



**Murray Irrigation Limited**

## **Distribution Rules Policy**

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## 1 Introduction

- 1.1 A Customer's Entitlements Contract binds them to this Policy.
- 1.2 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.
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## 2 Definitions and interpretation

- 2.1 In this Policy, the following words have these meanings unless the contrary intention appears:
- (1) **Annual Operating Plan** means the Annual Operating Plan published on the Company's web site from time to time;
  - (2) **Carryover Unit** means the right to carry over to the next Water Year one Megalitre of Water Allocation remaining in a Water Allocation Account at the end of a Water Year;
  - (3) **Diversion Point** means any point at which water is diverted from the New South Wales Murray Regulated River Water Source (as referred to in clause 4 of the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003* (NSW)) into the Company's Works;
  - (4) **Restricted Flow Rate** means an equal share of the available flow, as determined by the Company;
  - (5) **Supply Level** means the level at which water will be supplied to a Landholding;
  - (6) **Water Order** means a valid order for the delivery of water by the Company to a Customer under the Contract, placed by a Customer in accordance with rule 4; and
  - (7) **Water Usage Statement** means a statement prepared by the Company setting out particulars of water usage, water availability, crop usage (where applicable) and such other information as the Company may determine.
- 2.2 In this Policy, unless the contrary intention appears, a word or phrase defined in the Contract has the same meaning in this Policy.
- 2.3 Clause 1.2 (Interpretation) of the Contract applies to this Policy with the necessary changes.
- 2.4 In this Policy, unless the contrary intention appears, reference to Water Allocation ordered for delivery or delivery of a volume of Water Allocation includes any volume of water that the Company determines, in accordance with the Contract, has been taken or delivered.
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## 3 Supply and measurement

- 3.1 In order to receive water under the Contract, a Customer must submit a Water Order.
- 3.2 Subject to the Contract and these Rules, the Company must use its reasonable endeavours to deliver Water Allocation to the Customer during the Water Year in accordance with Water Orders placed by the Customer.
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- 3.3 The Contract sets out circumstances in which the Company may suspend delivery of water to the Customer, including where any money payable by the Customer to the Company remains unpaid after the due date for payment, and where the Customer is in default under the Contract.
- 3.4 The Contract sets out general rules on measurement of water usage and installation of Meters.

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## 4 Water orders

- 4.1 Customers may only place Water Orders:
- (1) by telephone using the Company's automated telephone ordering system on the telephone number advertised by the Company on its web site from time to time; or
  - (2) by using the ordering system on the Company's web site.
- 4.2 Water Orders must be placed at least four days before the date for delivery. If a Water Order is placed before 6:30 am on a day, that day counts as a day of notice.
- 4.3 The Company may fill a Water Order on less notice than four days subject to availability and operational requirements. Priority will be given to orders according to the time of lodgement.
- 4.4 If a Customer places a Water Order, the Customer must take water at the rate of flow specified in the Water Order (or the Restricted Flow Rate if rule 8 applies when the Customer places the Water Order or receives water) by providing and operating the Customer's Works in a manner adequate to accept the flow.
- 4.5 If a Customer orders water and does not accept it when available for delivery, the Company may debit a volume of water determined by the Company from the Customer's Water Allocation Account.
- 4.6 Despite anything to the contrary in the Contract, a Customer may request permission from the Company to adjust the door on a Meter at the Customer's Landholding only for the purpose of ensuring that the flow of water specified by a Water Order may continue to be taken and only to the extent necessary for that purpose.
- 4.7 A Customer may amend or cancel a Water Order by placing a new Water Order.
- 4.8 If a Customer has not received the water ordered pursuant to a Water Order within three days after the expected date for delivery of the water and the Company has not contacted the Customer in relation to its failure to deliver the water in accordance with the Water Order, the Customer must, within five days after the expected date for delivery of the water, notify the Company that the water has not been received. If notification is not received by the Company in accordance with this rule 4.8, the Water Order will be deemed to have been cancelled by the Customer.

