



Victoria Government Gazette

No. S 249 Monday 1 July 2013
By Authority of Victorian Government Printer

Water Act 1989

BULK ENTITLEMENT (RIVER MURRAY – FLORA AND FAUNA) AMENDMENT ORDER 2013

I, Peter Walsh, as Minister administering the **Water Act 1989**, make the following Order –

- 1 Title**
This Order is called the Bulk Entitlement (River Murray – Flora and Fauna) Amendment Order 2013.
- 2 Purpose**
The purpose of this Order is to amend the Bulk Entitlement (River Murray – Flora and Fauna) Conversion Order 1999 (the Bulk Entitlement) to allocate water recovered under Lower Murray Water’s Robinvale Irrigation System modernisation program (1,150 mega-litres) and works undertaken by New South Wales as part of the Living Murray Initiative (3,879 mega-litres). The amendment also includes changes resulting from implementation of the Carryover Review 2012, including incorporation of the early reserve policy.
- 3 Authorising provision**
This Order is made in accordance with section 44 of the **Water Act 1989**.
- 4 Commencement**
This Order comes into effect on the later of 1 July 2013 or the day the Order is published in the Government Gazette.
- 5 Amendment of clause 8 – The resources Victoria could divert in the current year**
For sub-clause 8.1(d) of the Bulk Entitlement **substitute** –
‘(d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, including an early reserve volume of 218 GL.’
- 6 Amendment of clause 12 – Making seasonal determinations**
In sub-clause 12(e) of the Bulk Entitlement, after paragraph (iii) **insert** –
‘(iv) the requirement to set aside an early reserve in accordance with the method detailed in clause 1 of schedule 3;’.

SPECIAL

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm:	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses:	4,191	8,381	12,572	16,762	20,953	25,143	29,334	33,524	37,715	41,905
		15,550	30,701	46,051	61,402	76,752	92,103	107,453	122,803	138,154	153,504
Goulburn-Murray Water	At farm:	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	Losses:	5,853	11,706	17,559	23,412	29,265	35,118	40,971	46,824	52,677	58,530
		21,506	43,613	65,419	87,228	109,032	130,839	152,645	174,451	196,258	218,064
Murray diverters Mitta diverters		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
		0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Water Holder - Living Murray		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total		48,984	97,968	146,953	195,937	244,921	293,905	342,889	391,874	440,858	489,842
Off-take commitments for 100% high reliability entitlements	<i>from Table 1</i>	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917
Total off-take commitments		1570,901	1619,885	1668,869	1717,854	1766,838	1815,822	1864,806	1913,790	1962,775	2011,759

Notes on Tables 1 and 2:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10% (or above 100% for the losses), not just in the 10% intervals shown.
- Murray Valley and Torumbarry have fixed losses of 75,339 GL and 70,446 GL (including 0.352 GL for Tesco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 12,432 GL for Murray Valley and to 22,565 GL for Torumbarry at an allocation of 100%;
 - for low-reliability rights, variable loss varies from zero at zero low allocation, increasing linearly to 41,905 GL for Murray Valley and to 58,530 GL for Torumbarry at an allocation of 100% to low-reliability entitlements; and these losses may be allocated as required to deliver water carried over in these irrigation areas based on the equivalent maximum allocation in each area (calculated as the seasonal determination + carryover)
- Allocations against the 22.1 GL of high-reliability entitlement added to Table 1 in November 2009 for Showy EWR commenced when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages was first deemed by the Resource Manager to have been operated in accordance with clause 8A (which occurred on 1 April 2010).
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2, but receive Murray allocation regardless of whether they are supplied from the Murray or Goulburn Systems.
- The allocation to the Murray Valley and Torumbarry losses shown may be increased up to the maximum accumulated unused loss volumes available for each in order to allow for delivery of allocation carried over in these districts from the previous year.
- This table does not show changes in water share volumes as a result of trade since 2007, or entitlements to unregulated flows in the River Murray or River Murray Increased Flows.

