A guide to the
Water Sharing Plan for the Murrumbidgee
Regulated River Water Source

September 2004
A Guide to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source
(as amended on 1 July 2004)

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This publication is a guide only. It is not intended to set out all the requirements of the water sharing plan. Anyone requiring details of how their legal rights are affected should refer to the gazetted water sharing plan.
Introduction
This guide provides an explanation of the main sections of the Water Sharing Plan for the Murrumbidgee Regulated River Water Source gazetted on 27 December 2002 and including the amendments gazetted on 1 July 2004. The Plan commenced on 1 July 2004 and applies for a period of 10 years to 30 June 2014. It is a legal document made under the Water Management Act 2000 (the Act). The Plan is implemented by the Department of Infrastructure, Planning and Natural Resources (DIPNR).

In some cases the terminology in the Plan differs from that used in the past. This has been necessary for consistency with the Act. New terms are highlighted in the text (bold text) and are explained in a glossary of terms, which is provided at the back.

The provisions in the Plan provide water to support the ecological processes and environmental needs of the river and direct how the water available for extraction is to be shared. The Plan also sets rules that affect the management of water access licences, water allocation accounts, the trading of or dealings in licences and water allocations, the extraction of water, the operation of dams and the management of water flows.

Most of the Plan’s provisions and rules are similar to the water management arrangements that were in place prior to the Plan. However, a number of the rules are quite complex and therefore cannot be fully explained in this summary guide. You should refer to the statutory plan if you wish to know more details (see the Additional information).

Background
The Murrumbidgee River, located in south-west NSW, is almost 1,600 kilometres in length from its source in the Snowy Mountains to its junction with the Murray River. About 1,200 kilometres of this is regulated. It drains an area of some 84,000 square kilometres and is a major tributary of the Murray-Darling River system. The major urban centres within this region include Canberra and the largest NSW inland city, Wagga Wagga.

The volume and pattern of flows in the Murrumbidgee River have been significantly altered by the construction and operation of Burrinjuck Dam on the Murrumbidgee River and Blowering Dam on the Tumut River to supply water to downstream users and the diversion of water from the Snowy River through the Snowy Mountains Scheme into the Murrumbidgee River. These changes have impacted on the environmental health of the river and its wetlands and contributed to water quality problems.

Development of the Plan
The Murrumbidgee River Management Committee was established in 1997 to advise on environmental flow rules. The Committee included representatives of the irrigation industry, environmental interests, indigenous communities, the local Catchment Management Board, local councils and government agencies (the then Department of Land and Water Conservation, National Parks and Wildlife Service, Environment Protection Authority, NSW Agriculture and NSW Fisheries). These rules were reviewed each year, providing the first phase of environmental protection for the river.

In 2001, the Minister for Land and Water Conservation asked the Committee to recommend water sharing rules for the Murrumbidgee to incorporate into a statutory water management plan. A draft water sharing plan was prepared by the Committee and placed on public exhibition by the Minister in mid-2002.

The statutory plan was made by the Minister for Land and Water Conservation in December 2002. It was based on the recommendations of the Committee, submissions received from the community as a result of the public display of the draft plan, and agreed Government policy. Some amendments were made to the Plan in consultation with the Committee and it commenced on 1 July 2004.
Area of the Plan

The Plan applies to the regulated reaches of the NSW Murrumbidgee River as shown in the map. These include the Murrumbidgee River from Taemas Bridge within Burrinjuck Dam water storage to its junction with the Murray River, the Tumut River from the upper reaches of Blowing Dam to its junction with the Murrumbidgee River, and the Yanco/Billabong Creek system from the offtake of Yanco Creek from the Murrumbidgee to the junction of the Billabong Creek with the Edward River.

While the Lowbidgee Flood Control and Irrigation District does not form part of the Plan’s area, there are rules regarding when flows may be diverted from the Murrumbidgee into the District and the volume of those diversions.

Murrumbidgee Water Management Area
How is water shared in a regulated river?

