



Government of South Australia

South Australian Murray-Darling Basin Natural Resources Management Board

# Frequently asked questions

## about the draft Marne Saunders Water Allocation Plan



These Frequently Asked Questions outline a range of key issues relating to the draft Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area (the Plan). A more thorough explanation is available in the Guide to the draft Marne Saunders Water Allocation Plan, or the Plan itself<sup>1</sup>. Copies of these documents are available from the South Australian Murray-Darling Basin Natural Resources Management Board (the SA MDB NRM Board) by telephoning (08) 8532 1432 or on the website at <www.samdbnrm.sa.gov.au>.

To help the reader easily find pertinent information, the Frequently Asked Questions include cross-references to relevant sections of the Guide and the Plan.

The policies in the Plan only come into force once the Minister for the River Murray formally adopts the Plan.

Water is a vital resource in the Marne Saunders region. It is required for a variety of human activities including domestic use, raising stock, irrigation, industrial works and recreational activities. It is also required for the environment, which needs a certain amount and pattern of water to sustain itself.

Concern about the impact of water resource development on water sharing and the environment prompted the prescription of the Marne Saunders region in 2003. This created the Marne Saunders Prescribed Water Resources Area (Marne Saunders PWRA). In a prescribed water resources area, water use is regulated using a system of allocation and licensing. A water allocation plan guides this process by setting policies for taking, using and transferring water.

Extensive scientific work has been carried out to understand the behaviour of different water resources in the area and to determine water needs, including the needs of the environment. This information is used to determine the amount of water that can be sustainably taken from the available water resources.

Following this research, the SA MDB NRM Board has produced the Plan for consultation. In developing the Plan, the SA MDB NRM Board incorporated extensive deliberations by the community-based Marne-Saunders Water Resources Planning Committee, collaborative work with organisations such as Department of Water, Land and Biodiversity Conservation (DWLBC) and Rural Solutions SA, and with significant input from previous consultation stages.

This document hopes to present a succinct view of the Plan as well as answer some questions that have arisen during the consultation process. The intention is that any reader will understand key elements of the Plan and how it will affect them.

### A note on these frequently asked questions and the consultation period

The *Natural Resources Management Act 2004 (SA)*, or NRM Act, governs three separate—but linked—parts of the prescription process. These are set out below.

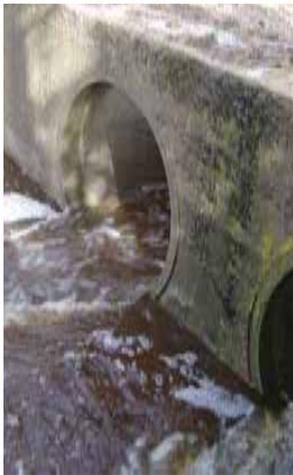
1. DWLBC implements a system of allocation and licensing.
2. DWLBC allocates water to existing users.
3. The relevant NRM Board develops a Water Allocation Plan, which sets out:
  - sustainable use limits
  - policies for assessment of new allocations
  - policies for transfers of water allocations and licenses
  - policies for ongoing management of allocations
  - policies for Water Affecting Activities.

The current consultation period focuses only on the content of the Plan (process number 3 listed above). Please note that the licensing system and existing user allocation process are not being consulted on during this period.

1. This document has been prepared as an information source to add to the discussion about the Plan. This document provides simplified information to aid understanding, but readers should refer to the Plan for complete information. If there is any conflict between this document and the Plan, then the information in the Plan takes precedence.



THE DRAFT MARNE  
SAUNDERS WATER  
ALLOCATION PLAN:  
Frequently asked  
questions



Because some topics are interrelated and readers may be interested in all parts of the prescription process, this brochure includes some basic information on key topics relating to existing users and the licensing system. To avoid confusion, topics have been clearly marked to distinguish between those related to the Plan (and the current consultation period) and those giving background information relating to allocations of existing users or the licensing system. See key on left.

## Water resource management

### What does prescription of water resources mean?



Prescription is a means by which water resources can be sustainably managed to provide security for all water uses, now and into the future. It also defines the boundary of the prescribed area. A user must then have an allocation and licence to take prescribed water resources from this area for licensed purposes (see *When do I need an allocation?*). This protects the resources from over-use, shares water between users, minimises adverse effects from new water resource development on water users, and ensures water is available to sustain the environment.

