

Ministerial Policy 2019/1
*Verification of Unlicensed
Summer Historic Use in the
Ringarooma Water
Management Plan Area*

January 2019



**Tasmanian
Government**

Water and Marine Resources Division
Department of Primary Industries, Parks Water and
Environment

I. BACKGROUND

This document is the Ministerial Policy that provides specific details of the requirements for record keeping (i.e. data that eligible licensees need to provide) and the process that the Minister, or delegate (Authorised Departmental Officers), will use to verify and licence historic water use in accordance with the Ringarooma Catchment Water Management Plan 2014 (the Plan).

Part 6 of the Plan sets out the framework for a verification process that eligible water users are required to complete to receive an ongoing Surety 6 allocation (beyond 30 April 2021) in the summer take period (1 December and 30 April).

The Plan (Part 6.5) states that the specific details of the verification process are to be documented and formalised under a Ministerial Policy.

Section 3 of this document provides further detail on specific aspects of this process in a question and answer format.

2. VERIFICATION PROCESS

2.1 Who is eligible for a Surety 6 Summer Take Period allocation?

Ongoing allocations will be available to current licensees who:

- Have completed the 2004 Water Use Survey; and
- Have unlicensed historic water use identified (use in 2004 that is greater than existing licensed allocations); and
- Verify their unlicensed water use in accordance with this process.

In the case of an absolute or partial transfer of a water licence or water allocation, the following will apply:

- If the transfer occurred since 2004 and the licence or allocation was held by an eligible licensee who completed a 2004 survey and that water is still being used on a similar area of land, the transferee (person who now owns that licence or allocation) will be eligible to receive an ongoing historic use allocation (conditional on completing this verification process).

2.2 Period available to verify historic use

A transition period of 6 years (from 1 May 2015 to 30 April 2021) is provided to verify historic water use.

2.3 General principles – verification policy

The verification process will need to be flexible enough to deal with a range of individual circumstances and complexities. To assist, a principle-based, collaborative approach will be used to guide the process where there is ambiguity.

The process for verification will be guided by the following principles:

- **Allocation in relation to unlicensed historic use must be consistent with the Plan and the *Water Management Act 1999*:** Extraction of water including verified historic use must be environmentally sustainable, while optimising access to water users where possible.
- **Assessment and eligibility will be guided by the Principle of Historic Use:** This process will provide historic water users with allocations that recognise historic use in 2000-2003 based on the 2004 Historic Use Survey and records of verified use. Historic use does not include providing new entitlements for unauthorised increased use since 2003 or allocation for proposed future use or development after 2003.
- **Provide equity through transparency.**
- **Be as simple as possible and not unnecessarily onerous for water users or the Department.**
- **Historic use allocations will be limited to the final volumes verified under this policy:** For each eligible water user, this will be no more than the total volume of historic use identified in the 2004 Historic Use Survey.
- **Adaptive Management will be used where possible to achieve sustainability of access consistent with the environmental and water use objectives of the Plan:** The process will acknowledge risks in allocating historic use and accept ongoing adaptive management is likely to be needed to achieve ongoing sustainability of access.

2.4 Process to verify historic use

In order to secure a Surety Level 6 summer take period allocation on an ongoing basis (beyond 2021), water users will be required to fit meters and establish a record of extraction. **Water users will need to provide at least 2 years of metered records (during the period between 1 Dec 2015 and 30 April 2021)** that accounts for water taken and used for commercial purposes in the summer take period (1 December – 30 April).

In addition to licensees keeping records that demonstrate the quantity of water taken (which is already a general requirement of all licensees across Tasmania), water users will also need to submit information in the required format using their records:

- a water account of water use in at least two summer take periods;
- information on the meters that were used to measure water use; and
- in cases where equivalency is considered, a crop record including details of the areas irrigated and water used to irrigate those crops (refer to “Section 2.5 Records that will be required”).

Ongoing Surety 6 allocations in the summer take period will be granted at the end of the 6-year transition period once all use is verified (and conditional on access being sustainable i.e. river condition decline related to water extraction is being adequately managed consistent with the objectives of the Plan).

