

Consolidated Version

BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS – GWMWATER) ORDER 2010

Introduction:

This is a consolidated version of the Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010. It has been prepared from the original bulk entitlement (gazettal G S446 29/10/2010) and all subsequent amendments made under Division 1 of Part 4 of the **Water Act 1989** (the Act) up to 29 December 2021 (for details of amendments included see Appendix 1). Copies of the original bulk entitlement and each subsequent amendment can be found at:

<http://waterregister.vic.gov.au/water-entitlements/bulk-entitlements>.

This document has been created as a working record for staff of the Department of Environment, Land, Water and Planning, and may also be a convenient record for members of the public. Unless referenced specifically in Appendix 1, this document does not contain information about temporary qualifications of rights made under section 33AAA of the Act, or any transfer made under Division 1 of Part 4 of the Act.

Wherever five stars (as shown below) appears in the document, this indicates that the relevant clause/sub-clause or schedule has been deleted.

* * * * *

Disclaimer:

The Department of Environment, Land, Water and Planning does not provide any assurance of the correctness or accuracy of this record and any member of the public accessing it is referred to the instruments detailed in Appendix 1 from which it was compiled.

The Department of Environment, Land, Water and Planning disclaims all liability for any loss which may be occasioned by any person relying on this record.

WATER ACT 1989

BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS - GWMWATER) ORDER 2010

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 - INTRODUCTORY STATEMENTS

1. **CITATION**

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010.

2. **EMPOWERING PROVISIONS**

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. **COMMENCEMENT**

This Order comes into operation on the day it is published in the Government Gazette.

4. **DEFINITIONS**

In this Order –

"Act" means the **Water Act 1989**;

"Agreement" means the Murray Darling Basin Agreement;

"Basin Water Accounts" means an annual report, required by the water Minister, on compliance by entitlement holders and licensees, respectively, in the Wimmera, Mallee and Glenelg basins, with the terms of their bulk entitlements or licences;

"cap model" means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

"carryover" the volume of water allocated to entitlement holders that is authorised to be taken in a subsequent water season under a declaration made by the water Minister under sections 47DA and 48 MA of the Act;

"Coliban Water" means Coliban Region Water Corporation;

"dead storage" means the water stored in reservoirs which the storage manager deems to be inaccessible for release for consumptive use in any given year;

"Department" means the Department supporting the water Minister administering the **Water Act 1989**;

* * * * *

"entitlement holder" means the holder of a bulk entitlement or environmental entitlement in the Wimmera-Mallee system;

"Glenelg basin" means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

"Glenelg River compensation flow annual operating plan" means the plan to release water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir prepared in accordance with clause 14;

"GWMWater" means Grampians Wimmera Mallee Water Corporation;

"headworks" means the water supply works of the waterways, reservoirs, weirs, transfer channels and associated structures listed in Schedule 3;

"MDBA" means the Murray Darling Basin Authority, or any business division of the Authority or that Authority's assignee or delegate exercising any relevant function;

"Murray-Darling Basin cap" means the arrangements introduced by the Murray-Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray-Darling Basin and as defined in the **Water Act 2004 (Cwlth)** Schedule 1- The Murray-Darling Basin Agreement, Schedule E;

"offtake point" means any or all of the locations specified in Schedule 5 for taking water under this Order;

"recreation lakes water supply plan" means a plan prepared by GWMWater under clause 15;

"reserve" means the volume of water calculated by the storage manager in accordance with the rules provided in Schedule 6;

"resource manager" means a person appointed by the water Minister under section 43A of the Act to be the resource manager for the Wimmera, Avoca, and Glenelg basins;

"storage manager" means any Authority appointed by the water Minister under section 122ZK of the Act to carry out any of the functions specified under Part 6C of the Act for the Wimmera-Mallee system;

"system operating water" means the water used to meet losses in the Wimmera-Mallee system;

"Wannon Water" means Wannon Region Water Corporation;

"water allocation" has the meaning given to it in section 3 of the Act;

"Water Holder" has the same meaning as provided for under section 3(1) of the Act;

"water Minister" means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under s 306 of the Act;

"waterway" means any or all of –

- (a) the Wimmera River and its tributaries upstream of Lake Hindmarsh, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs; and
- (d) the Avon and Richardson Rivers upstream of and including Rich Avon weir;

"Wimmera basin" means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

"Wimmera-Mallee system" means the waterway and the headworks;

"year" means the 12 months next following 1 July.