### What does the Plan do?

The Plan outlines sustainable limits for prescribed water resources and provides policies for ongoing management of water allocations, including water-taking rules, water use efficiency, rollover of allocations from year to year, transfer of allocations between users, and monitoring and reporting. Additionally, it sets out policies for water affecting activities (WAAs) such as construction of wells and dams, works in watercourses, and use of effluent and imported water.

The Plan also sets policies for allocation of any water left within sustainable use limits—after the needs of existing users have been met—and can provide a framework for setting licence conditions for existing users.

### What about allocations to existing users?



Water is allocated to existing users under a separate section of the relevant legislation. For more information, please contact the DWLBC Berri office on (08) 8595 2053. For an outline of proposals for allocating water to existing users, a discussion paper from the previous consultation period is available at <[www.dwlbc.sa.gov.au/water/projects/mspwra.html](http://www.dwlbc.sa.gov.au/water/projects/mspwra.html)>.

The entitlements of existing users are considered first, subject to the sustainable capacity of the water resources and the needs of the environment and non-licensed users.

Though the Plan does not set out how allocations to existing users are determined, it does set out the sustainable limits for the water resources and provides a framework that can be used for setting licence conditions.

### How does this fit in with the moratorium?



A temporary moratorium, or Notice of Restriction, is currently in place in the Marne Saunders PWRA. The moratorium holds water use to current levels while the long-term management system of licensing and the Plan are developed. The moratorium also prevents the construction of new dams, including dams used for stock and domestic purposes.

The moratorium is a separate process from prescription and will end when the Plan is adopted and licences are issued. Current authorisations under the moratorium that allow users to continue their existing practices are not water licences.

#### Key:



These sections deal entirely with the licensing system or existing user allocations (background information and not under discussion during consultation period)



These sections deal with the licensing system and existing user allocations and the draft Plan (topics relating to the draft Plan are under discussion during consultation period)

Sections without icons have to do entirely with the draft Plan (all topics under discussion during consultation period)





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**Allocation and transfer**

**What is an allocation?**



An allocation is the volume of water endorsed on a licence that can be taken each water-use year (for example, the volume that may be taken from a specific well, dam or watercourse). It is important to note that having an allocation does not guarantee the ability to physically access the full volume of allocation every year. Availability of water from year to year will be influenced by climate, water movement and other demands.

The infrastructure or source used to take water (the well, dam, weir, pump etc) is not part of the allocation. However, they will be specified on the licence and may be subject to licence conditions governing their operation.

In some circumstances, licences, allocations and conditions may be varied by the Minister for Environment and Conservation in accordance with the NRM Act. Conditions that govern the taking and use of the allocation are generally based on the policies in the Plan.

**When do I need an allocation?**



A licence and allocation is needed for using a prescribed water resource for licensed purposes. The prescribed water resources in the Marne Saunders PWRA are underground water, watercourse water and surface water (which includes roof runoff).

An allocation is required for any type of use with the exception of non-licensed purposes. Non-licensed purposes currently include:

- domestic water use, including watering less than 0.4 hectare (approximately one acre) of domestic garden
- providing drinking water for stock that are not intensively kept
- fire fighting
- making public roads
- the application of chemicals to non-irrigated crops or non-irrigated pasture, or to control pests

*In a prescribed water resources area, water use is regulated using a system of allocation and licensing*

- taking up to 500 kilolitres of roof runoff under certain conditions for commercial, industrial, environmental or recreational use, but excluding irrigation use.

**What about new allocations?**



New allocations will only become available once the Plan is adopted and will be subject to the policies in the Plan. Applications for new allocations can be made to the Minister for Environment and Conservation—where there is water available for allocation (see *Is there new water to be allocated under the Plan?*). Under the Plan, payment will be required for new allocations (see Plan principle 7, Guide section 2.2.4).

The process of allocation and licensing is administered by DWLBC; for more information contact the DWLBC Berri office on (08) 8595 2053.

**Where can I take my allocation from?**



In order to ensure local impacts on other users and the environment are assessed and minimised, a water allocation can only be taken from the sources specified on the licence (see Plan principle 3, Guide section 2.2.3). In the example where most of the licensed use is taken from a dam—but water from other dams or wells is moved into that dam—all those dams and wells need to be specified on the licence. In certain circumstances the Minister for Environment and Conservation may grant a single allocation to be taken from a group of wells or a group of dams (see Plan principles 23 and 51, Guide section 3.3.2).