This chart shows how the rules of the Plan are put into effect and relates these 8 key steps to the relevant section in the statutory water sharing plan.

| STEP 1 – ESTABLISH THE FLOW RELATIONSHIPS OF THE RIVER AND ECOLOGICAL PROCESSES |
| Based on historical flow records and known physical processes of the river, construct a hydrological model to analyse options for river management |

| STEP 2 – PROVIDE WATER FOR THE ENVIRONMENT |
| Establish key environmental features of the river and devise flow related rules to provide water to sustain or improve those features |
| Part 3 – environmental water provisions |

| STEP 3 – PROVIDE WATER FOR BASIC LANDHOLDER RIGHTS |
| Estimate total requirements for domestic and stock rights and native title rights |
| Part 4 – basic landholder rights |

| STEP 4 – DETERMINE ACCESS LICENCE REQUIREMENTS |
| Assess the total share volumes of all access licences and rules for granting of any additional access licences |
| Part 6 – requirements for water under access licence, and Part 7 – rules for granting access licences |

| STEP 5 – SET LIMITS ON WATER FOR EXTRACTION AND SHARE THAT BETWEEN DIFFERENT WATER USERS |
| Set a limit on the water for extraction on an average yearly basis and the rules for managing to these limits. Specify how the water that is available will be shared between all access licences |
| Part 8 (Division 1) - long-term average extraction limit, and Part 8 (Division 2) – available water determinations |

| STEP 6 – PROVIDE FLEXIBILITY FOR ACCESS LICENCE HOLDERS |
| Set rules on how water accounts are to be managed and define the trading arrangements |
| Part 9 (Division 1) – water allocation account management, and Part 10 – access licence dealing rules |

| STEP 7 – PROVIDE CLEAR LICENSED RIGHTS |
| Translate Steps 5 and 6 into mandatory conditions on individual access licences and approvals, and specify any system operation rules, and if and how a plan rule can be amended |
| Part 11 – mandatory conditions, Part 12 – system operation rules, and Part 14 – amendment of this plan |

| STEP 8 – MONITOR PLAN |
| Review the implementation of the Plan each year and audit performance of the Plan every 5 years. |
| Part 13 – monitoring and reporting |
**Vision**

The vision of the Plan is to provide equitable sharing of limited water resources to sustain a healthy and productive river and the welfare and well-being of Murrumbidgee regional communities.

**Environmental water**

The *Water Management Act* requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water rules.

Environmental flow rules were first incorporated into the management of water in the Murrumbidgee River in 1998. The environmental water rules in the Plan are based on these earlier rules, with some revisions to improve river health benefits.

The main environmental water rules are listed in the shaded box below. The environmental water rules are designed to:

1. Ensure that there is no erosion of the long-term average volume of water available to the environment during the life of the Plan,
2. Protect the low flows in the upper reaches of the river immediately below Blowering and Burrinjuck Dams,
3. Provide variable flows during winter months,
4. Provide a volume of water in the dams that can be released when needed for environmental purposes, such as to assist with water-bird breeding, flooding of wetlands, fish passage or breeding, or to restore water quality, and
5. Maintain flows in the lower reaches of the river that better reflect natural flows.

The environmental water rules are:

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Reserve all water above the Plan extraction limit for the environment</td>
</tr>
<tr>
<td></td>
<td>This means that on a long-term average basis, approximately 56% of yearly flows in the river are protected for the maintenance of environmental health.</td>
</tr>
<tr>
<td>2.</td>
<td>Protect low flows in the upper reaches</td>
</tr>
<tr>
<td></td>
<td>Release up to 560 ML per day from Blowering Dam and between 300 and 615 ML per day from Burrinjuck Dam, depending upon inflows into the storages.</td>
</tr>
<tr>
<td>3.</td>
<td>Provide winter flow variability</td>
</tr>
<tr>
<td></td>
<td>Burrinjuck Dam to release a percentage of inflows occurring between 22 April and 21 October</td>
</tr>
<tr>
<td></td>
<td>The percentage of inflows released at any time is dependent on climatic catchment conditions and Burrinjuck Dam storage level.</td>
</tr>
<tr>
<td>4.</td>
<td>Environmental Water Allowances</td>
</tr>
<tr>
<td></td>
<td>Three different types of Environmental Water Allowances (EWA1, EWA2 and EWA3) are established.</td>
</tr>
<tr>
<td></td>
<td>The volumes credited to these allowances depend on a variety of factors detailed in the Plan.</td>
</tr>
<tr>
<td></td>
<td>Releases of the allowances may be made to provide water for wetland inundation, fish or bird breeding or water quality management according to detailed release rules developed before the start of each water year.</td>
</tr>
<tr>
<td></td>
<td>The Plan provides for an Environmental Water Allowance Reference Group to give advice on the release rules.</td>
</tr>
</tbody>
</table>
• The Reference Group is to include representatives of conservation interests and water users.