8 Amendment of Schedule 3 – Method for determining the Victorian Reserve

For Schedule 3 of the Bulk Entitlement **substitute** –

‘SCHEDULE 3: METHOD FOR DETERMINING THE VICTORIAN RESERVE (clause 8.4)

1. In making seasonal determinations for the Murray System, the resource manager must set aside an early reserve each year to improve the early season water allocation in the subsequent year in accordance with the following method:
 - (a) when the seasonal determination reaches 30% of high-reliability entitlements, half of the resource improvement will be used to further increase the water allocation in the current (first) year, while the other half must be set in reserve for the subsequent (second) year;
 - (b) when the volume in early reserve reaches 218 GL, all resource improvement will be used to further increase the water allocation in the current year up to 100% of high-reliability entitlements.
2. When Victoria has sufficient resources to meet 100% of the high-reliability entitlements in the current year, any additional resource improvement is set aside together with water reserved in accordance with clause 1 until the total volume of the reserve is sufficient to deliver a water allocation of 100% of high-reliability entitlements in the subsequent year.
3. The method for determining the reserve once seasonal determinations for high-reliability entitlements in the current year are 100% is set out in paragraph 5, and is calculated as the amount of resources Victoria could divert in the current year and still meet high-reliability entitlements in the following year, using the allocations to Victoria that the MDBA would make over a planning period to the end of May in the following year if the MDBA used estimates of inflows that have a 99% probability of being exceeded, both over the two-year period and in the second year by itself.
4. Once there is sufficient resource to ensure the current and following years' high-reliability entitlements are met, any additional resource will be allocated to meet low-reliability entitlements in the current year up to a maximum determination of 100% of these entitlements. When sufficient resources have been allocated to meet these entitlements any additional resource will be carried over for use in the following year.

5. Method

The resources Victoria could divert in the current year (item L plus item M) are derived from a water balance over two years, involving items A to Z, such that there is just enough water to meet high-reliability entitlements fully in the second year.

FIRST YEAR ASSESSMENT – from current month to end of May

- A. Victoria's share of current volume in store in Dartmouth, Hume, L Victoria and Menindee Lakes, less dead storage.
- B. plus Victoria's share of useful MDBA inflows to May this year, including transfers from the Snowy.

These inflows are the 99% probability of exceedance inflows for the two years to May of the second year, minus the 99% probability of exceedance inflows for the second year, to May. For Menindee, just water in transit. Add the minimum Snowy transfers for the first year. Spills from storages which cannot be used are not counted.
- C. plus the change in water in transit.
- D. minus Victoria's share of MDBA losses to May in the first year – evaporation from storages and transmission losses.
- E. minus Victoria's contribution to South Australian dilution flow in the first year.

- F. minus water spilt into NSW's share of storages, ceded, or traded.
- G. minus any water taken out for Lindsay or Barmah.
- H. plus the useful Victorian tributary inflow.
This is the portion of estimated drought inflows to the Murray from the Ovens R, Goulburn R Broken Ck, Loddon R, Campaspe R and Barr Ck that can be harvested to the end of May in the first year.
- I. minus Victoria's share of South Australian non-dilution entitlement in the first year.
- J. plus Victoria's diversion since July.
- K. to get **Victorian resources in the first year.**
This is the allocation that MDBA would make to Victoria if it assumed the inflows under B, except that the minimum reserve has not been subtracted.
- L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
- Barmah/Millewa forest water and any saved Lindsay water
 - additional distribution loss in particular years, c.13
 - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)
- M. minus **the resources Victoria could divert to meet all Schedule 1 entitlements in the first year and the volume in the early reserve.**
This is determined by trial and error so that second year carryover (item Z) is not negative.
The minimum volume equates to 100% of high-reliability entitlements and the maximum equates to 100% of high-reliability plus 100% of low-reliability entitlements. It may be limited by availability of water in Lakes Hume and Dartmouth as opposed to Menindee Lakes and Lake Victoria, or by maximum possible usage for the rest of the year.
- N. to get **the Victorian reserve at the end of the first year.**
It is also the starting resource for the second year.
SECOND YEAR ASSESSMENT – from June in second year to end of May
- O. plus Victoria's share of MDBA inflows for next year, including transfers from the Snowy.
These inflows are the 99% probability of exceedance inflows for the 12 months from June to May in the second year. For Menindee, zero. Add the minimum Snowy transfers in the second year.
- P. plus the change in water in transit.
- Q. minus Victoria's share of MDBA losses for the second year – evaporation from storages and transmission losses.
- R. minus Victoria's contribution to South Australian dilution flow in the second year.
- S. minus water spilt into NSW's share of storages, ceded, or traded.
- T. minus any water taken out for Lindsay or Barmah.
- U. plus the useful Victorian tributary inflow.
This is the portion of estimated drought inflows to the Murray from the Ovens R, Goulburn R Broken Ck, Loddon R, Campaspe R and Barr Ck that can be harvested in the second year.

