount of water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap, as determined in clause 4 of this Schedule.

2.3 The storage manager must –

- (a) use the water available as determined in accordance with sub-clause 2.2 to determine the water allocation to primary entitlements in Schedule 1; and
- (b) inform the entitlement holders of the water allocation determined under paragraph 2.3(a), and at the same time make available the method and calculations and any other information used to determine the water allocation.

Table 1 Shares of water available

WATER AVAILABLE (ML)	A	B	C	D	E	F
	125,550	97,550	75,971	53,459	45,253	0
Grampians Wimmera Mallee Water						
System operating water:						
Irrigation losses	9,000	0	0	0	0	0
Pipeline and balancing storage losses	2,960	2,960	2,960	2,960	2,960	0
Irrigation product	19,000	0	0	0	0	0
Glenelg compensation flow	3,300	3,300	825	50	50	0
Recreation	2,590	2,590	648	0	0	0
Wimmera-Mallee Pipeline product	44,720	44,720	36,352	25,725	21,540	0
Coliban Water						
Wimmera-Mallee Pipeline product	300	300	244	173	145	0
Wannon Water						
Wimmera-Mallee Pipeline product	2,120	2,120	1,723	1,220	1,021	0
Environment						
Wetlands	1,000	1,000	250	0	0	0
Wimmera-Mallee Pipeline product	40,560	40,560	32,970	23,332	19,537	0

Notes to Table 1:

1. All numbers in the table are in ML.
2. If the volume of water available is greater than shown for column A, the share is equal to the volume shown in column A
3. If the volume of water available is between any two columns, the share is linearly interpolated between the shares in the adjacent columns.
For example, if there is 60,000 ML of water available (between columns C and D), Wannon Water's share is equal to:

$$[(1,723-1,220) \times (60,000-53,459) / (75,971-53,459)] + 1,220 = 1,366 \text{ ML}$$
4. The calculation in Note 3 is to be rounded to the nearest whole number.

3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT YEAR

- 3.1 The storage manager must, in determining water allocations, make an assessment of the resources that could be diverted from the headworks in the current year using the method outlined in Table 2 of this Schedule.

Table 2 Method for estimating the resources that could be diverted

<p>Available water in month i = measured total volume in store at the start of month i</p> <p style="padding-left: 40px;">- estimate of total dead storage</p> <p style="padding-left: 40px;">- the volume of carryover</p> <p style="padding-left: 40px;">+ an estimate of harvestable inflows and pick-up from start of month i to 30 June next</p> <p style="padding-left: 40px;">+ the measured total amount of water released from headworks from 1 July last to the start of month i</p> <p style="padding-left: 40px;">- the volume of reserve</p> <p style="padding-left: 40px;">- the estimated headworks losses from the start of month i to 30 June next</p>

- 3.2 In making the assessment in sub-clause 3.1, the storage manager must –
- (a) reach agreement with all entitlement holders on the method used to calculate –
- (i) the estimated harvestable inflows and pick-up;
 - (ii) the estimates of headworks losses; and
 - (iii) the estimated dead storage,
- (b) make available to all entitlement holders the information used to apply the method.

4. APPLYING THE MURRAY-DARLING BASIN CAP

- 4.1 If the volumes of water diverted each year from the Wimmera-Mallee system as determined by the storage manager in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- (a) the limit established in the Agreement;
- or, in the absence of any limit in the Agreement,
- (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 4.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the water Minister such appropriate action to avoid the limit being reached as they see fit, and the water Minister may approve such action, with any modifications the water Minister considers necessary.

- 4.3 If no appropriate action is approved by the water Minister under sub-clause 4.2 –
- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray–Darling Basin cap is deemed to be –
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera–Mallee system in that year, less a volume equal to 7% of long-term average annual Wimmera–Mallee system diversions; and
 - (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements,
 - (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera–Mallee system diversions, in the following year the water allowed to the Wimmera–Mallee system under the Murray–Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

5. TRANSITIONAL ARRANGEMENTS

- 5.1 At the commencement of this Instrument, the starting water allocations are deemed to be the water allocations that were determined by the storage manager under the previous bulk entitlements prior to the commencement of this Instrument.
- 5.2 After commencement of this Instrument and in the first year of its application, the storage manager must determine subsequent water allocations as if the water year had commenced on 1 July 2010.
- 5.3 When determining subsequent water allocations under paragraph 5.2, the storage manager may increase, but not decrease, a water allocation.

SCHEDULE 3. HEADWORKS

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Lake Fyans	18,460	203.8
Lake Lonsdale	53,300	187.12
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	261,510	194.10
Taylor's Lake	27,060	144.66
Toolondo Reservoir	46,215	161.01
Lake Wartook	29,360	441.69
Mt Cole Reservoir	801	667.55
Langhi Ghiran Reservoir	45	498.80
Panrock Reservoir	57	335.28
Weirs		
Distribution Heads	NA	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir (2x weirs in total)	NA	NA
Fyans Creek diversion weir (Radial Gates)	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Mount Zero channel diversion weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Stewarts Weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Bungalally Creek	30	NA
Fyans Creek diversion channel	800	NA
Fyans inlet channel	200	NA
Fyans outlet channel	120	NA

Lonsdale bypass channel	360	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Mt Zero channel	35	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1,600	NA

Notes: NA means 'not applicable'.

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA–MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera–Mallee system¹ are to be determined and reported for the purpose of the Murray–Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Year: July to June

Total diversions	=	Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
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Where:

Diversion components

Rural water authority bulk entitlements	=	The sum of all diversions taken under GWMWater’s bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes, wetlands formerly supplied by the channel system, supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on GWMWater’s data base and estimates where unmetered. (Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the Wimmera and Glenelg Rivers environmental entitlement and Glenelg River compensation flows.)
Unregulated urban bulk entitlements	=	The sum of all diversions taken under GWMWater’s unregulated bulk entitlements to supply towns (part Ararat, Great Western, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on GWMWater’s database and estimates where unmetered.
Unregulated licences	=	The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the GWMWater database and estimates where unmetered. (Includes unregulated licences on the Wimmera River downstream of Glenorchy weir).

¹ For the purposes of the Murray Darling Basin cap, the Wimmera–Mallee system includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

**SCHEDULE 5. OFFTAKE POINTS, ANNUAL AMOUNTS AND MAXIMUM RATES
OF TAKING WATER**

Waterway/ works	Offtake point	Maximum rate	Areas supplied
MacKenzie River	Dad and Dave Weir	35 ML/day	GWMWater's supply via the Mt Zero channel to: <ul style="list-style-type: none"> – Mt Zero water treatment plant (Horsham and Natimuk) – D&S diverters
Moora Moora Channel	Brimpaen Storages ¹		GWMWater's supply to Wimmera-Mallee Pipeline customers on supply system 6
Rocklands–Toolondo channel	Licensed diversion offtakes		GWMWater's supply to D&S diverters
Taylors Lake	Taylors Lake outlet		GWMWater's supply from Taylors Lake to: <ul style="list-style-type: none"> – irrigators; – recreation lakes; – wetlands; and – Wimmera-Mallee Pipeline customers on supply systems 1, 2, 3, 4, and 6.
Rocklands Reservoir	Rocklands offtake		GWMWater's supply to Supply-by-Agreement customers
Lake Fyans	Lake Fyans outlet		GWMWater's supply to towns and Supply-by-Agreement customers
Lake Bellfield	Lake Bellfield outlet or tail gauge.		GWMWater's supply from Lake Bellfield to: <ul style="list-style-type: none"> – towns direct off Wimmera–Mallee system headworks; – recreation lakes; – wetlands; and – Wimmera–Mallee Pipeline customers on supply systems 1, 2, 3, 4 and 7.
Upper Fyans Creek	Stawell Diversion Weir (2 No.)		GWMWater's supply to Stawell
Mt Cole Creek	Mt Cole Reservoir		GWMWater's supply to: <ul style="list-style-type: none"> – Supply-by-Agreement customers – Ararat
Easter Creek	Langhi Ghiran Reservoir		GWMWater's supply to: <ul style="list-style-type: none"> – Supply-by-Agreement customers – Ararat
Panrock Creek	Panrock Reservoir		GWMWater's supply to: <ul style="list-style-type: none"> – Supply-by-Agreement customers – Great Western

¹ This offtake point can also be supplied from Lake Wartook and the MacKenzie River via Distribution Heads.

Water Act 1989**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – WANNON WATER)
ORDER 2010**

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS**1. CITATION**

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Wannon Water) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

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

4. DEFINITIONS

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Agreement**’ means the Murray Darling Basin Agreement;

‘**Basin Water Accounts**’ means an annual report, required by the water Minister, on compliance by entitlement holders and licensees, respectively, in the Wimmera, Mallee and Glenelg basins, with the terms of their bulk entitlements or licences;

‘**cap model**’ means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

‘**carryover**’ means the volume of water allocated to entitlement holders in the Wimmera-Mallee system that is authorised to be taken in a subsequent water season under a declaration made by the water Minister under section 47DA of the Act;

‘**dead storage**’ means the water stored in reservoirs which the storage manager deems to be inaccessible for release for consumptive use in any given year;

‘**Department**’ means the Department supporting the water Minister administering the **Water Act 1989**;

‘**entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement or environmental entitlement in the Wimmera–Mallee system granted under Division 1 or 3 of Part 4 of the Act;

‘**environment Minister**’ has the same meaning as in section 3 of the Act, and includes any delegate of the environment Minister under s 48PB of the Act;

‘**Glenelg basin**’ means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Glenelg River compensation flow**’ means the flow in the Glenelg River under clause 14 of Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010;

‘**GWMWater**’ means Grampians Wimmera Mallee Water Corporation;

‘**headworks**’ means the water supply works of the waterways, reservoirs, weirs and transfer channels listed in Schedule 1.

‘**MDBA**’ means the Murray Darling Basin Authority, or any business division of the Authority or that Authority’s assignee or delegate exercising any relevant function;

‘**Murray–Darling Basin cap**’ means the arrangements introduced by the Murray–Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray–Darling Basin and as defined in the **Water Act 2004** (Cwlth) Schedule 1– The Murray-Darling Basin Agreement, Schedule E;

‘offtake point’ means any or all of the locations specified in Schedule 4 for taking water under this Order;

‘reserve’ means the volume of water calculated by the storage manager in accordance with the rules provided in the relevant instrument of appointment;

‘resource manager’ means a person appointed by the water Minister under section 43A of the Act to be the resource manager for the Wimmera, Avoca, and Glenelg basins;

‘storage manager’ means any Authority appointed by the water Minister under section 122ZK of the Act to carry out any of the functions specified under Part 6C of the Act for the Wimmera-Mallee system;

‘Wannon Water’ means Wannon Region Water Corporation;

‘water allocation’ has the meaning given to it in section 3 of the Act;

‘water Minister’ means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under s 306 of the Act;

‘waterway’ means any or all of –

- (a) the Wimmera River and its tributaries upstream of Lake Hindmarsh, including any reservoirs and weirs;
- (a) the Glenelg River upstream of and including Rocklands Reservoir; and
- (b) the First and Second Wannon Creeks upstream of and including the weirs; and
- (c) the Avon and Richardson Rivers upstream of and including Rich Avon weir;

‘Wimmera basin’ means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘Wimmera-Mallee system’ means the waterway and the headworks;

‘year’ means the 12 months next following 1 July.

PART 2 – ENTITLEMENT

5. GRANTING OF A BULK ENTITLEMENT

Wannon Water’s entitlement to water from the Wimmera–Mallee system is granted on the conditions set out in this Order.

6. BULK ENTITLEMENT

- 6.1 Wannon Water may take up to 2,120 ML of Wimmera–Mallee Pipeline product from the waterway each year, subject to the water allocation determined in accordance with clause 7.
- 6.2 For the purposes of sub-clause 6.1, water taken under this Order includes water supplied to another water system as a result of –
 - (a) an entitlement issued in respect of the Wimmera–Mallee system being transferred; or
 - (b) a water allocation under an entitlement issued in respect of the Wimmera-Mallee system being assigned or applied to another entitlement under Division 1A of Part 4 of the Act.

PART 3 – WATER AVAILABLE

7. WATER ALLOCATION

The storage manager must –

- (a) determine the water allocation for Wannon Water applying the method and rules in Schedule 2;
- (b) inform Wannon Water of the water allocation determined under paragraph (a); and
- (c) make available to Wannon Water the method and calculations and any other information used to determine the water allocation.