2.5 Records that will be required

The following records will need to be submitted to be eligible for verification of historic use:

- A. WATER ACCOUNT – SUMMER TAKE PERIOD (Form A in Part 4) Plus a COPY OF LICENSEES ORIGINAL WATER METER RECORD** – Guidelines on record keeping are available on the DPIPWE website to support all water licensees to keep records and account for the water taken under water licences. <https://dPIPWE.tas.gov.au/water/water-licences/accounting-for-your-water>

- B. METER DETAILS – (Form B in Part 4)** – Only needs to be filled out when meters are installed or maintained to provide current details about the individual meters (serial number, size, type/model, location of meter, maintenance status, etc.).

- C. CROP RECORDS (Form C in Part 4) – Only required for assessment of equivalency.**

These templates will be provided as hard copies and will also be available for download as PDFs or MS Excel spreadsheets from the DPIPWE website at: dPIPWE.tas.gov.au/water/water-management-plans/adopted-water-management-plans/ringarooma-river-catchment-water-management-plan/information-on-allocation-of-historic-use.

2.6 My case is simple – No change of use since 2004

If you have no need for assessment of “Equivalency” because your current water use has not changed since the 2004 Survey then you will only need to submit your original water meter record along with Forms A and B (refer to Forms A and B in Part 4).

2.7 My case is more complicated – Changed water use since 2004

Water users may seek an assessment of equivalency (refer to explanation of “Equivalency” in Q&A section below) because:

- their direct take from the river is now supplemented or replaced by new water from other sources since 2004; or,
- they are only using a portion of their historic use because they have cropped a smaller area or grown a different crop (compared 2004);
- In these cases where equivalency needs to be assessed, water users will need to provide crop records (refer to Form C in Part 4) as well as completing Forms A and B.

2.8 Submitting records

Water users may choose to submit records at any time i.e. at the end of each irrigation season or, at the end of the transition period. Records can be submitted as hard copies or electronically via email. You may email records as an Excel spreadsheet (.xls file) or just take good quality pictures of your hard copy records. Submission of records is encouraged to provide an opportunity for preliminary feedback and discussion with Departmental officers on how your records will be assessed prior to the end of the transition period (April 2021).

Records should be submitted to:

Water Policy and Planning Branch, Agriculture and Water Division

DPIPWE

GPO Box 44

Hobart, TAS 7000

OR

Email to: Water.Enquiries@dpipwe.tas.gov.au

For support or further information please either send an email to the email address above (Attention: Water Policy and Planning), or phone 0448 404 118

2.9 Water meter requirements for verification of historic use

All new and existing (grandfathered) meter installations used to verify historic use should comply under [Australian Standard AS 4747](#) and the **Tasmanian Standard for Non-Urban Water Meters 2014 (the Tasmanian Standard)**. However in the case of meters installed in the Ringarooma River Catchment Water Management Plan area the requirement for a meter Validation Certificate is waived if meter installers sign a statement verifying the meters otherwise comply (see statement that needs to be signed by the meter installer on the bottom of **Form B in Part 4**).

In all cases, it is the responsibility of the licensee to make sure that appropriate meters are purchased and installed in accordance with the current Standards. The *Tasmanian Standard for Non-Urban Water Meters 2014* provides for most meters that have already been installed (prior to 2014) under previous Standards to be “grandfathered” so long as they meet certain performance criteria, such as being “certified” to measure water volumes with an accuracy of +/- 5% of actual volumes and are installed and maintained in accordance with the “*manufacturers or reputable testing authority's meter installation design*”.

2.10 Departmental support during the verification process

The Department will work collaboratively with the RWUG and licensees during the verification and assessment process to ensure all eligible licensees have access to information and are provided an opportunity to understand how their case will be assessed and to provide the information required to receive their relevant historic use allocation in accordance with the Plan.