- V. minus Victoria's share of South Australian non-dilution entitlement, second year.
- W. to get **Victorian resources in the second year**.
This is the allocation that MDBA would make to Victoria if it assumed the inflows under O, except that the minimum reserve has not been subtracted.
- X. minus the water required to meet Murray entitlements in the second year other than those in Schedule 1, including Barmah/Millewa forest water and any saved Lindsay water.
- Y. minus **the water required to meet high-reliability entitlements (those in Table 1 of Schedule 1) in the second year**.
- Z. to get **the Victorian carryover at the end of May in the second year**.
There should be no carryover until all Schedule 1 entitlements in the first year are fully met (item M). If the carryover is negative, then the value in item M should be reduced – or if it is at its minimum value, the two year assessment is not applicable and a one year assessment in accordance with sub-clause 8.2 should be used.

9 Amendment of Schedule 5 – Quantification of Entitlement

- (1) For Table 1 of Schedule 5 of the Bulk Entitlement, **substitute –**
'Table 1 – Volume of Flora and Fauna environmental entitlement

Program / Source	Volume (ML)			Comment
	High-reliability	Low-reliability	Unregulated flow	
Flora and Fauna entitlement	28,750	0	0	High-reliability entitlement River Murray system – below Choke
Victorian unregulated flow entitlement	0	0	40,000	Unregulated Flow entitlement Recognises historic use River Murray system Carryover does not apply
TOTALS	28,750	0	40,000	

(2) For Table 2 of Schedule 5 of the Bulk Entitlement, **substitute** –

‘Table 2 – Volume of Living Murray entitlement

Program / Source	Volume (ML)			Comment
	High-reliability	Low-reliability	Unregulated flow	
Living Murray water / Torrumbarry Irrigation Area	0	58,537	0	Low-reliability entitlement River Murray system – below Choke Valley Cap applies
Living Murray water / Murray Valley Irrigation Area	0	40,298.3	0	Low-reliability entitlement River Murray system – above Choke Valley Cap applies
Living Murray water / Broken Creek	0	3,014.6	0	Low-reliability entitlement Broken Creek system Valley Cap applies
Living Murray water / Torrumbarry Irrigation Area	2,080	0	0	High-reliability entitlement River Murray system – below Choke
Living Murray water / Murray Valley Irrigation Area	3,630	0	0	High-reliability entitlement River Murray system – above Choke
Living Murray water / Murray Valley Irrigation Area	3,879	0	0	High-reliability entitlement River Murray system – above Choke Extended Use Account does not apply
Living Murray unregulated flow entitlement	0	0	34,300	Unregulated Flow entitlement River Murray downstream of Goulburn River confluence Extended Use Account and carryover do not apply
TOTALS	9,589	101,850	34,300	

Dated 29 June 2013

PETER WALSH MLA
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – LOWER MURRAY URBAN AND
RURAL WATER – IRRIGATION) AMENDMENT ORDER 2013**

I, Peter Walsh, as Minister administering the **Water Act 1989**, grant the following Amendment Order –

1 Title

This Order is called the Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water - Irrigation) Amendment Order 2013.

2 Purpose

The purpose of this Order is to amend the Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water – Irrigation) Conversion Order 1999 (the Bulk Entitlement) to incorporate changes to clause 13, Schedule 1 and Schedule 5 to reflect modernisation water savings achieved in the Robinvale Irrigation District and the Carwarp and Yelta Wargan Waterworks Districts.

3 Authorising provision

This Order is made in accordance with section 44 of the **Water Act 1989**.

4 Commencement

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

5 Amendment of clause 13 Allowances for Distribution Losses

- (1) For clause 13.2 (a) (v) of the Bulk Entitlement **substitute** –
‘(v) for Lower Murray Urban and Rural Water’s Waterworks Districts (Millewa Carwarp and Yelta), 2.2 GL;’
- (2) For clause 13.2 (c) (v) of the Bulk Entitlement **substitute** –
‘(v) for Lower Murray Urban and Rural Water’s Waterworks Districts (Millewa Carwarp and Yelta), 4.3 GL;’

Table 2: Low-reliability Entitlements (GL)

