



Murray Irrigation

Drainage/Supply Escape Extraction Policy

Effective: 1 July 2014

Registered office

443 Charlotte Street
(PO Box 528)
Deniliquin NSW 2710

Phone : 1300 138 265

Fax : 03 5898 3301

www.murrayirrigation.com.au

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Part A: Policy statement

1 Purpose

- 1.1 The purpose of this Policy is to document the Company's requirements to allow Customers to extract water from:
- (1) the Company's Drainage Works; and
 - (2) the Company's Supply Channel Escapes.
- 1.2 This Policy provides evidence to support the Company's view that the controlled extraction of water from the Company's Drainage Works and Supply Channel Escapes is mutually beneficial for both the Company and Customers.

2 Scope

- 2.1 This Policy applies to all Customers serviced by the Company.
- 2.2 This Policy sets out the terms upon which Customers may extract water from:
- (1) the Company's Drainage Works; and
 - (2) the Company's Supply Channel Escapes.
- 2.3 Rules in Part C apply both to extraction from the Company's Drainage Works and extraction from the Company's Supply Channel Escapes. Additional rules in Part D apply only to extraction from the Company's Supply Channel Escapes, and additional rules in Part E apply only to extraction from the Company's Supply Channel Escapes.

3 Policy statement

- 3.1 One of the Company's values in its 2014 Strategic Plan is "*Customers – our success is based on meeting the needs of the customers*". This Policy is important to fulfilling this value.
- 3.2 Customers are responsible for being aware of their obligations under this Policy and for taking actions to ensure their ongoing adherence to the rules outlined in this Policy.
- 3.3 A breach of this Policy is a breach of the Entitlements Contract. A breach of the Entitlements Contract may have serious consequences, including suspension of supply or termination of the Entitlements Contract. The Company may audit compliance by Customers with this Policy from time to time.
- 3.4 The Company and Customers acknowledge that the availability of water from the Company's Drainage Works and the Company's Supply Channel Escapes is not reliable and not guaranteed.
- 3.5 The Company and Customers acknowledge that the opportunity for Customers to extract water from the Company's Drainage Works and the Company's Supply Channel Escapes is only available from time to time under certain conditions.
- 3.6 The Company does not guarantee water quality. Customers acknowledge that there are no guarantees as to the nature, quality or fitness for any purpose of any water within the Company's Drainage Works and the Company's Supply Channel Escapes.
- 3.7 The Company will review this Policy on regular basis and vary this Policy in accordance with the procedure under the Entitlements Contract.

- 3.8 Customers may apply to install an Authorised Escape Extraction Point or a Permanent Drain Extraction Point under the Customer-funded works program. Temporary Drain Extraction Points are not dealt with under the Company-funded works program.

Part B: General

4 Introduction

- 4.1 A Customer's Entitlements Contract binds them to this Policy.
- 4.2 This Policy should be read in conjunction with, and is subject to, the Contract, any relevant Policies, the *Water Act 2007* (Cth), the *Water Market Rules 2009* (Cth), the *Water Charge (Termination Fees) Rules 2009* (Cth), the Act and all other relevant laws, regulations and orders.

5 Guide to this policy

- 5.1 Part A (rules 1 to 3) is not, and is not intended to be, legally binding.
- 5.2 Parts B, C, D and E (rules 4 to 17) are legally binding.

6 Definitions and interpretation

- 6.1 In this Policy, the following words have these meanings unless the contrary intention appears:
- (1) **Approval Conditions** means any conditions specified by the Company for approval of an application by a Customer for an Authorised Extraction Point;
 - (2) **Authorised Drain Extraction Point** means a Permanent Drain Extraction Point or a Temporary Drain Extraction Point;
 - (3) **Authorised Escape Extraction Point** means infrastructure authorised under this Policy for the extraction of water from the Company's Supply Channel Escapes;
 - (4) **Authorised Extraction Point** means an Authorised Drain Extraction Point or an Authorised Escape Extraction Point;
 - (5) **Permanent Drain Extraction Point** means infrastructure authorised under this Policy for the extraction of water from the Company's Drainage Works;
 - (6) **Supply Channel Escapes** means Company's Works that allow water from within the Company's Supply Works to be diverted directly to natural waterways or drains, but which do not have supply points or drainage inlets; and
 - (7) **Temporary Drain Extraction Point** means a location approved by the Company for the extraction of water from the Company's Drainage Works by way of temporary or portable pump and pipes.
- 6.2 In this Policy, unless the contrary intention appears, a word or phrase defined in the Contract has the same meaning in this Policy.
- 6.3 Clause 1.2 (Interpretation) of the Contract applies to this Policy with the necessary changes.