PART 2 - ENTITLEMENT

5. GRANTING OF A BULK ENTITLEMENT

GWMWater's entitlement to water from the Wimmera-Mallee system is granted on the conditions set out in this Order.

6. BULK ENTITLEMENT

6.1 GWMWater may take up to 126,050 ML each year from the waterway in order to supply the primary entitlements in Schedule 1, subject to the water allocation determined in accordance with clause 7.

6.2 For the purposes of sub-clause 6.1, water taken under this Order includes water supplied to another water system as a result of –

- (a) an entitlement issued in respect of the Wimmera-Mallee system being transferred; or
- (b) a water allocation under an entitlement described in Schedule 1 being assigned or applied to another entitlement under Division 1A of Part 4 of the Act.

PART 3 – WATER AVAILABLE

7. WATER ALLOCATION

The storage manager must –

- (a) determine the water allocation for GWMWater’s entitlements in Schedule 1 applying the method and rules in Schedule 2;
- (b) inform GWMWater of the water allocation determined under paragraph (a); and
- (c) make available to GWMWater the method and calculations and any other information used to determine the water allocation.

8. SHARE OF STORAGE CAPACITY

8.1 GWMWater is entitled to store water in the headworks up to the amounts and full supply levels listed in Schedule 3.

8.2 If for any reason the storage manager declares a changed storage capacity, the storage manager must–

- (a) adjust GWMWater’s share of the storage capacity accordingly; and
- (b) advise all entitlement holders of the changed capacity.

9. SHARE OF INFLOW

9.1 In order to supply the primary entitlements in Schedule 1, GWMWater may store all the inflow to the headworks, subject to –

- (a) the passing flow requirements of any entitlement granted to the Water Holder; and
- (b) the operating arrangements developed in clause 12.

9.2 GWMWater must not take, as part of this entitlement, any flow in the waterway which is being transferred by any other entitlement holder.

PART 4 - GENERAL CONDITIONS AND PROVISIONS

10. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS

Water taken from the Wimmera-Mallee system under this Order must be used to supply the primary entitlements listed in Schedule 1 subject to the water allocation determined in accordance with clause 7.

11. TAKING WATER

11.1 GWMWater may take water to which it is entitled under this Order at –

- (a) the offtake points and at the rates specified in Schedule 5; or
- (b) such other off-take points and rates as are, at the request of GWMWater, agreed to in writing by the water Minister.

- 11.2 For the purpose of clause 6, the water taken by GWMWater is –
- (a) the total volume of water taken at the off-take points referred to in sub-clause 11.1; less
 - (b) the total volume of water returned to the waterway as:
 - (i) a compensation flow under clause 14; and
 - (ii) an environmental flow under any entitlement granted to the Water Holder.

12. OPERATING ARRANGEMENTS

- 12.1 GWMWater, jointly with the storage manager and the other entitlement holders must endeavour to agree on operating arrangements for supplying water from the Wimmera-Mallee system under this entitlement.
- 12.2 If GWMWater, the storage manager and the other entitlement holders have not reached agreement under sub-clause 12.1 within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 16.
- 12.3 GWMWater, the storage manager and the other entitlement holders may agree to vary the operating arrangements from time to time.
- 12.4 The storage manager and entitlement holders must have regard to clause 1A of the Wimmera and Glenelg Rivers Environmental Entitlement 2010 when agreeing to vary operating arrangements under sub-clause 12.3 of this entitlement.

13. REVIEW OF STORAGE MANAGEMENT RULES

- 13.1 GWMWater, jointly with the other entitlement holders and in consultation with the Department, must request the storage manager to review the operation of the Wimmera-Mallee system to assess its performance against the storage management objectives in clause 24 of this Order –
- (a) when rights to water in the Wimmera-Mallee system headworks have been qualified by the water Minister in accordance with the Act to supply entitlement holders' critical needs; or
 - (b) if two or more entitlement holders so request; or
 - (c) before 31 March 2019.
- 13.1A Upon receiving a request to carry out a review under sub-clause 13.1, the storage manager may -
- (a) initiate the review jointly with entitlement holders and the Department; or
 - (b) refuse the request if it does not think a review is necessary.
- 13.1B The storage manager must set out the reasons for refusing a request in writing to entitlement holders and the water Minister.
- 13.1 The review must –