User group	Low Reliability	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Murray Valley	At farm	11,160	22,320	33,480	44,639	55,799	66,959	78,119	89,279	100,439	111,599
	Losses	4,316	8,632	12,948	17,264	21,580	25,896	30,212	34,528	38,844	43,159
		15,476	30,952	46,427	61,903	77,379	92,855	108,331	123,807	139,282	154,758
Torrumbarry	At farm	15,694	31,388	47,082	62,776	78,470	94,164	109,858	125,552	141,246	156,940
	Losses	6,063	12,126	18,190	24,253	30,316	36,379	42,442	48,506	54,569	60,632
		0,259	0,519	0,778	1,038	1,297	1,557	1,816	2,076	2,335	2,594
		22,017	44,033	66,050	88,066	110,083	132,100	154,117	176,133	198,150	220,166
Murray diverters Mitta diverters		1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
		0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
Water Holder - Living Murray		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Total		49,320	98,640	147,959	197,279	246,599	295,919	345,239	394,558	443,878	493,198
Off-take commitments for 100% high reliability entitlements		1530,512	1530,512	1530,512	1530,512	1530,512	1530,512	1530,512	1530,512	1530,512	1530,512
Total off-take commitments		1579,831	1629,151	1678,471	1727,791	1777,111	1826,430	1875,750	1925,070	1974,390	2023,710

Notes on Tables 1 and 2:

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10% (or above 100% for the losses), not just in the 10% intervals shown.
- Murray Valley and Torrumbarry have fixed losses of 79,253 GL and 76,775 GL (including 0.352 GL for Tresco) respectively, plus two variable loss components as follows:
 - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 13,078 GL for Murray Valley and to 24,592 GL for Torrumbarry at an allocation of 100%;
 - for low-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 43,160 GL for Murray Valley and to 60,632 GL for Torrumbarry at an allocation of 100%, to low-reliability entitlements; and these losses may be allocated as required to deliver water carried over in these irrigation areas based on the equivalent maximum allocation in each area (calculated as the seasonal determination + carryover)
- Allocations against the 22.1 GL of high-reliability entitlement added to Table 1 in November 2009 for Snowy EWR commenced when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mch-Murray Storages was first deemed by the Resource Manager to have been operated in accordance with clause 8A (which occurred on 1 April 2010).
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2, but receive Murray allocation regardless of whether they are supplied from the Murray or Goulburn Systems.
- The allocation to the Murray Valley and Torrumbarry losses shown may be increased up to the maximum accumulated unused loss volume available for each in order to allow for delivery of allocation carried over in these districts from the previous year.

7 Amendment of Schedule 5 – Lower Murray Urban and Rural Water – River Murray Primary Entitlements

(1) For the High-reliability entitlements table of clause 1 of Schedule 5 **substitute** –

Description of Entitlement	Nominal Volume (ML)	Comment
Red Cliffs Irrigation District		
Water shares	45,157.3	Includes D&S/H&G
Fixed loss allowance	2,700.0	
Other	110.0	Includes 110.0 ML SBA
Total	47967.3	
Merbein Irrigation District		
Water shares	31,459.2	Includes D&S/H&G
Fixed loss allowances	2,600.0	
Other	399.0	Includes 399 ML SBA
Total	34,458.2	
Robinvale Irrigation District		
Water shares	21,386.6	Includes D&S/H&G
Fixed loss allowances	1,250.0	
Other	15.0	Includes 15 ML SBA
Total	22,651.6	
Millewa Waterworks District		
Entitlement	700.0	
Fixed loss allowance	4,800.0	
Total	5,500.0	
Carwarp and Yelta Wargan Waterworks District	100	Entitlement supplied via Merbein Irrigation District
Direct Diverters from Murray		
Water shares	306,992.4	Includes D&S/H&G.
Other	474.3	
Total	307,466.7	
TOTAL FOR BE	418,143.8	

(2) For the Note to Schedule 5 **substitute** –

- ‘1. Details of primary entitlements are based on records of primary entitlements, including water shares, as at 4 June 07. For up-to-date data on primary entitlements refer to the Water Register.’

Dated 29 June 2013

PETER WALSH MLA
Minister for Water

Water Act 1989

CAMPASPE RIVER ENVIRONMENTAL ENTITLEMENT 2013

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 Campaspe River Environmental Entitlement 2013.

2. Empowering Provisions

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

3. Commencement

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

4. Purpose

The purpose of this Instrument is to grant the Water Holder an environmental entitlement for water recovered due to the decommissioning of the Campaspe Irrigation District as part of Stage 1 of the Goulburn–Murray Water Connections Project. The water recovered is made up of 15,052 ML of purchased high-reliability water shares and 8,100 ML of long-term average loss savings.