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## 5 Domestic and stock supplies

- 5.1 If the point of supply servicing a Landholding is for the delivery of water for domestic and stock purposes, then:
- (1) unless the Company determines otherwise, all water which the Company delivers to the Landholding will be delivered by a pipe outlet not exceeding 75 mm in diameter (**Pipe Outlet**);

- (2) the Pipe Outlet must include a stop valve and its location must be indicated by a marker post;
  - (3) subject to rule 5.2:
    - (a) water delivered to the Landholding through the Pipe Outlet for the purpose of domestic and stock use need not be measured by a Meter;
    - (b) the Customer will be taken to have been delivered two Megalitres of water through the Pipe Outlet each Water Year (in addition to any other water delivered to or taken by the Customer); and
    - (c) the Pipe Outlet must be piped directly to a house, tank or storage facility (and the storage capacity of the house, tank or storage facility must not exceed two Megalitres); and
  - (4) the water delivered through the Pipe Outlet must not be used for any commercial enterprise, or the irrigation of crops or pasture, and is only to be used for domestic and stock purposes.
- 5.2 The delivery of water by the Company through a Pipe Outlet to a Landholding must, where required by the Company (and subject to rule 5.3), be measured by a Meter which must be installed and commissioned at the Customer's Cost and in accordance with the Company's design requirements if:
- (1) there is a commercial enterprise conducted on the Landholding;
  - (2) the Pipe Outlet servicing the Landholding is not piped directly to a house, tank or storage facility (or the storage capacity of the house, tank or storage facility exceeds two Megalitres);
  - (3) the Company determines that the Pipe Outlet is capable of delivering more than two Megalitres of water per Water Year; or
  - (4) the Company reasonably determines that measurement by a Meter is required.
- 5.3 If a Meter is required to be installed under rule 5.2, the Company may at its discretion offer instead to remove the Pipe Outlet at the Cost of the Company.

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## **6 Water usage statement**

- 6.1 If a Customer requests, the Company will, within five Business Days, issue a Water Usage Statement for a Customer's Water Allocation Account (in respect of the Water Year to the date of the request) to the Customer.
- 6.2 The Company may make Water Usage Statements available on the Company's web site.

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## **7 Channel operating levels**

- 7.1 The Supply Level is a minimum of 380 mm and a maximum of 440 mm from the sill of the Meter, or any other level or range determined by the Company and set out from time to time in the Annual Operating Plan.
- 7.2 The Company may establish a higher Supply Level than 440 mm for a Customer if the Customer has paid the cost of designing and constructing any necessary upgrade to the Company's Works. A higher Supply Level will not be available if the Company determines that there would be an adverse impact on other Customers or operational requirements.

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## 8 Restricted flow regulation and management

- 8.1 The Company may determine that Restricted Flow Rates apply for any period of time determined by the Company.
- 8.2 For so long as Restricted Flow Rates apply, water will be delivered at the Restricted Flow Rate to each Landholding receiving water under a Water Order, subject to the following:
- (1) a Landholding created by subdivision after 3 March 1995 (as determined by the Company) may be limited to a proportion of the Restricted Flow Rate that would apply to the property from which the Landholding was created, in proportion to the number of subdivisions created from that property;
  - (2) a Landholding created by an amalgamation after 3 March 1995 (as determined by the Company) may (subject to clause 8.3) receive water at the sum of the Restricted Flow Rates which would apply separately to each of the landholdings which was amalgamated; and
  - (3) if more than 1,500 water entitlements were associated with a Landholding as at 3 March 1995 (as determined by the Company), the Landholding may receive water at double the Restricted Flow Rate.
- 8.3 If the Company determines that aggregation of Restricted Flow Rates under rule 8.2(2) may have an adverse effect on another Customer, the Company may determine that Restricted Flow Rates will apply separately to each part of the amalgamated Landholding which corresponds to a landholding which was amalgamated.
- 8.4 If the Company determines that it is appropriate to do so, the aggregated Restricted Flow Rates for Landholdings on the same channel system which are either:
- (1) owned by the same Customer; or
  - (2) owned by the Customer and a different person where:
    - a) the Company determines those persons are conducting a joint enterprise on the Landholdings; or
    - b) the company otherwise determines at its discretion that it is appropriate, including where there is no adverse material impact on another Customer.
- may be applied to any one or more of the Landholdings at the Customer's discretion.
- 8.5 The company may, where operational conditions permit and at the Company's discretion increase Restricted Flow Rates for one or more Customers for such time as the Company determines appropriate.

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## 9 Complaints

- 9.1 Complaints may be addressed to the Company in accordance with the Company's customer service charter published on the Company's web site from time to time.

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## 10 Off-allocation water

- 10.1 The Company may declare that off-allocation water is available to be ordered for delivery by eligible Customers in accordance with the Contract, the Charges Rules (including Charges for delivery) and these Rules for the period specified in the declaration.