- (a) take into account all data and information that is available at that time, including:
 - (i) data collected by the storage manager on water flows and losses in the Wimmera-Mallee system;
 - (ii) data collected by the entitlement holders on water supplied to their main customer groups; and
 - (iii) up to date research findings on the impacts of climate change on rainfall, evaporation and stream flows in south east Australia as it affects the Wimmera-Mallee system;
 - (b) support its findings using the version of the Wimmera-Mallee system model agreed to by the entitlement holders and the Department, updated to include:
 - (i) the data collected in paragraph 13.1(a);
 - (ii) the storage management rules applying at the time of the review; and
 - (iii) any changes to the capacities of the headworks;
 - (c) report on the findings and recommend any changes to operating arrangements and storage management rules needed to improve efficiency of operation and achievement of the storage management objectives.
- 13.2 The storage manager must make copies of the report prepared in paragraph 13.1(c) available to all entitlement holders and the Department.

14. OBLIGATION TO SUPPLY THE GLENELG RIVER COMPENSATION FLOW

- 14.1 GWMWater must direct the storage manager to release the water allocation for the Glenelg River Compensation Flow for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir in accordance with the annual operating plan prepared under sub-clause 14.2.
- 14.2 Glenelg-Hopkins Catchment Management Authority must prepare an annual operating plan each year in consultation with the Water Holder and the storage manager and the plan must include –
- (a) the rates at which the water is to be released, the period over which the water is to be released, and the locations from which the water is to be released; and
 - (b) the arrangements for varying the plan if conditions change during the year.
- 14.3 If Glenelg-Hopkins Catchment Management Authority has not prepared a plan under sub-clause 14.2 before 1 November in any year, the storage manager must commence release of the compensation flow allocation on 1 November at a uniform continuous rate calculated for the period between 1 November and 30 April next or in accordance with a temporary release plan prepared by Glenelg-Hopkins Catchment Management Authority in consultation with the storage manager.

15. OBLIGATION TO SUPPLY RECREATION LAKES

- 15.1 GWMWater must supply the Recreation primary entitlement in Schedule 1 for recreation lakes in the area formerly supplied by the Wimmera-Mallee channel system

in accordance with the recreation lakes water supply plan prepared under sub-clause 15.2.

- 15.2 GWMWater must prepare a recreation lakes water supply plan each year in consultation with the persons and agencies representing the local community in the area supplied by the Wimmera-Mallee Pipeline.
- 15.3 The plan must specify the principles and rules for supply to the recreation lakes including –
- (a) a list of the recreation lakes nominated to receive a supply and their location;
 - (b) the priority for supply to each of the recreation lakes for a range of water allocations;
 - (c) the timing and method for supplying the recreation lakes;
 - (d) the cost of supplying the recreation lakes including the cost of any additional infrastructure required; and
 - (e) the persons or agencies responsible for paying the cost of infrastructure and supply.
- 15.4 GWMWater must –
- (a) make a copy of the recreation lakes water supply plan available to any person on request; and
 - (b) inform the local community of the volume of water to be supplied to each of the recreation lakes under the recreation lakes water supply plan.

16. **DISPUTE RESOLUTION**

- 16.1 If a difference or dispute arises between GWMWater, the storage manager or the resource manager, or any of them, concerning the interpretation or application of this Order, a party may give written notice to the other party requiring the matter to be determined by an independent expert.
- 16.2 If a difference or dispute arises between GWMWater and another entitlement holder, concerning the interpretation or application of this Order, GWMWater may give written notice to the other entitlement holder requiring the matter to be determined by an independent expert.
- 16.3 If a difference or dispute arises between GWMWater and another entitlement holder, concerning the interpretation or application of this Order, and the other entitlement holder gives written notice to GWMWater requiring the matter to be determined by an independent expert, GWMWater must comply with the notice.
- 16.4 The notice requiring the matter be determined by an independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
- 16.5 The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators and Mediators, Australia.

- 16.6 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but may extend the period for reaching a conclusion on the matter by a further 30 days.
- 16.7 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 16.8 In any difference or dispute to which the water Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the water Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for issuing a notice of contravention under s47A of the Act.
- 16.9 In any difference or dispute to which the water Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 16.10 GWMWater may request the water Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