5. Definitions

In this Instrument –

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

‘**ATS 4747**’ means the Australian Technical Specification ‘ATS 4747 – Meters for Non-Urban Supply’ as published by Standards Australia and amended from time to time;

‘**entitlement holder**’ means the holder of a bulk entitlement, water share, or section 51 licence in the Campaspe System granted under the Act;

‘**Campaspe Basin**’ means the area of land previously designated as Basin Number 6 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Campaspe System**’ means the water supply systems supplied from the Coliban River storages and Lake Eppalock;

‘**headworks system**’ means:

- (a) Lake Eppalock and the associated water supply works and other assets, specified in the Asset Register of Goulburn–Murray Water, as amended from time to time; and
- (b) the system waterway;

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

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

‘**nominated delivery point**’ means the location at which the Water Holder 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 Campaspe Basin;

‘**return point**’ means a location at or downstream of a nominated delivery point where water which was delivered under this environmental entitlement is subsequently returned to the system waterway as a return flow;

‘**Storage Manager**’ means a person appointed by the Minister under section 122ZK of the Act to be the Storage Manager for the Campaspe System;

‘**system waterway**’ means the Campaspe River from Lake Eppalock to the confluence with the River Murray, including the pools formed by, and immediately upstream of Eppalock Dam, Campaspe Weir and the Campaspe Siphon;

‘**Trading Rules for Declared Water Systems**’ means the rules specified in the Order ‘Trading Rules for Regulated Water Systems in Northern Victoria’, which was gazetted on 28 June 2007, and all subsequent amendments, and as published on the Victorian Water Register;

‘**Water Holder**’ has the same meaning as provided for under section 3(1) of the Act;

‘**year**’ means the 12 months commencing 1 July.

PART 2 – ENTITLEMENT

6. Environmental Entitlement

6.1 The Water Holder is entitled to a water entitlement volume in the Campaspe System in any year equal to the total of:

- (a) 15,052 ML of high-reliability entitlement; and
- (b) 8,100 ML of long-term average entitlement, subject to rules specified in Schedule 1.

PART 3 –AVAILABLE WATER

7. Water Allocation

7.1 Allocation to the entitlement under sub-clause 6.1(a) will be determined by an Authority appointed under section 64GA of the Act in accordance with the procedure for making seasonal determinations for high-reliability water shares in the Campaspe System.

7.2 Allocation to the entitlement under sub-clause 6.1(b) will be determined by Goulburn–Murray Water in accordance with the rules specified in Schedule 1.

8. Water Application

8.1 The Water Holder may apply water available under clause 7.1 at any nominated delivery point in the Campaspe System or another system, subject to any relevant Trading Rules for Declared Water Systems.

8.2 Water available under clause 7.2 is for application in the Campaspe River, with use to be measured at the Campaspe River gauging station at Rochester, site number 406202.

9. Right to Use Return Flows

9.1 The Water Holder may apply to the Storage Manager to re-use or be credited for water used under this entitlement that is returned to the Campaspe System or another system in accordance with clause 9.

9.2 Before any re-use or credit can be granted, the Water Holder must –

- (a) come to an agreement with the Storage Manager on the likely volume, timing and location of any return flow for the purposes of adjusting system operations; and
- (b) notify the Storage Manager if it intends to re-use any flows specified under paragraph (a).

9.3 Subject to sub-clause 9.4, the Storage Manager may grant approval of an application under sub-clause 9.1 for –

- (a) re-use by the Water Holder; or
- (b) credit to the Water Holder in a nominated storage, where water returned under this entitlement was supplied to any person other than the Water Holder or stored for the Storage Manager’s purposes.

9.4 The Storage Manager may only grant approval under sub-clause 9.3 if –

- (a) any water supplied to and used by the Water Holder during the current water season has subsequently been returned to the Campaspe System or another system;

- (b) the volume of water so returned has either:
 - (i) been measured by a meter that complies with ATS 4747 or an equivalent meter accuracy standard; or,
 - (ii) been calculated by a method that has been agreed under clause 10;
 - (c) any water re-used by the Water Holder or another person was downstream of the place where the return flow occurred and within a reasonable time of the return flow;
 - (d) it can re-regulate the return flow downstream, with no material impact on other entitlement holders in the Campaspe System or another system;
 - (e) the volume of any water to be credited to the Water Holder under sub-clause 9.3(b) is equal to that volume of returned water which was able to be used or stored; and,
 - (f) approval is consistent with any rules regarding the supply, use and accounting of return flows issued by the Minister from time to time.
- 9.5 If the Water Holder and the Storage Manager cannot reach agreement within 1 month of an application under sub-clause 9.1, either party may make a written request to the Minister to make a decision on the right to re-use return flows or the granting of water credits.
- 9.6 Any decision made by the Minister in relation to sub-clause 9.5 is final and binding on the parties.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

10. Operating Arrangements

- 10.1 Within 12 months of 1 July 2013, the Water Holder, together with the Storage Manager, must develop operating arrangements for the supply of water under this entitlement.
- 10.2 If the Water Holder and the Storage Manager have not reached agreement under sub-clause 10.1 within 12 months of 1 July 2013, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 11.
- 10.3 The Water Holder, together with the Storage Manager, may agree to vary the operating arrangements from time to time.