PART 4 – GENERAL CONDITIONS AND PROVISIONS**8. TAKING WATER**

- 8.1 Wannon Water may take water to which it is entitled under this Order at –
- (a) the offtake points and at the rates and times specified in Schedule 4; or
 - (b) such other off-take points, rates and times as are, at the request of Wannon Water, agreed to in writing by the storage manager.
- 8.2 For the purpose of clause 6, the water taken by Wannon Water is the total volume of water taken at the off-take points referred to in sub-clause 8.1.

9. OPERATING ARRANGEMENTS

- 9.1 Wannon Water, jointly with the storage manager and the other entitlement holders must endeavour to agree on operating arrangements for supplying water from the Wimmera-Mallee system under this entitlement.
- 9.2 If Wannon Water, the storage manager and the other entitlement holders have not reached agreement under sub-clause 9.1 within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 11.
- 9.3 Wannon Water, the storage manager and the other bulk entitlement holders may agree to vary the operating arrangements from time to time.

10. REVIEW OF OPERATING ARRANGEMENTS

- 10.1 Within three years of the commencement of this Order, or when rights to water in the Wimmera–Mallee system headworks have been qualified by the water Minister in accordance with section 33AAA of the Act to supply entitlement holders’ critical needs, Wannon Water, jointly with the other entitlement holders and in consultation with the Department, must direct the storage manager to review the operation of the Wimmera-Mallee system to assess its performance against the storage management objectives in the relevant storage manager instrument of appointment.
- 10.2 The review must –
- (a) take into account all data and information that is available at that time, including:
 - (i) data collected by the storage manager on water flows and losses in the Wimmera-Mallee system;
 - (ii) data collected by the entitlement holders on water supplied to their main customer groups; and
 - (iii) up to date research findings on the impacts of climate change on rainfall, evaporation and stream flows in south east Australia as it affects the Wimmera-Mallee system;
 - (b) support its findings using the version of the Wimmera–Mallee system model agreed to by the entitlement holders and the Department, updated to include:
 - (i) the data collected in paragraph 10.2(a);
 - (ii) the storage management rules applying at the time of the review; and
 - (iii) any changes to the capacities of the headworks;
 - (c) report on the findings and recommend any changes to operating arrangements needed to improve efficiency of operation and achievement of the storage management objectives.
- 10.3 The storage manager must make copies of the report prepared in paragraph 10.2(c) available to all entitlement holders and the Department.

11. DISPUTE RESOLUTION

- 11.1 If a difference or dispute arises between Wannon Water, the storage manager or the resource manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 11.2 If a difference or dispute arises between Wannon Water and another entitlement holder, concerning the interpretation or application of this Order, Wannon Water may give written notice to the other entitlement holder requiring the matter to be determined by an independent expert.
- 11.3 If a difference or dispute arises between Wannon Water and another entitlement holder, concerning the interpretation or application of this Order, and the other entitlement holder gives written notice to Wannon Water requiring the matter to be determined by an independent expert, Wannon Water must comply with the notice.
- 11.4 The notice requiring the matter be determined by an independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.5 The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but may extend the period for reaching a conclusion on the matter by a further 30 days.
- 11.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.8 In any difference or dispute to which the water Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the water Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 11.9 In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 11.10 Wannon Water may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

PART 5 – MONITORING WATER TAKEN**12. METERING PROGRAM**

- 12.1 Wannon Water must, in consultation with the storage manager, propose to the water Minister within twelve months of the date of this Order, an updated metering program to demonstrate Wannon Water's compliance with this Order.
- 12.2 The metering program proposed in sub-clause 12.1 must be prepared in accordance with any guidelines issued by the water Minister for preparation of metering programs.
- 12.3 A proposal under sub-clause 12.1 must include details of any existing or proposed arrangements made by Wannon Water for any person other than Wannon Water to measure or to calculate flows.
- 12.4 The water Minister may –
- (a) approve a program proposed under sub-clause 12.1; or
 - (b) require Wannon Water to amend the proposed program; or
 - (c) not approve the proposed program.

- 12.5 The water Minister may, at any time, require Wannon Water to –
- (a) review the program approved by the water Minister if, in the water Minister’s opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the water Minister.
- 12.6 Wannon Water must, at its cost and in accordance with any guidelines issued from time to time by the water Minister –
- (a) implement and maintain any metering program approved by the water Minister;
 - (b) maintain metering equipment and associated measurement structures in good condition;
 - (c) ensure that metering equipment is periodically re-calibrated;
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 Wannon Water may be required to report on all or any of the following matters, as provided in this clause –
- (a) the daily amount of water taken under this entitlement at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the amount and location of water taken under this entitlement at any other works of Wannon Water;
 - (d) the final water allocation to Wannon Water for the year under this Order;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.4;
 - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (g) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Wannon Water supply systems under this Order;
 - (h) any amendment to this Order;
 - (i) any new bulk entitlement granted to Wannon Water with respect to the Wannon Water supply systems under this Order;
 - (j) any failure by Wannon Water to comply with any provision of this Order;
 - (k) any existing or anticipated difficulties experienced by Wannon Water in complying with this Order and any remedial action taken or proposed by Wannon Water.
- 13.2 The water Minister may require Wannon Water to report on all or any of the matters set out in sub-clause 13.1–
- (a) in writing, or in such electronic form as may be agreed between Wannon Water and the water Minister; and
 - (b) within 14 days of receiving the water Minister’s written request or such longer period as the water Minister may determine.
- 13.3 Wannon Water must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 13.1, except paragraph (a).

14. DATA

- 14.1 Subject to sub-clause 12.6, the water Minister will use the water Minister’s best endeavours to ensure that all hydrological and other data required by Wannon Water to comply with this Order are made available to Wannon Water.
- 14.2 Wannon Water must make available to any person data collected by or on behalf of Wannon Water for the purpose of clause 12 or 13 subject to the person paying any fair and reasonable access fee imposed by Wannon Water to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS**15. HEADWORKS COSTS**

- 15.1 Wannon Water must pay a share of the headworks costs in any year, whether or not Wannon Water takes water in that year.
- 15.2 The amount of Wannon Water's share of costs under sub-clause 15.1 is dependent on any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**, subject to any existing agreement between Wannon Water and the storage manager, including an option to extend that agreement.
- 15.3 Before undertaking any new or enhancement work to the headworks system, the storage manager must consult with all entitlement holders likely to be affected by the works.

16. WATER RESOURCE MANAGEMENT COSTS

- 16.1 Subject to sub-clause 17.1, Wannon Water must pay the resource manager the proportion as determined under sub-clause 16.2 of the costs incurred by the resource manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 16.2 The proportion of the costs referred to in sub-clause 16.1 is to be determined by the resource manager.
- 16.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by Wannon Water to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

17. DUTY TO KEEP ACCOUNTS AND PROVIDE ESTIMATES

- 17.1 Wannon Water is not obliged to make any payments to –
- (a) the storage manager under clause 15; and
 - (b) the resource manager under clause 16;
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 17.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage manager in respect of clause 15; and
 - (b) the resource manager in respect of clause 16.
- 17.3 Accounts required to be kept under this clause must be made available for inspection by Wannon Water upon request.
- 17.4 The storage manager must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 15.1 in the ensuing year.
- 17.5 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 16.1 in the ensuing year.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

SCHEDULE 1. HEADWORKS

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Lake Fyans	18,460	203.8
Lake Lonsdale	53,300	187.12
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	261,510	194.10
Taylors Lake	27,060	144.66
Toolondo Reservoir	46,215	161.01
Lake Wartook	29,360	441.69
Mt Cole Reservoir	801	667.55
Langhi Ghiran Reservoir	45	498.80
Panrock Reservoir	57	335.28
Weirs		
Distribution Heads	NA	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir (2x weirs in total)	NA	NA
Fyans Creek diversion weir (Radial Gates)	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Mount Zero channel diversion weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Stewarts Weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Bungalally Creek	30	NA
Fyans Creek diversion channel	800	NA
Fyans inlet channel	200	NA
Fyans outlet channel	120	NA
Lonsdale bypass channel	360	NA

Lubeck Loop	245	NA
Moora channel	50	NA
Mt Zero channel	35	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1,600	NA

Notes: NA means 'not applicable'.

SCHEDULE 2. WATER ALLOCATION RULES**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation.

2. MAKING WATER ALLOCATIONS

- 2.1 In July and in each subsequent month until the maximum allocation for entitlements in Table 1 of this Schedule is reached, or at such other times as the storage manager believes it to be required, the storage manager must determine the water available to meet the entitlements in Table 1 of this Schedule, and bulk entitlement holders' share of that water in accordance with the following steps.
- 2.2 To determine the water available to meet entitlements, the storage manager must take the lower of –
- the resources that could be diverted from the Wimmera-Mallee system, determined in accordance with clause 3 of this Schedule; and
 - the amount of water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap, as determined in clause 4 of this Schedule.
- 2.3 The storage manager must –
- use the water available as determined in accordance with sub-clause 2.2 to determine the water allocation to entitlement holders; and
 - inform the entitlement holders of the water allocation determined under paragraph (a), and at the same time make available the method and calculations and any other information used to determine the water allocation.

Table 1 Shares of water available

WATER AVAILABLE (ML)	A	B	C	D	E	F
	125,550	97,550	75,971	53,459	45,253	0
Grampians Wimmera Mallee Water						
System operating water:						
Irrigation losses	9,000	0	0	0	0	0
Pipeline and balancing storage losses	2,960	2,960	2,960	2,960	2,960	0
Irrigation product	19,000	0	0	0	0	0
Glenelg compensation flow	3,300	3,300	825	50	50	0
Recreation	2,590	2,590	648	0	0	0
Wimmera-Mallee Pipeline product	44,720	44,720	36,352	25,725	21,540	0
Coliban Water						
Wimmera-Mallee Pipeline product	300	300	244	173	145	0
Wannon Water						
Wimmera-Mallee Pipeline product	2,120	2,120	1,723	1,220	1,021	0
Environment						
Wetlands	1,000	1,000	250	0	0	0
Wimmera-Mallee Pipeline product	40,560	40,560	32,970	23,332	19,537	0

Notes to Table 1:

- All numbers in the table are in ML.
- If the volume of water available is greater than shown for column A, the share is equal to the volume shown in column A.
- If the volume of water available is between any two columns, the share is linearly interpolated between the shares in the adjacent columns.
For example, if there is 60,000 ML of water available (between columns C and D), Wannon Water's share is equal to:
$$[(1,723-1,220) \times (60,000-53,459) / (75,971-53,459)] + 1,220 = 1,366 \text{ ML}$$
- The calculation in Note 3 is to be rounded to the nearest whole number.

3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT YEAR

- 3.1 The storage manager must, in determining water allocations, make an assessment of the resources that could be diverted from the headworks in the current year using the method outlined in Table 2 of this Schedule.

Table 2 Method for estimating the resources that could be diverted

Available water in month i	=	measured total volume in store at the start of month i
	–	estimate of total dead storage
	–	the volume of carryover
	+	an estimate of harvestable inflows and pick-up from start of month i to 30 June next
	+	the measured total amount of water released from headworks from 1 July last to the start of month i
	–	the volume of reserve
	–	the estimated headworks losses from the start of month i to 30 June next

- 3.2 In making the assessment in sub-clause 3.1, the storage manager must –
- (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the estimates of headworks losses; and
 - (iii) the estimated dead storage,
 - (b) make available to all entitlement holders the information used to apply the method.
4. **APPLYING THE MURRAY–DARLING BASIN CAP**
- 4.1 If the volumes of water diverted each year from the Wimmera–Mallee system as determined by the storage manager in accordance with Schedule 3 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- (a) the limit established in the Agreement;
- or, in the absence of any limit in the Agreement,
- (b) a limit of 20% of the long-term average annual Wimmera–Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 4.2 The Wimmera–Mallee system entitlement holders must jointly recommend to the water Minister such appropriate action to avoid the limit being reached as they see fit, and the water Minister may approve such action, with any modifications the water Minister considers necessary.
- 4.3 If no appropriate action is approved by the water Minister under sub-clause 4.2 –
- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera–Mallee system diversions, in the following year the water allowed to the Wimmera–Mallee system under the Murray–Darling Basin cap is deemed to be –
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera–Mallee system in that year, less a volume equal to 7% of long-term average annual Wimmera–Mallee system diversions; and

- (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements,
- (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

5. TRANSITIONAL ARRANGEMENTS

- 5.1 At the commencement of this Instrument, the starting water allocations are deemed to be the water allocations that were determined by the storage manager under the previous bulk entitlements prior to the commencement of this Instrument.
- 5.2 After commencement of this Instrument and in the first year of its application, the storage manager must determine subsequent water allocations as if the water year had commenced on 1 July 2010.
- 5.3 When determining subsequent water allocations under paragraph 5.2, the storage manager may increase, but not decrease, a water allocation.