5. Protect end of system flows

• For the first 4 years of the Plan (until July 2008), a minimum flow of between 200 and 300 megalitres per day must be maintained downstream of Balranald Weir.

• After 1 July 2008, these minimum flow requirement increases to reflect a more natural flow pattern.

By July 2005, a review of the environmental rules is to be undertaken to assess their effectiveness in meeting the Plan’s environmental objectives. Following this review the environmental water rules referred to in 2, 3 and 4 above may be amended. Any change that is made must not reduce the long-term average annual extractions by more than 0.5%.

Basic landholder rights

The Plan provides for domestic and stock rights and native title rights – both forms of basic landholder rights which allow some extraction of water from the river without an access licence.

At the commencement of the Plan, domestic and stock water extractions under basic landholder rights are estimated to be 4,560 megalitres per year. There are currently no extractions for native title rights from the water source. However, both forms of extraction may increase during the ten year term of the Plan.

The water supply system is managed to ensure sufficient water is set aside to supply basic landholder rights.

Requirements for water under access licences

All water extraction, other than that occurring under basic landholder rights, must be authorised by an access licence. Each access licence specifies a share component. The share components of specific purpose licences such as local water utility and domestic and stock are expressed as a number of megalitres per year. The share components of high security and general security, conveyance and supplementary water access licences are expressed as a number of unit shares.

The following table lists the categories of access licences in the Murrumbidgee River and their total shares or volumes at the start of the Plan:

<table>
<thead>
<tr>
<th>Access Licence Category</th>
<th>Total Share Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>General security</td>
<td>2,043,432 unit shares</td>
</tr>
<tr>
<td>High security</td>
<td>298,021 unit shares</td>
</tr>
<tr>
<td>Domestic and stock</td>
<td>35,572 ML per year</td>
</tr>
<tr>
<td>Local water utility</td>
<td>23,403 ML per year</td>
</tr>
<tr>
<td>Murrumbidgee Irrigation (conveyance)</td>
<td>243,000 unit shares</td>
</tr>
<tr>
<td>Coleambally Irrigation (conveyance)</td>
<td>130,000 unit shares</td>
</tr>
<tr>
<td>Supplementary water</td>
<td>220,000 unit shares</td>
</tr>
</tbody>
</table>

Supplementary water access licences are now needed to take water that was previously termed “off-allocation”. These are issued to holders of general security access licences with a history of using off-allocation quota. Special Additional Licences and High Flow Authorities are also replaced by supplementary water access licences.

Murrumbidgee Irrigation and Coleambally Irrigation water delivery losses within their areas historically were met by way of allowances that were set aside before allocation announcements were made. Conveyance access licences replace this arrangement.
The Plan provides for the issuing of new access licences that allow water to be taken for Aboriginal domestic and communal purposes. These are a sub-category of high security access licences, termed Aboriginal cultural access licences.

Total share components within each access licence category may change during the term of the Plan. This may result from the granting, surrender or cancellation of access licences, conversion of access licences from one category to another, trading of access licences between the Murrumbidgee Regulated River Water Source and other water sources, or increases in the share component of local water utility access licences following population growth.

**Granting access licences**

An embargo on applications for new commercial water access licences has been in place for the Murrumbidgee Regulated River since 1985. Under the *Water Management Act*, the only applications that can be made are for those categories or sub-categories specified in either regulations or in the Plan.

Therefore, the applications permitted in the Murrumbidgee Regulated River Water Source are for:

- a local water utility access licence,
- a domestic and stock access licence (subcategory “domestic”) for the purpose of domestic consumption,
- a high security access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities, or
- a specific purpose access licence (subcategory “Aboriginal cultural”) for Aboriginal cultural purposes,
- a high security access licence (subcategory “Aboriginal cultural”) for Aboriginal cultural purposes,
- an access licence resulting from savings as a result of the Snowy Water Inquiry,
- an access licence with a zero share component, or
- a replacement access licences as a result of access licence dealings.