It is recommended that water users who are eligible to verify their historic water use commence metering water use and submit records and seek feedback from the Department as early on in the process as possible.

Early adoption of metering, keeping of records and communication with the Department about the meter validation and historic use verification process will support water users to understand how the process applies in their case and will provide confidence that the water use records they are keeping are adequate to support verification of their historic use.

3 QUESTIONS AND ANSWERS

This section provides further details in relation to specific terminology and issues regarding the verification process.

3.1 What is equivalency?

The verification process will provide an opportunity to demonstrate a case for ‘equivalency’ such that water users can receive the volume of historic summer use as a Surety 6 allocation that is equivalent to 100% of their historic use in 2004 under certain circumstances. For example, water users may provide evidence that their current water use in summer is less than their historic use (2000-2003) because they are now irrigating less area relative to 2004 (e.g. using 50% of their historic use because they are only irrigating 50% of the area that they irrigated in 2004), or they are using water from a new source in place of water that they historically accessed directly from the river (e.g. replaced historical direct takes with new storage developed since 2003 or new Irrigation Rights from Tasmanian Irrigation, etc.).

THE FOLLOWING EQUIVALENCY PRINCIPLES WILL APPLY

Based on the principle of historic use, it is valid to recognise historic use if it is not being used now. This will be conditional on historic use being verified – i.e. licensees will still need to meter and provide records of current use (from licensed takes and/or alternative sources) to verify equivalent use and to demonstrate how that historic use is being supplied and used now relative to 2004. For instance, if you are now using scheme water rights or water from a new storage that is equivalent to the historic use identified in the 2004 water use survey.

Assessment of equivalency will require a slightly more onerous level of record keeping. A brief description of your case for equivalency and crop records in addition to your meter records and a water account will be required for each summer take period. Both water use (from licence and/or alternative sources) and crop records are necessary information to support the equitable, accountable and transparent assessment of equivalency.

EQUIVALENCY – ONGOING RISK OF ALLOCATING UNUSED SURETY 6 WATER

Historic water users should be aware that there are added risks of allocating currently unused historic water based on the principle of equivalency.

It is not safe to assume that summer Surety 6 use can be 100% reliable as it may have been perceived to be in 2004. Current Surety 6 users and water users planning to recommence use of their Surety 6 water in the future should consider this risk. Full utilisation of currently unused historic use and any unused Surety 5 summer take allocations will potentially reduce reliability or volumes of access for all Surety 6 users.

As the volumes of Surety 6 summer period allocation available under the Plan are higher than what would normally be allocated in the summer take period there is a strong focus in the Plan on ensuring sustainable access through access rules. It is likely that ongoing high levels of active management, collaboration and accountability will be required to ensure that water continues to be accessed and taken in a sustainable way. It is very likely there will be years when Surety 6 historic use volumes may not be available in full.

3.2 What does adaptive management mean under the Plan?

The Plan sets out an adaptive management strategy that states that the sustainability of water extraction will be assessed at the end of the transition period (2021) prior to water being allocated, “...to ensure the sustainability of the level of water extraction [is] provided for”.

Ringarooma Water Management Plan – Part 6.4 Adaptive Management:

“An adaptive management approach will be employed under this Plan to ensure the sustainability of the level of water extraction [is] provided for. The monitoring of various river health parameters will enable two key outcomes:

- (a) confirmation that the taking of water is not harming the environment prior to granting ongoing water allocations at Surety Level 6;*
- (b) in the event that significant deterioration in river health or adverse impacts on environmental values, attributable to water extraction, are detected, this Plan will be reviewed.”*

If there is an unacceptable ongoing decline in river health that is attributable to water extraction volumes or patterns of extraction, and no evidence that decline is being addressed under current management arrangements, then a review of the Plan may be necessary.

Therefore, during the transition period (2015 – 2021), DPIPWWE will continue to collaborate with the Ringarooma Water Users Group to assess the sustainability of the current levels of allocation and patterns of water extraction under the existing Plan (including ongoing informal RWUG water sharing trials and arrangements to support sustainable extraction of water).