SCHEDULE 3. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera-Mallee system¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Year: July to June

Total diversions	=	Σ	Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
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Where:

Diversion components

Rural water authority bulk entitlements	=	The sum of all diversions taken under GWMWater's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes, wetlands formerly supplied by the channel system, supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on GWMWater's data base and estimates where unmetered. (Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the Wimmera and Glenelg Rivers environmental entitlement and Glenelg River compensation flows.)
Unregulated urban bulk entitlements	=	The sum of all diversions taken under GWMWater's unregulated bulk entitlements to supply towns (part Ararat , Great Western, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on GWMWater's database and estimates where unmetered.
Unregulated licences	=	The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the GWMWater database and estimates where unmetered. (Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)

¹ For the purposes of the Murray Darling Basin cap, the Wimmera-Mallee system includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

**SCHEDULE 4. OFFTAKE POINTS, TIMING OF SUPPLY
AND MAXIMUM RATES OF TAKING WATER**

Supply system	Waterway/channel	Offtake Point	Time of supply	Maximum rate (ML/d)
Balmoral	Rocklands Reservoir	Dam wall	Continuous	1.64
Hamilton	Rocklands Reservoir	Dam wall	Continuous	10

Water Act 1989**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – COLIBAN WATER)
ORDER 2010**

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS**1. CITATION**

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Order 2010.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

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

4. DEFINITIONS

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Agreement**’ means the Murray Darling Basin Agreement;

‘**Basin Water Accounts**’ means an annual report, required by the water Minister, on compliance by entitlement holders and licensees, respectively, in the Wimmera, Mallee and Glenelg basins, with the terms of their bulk entitlements or licences;

‘**cap model**’ means a computer simulation model of the Wimmera–Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray–Darling Basin cap;

‘**carryover**’ means the volume of water allocated to entitlement that is authorised to be taken in a subsequent water season under a declaration made by the water Minister under section 47DA of the Act;

‘**Coliban Water**’ means Coliban Region Water Corporation;

‘**dead storage**’ means the water stored in reservoirs which the storage manager deems to be inaccessible for release for consumptive use in any given year;

‘**Department**’ means the Department supporting the water Minister administering the **Water Act 1989**;

‘**entitlement holder**’ means an authority or corporation, or any other person, holding a bulk entitlement or environmental entitlement in the Wimmera–Mallee system granted under Division 1 or 3 of Part 4 of the Act;

‘**environment Minister**’ has the same meaning as in section 3 of the Act, and includes any delegate of the environment Minister under s 48PB of the Act;

‘**Glenelg basin**’ means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Glenelg River compensation flow**’ means the flow in the Glenelg River provided under clause 14 of Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010;

‘**GWMWater**’ means Grampians Wimmera Mallee Water Corporation;

‘**headworks**’ means the water supply works of the waterways, reservoirs, weirs and transfer channels listed in Schedule 1.

‘**MDBA**’ means the Murray Darling Basin Authority, or any business division of the Authority or that Authority’s assignee or delegate exercising any relevant function;

‘**Murray–Darling Basin cap**’ means the arrangements introduced by the Murray–Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray–Darling Basin and as defined in the **Water Act 2004** (Cwlth) Schedule 1 – The Murray–Darling Basin Agreement, Schedule E;

‘offtake point’ means any or all of the locations specified in Schedule 4 for taking water under this Order;

‘reserve’ means the volume of water calculated by the storage manager in accordance with the rules provided in the relevant instrument of appointment;

‘resource manager’ means a person appointed by the water Minister under section 43A of the Act to be the resource manager for the Wimmera, Avoca, and Glenelg basins;

‘storage manager’ means any Authority appointed by the water Minister under Sect 122ZK of the Act to carry out any of the functions specified under Part 6C of the Act for the Wimmera-Mallee system;

‘water allocation’ has the meaning given to it in section 3 of the Act;

‘water Minister’ means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under s 306 of the Act;

‘waterway’ means any or all of –

- (a) the Wimmera River and its tributaries upstream of Lake Hindmarsh, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir; and
- (c) the First and Second Wannon Creeks upstream of and including the weirs; and
- (d) the Avon and Richardson Rivers upstream of and including Rich Avon weir;

‘Wimmera basin’ means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘Wimmera–Mallee system’ means the waterway and the headworks;

‘year’ means the 12 months next following 1 July.

PART 2 – ENTITLEMENT

5. GRANTING OF A BULK ENTITLEMENT

Coliban Water’s entitlement to water from the Wimmera-Mallee system is granted on the conditions set out in this Order.

6. BULK ENTITLEMENT

- 6.1 Coliban Water may take up to 300 ML of Wimmera–Mallee Pipeline product each year from the Wimmera-Mallee system, subject to the water allocation determined in accordance with clause 7.
- 6.2 For the purposes of sub-clause 6.1, water taken under this Order includes water supplied to another water system as a result of –
 - (a) an entitlement issued in respect of the Wimmera–Mallee system being transferred; or
 - (b) a water allocation under an entitlement issued in respect of the Wimmera–Mallee system being assigned or applied to another entitlement under Division 1A of Part 4 of the Act.

PART 3 – WATER AVAILABLE

7. WATER ALLOCATION

The storage manager must –

- (a) determine the water allocation for Coliban Water applying the method and rules in Schedule 2;
- (b) inform Coliban Water of the water allocation determined under paragraph (a); and
- (c) make available to Coliban Water the method and calculations and any other information used to determine the water allocation.

PART 4 – GENERAL CONDITIONS AND PROVISIONS**8. TAKING WATER**

- 8.1 Coliban Water may take water to which it is entitled under this Order at –
- (a) the offtake points and at the rates and times specified in Schedule 4; or
 - (b) such other off-take points, rates and times as are, at the request of Coliban Water, agreed to in writing by the storage manager.
- 8.2 For the purpose of clause 6, the water taken by Coliban Water is the total volume of water taken at the off-take points referred to in sub-clause 8.1.

9. OPERATING ARRANGEMENTS

- 9.1 Coliban Water, jointly with the storage manager and the other entitlement holders must endeavour to agree on operating arrangements for supplying water from the Wimmera-Mallee system under this entitlement.
- 9.2 If Coliban Water, the storage manager and the other entitlement holders have not reached agreement under sub-clause 9.1 within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 11.
- 9.3 Coliban Water, the storage manager and the other entitlement holders may agree to vary the operating arrangements from time to time.

10. REVIEW OF OPERATING ARRANGEMENTS

- 10.1 Within three years of the commencement of this Order, or when rights to water in the Wimmera–Mallee system headworks have been qualified by the water Minister in accordance with section 33AAA of the Act to supply entitlement holders’ critical needs, Coliban Water, jointly with the other entitlement holders and in consultation with the Department, must direct the storage manager to review the operation of the Wimmera–Mallee system to assess its performance against the storage management objectives in the relevant storage manager instrument of appointment.
- 10.2 The review must –
- (a) take into account all data and information that is available at that time, including:
 - (i) data collected by the storage manager on water flows and losses in the Wimmera-Mallee system;
 - (ii) data collected by the entitlement holders on water supplied to their main customer groups; and
 - (iii) up to date research findings on the impacts of climate change on rainfall, evaporation and stream flows in south east Australia as it affects the Wimmera-Mallee system;
 - (b) support its findings using the version of the Wimmera-Mallee system model agreed to by the entitlement holders and the Department, updated to include:
 - (i) the data collected in paragraph 10.2(a);
 - (ii) the storage management rules applying at the time of the review; and
 - (iii) any changes to the capacities of the headworks;
 - (c) report on the findings and recommend any changes to operating arrangements needed to improve efficiency of operation and achievement of the storage management objectives.
- 10.3 The storage manager must make copies of the report prepared in paragraph 10.2(c) available to all entitlement holders and the Department.

11. DISPUTE RESOLUTION

- 11.1 If a difference or dispute arises between Coliban Water, the storage manager or the resource manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 11.2 If a difference or dispute arises between Coliban Water and another entitlement holder, concerning the interpretation or application of this Order, Coliban Water may give written notice to the other entitlement holder requiring the matter to be determined by an independent expert.
- 11.3 If a difference or dispute arises between Coliban Water and another entitlement holder, concerning the interpretation or application of this Order, and the other entitlement holder gives written notice to Coliban Water requiring the matter to be determined by an independent expert, Coliban Water must comply with the notice.
- 11.4 The notice requiring the matter be determined by an independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.5 The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but may extend the period for reaching a conclusion on the matter by a further 30 days.
- 11.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.8 In any difference or dispute to which the water Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the water Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s47A of the Act.
- 11.9 In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 11.10 Coliban Water may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

PART 5 – MONITORING WATER TAKEN**12. METERING PROGRAM**

- 12.1 Coliban Water must, in consultation with the storage manager, propose to the water Minister within twelve months of the date of this Order, an updated metering program to demonstrate Coliban Water's compliance with this Order.
- 12.2 The metering program proposed in sub-clause 12.1 must be prepared in accordance with any guidelines issued by the water Minister for preparation of metering programs.
- 12.3 A proposal under sub-clause 12.1 must include details of any existing or proposed arrangements made by Coliban Water for any person other than Coliban Water to measure or to calculate flows.
- 12.4 The water Minister may –
- (a) approve a program proposed under sub-clause 12.1; or
 - (b) require Coliban Water to amend the proposed program; or
 - (c) not approve the proposed program.

- 12.5 The water Minister may, at any time, require Coliban Water to –
- (a) review the program approved by the water Minister if, in the water Minister’s opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the water Minister.
- 12.6 Coliban Water must, at its cost and in accordance with any guidelines issued from time to time by the water Minister –
- (a) implement and maintain any metering plan approved by the water Minister;
 - (b) maintain metering equipment and associated measurement structures in good condition;
 - (c) ensure that metering equipment is periodically re-calibrated;
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

13. REPORTING REQUIREMENTS

- 13.1 Coliban Water may be required to report on all or any of the following matters, as provided in this clause –
- (a) the daily amount of water taken under this entitlement at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the amount and location of water taken under this entitlement at any other works of Coliban Water;
 - (d) the final water allocation to Coliban Water for the year under this Order;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 16.3;
 - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (g) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Coliban Water supply systems under this Order;
 - (h) any amendment to this Order;
 - (i) any new bulk entitlement granted to Coliban Water with respect to the Coliban Water supply systems under this Order;
 - (j) any failure by Coliban Water to comply with any provision of this Order;
 - (k) any existing or anticipated difficulties experienced by Coliban Water in complying with this Order and any remedial action taken or proposed by Coliban Water.
- 13.2 The water Minister may require Coliban Water to report on all or any of the matters set out in sub-clause 13.1 –
- (a) in writing, or in such electronic form as may be agreed between Coliban Water and the water Minister; and
 - (b) within 14 days of receiving the water Minister’s written request or such longer period as the water Minister may determine.
- 13.3 Coliban Water must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 13.1, except paragraph (a).

14. DATA

- 14.1 Subject to sub-clause 12.6, the water Minister will use the water Minister’s best endeavours to ensure that all hydrological and other data required by Coliban Water to comply with this Order are made available to Coliban Water.
- 14.2 Coliban Water must make available to any person data collected by or on behalf of Coliban Water for the purpose of clause 12 or 13 subject to the person paying any fair and reasonable access fee imposed by Coliban Water to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS**15. HEADWORKS COSTS**

- 15.1 Coliban Water must pay a share of the headworks costs in any year, whether or not Coliban Water takes water in that year.
- 15.2 The amount of Coliban Water's share of costs under sub-clause 15.1 is dependent on any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**, subject to any existing agreement between Coliban Water and the storage manager, including an option to extend that agreement.
- 15.3 Before undertaking any new or enhancement work to the headworks system, the storage manager must consult with all entitlement holders likely to be affected by the works.