- 10.2 A declaration under rule 10.1 may specify that all, or only a specified proportion, of the water ordered by eligible Customers during the period is off-allocation water.
- 10.3 During the period specified in the declaration, eligible Customers may order off-allocation water by placing a Water Order, and any off-allocation water delivered to a Customer will not be debited from the Customer's Water Allocation Account.
- 10.4 For a Customer to be eligible to order off-allocation water, the Outlet at the Customer's Landholding must be of a kind in respect of which the Customer normally places Water Orders to receive water.

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## 11 Carryover water

- 11.1 Except as otherwise provided by this clause 11, Water Allocation remaining in a Water Allocation Account at the end of a Water Year cannot be carried over to the next Water Year and will be forfeited.
- 11.2 During each Water Year, the Company may grant to each Customer who holds Class A, Class B or Class C Water Entitlements a number of Carryover Units equal to a certain percentage, determined by the Company, of the number of Class A, Class B or Class C Water Entitlements, respectively, held by the Customer as at a date determined by the Company.
- 11.3 The Company may determine a percentage in respect of a class of Water Entitlements to the exclusion of any other class of Water Entitlements. The percentage determined by the Company in respect of a class of Water Entitlements may be zero percent and it may be higher or lower than, or the same as, the percentage determined by the Company in respect of any other class of Water Entitlements. The number of Carryover Units will be rounded up or down to the nearest whole number.
- 11.4 A Customer may carry over to the next Water Year one Megalitre of Water Allocation remaining in a Water Allocation Account at the end of a Water Year for each Carryover Unit held by the Customer at the end of the Water Year.
- 11.5 All Carryover Units issued during a Water Year expire at the beginning of the next Water Year, irrespective of whether the Carryover Units have been exercised.
- 11.6 The Company is under no obligation to credit Annual Allocation into the Customer's Water Allocation Account in a Water Year in respect of the Customer's Water Entitlements to the extent that the aggregate of:
- (1) the Annual Allocation credited in that Water Year in respect of the Customer's Water Entitlements;
  - (2) any Carryover Water carried over by the Customer to that Water Year in respect of Carryover Units issued in the previous Water Year in respect of the Customer's Water Entitlements; and
  - (3) one Megalitre multiplied by the number of Carryover Units issued in the previous Water Year in respect of the Customer's Water Entitlements that were transferred by the Customer in the previous Water Year;

would exceed a limit corresponding with the limit imposed by the Legal Requirements applicable in the relevant Water Year in respect of the category of Access Licence held by the Company corresponding to the Customer's Water Entitlements or such other limit that the Company may determine from time to time.

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## 12 Use of water

- 12.1 A Customer may only use water delivered to a Landholding on that Landholding except as set out in this rule 12.
- 12.2 A Customer may apply to the Company to move water across a Landholding boundary, and the Company may accept or refuse the application at its discretion (having regard to the Company's operational and environmental policies).
- 12.3 If the Company accepts an application by the Customer under rule 12.1, the Company may specify conditions at the Company's discretion, and the following conditions are deemed to apply unless the Company's acceptance states otherwise:
- (1) Water supplied may only be used on an adjoining Landholding if it is specified by the Company, and in the same ownership, and for the period of time approved by the Company.
  - (2) Water supplied from a point of supply, bore, drain or river pump on a Landholding may only be diverted to another Landholding (whether in the same ownership or not) if a Meter has been installed on the boundary of the Landholding receiving the water. The Meter must be installed at the expense of the Customer.
  - (3) The Customer must pay a Charge for the Company's administration costs relating to the application.
- 12.4 If the Company approves an application for target water use averaging or total farm water use averaging under the Policies then the Company may specify in its approval that the conditions in paragraphs 12.3(1) to 12.3(3) do not apply.
- 12.5 If the Company has approved averaging water use in respect of two adjoining Landholdings, water supplied through a point of supply, bore, drain or river pump on one of the Landholdings may be diverted to the adjoining Landholding, and the second Landholding is not required to have a Meter installed so long as the first Landholding has a Meter installed.

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## 13 Closure of supply system

- 13.1 The Company will, from time to time, publish in the Annual Operating Plan details of arrangements for opening and closing of the Company's Works each Water Year, including proposed dates for:
- (1) closing Diversion Points;
  - (2) closing lateral off-takes and commencing drainage of Mulwala Canal;
  - (3) commencing drainage of the Company's Works;
  - (4) commencing filling of Mulwala Canal and Wakool Canal; and
  - (5) commencing diversions to lateral channels and deliveries to Customers.
- 13.2 Water will not be held in the Company's Works for winter water supply and each Customer must make their own provision for water supply during that time.