11. Dispute Resolution

- 11.1 If a difference or dispute arises between the Water Holder, Goulburn–Murray Water, 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 another party, or parties, requiring the matter to be determined by an independent expert.
- 11.2 The notice requiring that the matter be determined by independent expert may be given no sooner than 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.
- 11.3 The independent expert is either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties to the difference or dispute cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.
- 11.4 The independent expert must 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.

- 11.5 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.6 Any conclusion by an independent expert is final and binding on the parties.
- 11.7 Where a dispute is referred to an independent expert, the costs to the parties of, and incidental to, a reference to an independent expert, including the costs of the independent expert, must be apportioned among the parties to the dispute as determined by the independent expert.

PART 5 – DEMONSTRATING COMPLIANCE

12. Metering program

- 12.1 The Water Holder must ensure it can demonstrate its compliance with respect to all water used under this entitlement by –
 - (a) ensuring there is adequate metering at nominated delivery points and return points (where applicable) to determine –
 - (i) the amount of water used by the Water Holder under this environmental entitlement; and,
 - (ii) all water referred to in paragraph (a) which is returned to a system for which credit or the right to re-use is granted under clause 9; and
 - (b) developing and implementing a metering program to be submitted to the Minister for approval within 12 months of 1 July 2013.
- 12.2 Where data from metering undertaken by another entity can be used to determine the Water Holder's compliance with this entitlement, the Water Holder must endeavour to agree with that entity how the Water Holder will access all relevant data required to demonstrate its compliance with this entitlement.
- 12.3 Where any metering equipment is owned or managed by the Water Holder it must at its cost –
 - (a) maintain metering equipment and associated measurement structures in good condition; and
 - (b) ensure that metering equipment is periodically re-calibrated; and
 - (c) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (d) keep a record of all work undertaken under paragraphs (a), (b) and (c).
- 12.4 The Water Holder's metering program must –
 - (a) describe any arrangements under sub-clause 12.2; and
 - (b) document meter accuracy, maintenance and calibration frequency, or provide reference to existing documentation of this information, for any metering sites used to determine compliance with this entitlement; and
 - (c) identify any sites with insufficient metering to adequately determine compliance and propose a program for their improvement; and
 - (d) have regard to any guidelines issued by the Minister from time to time.
- 12.5 The Minister may at any time require the Water Holder to –
 - (a) review an approved metering program if, in the Minister's opinion, it is no longer appropriate; and
 - (b) propose an amended metering program to the Minister.
- 12.6 Any application by the Water Holder to the Minister for amendment to this entitlement must address any implications of the proposed amendment for a metering program under clause 12.

13. Reporting Requirements

- 13.1 The Minister may require the Water Holder to report on all or any of the following –
- (a) daily and annual flows at the nominated delivery points;
 - (b) any assignment of 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 Water Holder to comply with any provision of this environmental entitlement; and
 - (f) any difficulties experienced or anticipated by the Water Holder in complying with this environmental entitlement and any remedial action taken or proposed.
- 13.2 The Minister may require the Water Holder to report on all or any of the matters listed in sub-clause 13.1 –
- (a) in writing, or in such electronic form as may be agreed between the Water Holder and the Minister; and
 - (b) within 14 days of receiving the Minister's written request, or such longer period of time as the Minister may determine.

14. Data

The Water Holder must make available to any person data collected by or on behalf of the Water Holder for the purpose of clause 13 subject to:

- (a) the Water Holder being able to obtain all hydrological and other data required by the Water Holder to comply with this entitlement; and
- (b) the person paying any fair and reasonable access fee imposed by the Water Holder, to cover the costs of making the data available.