16. WATER RESOURCE MANAGEMENT COSTS

- 16.1 Subject to sub-clause 18.1, Coliban Water must pay the resource manager the proportion as determined under sub-clause 16.2 of the costs incurred by the resource manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 16.2 The proportion of the costs referred to in sub-clause 16.1 is to be determined by the resource manager.
- 16.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by Coliban Water to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

17. DELIVERY COSTS

- 17.1 Coliban Water must pay GWMWater a share of the costs of delivering water from the Wimmera–Mallee Pipeline, in any year.
- 17.2 The amount of Coliban Water's share of costs under sub-clause 17.1 is dependent on any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**, subject to any existing agreement between Coliban Water and GWMWater, including an option to extend that agreement.

18. DUTY TO KEEP ACCOUNTS AND PROVIDE ESTIMATES

- 18.1 Coliban Water is not obliged to make any payments to –
- (a) the storage manager under clause 15;
 - (b) the resource manager under clause 16; and
 - (c) GWMWater under clause 17,
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 18.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage manager in respect of clause 15;
 - (b) the resource manager in respect of clause 16; and
 - (c) GWMWater in respect of clause 17.
- 18.3 Accounts required to be kept under this clause must be made available for inspection by Coliban Water upon request.
- 18.4 The storage manager must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 15.1 in the ensuing year.
- 18.5 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 16.1 in the ensuing year.
- 18.6 GWMWater must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 17.1 in the ensuing year.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

SCHEDULE 1. HEADWORKS

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Lake Fyans	18,460	203.8
Lake Lonsdale	53,300	187.12
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	261,510	194.10
Taylor's Lake	27,060	144.66
Toolondo Reservoir	46,215	161.01
Lake Wartook	29,360	441.69
Mt Cole Reservoir	801	667.55
Langhi Ghiran Reservoir	45	498.80
Panrock Reservoir	57	335.28
Weirs		
Distribution Heads	NA	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir (2x weirs in total)	NA	NA
Fyans Creek diversion weir (Radial Gates)	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Mount Zero channel diversion weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Stewarts Weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Bungalally Creek	30	NA
Fyans Creek diversion channel	800	NA
Fyans inlet channel	200	NA
Fyans outlet channel	120	NA

Lonsdale bypass channel	360	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Mt Zero channel	35	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1,600	NA

Notes: NA means 'not applicable'.

SCHEDULE 2. WATER ALLOCATION RULES**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation.

2. MAKING WATER ALLOCATIONS

- 2.1 In July and in each subsequent month until the maximum allocation for entitlements in Table 1 of this Schedule is reached, or at such other times as the storage manager believes it to be required, the storage manager must determine the water available to meet the entitlements in Table 1 of this Schedule, and bulk entitlement holders' share of that water in accordance with the following steps.
- 2.2 To determine the water available to meet entitlements, the storage manager must take the lower of –
- the resources that could be diverted from the Wimmera–Mallee system, determined in accordance with clause 3 of this Schedule; and
 - the amount of water allowed to the Wimmera–Mallee system under the Murray–Darling Basin cap, as determined in clause 4 of this Schedule.
- 2.3 The storage manager must –
- use the water available as determined in accordance with sub-clause 2.2 to determine the water allocations to entitlement holders; and
 - inform the entitlement holders of the water allocation determined under paragraph (a), and at the same time make available the method and calculations and any other information used to determine the water allocation.

Table 1 Shares of water available

WATER AVAILABLE (ML)	A	B	C	D	E	F
	125,550	97,550	75,971	53,459	45,253	0
Grampians Wimmera Mallee Water						
System operating water:						
Irrigation losses	9,000	0	0	0	0	0
Pipeline and balancing storage losses	2,960	2,960	2,960	2,960	2,960	0
Irrigation product	19,000	0	0	0	0	0
Glenelg compensation flow	3,300	3,300	825	50	50	0
Recreation	2,590	2,590	648	0	0	0
Wimmera-Mallee Pipeline product	44,720	44,720	36,352	25,725	21,540	0
Coliban Water						
Wimmera-Mallee Pipeline product	300	300	244	173	145	0
Wannon Water						
Wimmera-Mallee Pipeline product	2,120	2,120	1,723	1,220	1,021	0
Environment						
Wetlands	1,000	1,000	250	0	0	0
Wimmera-Mallee Pipeline product	40,560	40,560	32,970	23,332	19,537	0

Notes to Table 1:

- All numbers in the table are in ML.
- If the volume of water available is greater than shown for column A, the share is equal to the volume shown in column A.
- If the volume of water available is between any two columns, the share is linearly interpolated between the shares in the adjacent columns.
For example, if there is 60,000 ML of water available (between columns C and D), Wannon Water's share is equal to:

$$[(1,723-1,220) \times (60,000-53,459) / (75,971-53,459)] + 1,220 = 1,366 \text{ ML}$$
- The calculation in Note 3 is to be rounded to the nearest whole number.

3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT YEAR

- 3.1 The storage manager must, in determining water allocations, make an assessment of the resources that could be diverted from the headworks in the current year using the method outlined in Table 2 of this Schedule.

Table 2 Method for estimating the resources that could be diverted

Available water in month i	=	measured total volume in store at the start of month i
	–	estimate of total dead storage
	–	the volume of carryover
	+	an estimate of harvestable inflows and pick-up from start of month i to 30 June next
	+	the measured total amount of water released from headworks from 1 July last to the start of month i
	–	the volume of reserve
	–	the estimated headworks losses from the start of month i to 30 June next

- 3.2 In making the assessment in sub-clause 3.1, the storage manager must –
- (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the estimates of headworks losses; and
 - (iii) the estimated dead storage,
 - (b) make available to all entitlement holders the information used to apply the method.
- ### 4. APPLYING THE MURRAY-DARLING BASIN CAP
- 4.1 If the volumes of water diverted each year from the Wimmera-Mallee system as determined by the storage manager in accordance with Schedule 3 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- (a) the limit established in the Agreement;
- or, in the absence of any limit in the Agreement,
- (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 4.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the water Minister such appropriate action to avoid the limit being reached as they see fit, and the water Minister may approve such action, with any modifications the water Minister considers necessary.
- 4.3 If no appropriate action is approved by the water Minister under sub-clause 4.2–
- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be –
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and

- (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements,
- (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

5. TRANSITIONAL ARRANGEMENTS

- 5.1 At the commencement of this Instrument, the starting water allocations are deemed to be the water allocations that were determined by the storage manager under the previous bulk entitlements prior to the commencement of this Instrument.
- 5.2 After commencement of this Instrument and in the first year of its application, the storage manager must determine subsequent water allocations as if the water year had commenced on 1 July 2010.
- 5.3 When determining subsequent water allocations under paragraph 5.2, the storage manager may increase, but not decrease, a water allocation.

SCHEDULE 3. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera-Mallee system¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Year: July to June

Total diversions	=	Σ	Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
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Where:

Diversion components

Rural water authority bulk entitlements	=	The sum of all diversions taken under GWMWater's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes, wetlands formerly supplied by the channel system, supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on GWMWater's data base and estimates where unmetered. (Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the Wimmera and Glenelg Rivers environmental entitlement and Glenelg River compensation flows.)
Unregulated urban bulk entitlements	=	The sum of all diversions taken under GWMWater's unregulated bulk entitlements to supply towns (part Ararat, Great Western, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on GWMWater's database and estimates where unmetered.
Unregulated licences	=	The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the GWMWater database and estimates where unmetered. (Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)

¹ For the purposes of the Murray Darling Basin cap, the Wimmera-Mallee system includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

**SCHEDULE 4. OFFTAKE POINTS, TIMING OF SUPPLY
AND MAXIMUM RATES OF TAKING WATER**

Supply system	Waterway/channel	Offtake Point	Maximum rate (ML/d)
Borong	Wimmera–Mallee Pipeline	GWMWater Borong Control Valve, Borong	0.8
Korong Vale and Wedderburn	Wimmera–Mallee Pipeline	GWMWater Korong Vale Control Valve, Korong Vale	1.75
Wychitella	Wimmera–Mallee Pipeline	GWMWater Wychitella Control Valve, Wychitella	0.45

Water Act 1989

WIMMERA AND GLENELG RIVERS ENVIRONMENTAL ENTITLEMENT 2010

I, Tim Holding, under the provisions of the **Water Act 1989**, make the following Instrument –

PART 1 – INTRODUCTORY STATEMENTS**1. CITATION**

This Instrument may be cited as the Wimmera and Glenelg Rivers Environmental Entitlement 2010.

2. EMPOWERING PROVISIONS

This Instrument is made under section 48B of the **Water Act 1989**.

3. COMMENCEMENT

This Instrument comes into operation on the day it is published in the Government Gazette.

4. DEFINITIONS

In this Instrument –

‘**Act**’ means the **Water Act 1989**;

‘**Agreement**’ means the Murray Darling Basin Agreement;

‘**Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Wimmera, Mallee, Avoca, and Glenelg basins, with the terms of their bulk entitlements or licences;

‘**cap model**’ means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

‘**carryover**’ means the volume of water allocated to entitlement holders that is authorised to be taken in a subsequent water season under a declaration made by the Minister under section 48MA of the Act;

‘**dead storage**’ means the water stored in reservoirs which the storage manager deems to be inaccessible for release for consumptive use in any given year;

‘**Department**’ means the Department supporting the Minister administering the **Water Act 1989**;

‘**entitlement holder**’ means a person holding a bulk entitlement or environmental entitlement in the Wimmera-Mallee system granted under Division 1 or 3 of Part 4 of the Act;

‘**environment Minister**’ has the same meaning as in section 3 of the Act, and includes any delegate of the environment Minister under s 48PB of the Act;

‘**Glenelg basin**’ means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**GWMWater**’ means Grampians Wimmera Mallee Water Corporation;

‘**Glenelg River compensation flow**’ means the flow in the Glenelg River under clause 14 of Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010;

‘**headworks**’ means the water supply works of the waterways, reservoirs, weirs and transfer channels listed in Schedule 3.

‘**Mallee basin**’ means the area of land designated as Basin Number 14 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**MDBA**’ means the Murray Darling Basin Authority, or any business division of the Authority or that Authority’s assignee or delegate exercising any relevant function;

‘**Murray–Darling Basin cap**’ means the arrangements introduced by the Murray–Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray–Darling Basin and as defined in the **Water Act 2004** (Cwlth) Schedule 1–The Murray–Darling Basin Agreement, Schedule E;

‘**offtake point**’ means any or all of the locations specified in Schedule 5 for taking water under this Instrument;

‘**reserve**’ means the volume of water calculated by the storage manager in accordance with the rules provided in the relevant instrument of appointment;

‘**resource manager**’ means any person appointed by the Minister as resource manager for the Wimmera, Glenelg and Avoca basins;

‘**storage manager**’ means any Authority appointed by the Minister under section 122ZK of the Act to carry out any of the functions specified under Part 6C of the Act for the Wimmera–Mallee system;

‘**Wannon Water**’ means Wannon Region Water Corporation;

‘**water allocation**’ has the meaning given to it in section 3 of the Act;

‘**water Minister**’ means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under s 306 of the Act;

‘**waterway**’ means any or all of –

- (a) the Wimmera River and its tributaries upstream of Lake Hindmarsh, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs; and
- (d) the Avon and Richardson Rivers upstream and including Rich Avon weir;

‘**Wimmera basin**’ means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Wimmera–Mallee system**’ means the waterway and the headworks;

‘**year**’ means the 12 months next following 1 July.

PART 2 – ENTITLEMENT

5. ALLOCATION OF AN ENVIRONMENTAL ENTITLEMENT

The environment Minister’s entitlement to water from the Wimmera–Mallee system is allocated on the conditions set out in this Instrument.

6. ENVIRONMENTAL ENTITLEMENT

6.1 The environment Minister is entitled to –

- (a) take from the waterway:
 - (i) up to 1,000 ML of wetland product; and
 - (ii) up to 40,560 ML of Wimmera–Mallee Pipeline product,subject to the water allocation determined in accordance with clause 7;
- (b) the passing flows specified in Schedule 1;
- (c) all other surface water resources in the Wimmera–Mallee system except for:
 - (i) any permissible annual volume declared by the water Minister under section 22A of the Act;
 - (ii) any water allocated under Part 4 of the Act; and
 - (iii) any water taken by persons under section 8(1) of the Act;

- (d) a one-off amount of 5,532 ML, due when the total amount held in the headworks next reaches 350,000 ML after the date of commencement of this Instrument, for the purpose of maintaining the environmental values of rivers and wetlands in the Wimmera and Glenelg and Mallee basins and other water services dependent on the environmental condition of these rivers.