**Does having an allocation mean I can automatically drill a well or build a dam to capture the allocation?**



No. If you want to drill a well or build or enlarge a dam or other water-taking infrastructure, you need to apply for a separate WAA permit (or in some cases development approval). These permit applications are assessed against their own set of policies to protect current users and the environment (see *Water affecting activities* below). It is possible you may not be permitted to build new infrastructure, even though you hold an allocation.





*The environment needs a  
certain amount and pattern  
of water to sustain itself*

**Can I transfer my water licence  
and/or allocation?**



Water licences and allocations are assets that are separate from land. They may be transferred to other users, subject to the policies set out in the Plan and the approval of the Minister for Environment and Conservation. Transfers may only occur once the Plan is adopted. A transfer is generally assessed as if it was a new allocation, except if it is a transfer of the whole licence together with the sale of a property (see Plan principles 91, 92, 96 and 97; Guide section 2.2.5). Payment between buyers and sellers for transferred water allocations and licences is a private arrangement, and is not managed by the Plan.

**How does the Plan affect existing  
infrastructure like wells and dams?**

WAA permits are generally not required for existing, unmodified wells, dams and other water sources. However, if water from a source is used for licensed purposes then licence conditions may govern how water may be captured. For example, licensed users may be required to avoid the capture of low flows in dams or from watercourses or to abide by a maximum extraction rate from a well.

**How does the Plan apply to stock  
and domestic water use?**

A licence and allocation is not required when using water for stock and domestic purposes. However, a WAA permit or potentially development approval is required to construct/enlarge a dam (or other water diversion structure) or to drill a well. This approval is required whether the water will be used for licensed or non-licensed purposes (see *Water affecting activities* below).

Though the use of water for stock and domestic purposes is not regulated by the Plan, the estimated usage for these purposes is accounted for when setting sustainable limits for allocation and assessing transfers. This helps to ensure that water resources are not over-used (see sections 4.1.2 and 4.3 of the Plan for more information).

**Is there new water to be allocated  
under the Plan?**

There is no new surface water or watercourse water to be allocated under the Plan—because all of the available water will be allocated to existing users or set aside for non-licensed users and the environment.

For the same reason, no new underground water is available from the Murray Group Limestone aquifer on the Murray Plains in the vicinity of the Marne River.

There is a small amount of water available for new allocation under the Plan from other resources. This includes underground water held in the fractured rock aquifer in the hills, underground water from the Murray Group Limestone aquifer on the Murray Plains away from the Marne River, and underground water from the Renmark Group aquifer also on the Murray Plains (see Guide section 4.3.1).

New allocations of roof runoff can also be made under the Plan. For more information on roof runoff allocations, see section 6.6 of the Plan or Guide section 3.4.

**Can I transfer an allocation between different  
water resources (for example, from surface  
water to underground water)?**

No, but with one exception. Allocations may be transferred between surface water and watercourse water because these two resources are managed as a single unit under the Plan (see Plan principles 85 and 98, Guide sections 2.2.6 and 3.3.3).

**Are there policies that apply to all  
allocations or transfers?**

Key policies that apply to all allocations and transfers include:

- allocations and transfers cannot have significant detrimental impacts on water resources, water-dependent ecosystems, other users, or other natural resources (see Plan principles 9 and 10, Guide section 2.2.7);

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- allocations cannot be transferred between management zones—in other words, they cannot be transferred between different aquifers, or between parts of an aquifer with different characteristics (see Plan principle 85, Guide section 4.3.1);
- buffer zones around existing wells and ecosystems that depend on underground water generally cannot be overlapped (see Plan principles 25–28 and Guide section 4.3.2, with exceptions in principles 29–33 and Guide section 4.3.2); and
- a maximum extraction rate will be set as a licence condition if the volume to be taken from a well is large (greater than 50 ML in the fractured rock aquifer in the hills, and greater than 100 ML in the sedimentary aquifers on the plains). The maximum extraction rate will be set based on a properly conducted pump test arranged by the proponent (see Plan principles 35–37, Guide section 4.3.3).