**Long-term extraction limit**

Water extractions can increase through:

- existing access licences using more of the water they are allocated as a result of increases in crop area, changes in crop type or watering practices, or the construction of on-farm water storages,
- the sale and subsequent activation of currently unused access licences or unused share components,
- the sale and subsequent use of currently unused water allocations, and
- the granting of new access licences.

An increase in water extractions would threaten the environmental objectives of the Plan, increase year-to-year variations in water supply and worsen the impact of droughts on the region’s economy. To prevent this, the Plan establishes a long-term extraction limit and rules to be applied if this limit is exceeded.

The long-term extraction limit is set at the average annual volume of extraction that would occur with the water storages, access licence share components and water use development that existed in 1999/2000, and the water management rules in the Plan.

Compliance with the extraction limit is to be determined using a computer model of the Murrumbidgee Regulated River. If this indicates that long-term average annual extractions are in excess of the Plan’s extraction limit, then the maximum volume of water made available to supplementary water access licences and, if necessary, to general security access licences will be reduced until extractions return to the limit.
Available water determinations

Available water determinations are the means by which water is shared between access licences. In the Murrumbidgee, available water determinations are made for each access licence category at the start of the water year and, if required, during the course of the year.

The water sharing rules set by the Plan, and the very high reliability of inflows from the Snowy Mountains Scheme, mean that:

- available water determinations for domestic and stock access licences and local water utility access licences provide allocations of water equal to 100% of their share component in all years, and
- available water determinations for high security access licences provide allocations of water equal to at least 0.95 megalitres for each unit share in all years and 1 megalitre for each unit share in years when general security access licences also receive 1 megalitre per unit share.

The water made available to general security access licences, however, varies from year to year depending upon the amount of water held in Burrinjuck and Blowering Dams and whether more water becomes available during the year.

The water made available each year to conveyance access licences for Murrumbidgee Irrigation and Coleambally Irrigation also varies depending on water availability. For Murrumbidgee Irrigation it ranges from 100,000 to 243,000 megalitres and for Coleambally Irrigation from 111,600 to 130,000 megalitres.

The maximum volume that may be taken over a water year by each supplementary access licence is set by an available water determination made at the start of each water year. Such extractions are subject to announcements (see Extraction conditions for supplementary water access licences).

Water allocation accounts

A water allocation account has been established for each access licence. Water is credited to the account when an available water determination is made, or when water allocation is moved into the account from another access licence. Water is debited from the account when water is extracted or moved to another access licence. See Access licence dealing rules for more details concerning the assignment of water allocations between access licences.

The accounts of all high priority category access licences (high security, domestic and stock, and local water utility) continue to be managed on an annual basis. This means that any water remaining in an account at the end of a water year is forfeited. The account receives a new allocation of water in the next water year.

More complex rules apply to the accounts of general security access licences. The rules provide opportunity for these licence holders to reduce year to year variations in water availability by:

- permitting general security licence holders to extract water during periods when supplementary water access is declared without debit to their general security accounts. This is allowed until these extractions plus the general security allocation equal 0.85 megalitres per general security unit share, and
- allowing “carry over” of unused water in the account from one year to the next, up to a maximum of 0.15 megalitres per unit share.

The volume that is credited to a general security account from the available water determination in the new water year will however be limited to the access licence’s share component volume minus the volume of water carried over from the previous water year. The Murrumbidgee Irrigation and Coleambally conveyance access licences will also be allowed to carry over up to 0.15 megalitres per unit share.
Extraction conditions for supplementary water access licences

Extraction of water under supplementary water access licences is only permitted in accordance with announcements made by DIPNR. These announcements specify when water can be taken and the maximum volume that may be taken over the period.

Extractions are permitted when flows are in excess of those required:
- under the Plan’s environmental water provisions,
- to supply domestic and stock and native title basic landholder right requirements,
- to provide for higher priority access licence requirements, and
- to provide specified replenishment flows.