3.3 What is meant by water accountability and what are licensee’s obligations in Tasmania?

It is a requirement for all commercial water users to measure and keep records to adequately account for the water that they take against their entitlements. Thus, the onus of responsibility is on water users to be able to demonstrate that they are taking water in accordance with their water licence or other entitlements.

The verification process set out in this document is consistent with these basic water accountability requirements of all commercial water users in Tasmania. Guidelines and fact sheets to support water users to be accountable for the water they take are available on the DPIPWWE website www.dpipwe.tas.gov.au/water ([DPIPWE – Accounting for your water](#)). The guidelines can be used to support water users to flexibly plan and design recording systems to most effectively meet the needs of their individual businesses.

It should be noted that if water users do not have meters installed, they will still need to have other means to measure and record their take to meet general accountability requirements that apply to all water licensees in Tasmania. Metering may well be implemented as a specific requirement through licence conditions if water managers and users find that accountability to support water sharing can only be managed with meters. Meters are generally considered to be the most practical means of accurately measuring use.

3.4 Am I required to fit meters under the Plan?

Measuring take/use through a meter is a condition of eligibility for verification of historic use under the Plan. However, if water users do not wish to be eligible for verification of historic use (because they have no unlicensed historic use in the summer take period or choose not to be eligible) then currently there is no specific requirement for water meters to be used to measure water use, unless it is specified as a condition on their water licence.

3.5 How is temporary permission provided to authorise take of unlicensed historic use until April 2021?

A temporary authorisation (Temporary Water Allocation) has been provided to enable eligible licensees to continue to legally take unlicensed historic water in the summer take period (1 December – 30 April) during the transition period until the end of the 2020/21 irrigation season (30 April 2021).

The maximum volume water users are authorised to access under the TWA in the summer take period is up to the total volume of licensees' historic use identified in the 2004 Historic Use Survey. Most water users will have a significant portion of their historic summer use already provided for under existing Surety 5 summer take period allocation(s), or through access provided legally from other sources/entitlements such as irrigation scheme Rights and/or other winter allocations where water is taken into storage during the winter take period and used in summer, etc. The TWA only covers any unlicensed takes up to the total surveyed historic use amount in the summer take period in the event that water users do not have authorisation to access historic use in the summer take period.

TAKE PERMITTED BY TWA

Unlicensed = 2004 Surveyed Historic Use – Historic allocations/ entitlements
Take# (*plus new use since 2003) (*plus New allocations + Other Entitlements, etc)

Maximum permissible unlicensed take under TWA is up to 2004 Historic Use Survey volume

*Water users may need to account for and add any new use and corresponding new allocations or other water entitlements (irrigation rights etc) acquired since 2003.

4 FORMS

The following table outlines which forms are to be completed

FORMS	FORM A WATER ACCOUNT <i>plus, copy of your original water use record(s)</i>	FORM B METER DETAILS	FORM C CROP RECORDS
No change in water use since 2004	✓	✓	X
Changed water use since 2004 – requiring assessment of equivalency	✓	✓	✓

FORM B: METER DETAILS					
Meter Make/Type	Meter Model/ Size (pipe diameter)	Meter I.D. (Meter Serial No.)	Meter Location		Comments
			Easting (EEE EEE)	Northing (N NNN NNN)	
<p>I, _____, have installed and/or maintained the following meter(s), serial number(s) _____; _____; _____. I have read and understand the Tasmanian Non-Urban Water Meter Standard 2014 and can confirm that these meters comply with the Tasmanian Non-Urban Water Meter Standard 2014. I have verified that the meter(s) are "certified" as being able to measure water volumes with an accuracy of +/- 5% of actual volumes and are installed and maintained in accordance with the "manufacturers or reputable testing authority's meter installation design".</p> <p>INSTALLERS NAME: _____ SIGNED: _____ DATE: _____ COMPANY _____ NAME: _____ PHONE NUMBER: _____</p>					

FORM C – CROP RECORDS – double click on image of table below to open PDF