### What are the policies for transferring a surface water or watercourse water allocation?

Policies governing transfers of surface water and watercourse water include the following:

- allocation limits for management zones must not be exceeded (see Plan principle 8, Guide section 3.3.4)
- consumptive use limits for management sub-zones must not be exceeded, where consumptive use includes estimated non-licensed use (see Plan principles 54–55, Guide section 3.3.4)
- allocations cannot be transferred between management zones—in other words, they cannot be transferred between the Marne and Saunders catchments, or between the upper and lower parts of catchments (see Plan principle 85, Guide section 3.3.4)
- allocations cannot exceed local scale limits—including dam capacity, available runoff, 30% of runoff (new dams only), and provisions to ensure that downstream users can still access their demands on average (see Plan principles 56–61, Guide section 3.3.4)

- water must be used efficiently (see Plan principle 11, Guide section 2.2.8); and
- licensees will need to report annually on water usage, type and size of enterprise and irrigation system (if appropriate), and also provide a water sample from each licensed source for salinity testing (see Plan section 9.1, Guide section 2.2.11)—this information will be provided back to the community as a district report on anonymous water use for different groups of enterprises.

### What are the policies for a new allocation or transfer from a well?

Policies governing new allocations and transfers of underground water include the following:

- allocation limits for management zones and management sub-zones must not be exceeded (see Plan principles 8 and 22, Guide section 4.3.1);





- a maximum diversion rate will be set as a licence condition for extractions from larger watercourses in order to ensure sharing of high flows with downstream users (see Plan principles 64–66, Guide section 3.3.7)
- all licensees need to provide key environmental flows by bypassing, returning or avoiding the capture of low flows at or below the threshold flow rate (see Plan principles 67–72, Guide section 3.3.6)
- extra safety net allocations granted to existing users are not able to be transferred—except when they are still taken from the same dam (for example, a transfer with a sale of property)—and will be lost if the foundation allocation is transferred away (see Plan principles 88–90, Guide section 3.3.9).

#### What if I don't use all of my allocation?

Unused parts of allocations can be rolled over for use in later water use years, with limitations. Rollover allocations only have a life of 1 to 2 years and the maximum size of a rollover allocation is capped at 10–20% of the base allocation, depending on the type of water resource (see Plan principles 38–43 and 73–80, Guide sections 3.3.8 and 4.3.5).

#### Water affecting activities (WAAs)

##### What activities may require a WAA permit?

The following activities require a WAA permit, unless authorised by another type of approval:

- constructing, enlarging, modifying or removing a dam or other diversion structure that captures surface water or watercourse water;
- drilling, repairing or backfilling a well;
- draining or discharging water into a well, watercourse or lake;
- placing a building, structure, object or solid material in a watercourse, lake or floodplain;
- excavating or removing rock, sand or soil from a watercourse, lake or floodplain;

- destroying vegetation in the vicinity of the highly significant and sensitive ecosystems supported by the permanent flow near the Black Hills Springs or Lenger Reserve;
- using more than 1 ML/year of imported water or effluent in the course of carrying on a business.

See section 8 of the Plan or chapter 5 of the Guide for more information on these activities and permitting requirements.

##### Can I build a new dam or enlarge an existing one?

Constructing, modifying, enlarging or removing a dam or other diversion structure for any purpose (licensed or non-licensed) requires a WAA permit under the Plan, or development approval in some circumstances (see Plan section 8.4, Guide section 5.7).

New or enlarged dams may only be constructed if existing dam capacity is removed from within that management zone, via removal or reduction in the size of an existing dam. Furthermore, only up to 80% of the dam capacity that is removed can be reconstructed (see Guide section 5.7.1). This applies to all dams, regardless of whether the water will be used for licensed or non-licensed purposes.

Unlike an allocation or license, dam capacity is not a formal property right and so cannot be transferred under the Plan in the same way. Any arrangements to exchange dam capacity between landholders will need to be privately made—but will require WAA permits for both dam removal and dam construction. If an allocation from a removed dam is to be taken from another dam, it will need to be transferred under the transfer principles in the Plan.





Under the Plan, new dams must be off-stream unless this is not possible on a particular property (see Plan principle 126, Guide section 5.7.4) and may not be constructed on third order or greater streams (see Plan principle 125, Guide section 5.7.4)—unless replacing a dam that was already on a third order or greater stream that has been washed away (see Plan principles 140–141, Guide section 5.7.2).