As well, supplementary water access may be limited if:
- the sum of available water determinations for general security has exceeded 0.7 megalitres per unit share, and
- the sum of general security allocations in the NSW Murray River system and the amount of water carried over from the previous water year is less than an amount equal to 0.6 megalitres per general security unit share, and
- flows can be re-regulated in the NSW Murray storages.

The maximum volume that may be taken over a water year by each supplementary water access licence is limited to the available water determination made at the start of the year.

Access licence dealing rules

Access licence dealings or water dealings can include the following:
- sale or transfer of the ownership of an access licence (called a ‘transfer’),
- change in the location where a water access licence can be used
- sale of the share component of an access licence (called assigning share component)
- subdivision of an access licence or consolidation of access licences
- sale of allocation water (called an ‘assignment of water allocation’),
- change in the category of an access licence (called a ‘conversion’)
- rental of a water access licence (called a ‘term transfer’)

For more information on the types of water dealings and their applications forms refer to the information on Water dealings on DIPNR’s website.

In a water source, such as the Murrumbidgee Regulated River, where applications for new access licences are restricted to specific categories (see Granting access licences), water dealings are essential for business flexibility and development. Rules that regulate dealings are, however, required for practical management reasons and to protect the environment and the interests of other access licence holders.

The Plan prohibits:
- any dealing which would result in an increase in the total share component in Yanco Creek,
- transfer of access licences between the Murrumbidgee and any water source in New South Wales other than the NSW Murray, Lower Darling or an unregulated river in the Murrumbidgee catchment,
- assignment of water allocations from the Murrumbidgee Regulated River to any New South Wales water source, other than the NSW Murray and Lower Darling regulated rivers or the Snowy River,
• assignment of water allocation to the Murrumbidgee Regulated River other than from the NSW Murray or the Lower Darling regulated rivers,

• assignment of water allocations between water sources if the application is received after 31 January,

• assignment of water allocations from high security access licences within the water source if the application is received after 1 September,

• assignment of water allocations from general security access licences within the water source if the assignment application is received after the last day of February.

The Plan limits supplementary water access licences trades to within zones and prohibits assignment of water allocations from supplementary to any other category of access licence.

The Plan permits trading of access licences and their water allocations to water users in other states. Such trades are however subject to interstate agreements.

Conversion of licence category is allowed from domestic and stock to domestic and stock (domestic only) and domestic and stock (stock only), domestic and stock (stock only) to high security, high security to general security, general security to high security, and conveyance to either high security or general security.

Conversion of licence category and trade between water sources are subject to conversion factors and other rules designed to ensure that environmental water and other water extractors are not affected as a result of the dealing.

**Mandatory conditions**

The Plan sets out a number of conditions that must be applied to access licences and water supply work approvals.

**System operation rules**

The Plan sets a number of operational rules that affect the quantity and supply of water in the Murrumbidgee Regulated River. These include:

• provisional storage rules which are intended to reduce year to year variations in the water allocations to access licences,

• replenishment flow rules which provide up to 36,500 megalitres per year for Forest Creek below Warriston Weir each year,

• the requirement that a minimum flow of 50 megalitres per day is maintained in the Billabong Creek at Darlot,

• the maintenance of an airspace in Burrinjuck Dam to mitigate floods and Blowering Dam to facilitate electricity generation,

• rules for the operation of Burrinjuck Dam and Blowering Dam during times of flood, and

• rules for making flows available to the Lowbidgee Flood Control and Irrigation District.

**Flows to the Lowbidgee Flood Control and Irrigation District**

The Plan only allows diversion of flows into the Lowbidgee District that are in excess of those required to supply environmental provisions, domestic and stock and native title rights, and higher priority access licences. Diversion into the District is not allowed of any water that is re-regulated and can be made available to water extractors in the Murray Regulated River when the total carryover and allocations to Murray general security access licence holders is less than 0.6 megalitres per unit share.

The Plan does not cover the District’s internal water management arrangements. A separate water management plan for the Lowbidgee District is to be developed by 2007. This will determine the environmental water needs of different parts of the District and set internal water sharing rules.
Monitoring and reporting

The Plan includes performance indicators against which the performance of the Plan is to be monitored to determine if it is meeting its objectives. The Plan is to be reviewed and audited at least every five years. The Natural Resources Commission must undertake a review of the Plan prior to any decision to extend its term or to make a new plan.