PART 3 – AVAILABLE WATER

7. WATER ALLOCATION

The storage manager must –

- (a) determine the water allocation for the entitlements in paragraph 6.1(a) of this Instrument applying the method and rules in Schedule 2;
- (b) inform the environment Minister of the water allocation determined under paragraph 7(a); and
- (c) make available to the environment Minister the method and calculations and any other information used to determine the water allocation.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

8. TAKING WATER

- 8.1 The environment Minister may take water to which it is entitled under this Instrument at –
- (a) the offtake points and at the rates and times specified in Schedule 5; or
 - (b) such other off-take points, rates and times as are, at the request of the environment Minister, agreed to in writing by the storage manager or GWMWater as the case may be.
- 8.2 For the purpose of clause 6, the water taken by the environment Minister is the total volume of water taken at the off-take points referred to in sub-clause 8.1.

9. OPERATING ARRANGEMENTS

- 9.1 The environment Minister, jointly with the storage manager and the other entitlement holders must endeavour to agree on operating arrangements for supplying water from the Wimmera-Mallee system under this entitlement.
- 9.2 If the environment Minister, the storage manager and the other entitlement holders have not reached agreement under sub-clause 9.1 within 12 months of the date of this Instrument, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 13.
- 9.3 The environment Minister, the storage manager and the other entitlement holders may agree to vary the operating arrangements from time to time.

10. REVIEW OF OPERATING ARRANGEMENTS

- 10.1 Within three years of the commencement of this Instrument, or when rights to water in the Wimmera–Mallee system headworks have been qualified by the water Minister in accordance with section 33AAA of the Act to supply entitlement holders’ critical needs, the environment Minister, jointly with the other entitlement holders and in consultation with the Department, must direct the storage manager to review the operation of the Wimmera–Mallee system to assess its performance against the storage management objectives in the relevant storage manager instrument of appointment.
- 10.2 The review must –
- (a) take into account all data and information that is available at that time, including:
 - (i) data collected by the storage manager on water flows and losses in the Wimmera–Mallee system;
 - (ii) data collected by the entitlement holders on water supplied to their main customer groups; and
 - (iii) up to date research findings on the impacts of climate change on rainfall, evaporation and stream flows in south east Australia as it affects the Wimmera–Mallee system;

- (b) support its findings using the version of the Wimmera–Mallee system model agreed to by the entitlement holders and the Department, updated to include:
 - (i) the data collected in paragraph 10.2(a);
 - (ii) the storage management rules applying at the time of the review; and
 - (iii) any changes to the capacities of the headworks;
 - (c) report on the findings and recommend any changes to operating arrangements needed to improve efficiency of operation and achievement of the storage management objectives.
- 10.3 The storage manager must make copies of the report prepared in paragraph 10.2(c) available to all entitlement holders and the Department.

11. ENVIRONMENTAL OPERATING PLAN

- 11.1 The primary objective for management of this entitlement is to preserve the environmental values and health of water ecosystems in the Wimmera and Glenelg basins, including their biodiversity, ecological functioning and quality of water and the other uses that depend on environmental condition.
- 11.2 The distribution of the environment’s allocation between the Wimmera and Glenelg basins must –
- (a) be based on the best available scientific advice on the ecological benefits of environmental releases; and
 - (b) achieve the greatest ecological benefit to the region for the environmental entitlement.
- 11.3 Within twelve months of the start of this Instrument, the environment Minister must propose to the water Minister an updated environmental operating plan for the release of water under this entitlement to meet the requirements of sub-clauses 11.1 and 11.2.
- 11.4 The environmental operating plan must provide for supply to water bodies in the Wimmera basin nominated as having a high community value and listed in Schedule 6.
- 11.5 The environmental operating plan must include the conditions under which the environment’s water can be used to supply the water bodies nominated in sub-clause 11.4 and must be consistent with any conditions specified in Schedule 6.
- 11.6 The environment Minister may review the conditions referred to in sub-clause 11.5, in consultation with the local community and GWMWater, and may apply to the water Minister under section 48K of the Act to amend the conditions.
- 11.7 The water Minister may –
- (a) approve the plan proposed under sub-clause 11.3; or
 - (b) require the environment Minister to amend the proposed plan; or
 - (c) not approve the proposed plan.
- 11.8 The water Minister may, at any time, require the environment Minister to –
- (a) review Schedule 6;
 - (b) review the plan approved by the water Minister if, in the water Minister’s opinion, it is, at any time, no longer appropriate; and
 - (c) propose an amended plan or Schedule 6 to the water Minister.
- 11.9 The environment Minister must prepare the operating plan in consultation with the storage manager.
- 11.10 The water Minister may, from time to time, require the environment Minister to report in writing on the implementation of the operating plan approved under sub-clause 11.7.

12. OBLIGATION TO SUPPLY WETLANDS

- 12.1 The environment Minister must direct the storage manager to release up to 1,000 ML each year to supply the former channel fed wetlands in accordance with the wetlands supply plan prepared under sub-clause 12.2.
- 12.2 The environment Minister must prepare the wetlands supply plan each year, in consultation with the storage manager and persons and agencies representing the local community of the area supplied by the Wimmera–Mallee Pipeline.
- 12.3 The wetlands supply plan must –
- (a) list the wetlands nominated to receive a supply from the pipeline and their location;
 - (b) include the priority for supply to each of the nominated wetlands for a range of water allocations; and
 - (c) specify the timing and method for supplying each of the wetlands;
- 12.4 The environment Minister must make copies of the plan available to any person on request.

13. DISPUTE RESOLUTION

- 13.1 If any difference or dispute arises between the environment Minister, the storage manager or the resource manager, or any of them, concerning the interpretation or application of this Instrument, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 13.2 If a difference or dispute arises between the environment Minister and another entitlement holder, concerning the interpretation or application of this Instrument, the environment Minister may give written notice to the other entitlement holder requiring the matter to be determined by an independent expert.
- 13.3 If a difference or dispute arises between the environment Minister and another entitlement holder, concerning the interpretation or application of this Instrument, and the other entitlement holder gives written notice to the environment Minister requiring the matter to be determined by an independent expert, the environment Minister must comply with the notice.
- 13.4 The notice requiring the matter be determined by an independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.5 The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 13.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but may extend the period for reaching a conclusion on the matter by a further 30 days.
- 13.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.8 In any difference or dispute to which the water Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the water Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s. 47A of the Act.
- 13.9 In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 13.10 The water Minister may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

PART 5 – MONITORING WATER TAKEN**14. METERING PROGRAM**

- 14.1 The environment Minister must, in consultation with the storage manager, propose to the water Minister within twelve months of the date of this Instrument, an updated metering program to demonstrate compliance with this Instrument.
- 14.2 The metering program proposed in sub-clause 14.1 must be prepared in accordance with any guidelines for preparation of metering program issued by the water Minister.
- 14.3 A proposal under sub-clause 14.1 must include details of any existing or proposed arrangements made by the environment Minister for any person other than the environment Minister to measure or to calculate flows.
- 14.4 The water Minister may –
- (a) approve a program proposed under sub-clause 14.1; or
 - (b) require the environment Minister to amend the proposed program; or
 - (c) not approve the proposed program.
- 14.5 The water Minister may, at any time, require the environment Minister to –
- (a) review the program approved by the water Minister if, in the water Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the water Minister.
- 14.6 The environment Minister must, at its cost and in accordance with any guidelines issued from time to time by the water Minister –
- (a) implement and maintain any metering program approved by the water Minister;
 - (b) maintain metering equipment and associated measurement structures in good condition;
 - (c) ensure that metering equipment is periodically re-calibrated;
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

15. REPORTING REQUIREMENTS

- 15.1 The environment Minister may be required to report on all or any of the following matters, as provided in this clause –
- (a) the daily amount of water taken under this entitlement at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the location of any new offtake points agreed under sub-clause 10.1 and the amount of water taken there;
 - (d) the final water allocation to the environment Minister for the year under this Instrument;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 14.4(a);
 - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (g) any bulk entitlement, licence or water right, temporarily or permanently transferred to the environment Minister;
 - (h) any amendment to this Instrument;
 - (i) any new environmental entitlement granted to the environment Minister with respect to the Wimmera-Mallee system;
 - (j) any failure by the environment Minister to comply with any provision of this Instrument;
 - (k) any existing or anticipated difficulties experienced by the environment Minister in complying with this Instrument and any remedial action taken or proposed.

- 15.2 The water Minister may require the environment Minister to report on all or any of the matters set out in sub-clause 15.1 –
- (a) in writing, or in such electronic form as may be agreed between environment Minister and the water Minister; and
 - (b) within 14 days of receiving the water Minister's written request or such longer period as the water Minister may determine.
- 15.3 The environment Minister must, for the period of the preceding year, ensure that his/her Department reports in its Annual Report on each of the matters referred to in sub-clause 15.1, except paragraph (a).

16. DATA

- 16.1 Subject to sub-clause 14.6, the water Minister will use the water Minister's best endeavours to ensure that all hydrological and other data required by the environment Minister to comply with this Instrument are made available to environment Minister.
- 16.2 The environment Minister must make available to any person data collected by or on behalf of the environment Minister for the purpose of clause 14 or 15 subject to the person paying any fair and reasonable access fee imposed by the environment Minister to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS

17. HEADWORKS COSTS

- 17.1 Subject to sub-clause 17.2, the environment Minister does not have to make any payment to the storage manager for headworks costs relating to this Instrument.
- 17.2 The environment Minister must pay the storage manager the reasonable incremental costs incurred by the storage manager, to –
- (a) release water;
 - (b) collect and manage data;
 - (c) meter; and
 - (d) perform any other services agreed to by the environment Minister and the storage manager.
- 17.3 Within six months of the commencement of this Instrument, the environment Minister, jointly with the storage manager, and in consultation with the other entitlement holders, must endeavour to agree on the cost-sharing arrangements.
- 17.4 In determining cost sharing arrangements in relation to sub-clause 17.2, the parties must have regard to whether the services are performed in relation to this entitlement and would provide a benefit to the environmental water reserve of the Wimmera, Mallee and Glenelg river basins.
- 17.5 If the parties cannot reach an agreement, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 13.
- 17.6 The parties may vary the cost-sharing arrangements from time to time by agreement.

18. DELIVERY COSTS

The environment Minister does not have to make any payment to GWMWater for supply of the environment's water from the Wimmera-Mallee Pipeline unless otherwise agreed by both parties and in accordance with clause 12.

19. WATER RESOURCE MANAGEMENT COSTS

- 19.1 Subject to sub-clause 20.1, the environment Minister must pay the resource manager the reasonable incremental costs incurred by the resource manager in performing the tasks relating to this Instrument specified in the relevant instrument of appointment.