PART 6 – COST SHARING ARRANGEMENTS**15. Water Storage and Supply Costs**

- 15.1 The Water Holder must pay storage and supply costs relating to the component of this entitlement specified in sub-clause 6.1(a).
- 15.2 Subject to sub-clauses 15.1 and 15.4, the Water Holder does not have to make any payment for water storage and supply costs relating to the component of this environmental entitlement specified in sub-clause 6.1(b).
- 15.3 The Minister may –
- (a) in consultation with the Water Holder, the Storage Manager and, if appropriate, other entitlement holders, review the desirability of a contribution being made by the Water Holder towards the water supply and storage costs relating to the entitlement specified in sub-clause 6.1(b); and
 - (b) after undertaking such a review approve an arrangement under which the Water Holder must make such a contribution.
- 15.4 The Water Holder must pay any additional contribution towards water storage and supply costs arising from alternative arrangements approved by the Minister under sub-clause 15.13, to the Storage Manager or to such other person as is determined by the Minister.

16. Resource Manager Costs

- 16.1 The Water Holder must pay a fair and reasonable proportion of the costs incurred by the Resource Manager, relating to the component of this entitlement specified in sub-clause 6.1(a), to –

- (a) report on whether entitlement holders in the Campaspe Basin comply with the conditions of their bulk entitlements and environmental entitlements;
 - (b) report on disputes between entitlement holders in the Campaspe Basin;
 - (c) report on significant unauthorised uses of water in the Campaspe Basin;
 - (d) 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.
- 16.2 Subject to sub-clause 16.3, the Water Holder does not have to make any payment to the Resource Manager relating to the component of this environmental entitlement specified in sub-clause 6.1(b).
- 16.3 The Minister may –
- (a) in consultation with the Water Holder, the Resource Manager and, if appropriate, other entitlement holders, review the desirability of a contribution being made by the Water Holder towards the costs of the Resource Manager in undertaking the tasks specified in sub-clause 16.1 related to the entitlement specified in sub-clause 6.1(b); and
 - (b) after undertaking such a review approve an arrangement under which the Water Holder must make such a contribution.
- 16.4 The Water Holder must pay any additional contribution towards resource management costs arising from alternative arrangements approved by the Minister sub-clause 16.3, to the Resource Manager or to such other person as is determined by the Minister.

17. Delivery Costs

- 17.1 There will be no delivery charge associated with delivery of water under this entitlement where natural waterways are used.
- 17.2 The Minister may –
- (a) in consultation with the Water Holder, Goulburn–Murray Water and, if appropriate, other entitlement holders, review the desirability of a contribution being made by the Water Holder towards the costs associated with delivering water under this entitlement; and
 - (b) after undertaking such a review approve an arrangement under which the Water Holder must make such a contribution.
- 17.3 The Water Holder must pay any additional contribution towards delivery costs arising from alternative arrangements approved by the Minister sub-clause 17.2, to the Resource Manager or to such other person as is determined by the Minister.

Dated 29 June 2013

PETER WALSH MLA
Minister for Water

SCHEDULE 1 – CAMPASPE IRRIGATION DISTRICT LOSS SAVINGS ENTITLEMENT**1. Entitlement**

- 1.1 The Water Holder is entitled to a long-term average annual entitlement of 8,100 ML subject to the conditions of this Schedule.
- 1.2 The water available under this entitlement will be allocated by Goulburn–Murray Water in accordance with the volumes and rules shown in Table 1.

Table 1 - Loss Savings Entitlement components and allocation rules

Source of entitlement	Maximum available volume (ML)	Allocation rules
Campaspe irrigation district (CID) fixed annual losses	1,656	Full volume available at 1 July of any year.
CID variable delivery loss - high-reliability	3,944	Allocated in accordance with the procedure for making seasonal determination for high-reliability water shares in the Campaspe System.
CID variable delivery loss – low-reliability	2,966	Allocated in accordance with the procedure for making seasonal determination for low-reliability water shares in the Campaspe System.

2. Carryover Provisions

- 2.1 Any volume of water allocated by Goulburn–Murray Water to the Loss Savings Entitlement and unused on 30 June of any year cannot be carried over.

3. Trade

- 3.1 The Water Holder may not assign allocation allocated under this Schedule to another entitlement.
- 3.2 The water to which the Water Holder is entitled under this Schedule cannot be transferred in whole or in part.

Water Act 1989**BULK ENTITLEMENT (CAMPASPE SYSTEM – GOULBURN–MURRAY WATER)
AMENDMENT ORDER 2013**

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

1. Title

This Order is called the Bulk Entitlement (Campaspe System – Goulburn–Murray Water) Amendment Order 2013.