In addition, an Implementation Program is to be established setting out the means by which the provisions of the Plan are to be achieved. The effectiveness of the Implementation Program is to be reviewed each year and the results reported in the Department’s Annual Report.

Plan amendments

Water sharing plans recognise the need for some certainty regarding the water preserved for environmental purposes and the water available to extractors. However, during the term of the Plan, some amendments may be needed. The Plan allows for:

- the addition or deletion of sections of rivers to or from the water source,
- changes to the environmental water and provisional storage volume rules,
- changes to access rules for supplementary licences after a review of the environmental impacts of water extractions,
- changes to the rules controlling diversion of flows into the Lowbidgee Flood Control and Irrigation District, after development of a water management plan for the District,
- modification of the available water determination rules for conveyance licences to better match actual losses, and
- an increase in the maximum carryover permitted for general security licences after a review of the impact of the change.

Additional information

Should you require further information on water sharing in the Murrumbidgee Regulated River Water Source, or a copy of the statutory plan, please contact:

DIPNR Office: Leeton (02) 6953 0700 or Wagga Wagga (02) 6923 0400

Internet site:  www.dipnr.nsw.gov.au

Email:  wma.info@dipnr.nsw.gov.au

Freecall ☏ 1800 353 104

Note: This information does not constitute formal legal advice.

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Glossary of terms

**access licences** allow the licence holder a share of the available water in the water source. An access licence is separate from the approvals to use the water or to construct and operate the works to extract the water eg pump, dam. Access licences do not have to be renewed.

**access licence dealing** or a water dealing refers to a change that can be made to a licence, in particular, those arising from trading including the sale of all or part of an access licence or account water. Other possible dealings include a change in the location from which water is extracted, the licence category or the consolidation or subdivision of licences.

**available water determinations** (AWDs) are the means by which water is shared between access licences each year. An available water determination adds volumes of water (ie water allocations) to the water accounts of all access licences in the licence category. The volume of water allocated to a water account is calculated by multiplying the number of unit shares on the licence by the volume per share stated in the AWD. The available water determination also ensures that long-term extraction does not exceed sustainable limits.

**basic landholder rights** cover three types of rights that do not require a licence. The first allows rural landholders along the river to extract water for domestic household and stock watering purposes (domestic and stock rights) without an access licence. Domestic and stock rights replace riparian rights under the *Water Act 1912*. The second allows Aboriginal native title holders to take water in the exercise of native title rights for a range of personal, domestic and non-commercial communal purposes. Native title holders are as determined under the Commonwealth’s *Native Titles Act 1993*. The third component is the harvestable right which allows landholders to capture a portion of the runoff from their land in farm dams. The term basic landholder rights covers all these rights, although harvestable rights do not involve extraction from the river and so have not been provided for in the plan.

**extraction component** is part of the access licence, and will specify the sections of the water source from which water may be taken and may, at some time in the future, also specify the rate at which water can be taken when water delivery rates are limited.

**extraction limit** is the average yearly volume of water that can be extracted from the water source by all access licences.

**replenishment flows** are flows provided to refill pools or water holes in effluent systems downstream of a water source and provide water for household and town use and stock.

**share component** is specified on the access licence, this is similar to the entitlement volume on previous water licences and is expressed as a unit share or in the case of specific purpose licences (such as local water utility, major water utility and domestic and stock) a volume in megalitres. The amount of water a licence holder is allocated as a result of an available water determination and the amount they can take in any year is based on their share component.

**supplementary water** is a new licensed right which replaces access to “off-allocation” water and Special Additional Licences and High Flow Authorities. Holders of supplementary water access licences are able to extract water during announced periods when flows exceed those required to meet other licensed obligations and environmental needs. This is typically during periods when the dam is spilling or as a result of high tributary inflows downstream of a dam. General security licence holders in The Murrumbidgee can also access a certain amount of this water.

**water supply works approval** authorises the construction and operation of water supply works at specified locations.

**water year** is the 12 months running from 1 July to 30 June.