- 19.2 The proportion of the costs referred to in sub-clause 19.1 is to be determined by the resource manager.
- 19.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Corporation to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

20. DUTY TO KEEP ACCOUNTS AND PROVIDE ESTIMATES

- 20.1 The environment Minister is not obliged to make any payment to –
- (a) the storage manager under clause 17;
 - (b) the resource manager under clause 19,
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 20.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage manager in respect of clause 17;
 - (b) the resource manager in respect of clause 19.
- 20.3 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 19.1, in the ensuing year.
- 20.4 The storage manager must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 17.1 in the ensuing year.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

SCHEDULE 1. PASSING FLOWS

Table 1. Passing flows

1	2	3
Waterway	Location	Passing flow
Fyans Creek	Stawell diversion weir	1 ML/d
Wannon River	Wannon Diversion	All water from November to May inclusive to be passed.
Glenelg River	Rocklands Reservoir	<p>June – 100 ML/d July and October – 150 ML/d August and September – 160 ML/d November – 130 ML/d December to May – nil</p> <p>Alternatively, in consultation with the storage manager, the environment Minister may store in Rocklands Reservoir all or part of the water required to meet the passing flows to provide:</p> <ul style="list-style-type: none"> (a) improved environmental outcomes; (b) water quality benefits for other entitlement holders; or (c) provide other community benefits. <p>Any water stored in Rocklands Reservoir under this provision is:</p> <ul style="list-style-type: none"> • the first to spill if Rocklands Reservoir spills; and • subject to losses to be determined by the Storage Manager in consultation with the environment Minister having regard for the primary purpose of storing the passing flow. <p>The Storage Manager may, in agreement with the environment Minister, temporarily alter the release of passing flow from Rocklands Reservoir in order to protect water quality in the Wimmera-Mallee headworks system to ensure it is fit for purpose for urban, domestic and stock, industrial, irrigation and environmental use. The water not released is to be retained in storage for later use by the environment.</p>
Wimmera River	Huddlestons Weir	<p>December to May:</p> <p>If $I = \text{or} < 10 \text{ ML/d}$, $P = I$ If $I > 10 \text{ ML/d}$ and $< 2,010 \text{ ML/d}$, $P = 10 + 0.25 \times (I - 10) \text{ ML/d}$ If $I > 2,010 \text{ ML/d}$, $P = I - 1,600 \text{ ML/d}$</p> <p>June to November:</p> <p>If $I = \text{or} < 60 \text{ ML/d}$, $P = I$ If $I > 60 \text{ ML/d}$ and $< 2,060$, $P = 60 + 0.25 \times (I - 60) \text{ ML/d}$ If $I > 2,060 \text{ ML/d}$, $P = I - 1,600 \text{ ML/d}$</p> <p>Where:</p> <p style="padding-left: 40px;">I means inflow in ML/d P means the minimum passing flow in ML/d</p>

Mt William Creek	Lake Lonsdale	<p>December to May – nil June to November – 60 ML/d</p> <p>Alternatively, in consultation with the storage manager, the environment Minister may store in Lake Lonsdale all or part of the water required to meet the passing flows to provide:</p> <ul style="list-style-type: none"> (a) improved environmental outcomes; (b) water quality benefits for other entitlement holders; or (c) provide other community benefits. <p>The water may be stored in Lake Lonsdale under this provision if there is storage capacity in Lake Lonsdale not required by the storage manager to meet the storage manager’s other obligations.</p> <p>Any water stored in Lake Lonsdale under this provision is:</p> <ul style="list-style-type: none"> ● the first to spill if Lake Lonsdale spills; ● subject to losses to be determined by the Storage Manager in consultation with the environment Minister and having regard for the primary purpose of storing the passing flow. <p>The Storage Manager may, in agreement with the environment Minister, temporarily alter the release of passing flow from Lake Lonsdale in order to protect water quality in the Wimmera-Mallee headworks system to ensure it is fit for purpose for urban, domestic and stock, industrial, irrigation and environmental use. The water not released is to be retained in storage for later use by the environment.</p>
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Notes to Table 1:

1. All passing flows are the lesser of the flow specified in Column 3 and the natural flow.
2. The natural flow is the flow that would have occurred at the location specified in Column 2 if there were no man-made works upstream of that location, and is estimated by the storage manager.
3. The passing flows are subject to the following operational tolerances:
 - (a) the average flow on any day is to be not less than the passing flow by 10%; and
 - (b) the total flow over any 7 day continuous period is to be not less than the sum of the passing flow for each day over the same period.
4. The passing flows are to be reduced by the factor specified in Table 2 if the volume of water available determined by the storage manager in Schedule 2 of this Instrument falls within the range shown in Table 2.
5. If the volume of available water falls between the values in Table 2, a reduction factor is to be applied by the storage manager which is proportional to the difference in the values.

Table 2. Restriction of passing flows

Volume of water available expressed in terms of the column number in Schedule 2	Reduction factor applied to passing flows
A and B	0
C	0.19
D	0.42
E	0.52
F	1.0

Notes to Table 2:

1. The reduction factor is applied by multiplying the relevant passing flow by: (1.0 – the reduction factor)
2. If the volume of water available is greater than shown for column A of Table 1 of Schedule 2 in this Instrument, the reduction factor is the same as for column A.
3. If the volume of water available is between any two columns of Table 1 of Schedule 2 in this Instrument, the reduction factor is linearly interpolated between the reduction factor in the adjacent columns.
4. The passing flow calculated using the reduction factor in Note 3 is to be rounded to the nearest whole number.

SCHEDULE 2. WATER ALLOCATION RULES**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation.

2. MAKING WATER ALLOCATIONS

- 2.1 In July and in each subsequent month until the maximum allocation for entitlements in Table 1 of this Schedule is reached, or at such other times as the storage manager believes it to be required, the storage manager must determine the water available to meet the entitlements in Table 1 of this Schedule, and bulk entitlement holders' share of that water in accordance with the following steps.
- 2.2 To determine the water available to meet entitlements, the storage manager must take the lower of –
- the resources that could be diverted from the Wimmera-Mallee system, determined in accordance with clause 3 of this Schedule; and
 - the amount of water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap, as determined in clause 4 of this Schedule.
- 2.3 The storage manager must –
- use the water available as determined in accordance with sub-clause 2.2 to determine the water allocation to entitlement holders; and
 - inform the entitlement holders of the water allocation determined under paragraph 2.3(a), and at the same time make available the method and calculations and any other information used to determine the water allocation.

Table 1 Shares of water available

WATER AVAILABLE (ML)	A	B	C	D	E	F
	125,550	97,550	75,971	53,459	45,253	0
Grampians Wimmera Mallee Water						
System operating water:						
Irrigation losses	9,000	0	0	0	0	0
Pipeline and balancing storage losses	2,960	2,960	2,960	2,960	2,960	0
Irrigation product	19,000	0	0	0	0	0
Glenelg compensation flow	3,300	3,300	825	50	50	0
Recreation	2,590	2,590	648	0	0	0
Wimmera-Mallee Pipeline product	44,720	44,720	36,352	25,725	21,540	0
Coliban Water						
Wimmera-Mallee Pipeline product	300	300	244	173	145	0
Wannon Water						
Wimmera-Mallee Pipeline product	2,120	2,120	1,723	1,220	1,021	0
Environment						
Wetlands	1,000	1,000	250	0	0	0
Wimmera-Mallee Pipeline product	40,560	40,560	32,970	23,332	19,537	0

Notes to Table 1:

- All numbers in the table are in ML.
- If the volume of water available is greater than shown for column A, the share is equal to the volume shown in column A.
- If the volume of water available is between any two columns, the share is linearly interpolated between the shares in the adjacent columns.
For example, if there is 60,000 ML of water available (between columns C and D), Wannon Water's share is equal to:
 $[(1,723-1,220) \times (60,000-53,459) / (75,971-53,459)] + 1,220 = 1,366$ ML
- The calculation in Note 3 is to be rounded to the nearest whole number.

3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT YEAR

- 3.1 The storage manager must, in determining water allocations, make an assessment of the resources that could be diverted from the headworks in the current year using the method outlined in Table 2 of this Schedule.

Table 2 Method for estimating the resources that could be diverted

Available water in month i	=	measured total volume in store at the start of month i
	-	estimate of total dead storage
	-	the volume of carryover
	+	an estimate of harvestable inflows and pick-up from start of month i to 30 June next
	+	the measured total amount of water released from headworks from 1 July last to the start of month i
	-	the volume of reserve
	-	the estimated headworks losses from the start of month i to 30 June next

- 3.2 In making the assessment in sub-clause 3.1, the storage manager must –
- reach agreement with all entitlement holders on the method used to calculate –
 - the estimated harvestable inflows and pick-up;
 - the estimates of headworks losses; and
 - the estimated dead storage,
 - make available to all entitlement holders the information used to apply the method.
- ### 4. APPLYING THE MURRAY-DARLING BASIN CAP
- 4.1 If the volumes of water diverted each year from the Wimmera-Mallee system as determined by the storage manager in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- the limit established in the Agreement;
- or, in the absence of any limit in the Agreement,
- a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 4.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the water Minister such appropriate action to avoid the limit being reached as they see fit, and the water Minister may approve such action, with any modifications the water Minister considers necessary.
- 4.3 If no appropriate action is approved by the water Minister under sub-clause 4.2 –
- If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be –
 - subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and

- (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements,
- (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

5. TRANSITIONAL ARRANGEMENTS

- 5.1 At the commencement of this Instrument, the starting water allocations are deemed to be the water allocations that were determined by the storage manager under the previous bulk entitlements prior to the commencement of this Instrument.
- 5.2 After commencement of this Instrument and in the first year of its application, the storage manager must determine subsequent water allocations as if the water year had commenced on 1 July 2010.
- 5.3 When determining subsequent water allocations under paragraph 5.2, the storage manager may increase, but not decrease, a water allocation.

SCHEDULE 3. HEADWORKS

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Lake Fyans	18,460	203.8
Lake Lonsdale	53,300	187.12
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	261,510	194.10
Taylors Lake	27,060	144.66
Toolondo Reservoir	46,215	161.01
Lake Wartook	29,360	441.69
Mt Cole Reservoir	801	667.55
Langhi Ghiran Reservoir	45	498.80
Panrock Reservoir	57	335.28
Weirs		
Distribution Heads	NA	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir (2x weirs in total)	NA	NA
Fyans Creek diversion weir (Radial Gates)	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Mount Zero channel diversion weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Stewarts Weir	NA	NA
Transfer channels (including other weirs and associated structures)		
	Capacity (ML/day)	
Burnt Creek channel	600	NA
Bungalally Creek	30	NA
Fyans Creek diversion channel	800	NA
Fyans inlet channel	200	NA
Fyans outlet channel	120	NA
Lonsdale bypass channel	360	NA

Lubeck Loop	245	NA
Moora channel	50	NA
Mt Zero channel	35	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1,600	NA

Notes: NA means 'not applicable'.

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera-Mallee system¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Year: July to June

Total diversions	=	Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
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Where:

Diversion components

Rural water authority bulk entitlements	=	The sum of all diversions taken under GWMWater's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes, wetlands formerly supplied by the channel system, supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on GWMWater's data base and estimates where unmetered. (Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the Wimmera and Glenelg Rivers environmental entitlement and Glenelg River compensation flows.)
Unregulated urban bulk entitlements	=	The sum of all diversions taken under GWMWater's unregulated bulk entitlements to supply towns (part Ararat, Great Western, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on GWMWater's database and estimates where unmetered.
Unregulated licences	=	The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the GWMWater database and estimates where unmetered. (Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)

¹ For the purposes of the Murray Darling Basin cap, the Wimmera-Mallee system includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

**SCHEDULE 5. OFFTAKE POINTS, TIMING AND MAXIMUM RATES
OF ENVIRONMENTAL RELEASES**

This Schedule provides detail of the offtake points, timing and maximum rates for release of the environment's allocation of Wimmera-Mallee Pipeline product.

1. Offtake points

The offtake points from the Wimmera-Mallee headworks are listed in the table.

Waterway	Offtake Point
Bungalally Creek	Toolondo Channel
Burnt Creek	Distribution Heads
	Toolondo channel
Fyans Creek	Lake Bellfield outlet
	Fyans Creek weir/ Radial Gates
Glenelg River	Rocklands Reservoir outlet
	5 Mile offtake
	12 Mile offtake
MacKenzie River	Lake Wartook outlet
	Dad and Dave weir
	Distribution Heads
Mt William Creek	Lake Lonsdale outlet
Richardson River	Rich Avon weir
Wimmera River	Huddleston weir
	Big Pipe
	Outlet from Taylors Lake channel
Wimmera-Mallee Pipeline	Subject to the operating plan prepared for the former channel fed wetlands under clause 12

2. Timing of supply

The timing of supply is to be determined as part of the operating plan.

3. Maximum rate

The maximum rate of release is to be determined as part of the operating plan.

SCHEDULE 6. SUPPLY TO OTHER WATER BODIES

The table lists the water bodies which must be supplied with the environment's water, the nominal capacity of the water body and the conditions applying to this supply.

Water body	Maximum volume	Conditions for supply
Rich-Avon Weir	1,000 ML	Unregulated flow in the Avon-Richardson River to be used to maintain the weir pool at a level of 2.2 metres on the weir gauge.
Horsham Weir	To be determined	To be determined
Dimboola Weir	To be determined	To be determined
Jeparit Weir	To be determined	To be determined
Lake Batyo Catyo	2,250 ML	Conditions to be developed by the environment Minister, with the agreement of GWMWater, the North Central Catchment Management Authority and the Wimmera Catchment Management Authority, and proposed to the water Minister by 31 March 2011.

Notes to the table:

1. Unregulated flow is the flow naturally occurring in the Avon-Richardson River.
2. A high flow event is assumed to occur if:
 - a. the flow passing Rich-Avon Weir to the lower river has a volume of at least 1,000 ML; and
 - b. it is separated by at least six weeks from the previous high flow event.
3. Volumes and conditions referred to in the table as 'To be determined' will be provided in the Environmental Operating Plan in clause 11.