Part C: General rules for extraction

7 Authorised extraction points

- 7.1 A Customer may only extract water from the Company's Drainage Works or the Company's Supply Channel Escapes by way of an Authorised Extraction Point approved by the Company in accordance with this Policy.
- 7.2 An Authorised Extraction Point must be located on the Landholding on which the water extracted by way of that Authorised Extraction Point will be used.
- 7.3 An Authorised Extraction Point must be identified with a marker post.

8 Application

- 8.1 An Authorised Extraction Point requires an application in the form required by the Company.

9 Determination of application

- 9.1 The Company may, at its discretion, approve or refuse an application for an Authorised Extraction Point. An approval may be subject to any Approval Conditions.
- 9.2 Without limiting rule 9.1, the Company may refuse an application for an Authorised Extraction Point if:
- (1) in the opinion of the Company, the Authorised Extraction Point will interfere with the Company's ability to operate or maintain the Company's Works;
 - (2) the relevant Company's Drainage Works or Supply Channel Escapes are associated with accredited escapes or the delivery of environment water; or
 - (3) in the opinion of the Company, the Authorised Extraction Point and the relevant Company's Drainage Works or Supply Channel Escapes are capable of being used as part of a system for recycling water on the Landholding by extracting and discharging water multiple times by way of the Authorised Extraction Point and the relevant Company's Drainage Works or Supply Channel Escapes.

10 Approval conditions

- 10.1 A Customer must comply with the Approval Conditions.
- 10.2 The Company may, at its discretion, specify any Approval Conditions, including in respect of:
- (1) the procedure for installation of the Authorised Extraction Point, and responsibility for payment of the costs of installation;
 - (2) the volume of water which may be extracted through the relevant Authorised Extraction Point;
 - (3) the rate at which water may be extracted through the relevant Authorised Extraction Point;
 - (4) the number of times that the extraction of water through the relevant Authorised Extraction Point is permitted to commence and cease; and
 - (5) the period of time during which water may be extracted through the relevant Authorised Extraction Point.

11 Ownership of authorised extraction points

- 11.1 Title to all Authorised Escape Extraction Points and Permanent Drain Extraction Points is vested in the Company on and from installation and remains with the Company.
- 11.2 Title to all equipment (including pumps and pipes/flumes) used at a Temporary Drain Extraction Point remains with the Customer.

12 Discharge of water

- 12.1 Customers must ensure that no water extracted by the Customer from the Company's Drainage Works or the Company's Supply Channel Escapes enters the Company's Supply Works.
- 12.2 An Authorised Extraction Point must not be used as part of a system for recycling or transporting water on a Landholding by discharging water into the Company's Works and then extracting water by way of the Authorised Extraction Point.
- 12.3 This rule does not limit any rules under the Environment Policy.

13 Default

- 13.1 If a Customer breaches this Policy, the Company may do any one or more of the following:
- (1) immediately without giving notice to the Customer, suspend the Company's approval of the Authorised Extraction Point;
 - (2) immediately by giving notice to the Customer, revoke the Company's approval of the Authorised Extraction Point;
 - (3) immediately after giving notice to the Customer, enter the relevant Landholding and disable the Authorised Extraction Point;
 - (4) immediately after giving notice to the Customer, enter the relevant Landholding and remove the Authorised Extraction Point; or
 - (5) exercise rights arising under the Contract as a result of an Event of Default occurring.

Part D: Special rules for extraction from drains

14 Permanent drain extraction points

- 14.1 A Permanent Drain Extraction Point must comply with the Company's Works Policy.

15 Temporary drain extraction points

- 15.1 A Temporary Drain Extraction Point must meet the criteria specified by the Company as an Approval Condition or as otherwise specified by the Company from time to time.

- 15.2 The Company may revoke a Temporary Drain Extraction Point by giving 14 days' notice.

- 15.3 Subject to any Approval Conditions to the contrary, the Customer must decommission a Temporary Drainage Extraction Point by removing all relevant equipment (including pumps and pipes) immediately after:

- (1) the cessation of extraction of the water by way of the Temporary Drainage Extraction Point; or
- (2) at the end of the period of the Temporary Drainage Extraction Point specified as an Approval Condition,

whichever occurs later.

Part E: Special rules for extraction from supply channel escapes

16 Works policy

16.1 An Authorised Escape Extraction Point must comply with the Company's Works Policy.

17 Suspension of extraction

17.1 A Customer must not extract water by way of an Authorised Escape Extraction Point within any period of time during which:

- (1) water is being delivered to an outlet supplying a Customer's Landholding located upstream of the Authorised Escape Extraction Point; and
- (2) either:
 - (a) the volume of water transmitted through the outlet to a Landholding is less than the volume ordered for delivery; or
 - (b) water is transmitted through the outlet to a Landholding at a slower rate than the rate ordered.