New dams and diversion structures must provide for key environmental flow needs by bypassing, returning or avoiding the capture of low flows at or below the threshold flow rate (see Plan principles 142–145, Guide section 5.7.3).

Other limits on the volume of a new or enlarged dam also apply, which include:

- management sub-zone dam capacity limits that must not be exceeded (see Plan principle 132–133, Guide section 5.7.1)
- local scale limits that must not be exceeded (see Plan principles 134–139, Guide section 5.7.1), including:
  - 30% of local runoff, taking upstream dams into account

*Extensive scientific work has been carried out to understand the behaviour of different water resources in the area*

- provision for downstream users to continue to access their full potential supply
- twice the reasonable property scale requirements for water, considering allocation volumes, domestic water requirements, the size and stock carrying capacity of the land and local climate. Where a property has been subdivided, the dams present on the original property are included when assessing the current property's access to water.

**Can I drill a new well?**

A WAA permit is required to drill or deepen a well, regardless of whether the water will be used for licensed or non-licensed purposes (see Plan section 8.2, Guide section 5.5).

Buffer zones will be placed around all existing operational wells and ecosystems that depend on underground water. A new well generally cannot be drilled if the well's buffer zone would overlap another buffer zone (see Plan principle 107, Guide section 5.5.2). However, if the well will only be used for non-licensed purposes, then it may overlap other buffers if the arrangement of the property boundaries and buffer zones means that it is not reasonably practical to avoid this. In this case, the new well will need to be at least 50 metres from other wells and ecosystems that depend on underground water. This exception does not apply if the new well buffer zone would overlap the buffer zones around the highly significant and sensitive ecosystems supported by the permanent flow near the Black Hills Springs or Lenger Reserve (see Plan principle 108, Guide section 5.5.2).





## The consultation process

### What is going to be discussed during the consultation period?

The prescription of water resources in the Marne Saunders PWRA is made up of three independent, but linked, processes. The first is the implementation of a system of allocation and licensing by DWLBC. The second is the allocation of water to existing users by DWLBC. The third is the development of a water allocation plan by the local NRM Board that sets out policies for taking, using and transferring water in a manner that is sustainable and balances social, economic and environmental needs.

The current consultation period only concerns the Plan. Please see the information in this brochure for the issues under discussion.

The SA MDB NRM Board has produced the Plan following extensive deliberations by the community-based Marne-Saunders Water Resources Planning Committee, collaborative work with organisations such as DWLBC and Rural Solutions SA, and with significant input from previous consultation stages.

This Plan is open for comment until 5 pm on Monday 6 April 2009.

### How can I find out more and have my say on the Plan?

There are three ways to hear more, ask questions and have your say. You can make an appointment with an SA MDB NRM Board staff member, attend a public meeting, or make a written submission.

#### Individual appointments

You can telephone the SA MDB NRM Board on (08) 8532 1432 to make an appointment to discuss the Plan individually with SA MDB NRM Board staff at a suitable time and location.

#### Public meetings

You can come to a public meeting to hear a presentation about the Plan, discuss it and ask questions. Public meetings will be held on:

- Tuesday 3 February 2009 at the Eden Valley Institute, 7:30–9:30 pm
- Wednesday 4 February 2009 at the Cambrai Hotel, 7:30–9:30 pm.

Please register by telephoning the SA MDB NRM Board on (08) 8532 1432 by 30 January 2009.

#### Written submissions

Written submissions on the draft Marne Saunders Water Allocation Plan can be sent to:

Feedback—draft Marne Saunders Water Allocation Plan  
SAMDB NRM Board  
Reply paid number 2343  
PO Box 2343  
Murray Bridge SA 5253  
(no stamp required)

Fax: (08) 8531 1843  
Email: [wapfeedback@samdbnrm.sa.gov.au](mailto:wapfeedback@samdbnrm.sa.gov.au)  
Internet: [www.samdbnrm.sa.gov.au](mailto:wapfeedback@samdbnrm.sa.gov.au)

The closing date for written submissions is 5 pm on Monday 6 April 2009.

#### What happens next?

Once the consultation period on the Plan has closed, the SA MDB NRM Board will consider all of the responses received and finalise the draft Marne Saunders Water Allocation Plan. The SA MDB NRM Board then submits the draft Plan and the community's consultation responses to the Minister for the River Murray for consideration, finalisation and adoption.