PART 5 - MONITORING WATER TAKEN

17. METERING PROGRAM

- 17.1 GWMWater must, in consultation with the storage manager, propose to the water Minister within twelve months of the date of this Order, an updated metering program to demonstrate GWMWater's compliance with this Order.
- 17.2 The metering program proposed in sub-clause 17.1 must be prepared in accordance with any guidelines issued by the water Minister for preparation of metering programs.
- 17.3 A proposal under sub-clause 17.1 must include details of any existing or proposed arrangements made by GWMWater for any person other than GWMWater to measure or to calculate flows.
- 17.4 The water Minister may –
- (a) approve a program proposed under sub-clause 17.1; or
 - (b) require GWMWater to amend the proposed program; or
 - (c) not approve the proposed program.
- 17.5 The water Minister may, at any time, require GWMWater to –
- (a) review the program approved by the water Minister if, in the water Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the water Minister.
- 17.6 GWMWater must, at its cost and in accordance with any guidelines issued from time to time by the water Minister –
- (a) implement and maintain any metering program approved by the water Minister;
 - (b) maintain metering equipment and associated measurement structures in good condition;

- (c) ensure that metering equipment is periodically re-calibrated;
- (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
- (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

18. REPORTING REQUIREMENTS

18.1 GWMWater may be required to report on all or any of the following matters, as provided in this clause –

- (a) the daily amount of water taken under this entitlement at each of the offtake points;
- (b) the annual amount of water taken under this entitlement at each of the offtake points;
- (c) the annual amount of water supplied by GWMWater to each of the primary entitlement holders listed in Schedule 6;
- (d) the final water allocation to GWMWater for the year under this Order;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 17.4;
- (f) any transfer of an entitlement or assignment of all or part of this bulk entitlement;
- (g) any bulk entitlement, licence or water right, entitlement or assignment transferred to the GWMWater supply systems under this Order;
- (h) any amendment to this Order;
- (i) any new bulk entitlement granted to GWMWater with respect to the GWMWater supply systems under this Order;
- (j) any failure by GWMWater to comply with any provision of this Order; and
- (k) any existing or anticipated difficulties experienced by GWMWater in complying with this Order and any remedial action taken or proposed by GWMWater.

18.2 The water Minister may require GWMWater to report on all or any of the matters set out in sub-clause 18.1 –

- (a) in writing, or in such electronic form as may be agreed between GWMWater and the water Minister; and
- (b) within 14 days of receiving the water Minister's written request or such longer period as the water Minister may determine.

18.3 GWMWater must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 18.1, except paragraph (a).

19. DATA

19.1 Subject to sub-clause 17.6, the water Minister will use the water Minister's best endeavours to ensure that all hydrological and other data required by GWMWater to comply with this Order are made available to GWMWater.

- 19.2 GWMWater must make available to any person data collected by or on behalf of GWMWater for the purpose of clause 17 or 18 subject to the person paying any fair and reasonable access fee imposed by GWMWater to cover the costs of making the data available to that person.

PART 6 - FINANCIAL OBLIGATIONS

20. HEADWORKS COSTS

- 20.1 GWMWater must pay a share of the headworks costs in any year, whether or not GWMWater takes water in that year.
- 20.2 The amount of GWMWater's share of costs under sub-clause 20.1 is dependent on any price determination made by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**, subject to any existing agreement between GWMWater and the storage manager, including an option to extend that agreement.
- 20.3 Before undertaking any new or enhancement work to the headworks, the storage manager must consult with all entitlement holders likely to be affected by the works.

21. WATER RESOURCE MANAGEMENT COSTS

- 21.1 Subject to sub-clause 22.1, GWMWater must pay the resource manager the proportion as determined under sub-clause 21.2 of the costs incurred by the resource manager in performing the tasks relating to this Order specified in the relevant instrument of appointment.
- 21.2 The proportion of the costs referred to in sub-clause 21.1 is to be determined by the resource manager.
- 21.3 Where the resource manager provides a regulated service for the purposes of section 4A of the **Water Industry Act 1994**, the charges to be paid by the Corporation to the resource manager are to be determined by the Essential Services Commission in accordance with Part 1A of the **Water Industry Act 1994**.

22. DUTY TO KEEP ACCOUNTS AND PROVIDE ESTIMATES

- 22.1 GWMWater is not obliged to make any payment to –
- (a) the storage manager under clause 20; or
 - (b) the resource manager under clause 21,
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 22.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage manager in respect of clause 20; and
 - (b) the resource manager in respect of clause 21.
- 22.3 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 21.1, in the ensuing year.

- 22.4 The storage manager must, by 31 March in any year, provide entitlement holders with an estimate of amounts payable in sub-clause 20.1, in the ensuing year.

PART 7 – OTHER STORAGE MANAGER OBLIGATIONS

23. WATER ALLOCATION

The storage manager must –

- (a) determine the water allocation for the entitlement holders in Schedule 1 applying the method and rules in Schedule 2;
- (b) inform entitlement holders of the water allocation determined under paragraph 7(a); and
- (c) make available to entitlement holders the method and calculations and any other information used to determine the water allocation.