Water Act 1989

GOULBURN RIVER ENVIRONMENTAL ENTITLEMENT 2010

The Minister, under the provisions of the **Water Act 1989**, makes the following Instrument –

PART 1 – INTRODUCTORY STATEMENTS**1. CITATION**

This Instrument may be cited as the Goulburn River Environmental Entitlement 2010.

2. EMPOWERING PROVISIONS

This Instrument is made under section 48B of the **Water Act 1989**.

3. COMMENCEMENT

This Instrument comes into operation on the day it is published in the Government Gazette.

4. DEFINITIONS

In this Instrument –

‘**Act**’ means the **Water Act 1989**;

‘**Department**’ means the Department of Sustainability and Environment;

‘**distribution system**’ means channels, pipes and other works, and the natural or modified waterways and wetlands, which are used to transport water from the Goulburn headworks system to primary entitlement holders;

‘**entitlement holder**’ means the holder of a bulk entitlement or environmental entitlement to water in the Goulburn System granted under the Act;

‘**environment Minister**’ has the same meaning as in section 3 of the Act, and includes any delegate of the environment Minister under section 48PB of the Act;

‘**environmental water reserve objective**’ has the meaning given in section 4B of the Act;

‘**Goulburn Basin**’ means the area of land designated as Basin Number 5 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Goulburn Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders in the Goulburn Basin, with the terms of their bulk entitlements;

‘**Goulburn Entitlement Holder**’ means the holder of the Bulk Entitlement (Eildon – Goulburn Weir) Conversion Order 1995;

‘**Goulburn headworks system**’ means:

- (a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattanach Canals and Waranga Basin; and
- (b) the waterway below Lake Eildon;

‘**Goulburn-Murray Water**’ means the Goulburn–Murray Rural Water Corporation;

‘**Goulburn System**’ means the Goulburn River and the water supply systems supplied by that river, with the exception of flows from the Silver and Wallaby Creeks;

‘**nominated delivery point**’ means the location at which the environment Minister has placed an order for a volume of water to be supplied under this environmental entitlement;

‘**resource manager**’ means a person appointed by the Minister under section 43A of the Act to be the resource manager for the Goulburn basin;

‘**storage manager**’ means a person appointed by the Minister under s122ZK of the Act to be the storage manager for the Goulburn System;

‘**water Minister**’ means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister’s behalf

in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;

‘year’ means the 12 months commencing 1 July.

PART 2 – ENTITLEMENT

5. GRANTING OF AN ENVIRONMENTAL ENTITLEMENT

The environment Minister’s entitlement to water from the Goulburn system is allocated on the conditions set out in this Instrument.

6. ENVIRONMENTAL ENTITLEMENT

- 6.1 The environment Minister is entitled to the water entitlements specified in Schedule 1 to this Instrument.
- 6.2 Water available under this Instrument is to be applied for the purpose of maintaining the environmental values in accordance with the environmental water reserve objective.

PART 3 – WATER RESOURCES

7. AVAILABLE WATER RESOURCES

The water available to the environment Minister in a given year, under the terms and conditions set out in this Instrument, includes:

- (a) the volume of water allocated to the environment Minister in accordance with the restriction of supply rules in Schedule 2; and
- (b) any water carried over by the environment Minister, from the previous year in accordance with a Declaration made by the water Minister under section 47MA of the Act.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

8. OPERATING ARRANGEMENTS

- 8.1 The environment Minister, jointly with the storage manager and the Goulburn Entitlement Holder, must endeavour to agree on operating arrangements for the supply of water under this entitlement.
- 8.2 If the environment Minister and the storage manager have not reached agreement under sub-clause 8.1 within twelve months of the commencement of this Instrument, any party may give written notice to the other party requiring the matter to be determined in accordance with clause 9.
- 8.3 The environment Minister, the storage manager and Goulburn Entitlement Holder may agree to vary the operating arrangements from time to time

9. DISPUTE RESOLUTION

- 9.1 If a difference or dispute arises between the environment Minister, the storage manager, the resource manager or the Goulburn Entitlement Holder, or any of them, concerning the interpretation or application of this Instrument, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 9.2 If a difference or dispute arises between the environment Minister and any of the other entitlement holders, concerning the interpretation or application of this Instrument, the environment Minister may give written notice to the other entitlement holders requiring the matter to be determined by an independent expert.
- 9.3 If a difference or dispute arises between the environment Minister and any of the other entitlement holders, concerning the interpretation or application of this Instrument, and one of the other entitlement holders gives written notice to the environment Minister requiring the matter to be determined by an independent expert, the environment Minister must comply with the notice.
- 9.4 The notice requiring that the matter be determined by independent expert may only be

given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after giving of that notice.

- 9.5 The independent expert will be either:
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 9.6 The independent expert must endeavour to reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 9.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 9.8 In any difference or dispute to which the water Minister is a party:
- (a) The independent expert must express the conclusions as a recommendation; and
 - (b) The water Minister must consider any recommendation made under paragraph 9.8(a) before deciding whether there are grounds for giving a direction pursuant to section 48J(2) of the Act.
- 9.9 In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 9.10 The environment Minister may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

PART 5 – DEMONSTRATING COMPLIANCE

10. METERING AND MONITORING ARRANGEMENTS

- 10.1 The environment Minister, in agreement with the storage manager, must propose to the water Minister within 12 months of the commencement of this Instrument a metering program, which includes any new metering sites required to provide adequate monitoring that are not already included in an existing metering program, to demonstrate compliance with this environmental entitlement with respect to all water taken by the environment Minister under this environmental entitlement and in order to meet the reporting requirements specified in clause 11.
- 10.2 The water Minister may:
- (a) approve the program proposed under sub-clause 10.1; or
 - (b) require the environment Minister to amend the proposed program.
- 10.3 The water Minister may at any subsequent time, require the environment Minister:
- (a) to review the program approved by the water Minister under sub-clause 10.2(a) if, in the water Minister's opinion, it is, no longer appropriate; and
 - (b) to propose an amended program to the water Minister for approval.
- 10.4 For those metering sites in the program approved under sub-clause 10.2(a) that are not included in any other authority's metering program, the environment Minister must, at the environment Minister's cost, and in accordance with any guidelines issued from time to time by the water Minister:
- (a) implement and maintain the approved metering program;
 - (b) maintain metering equipment and associated measurement structures in good condition;
 - (c) ensure that metering equipment is periodically re-calibrated;
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and

- (e) keep a record of all work undertaken under paragraphs (a),(b),(c) and (d).
- 10.5 The environment Minister must ensure that there is appropriate metering at nominated delivery points and return points (where applicable) to allow the volume of water that the environment Minister takes under this environmental entitlement to be quantified in order to ensure no adverse impacts on other entitlement holders.

11. REPORTING REQUIREMENTS

- 11.1 The water Minister may require the environment Minister to report on all or any of the following:
- (a) daily and annual flows at the nominated delivery points;
 - (b) any temporary transfer of the whole or part of a water allocation available under this environmental entitlement;
 - (c) any amendment to this environmental entitlement;
 - (d) compliance with this environmental entitlement;
 - (e) any failures by the environment Minister to comply with any provision of this environmental entitlement; and
 - (f) any difficulties experienced or anticipated by the environment Minister in complying with this environmental entitlement and any remedial action taken or proposed.
- 11.2 The water Minister may require the environment Minister to report on all or any of the matters listed in sub-clause 11.1:
- (a) in writing, or in such electronic form as may be agreed between the environment Minister and the water Minister; and
 - (b) within 14 days of receiving the water Minister's written request, or such longer period of time as the water Minister may determine.

12. DATA

- 12.1 The water Minister will endeavour to ensure that all hydrological and other data required by the environment Minister to comply with this environmental entitlement are made available to the environment Minister.
- 12.2 The environment Minister must make available to any person data collected by or on behalf of the environment Minister for the purpose of clause 11, subject to the person paying any fair and reasonable access fee imposed by the environment Minister to cover the costs of making the data available to that person.

PART 6 – COST SHARING ARRANGEMENTS

13. WATER STORAGE AND SUPPLY COSTS

The environment Minister is required to make payment for water storage and supply costs relating to this environmental entitlement as specified in Schedule 3 to this Instrument.

14. WATER RESOURCE MANAGEMENT COSTS

- 14.1 The environment Minister must pay the resource manager the reasonable incremental costs incurred by the resource manager to:
- (a) prepare the Goulburn Basin Water Accounts;
 - (b) report on whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements and environmental entitlements;
 - (c) report on disputes between entitlement holders in the Goulburn Basin;
 - (d) report on significant unauthorised uses of water in the Goulburn Basin;
 - (e) co-ordinate the process for application and implementation of the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.

- 14.2 Within six months of the commencement of this Instrument, the environment Minister, jointly with the other authorities and the resource manager, must endeavour to agree on the cost-sharing arrangements.
- 14.3 In determining cost sharing arrangements in relation to clause 14.1, the parties must have regard to whether the services are performed in relation to this entitlement and would provide a benefit to the environmental water reserve of the Goulburn Basin.
- 14.4 If the parties cannot reach an agreement, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 9.
- 14.5 The parties may vary the cost-sharing arrangements from time to time by agreement.

15. DUTY TO MAKE PAYMENTS

The environment Minister has a duty to make its payments for clauses 13 and 14 directly to the resource manager and the storage manager.

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

SCHEDULE 1 – ENVIRONMENT’S ENTITLEMENTS IN THE GOULBURN RIVER

Entitlement	Volume	Reliability	Trading Zone
Wimmera–Mallee Pipeline Savings	1,432 ML	Equivalent to high reliability water shares	Trading zone 1B

SCHEDULE 2 – RESTRICTION OF SUPPLY

Entitlement	Restriction of supply
Wimmera–Mallee Pipeline Savings	The environment Minister’s entitlement in Schedule 1 is subject to the seasonal determinations for high reliability water shares in the Goulburn water system made by the authority appointed for making seasonal determination under section 64GB of the Act.

SCHEDULE 3 – WATER STORAGE AND SUPPLY COSTS

Entitlement	Costs
Wimmera–Mallee Pipeline Savings	<ol style="list-style-type: none"> 1. The environment Minister is required to pay a share of the costs to: <ol style="list-style-type: none"> (a) the storage manager, for water storage costs; and (b) the Goulburn Entitlement Holder, for distribution costs, 2. The share of the water storage costs is to be equivalent to the service provision fees for high-reliability water shares under section 33AJ of the Act. 3. The share of the delivery costs is in accordance with the following rules: <ol style="list-style-type: none"> (b) Where natural waterways are used as part of the distribution system to deliver water under this environmental entitlement, there will be no delivery charge to the environment Minister. (c) Where the environment Minister holds delivery shares, it will be required to pay the same charges as other delivery share holders. (d) Where the environment Minister does not hold delivery shares, if the environment Minister requires: <ol style="list-style-type: none"> i. access to water as a casual user, the environment Minister must pay the Goulburn Entitlement Holder casual use charges for the share of the delivery capacity it requires; or ii. ‘interruptible’ access to any available spare capacity within the distribution system, allowing access only after casual users’ needs have been met, the environment Minister must pay the Goulburn Entitlement Holder the out of pocket expenses incurred by the Goulburn Entitlement Holder in supplying the service.

Water Act 1989**BULK ENTITLEMENT (LODDON RIVER – ENVIRONMENTAL RESERVE)
AMENDMENT ORDER OCTOBER 2010**

I, Tim Holding, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

- 1. Title**

This Order is called the Bulk Entitlement (Loddon River – Environmental Reserve) Amendment Order October 2010.
- 2. Preliminary**

The Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005 (the Bulk Entitlement Order) was made by the Minister on 4 November 2005 and published in the Government Gazette on 17 November 2005
- 3. Purpose**

The purpose of this Order is to amend the Bulk Entitlement Order to include the Waranga Western Channel component of the water savings from the Wimmera–Mallee Pipeline Project.
- 4. Authorising provisions**

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the Minister for Environment and Climate Change.
- 5. Commencement**

This Order comes into effect on the day it is published in the Government Gazette.
- 6. Changes to definitions**
 - 6.1 For the definition of ‘Storage Operator’ in the Bulk Entitlement Order, **substitute** –
‘**Storage Manager**’ means any Authority appointed by the Minister under section 122ZK of the Act to carry out any of the functions specified under Part 6C of the Act for the Loddon system;’
 - 6.2 After the definition of ‘resource manager’ in the Bulk Entitlement Order, **insert** –
‘**seasonal determination**’ has the meaning given to it in section 3 of the Act;’
 - 6.3 After the definition of ‘water share’ in the Bulk Entitlement Order, **insert** –
‘**Wimmera–Mallee Pipeline Savings entitlement**’ means the entitlement held by the Authority specified in Schedule 5 of this Order;’
- 7. Substitution of terms**

Substitute all instances of the term ‘Storage Operator’ in the Bulk Entitlement Order with the term ‘Storage Manager’.
- 8. Amendment to sub-clause 6.1**

After paragraph 6.1(c) of the Bulk Entitlement Order, **insert** –
‘(ca) take water available under the Wimmera-Mallee Pipeline Savings entitlement specified in Schedule 5;’
- 9. Amendment to sub-clause 8.1**

After paragraph 8.1(b) of the Bulk Entitlement Order, **insert** –
‘(ba) meets the Wimmera–Mallee Pipeline Savings entitlement in Schedule 5;’
- 10. Amendment to clause 11**

For clause 11 of the Bulk Entitlement Order, **substitute** –

 - 11. HEADWORKS COSTS**
 - 11.1 The Authority is not required to make any payment for Loddon headworks costs except where provided for in clause 11.2.