2. Preliminary

The Bulk Entitlement (Campaspe System – Goulburn–Murray Water) Conversion Order 2000 (the Bulk Entitlement) was made by the Minister on 23 May 2000 and published in the Government Gazette on 8 June 2000. The Bulk Entitlement was subsequently amended in October 2005, June 2007, July 2009, June 2011 and February 2012.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement to reflect the decommissioning of the Campaspe Irrigation District and the granting of a new Campaspe River Environmental Entitlement from the resulting water recovery.

4. Authorising provisions

This Order is made under section 44 of the **Water Act 1989**.

5. Commencement

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

6. Amendment of Clause 4 – Definitions

In Clause 4 of the Bulk Entitlement –

- (a) For the definition of ‘high-reliability entitlements’, **substitute** –
‘**high-reliability entitlements**’ are the entitlements set out in Table 1 of Schedule 1 and any high-reliability components of entitlements in Schedule 2;’;
- (b) For the definition of ‘low-reliability entitlements’, **substitute** –
‘**low-reliability entitlements**’ are the entitlements set out in Table 2 of Schedule 1 and any low-reliability components of entitlements in Schedule 2;’;
- (c) for the two definitions of ‘seasonal determination’ **substitute** the following –
‘**seasonal determination**’ means a determination made by the Authority or an authority appointed under section 64GA of the Act, on the water available during the year for the Campaspe System;’.

7. Amendment of Clause 10 – Share of flow and transfer rate limits

For sub-clause 10.2 of the Bulk Entitlement, **substitute** –

‘10.2 The Authority may take water at a flow rate up to 600 ML/day to the Goulburn Murray Irrigation District via the Campaspe Pumps, and in accordance with Schedule 2.’.

8. Amendment of Clause 13 – Calculating the flow

In clause 13 of the bulk entitlement, sub-clause (a) is **revoked**.

9. Amendment of Schedule 1 – Primary Entitlements – Water Shares and Licences

For Schedule 1 of the bulk entitlement **substitute** –

Schedule 1

PRIMARY ENTITLEMENTS – WATER SHARES

1. Water Shares issued in respect of the Campaspe water system (trading zones 4A and 4C)

Table 1 High-reliability water shares

Description	Nominal volume (ML)
CAMPASPE DIVERTERS (ZONE 4A)	21,144.3
LOWER CAMPASPE DIVERTERS (ZONE 4C)	1,633.5
Total	22,777.8

Table 2 Low-reliability water shares

Description	Nominal volume (ML)
CAMPASPE DIVERTERS (ZONE 4A)	19,174.8
Total	19,174.8

Note: Details of the water share holdings in Table 1 are sourced from the Victorian Water Register on 7 March 2013 and do not take into account any trade of water shares that may have occurred after this date, but have been reduced for the water shares purchased from the Campaspe Irrigation District to be converted to become part the Campaspe River Environmental Entitlement 2013.

2. Campaspe water system entitlements (trading zones 4A and 4C) for which there is authority to take from another water system

Table 3 Water Shares issued in respect of the Campaspe system

Description	Nominal Volume (ML)
High-reliability Campaspe water shares, arising from tagged trade to:	
Greater Goulburn (zone 1A)	200 + 300 = 500
VIC Murray (zone 7)	100
South Australia (zone 12)	400

Table 4 campaspe system Entitlements which have been cancelled and issued in respect of another system

Description	Nominal Volume (ML)
Bulk obligation to supply other water systems, arising from a trade in which a Campaspe system entitlement was cancelled and issued in another water system (exchange rate trade) , including trade to:	
Greater Goulburn (zone 1A)	78
VIC Murray (zone 7)	978

10. Amendment of Schedule 2 – Primary Entitlements – Other Entitlements and Commitments

In Table 2 of Schedule 2, after the last row of the table, insert –

Water Holder	Campaspe River Environmental Entitlement 2013
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11. Amendment of Schedule 3 – Reliability of Primary Entitlements

For the heading ‘1. Low Reliability Water Shares and Licences’ **substitute** ‘Low Reliability Water Shares’.

12. Amendment of Schedule 6 – Procedure for estimating the climatically adjusted cap for G-MW

For clause 3 of Schedule 6, **substitute** –

‘3A. Adjustment for environmental water use

The annual diversion target determined under clause 1 must be reduced by the recorded volume of environmental water allocation used each year.

3. Calculation of accumulated deviation

Each year in July/August, the Resource Manager must calculate the accumulated deviation, since 1 July 1997, of actual diversions from modelled diversions, as adjusted under clause 3A.’.

Dated 29 June 2013

PETER WALSH MLA
Minister for Water

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