- 11.2 The Authority must pay the Storage Manager the reasonable incremental costs incurred by the Storage Manager, to:
- (a) collect and manage data;
 - (b) meter; and
 - (c) perform any other services agreed to by the Authority and the Storage Manager;
- in relation to the Wimmera-Mallee Pipeline Savings entitlement specified under sub-clause 6(ca).
- 11.3 Within six months of the date of this Order, the Authority and the Storage Manager, must endeavour to agree on the cost-sharing arrangements.
- 11.4 In determining cost sharing arrangements in relation to clause 11.2, the parties must have regard to whether the services are performed in relation to the Wimmera-Mallee Pipeline Savings entitlement specified under sub-clause 6(d) and would provide a benefit to the environmental water reserve of the Loddon Basin.
- 11.5 If the parties cannot reach an agreement, either party may give written notice to the other requiring the matter to be determined in accordance with clause 10.
- 11.6 The parties may vary the cost-sharing arrangements from time to time by agreement. ’
- 11. Amendment to sub-clause 12.1**
- After the words ‘the wetland water entitlement specified under sub-clause 6(b)’ in sub-clause 12.1 of the Bulk Entitlement Order, **insert** –
- ‘and the Wimmera-Mallee Pipeline Savings entitlement’
- 12. Amendment to sub-clause 15.1**
- 12.1 After paragraph 15.1(b) of the Bulk Entitlement Order, **insert** –
- ‘(ba) the annual volume of Wimmera-Mallee Pipeline savings water taken;’
- 13. Amendments to schedule 3**
- 13.1 Remove the words ‘Subject to Clause 2 of this Schedule,’ from clause 1 of schedule 3 to the Bulk Entitlement Order.
- 13.2 Remove clause 2 of schedule 3 to the Bulk Entitlement Order.
- 14. Insertion of Schedule 5**
- After Schedule 4 of the Bulk Entitlement Order, **insert** –
- ‘SCHEDULE 5. WIMMERA–MALLEE PIPELINE SAVINGS ENTITLEMENT**
- 1. Entitlement Volume**
- The volume available under the entitlement at 1 July every year is:
- a) 7,490 ML, when the seasonal determination for high-reliability entitlements in the Goulburn water system in April of the previous year is 1% or greater, or
 - b) 0 ML, when the seasonal determination for high-reliability entitlements in the Goulburn water system in April of the previous year is less than 1%.
- 2. Carryover provisions**
- 2.1 The entitlement is not able to be taken in a subsequent water season under a declaration made by the Minister under section 47DA of the Act, however:
- a) the volume available under the entitlement may be used over a two year cycle; and
 - b) usage over any 2-year period must not exceed 15,580 ML.

3. Conditions of use

- 3.1 The entitlement is available at Loddon Weir for downstream use only.
- 3.2 The entitlement is not able to be traded for consumptive use but can be used to supply water to off-stream wetlands.
- 3.3 The water allocated under the entitlement is to be released in accordance with an operating plan prepared by the Environmental Water Manager and agreed to by Goulburn–Murray Water.
- 3.4 The Environmental Water Manager must be able to demonstrate that release of water under the operating plan would not have adverse impacts on other entitlement holders.’

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

Water Act 1989**BULK ENTITLEMENT (EILDON–GOULBURN WEIR)
AMENDMENT ORDER OCTOBER 2010**

I, Tim Holding, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Eildon–Goulburn Weir) Amendment Order October 2010.

2. Preliminary

The Bulk Entitlement (Eildon–Goulburn Weir) Conversion Order 1995 (the Bulk Entitlement Order) was made by the Minister on 29 August 1995 and published in the Government Gazette on 7 September 1995 and subsequently amended on five occasions.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement Order to reflect the water savings from the Wimmera–Mallee Pipeline Project.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the Minister for Environment and Climate Change.

5. Commencement

This Order comes into effect on the day it is published in the Government Gazette.

6. Changes to definitions

Remove the definition of ‘Wimmera–Mallee Pipeline water savings’ and ‘Water savings’ from the Bulk Entitlement Order.

7. Amendment to Clause 7

For paragraph 7.1 (e) of the Bulk Entitlement Order, **substitute** –

‘(e) entitlements referred to in section 35(2), bulk entitlements granted under Division 1 or 3 of Part 4, environmental entitlements granted under Division 1A and agreements made under section 124(7) of the Act –’

8. Amendment to Schedule 1

For Schedule 1 of the Bulk Entitlement Order, **substitute** –

Schedule 1**PRIMARY ENTITLEMENTS – WATER SHARES AND LICENCES**

Details of primary entitlements in this schedule are sourced from the Victoria Water Register on 12 October 2010 and do not take into account any permanent or temporary trade of water shares that may have occurred after this date.

1. Water shares and licences issued in respect of the Goulburn water system (trading zones 1A, 1B and 3)

Table 1 High-reliability & low reliability water shares and licences

Description	Nominal volume (ML)	
	High reliability	Low reliability
Shepparton IA (zone 1A)	147,809.6	72,434.9
Central Goulburn IA (zone 1A)	303,279.2	150,237.8
Rochester IA (zone 1A)	147,579.1	71,460.7
Pyramid–Boort IA (zone 1A & 1B)	159,285.5	88,714.3
Goulburn diverters (zone 1A)	24,233.9	5,602.9
Lower Goulburn diverters (zone 3)	15,188.4	4,009.1
Non Water User	169,682.5	41,382.7
TOTAL	967,058.2	433,842.4

Note: All licences in the regulated Goulburn system were converted to water shares in 2007, as a consequence of the Goulburn system becoming a declared water system, aside from 4 ML of high reliability and 1,825 ML of very high reliability licences which are conditional upon full or partial return to the waterway.

2. Entitlements issued in respect of the Goulburn water system (trading zones 1A, 1B and 3) for which there is authority to take from another water system

Table 2 Water Shares issued in respect of the Goulburn water system

Description	Nominal volume (ML)	
	High reliability	Low reliability
to G-MW diverters in the Murray (zones 6, 6B and 7)	6,827.7	3,087.5
to LMW diverters (zone 7)	19,530.5	1,671.2
TOTAL	26,358.2	4,758.7

Table 3 Entitlements originally issued in respect of the Goulburn water system which have been cancelled and issued in respect of another system

Bulk obligation to supply other water systems, arising from legacy exchange rate trade	
From Zone 1A to Victorian Murray (zone 7)	90,617.0
From Zone 1A to South Australia	10,918.0
From Zone 3 to Victorian Murray (zone 7)	4,340

3. Supply of water to holders of entitlement issued in respect of another water system for taking from the Goulburn water system

Table 4 Water shares arising from tagged trade

Description	Nominal volume (ML)	
	High reliability	Low reliability
Campaspe	345.2	181.0
TOTAL	345.2	181.0

9. Amendment to Schedule 2

For Schedule 2 of the Bulk Entitlement Order, **substitute** –

Schedule 2

**Bulk Entitlements and Environmental Entitlements Held by Other Authorities
As Primary Entitlements**

Authority	Order
Goulburn Valley Region Water Corporation	Bulk Entitlement (Bonnie Doon) Conversion Order 1995
	Bulk Entitlement (Eildon) Conversion Order 1995
	Bulk Entitlement (Alexandra) Conversion Order 1995
	Bulk Entitlement (Seymour) Conversion Order 1995
	Bulk Entitlement (Nagambie) Conversion Order 1995
	Bulk Entitlement (Mooroopna) Conversion Order 1995
	Bulk Entitlement (Toolamba) Conversion Order 1995
	Bulk Entitlement (Shepparton) Conversion Order 1995
	Bulk Entitlement (Murchison) Conversion Order 1995
	Bulk Entitlement (Katandra West) Conversion Order 1995
	Bulk Entitlement (Dookie) Conversion Order 1995
	Bulk Entitlement (Tongala) Conversion Order 1995
	Bulk Entitlement (Corop) Conversion Order 1995
	Bulk Entitlement (Girgarre) Conversion Order 1995
	Bulk Entitlement (Kyabram) Conversion Order 1995
	Bulk Entitlement (Tatura) Conversion Order 1995
	Bulk Entitlement (Merrigum) Conversion Order 1995
	Bulk Entitlement (Rushworth) Conversion Order 1995
Bulk Entitlement (Colbinabbin) Conversion Order 1995	
Bulk Entitlement (Stanhope) Conversion Order 1995	

Coliban Region Water Corporation	Bulk Entitlement (Boort) Conversion Order 1995
	Bulk Entitlement (Pyramid Hill) Conversion Order 1995
	Bulk Entitlement (Lockington) Conversion Order 1995
	Bulk Entitlement (Mitiamo) Conversion Order 1995
	Bulk Entitlement (Dingee) Conversion Order 1995
	Bulk Entitlement (Rochester) Conversion Order 1995
	Bulk Entitlement (Macorna) Conversion Order 1995
	Bulk Entitlement (Mysia) Conversion Order 1995
Grampians Wimmera Mallee Region Water Corporation	Bulk Entitlement (Quambatook-Grampians Wimmera-Mallee Water) Order 2006
Minister administering the Conservation, Forests and Lands Act 1987	Bulk Entitlement (Goulburn System – Snowy Environmental Reserve) Order 2004
	Environmental Entitlement (Goulburn System – Living Murray Water) 2007)
	Goulburn River Environmental Entitlement 2010

10. Amendment to Schedule 3For Schedule 3 of the Bulk Entitlement Order, **substitute** –

SCHEDULE 3
Additional Supplies

Authority/System Supplied	Supply Details
Goulburn-Murray Rural Water Corporation – Broken Creek System	Supplementary supplies from the East Goulburn Main Channel up to 40 000 ML each year (during the irrigation season from August to May inclusive).
Goulburn-Murray Rural Water Corporation – Goulburn–Loddon System	<p>Supplementary supply to Little Lake Boort to meet any shortfall in supplies from the Goulburn-Loddon system.</p> <ol style="list-style-type: none"> 1. The volume available for the supplementary supply in each year is; <ol style="list-style-type: none"> a) 300 ML, when the seasonal determination for high-reliability entitlements the Goulburn water system in for the previous year is 1% or greater, or b) 0 ML, when the seasonal determination for high-reliability entitlements the Goulburn water system in for the previous year is less than 1%. 2. The supplementary supply is not able to be taken in a subsequent water season under a declaration made by the Minister under section 47DA of the Act, however; <ol style="list-style-type: none"> a) the volume available for the supplementary supply may be used over a two year cycle; and b) usage over any 2-year period must not exceed 600 ML. 3. The supplementary supply is available at Loddon Weir. 4. The supplementary supply is only available for delivery via the Waranga Western Channel during the months May to September inclusive. 5. The supplementary supply is not able to be traded.

11. Amendment to Schedule 7For clause 1 of Schedule 7 to the Bulk Entitlement Order, **substitute** –

- ‘1. Subject to clause 2 below, Normanville Waterworks District is entitled to a maximum volume of 637.6 ML per annum measured at the point of supply from Goulburn–Murray Water’s Boort No. 5. This volume includes the volume required to supply the Catumnal District and the Bulk Entitlement (Quambatook–Grampians Wimmera–Mallee Water) Order 2006.’

Dated 26 October 2010

TIM HOLDING MP
Minister for Water

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