24. STORAGE MANAGEMENT OBJECTIVES

- 24.1 The storage manager must achieve the following objectives when carrying out its storage management functions:

- (a) (Structures) To direct operations to ensure that the structural and operational integrity of the Wimmera-Mallee system headworks is maintained.
- (b) (Bulk entitlements) To deliver water to entitlement holders in a timely, transparent and efficient manner.
- (c) (Accounts) To account for the water stored and water flows in the Wimmera-Mallee system headworks and for the water taken by entitlement holders.
- (d) (Water security) To maintain and, when the need arises, to enhance, the security of supply of water to entitlement holders with particular emphasis on contingency planning to avoid water shortages and measures to reduce water losses in the Wimmera-Mallee system headworks.
- (e) (Water trade) To facilitate the transfer of water entitlements and allocations between entitlement holders.
- (f) (Environmental watering) To facilitate the implementation of environmental watering activities.
- (g) (Other environmental outcomes) To facilitate the achievement of environmental outcomes, and mitigate significant adverse environmental events, such as fish kills, unseasonal watering, algal blooms, river bank erosion and acidification.
- (h) (Water quality) To manage water quality in the Wimmera-Mallee system headworks so that it is fit for purpose for urban, irrigation, industrial, stock and domestic, and environmental use.
- (i) (Recreation) To provide opportunities for recreation activities in the Wimmera-Mallee system headworks where that is compatible with other objectives.
- (j) (Floods) To manage floods in the Wimmera-Mallee system headworks to conserve water and manage impacts on communities, including the supply of

water to recreational lakes where this is compatible with the environmental objectives.

- (k) (Aboriginal cultural heritage) To facilitate the protection of Aboriginal cultural heritage, in accordance with relevant cultural heritage management plans and by other means.

25. STORAGE MANAGEMENT RULES

- 25.1 The storage manager must, in consultation with entitlement holders and the Department, establish and maintain storage management rules approved by the water Minister which satisfy the objectives in sub-clause 24.1 for operation of the Wimmera-Mallee system headworks.
- 25.2 The water Minister may require the storage manager to:
 - (a) review the storage management rules approved by the water Minister if, in the water Minister's opinion, they are, at any time, no longer appropriate; and
 - (b) propose amended storage management rules to the water Minister.
- 25.3 The storage manager must:
 - (a) supply all entitlement holders, the Department and the resource manager with the most up-to-date version of the rules; and
 - (b) operate the Wimmera-Mallee system headworks in accordance with the rules.
- 25.4 The storage manager must review and update the rules approved by the water Minister under paragraph 25.1 at least annually to ensure the rules are still relevant and clear to all parties.
- 25.5 The storage manager must propose the updated rules prepared under sub-clause 25.4 to the water Minister.
- 25.6 The water Minister may:
 - (a) approve the updated storage management rules proposed under sub-clause 25.5; or
 - (b) require the storage manager to amend the proposed storage management rules.
- 25.7 In reviewing the rules under sub-clause 25.4, the storage manager must:
 - (a) adopt any rule proposed by a holder of a bulk entitlement in accordance with their entitlements, subject to sub-clauses 25.8 to 25.11; and
 - (b) consult with other entitlement holders and parties likely to be affected by the rules.
- 25.8 Within three months of the date a proposal is submitted under paragraph 25.7(a), or such other time as agreed by the parties, the storage manager must determine whether or not to adopt the rule.
- 25.9 Within the time period applying under sub-clause 25.8 for a determination on a proposal submitted under paragraph 25.7(a), the storage manager must provide all entitlement holders with a written justification of the determination, including the principles behind the determination and where applicable:
 - (a) the impact on the reliability of supply for each entitlement holder;
 - (b) the impact on environmental flows; and

(c) the cost-benefit trade-offs associated with the rule.

25.10 In the event the storage manager determines not to adopt a rule submitted under paragraph 25.7(a), the storage manager must report to all entitlement holders on the reasons for the determination, including referencing any regulatory or contractual obligations that would not be met if the rule had been adopted.

25.11 The storage manager may develop guidelines which describes the format and content of documentation to accompany a proposal under paragraph 25.7(a).

26. OPERATING PLAN

26.1 In accordance with the bulk entitlements and environmental entitlements granted under the Act for water taken from the Wimmera-Mallee system headworks, the storage manager must prepare an operating plan for the purpose of operating the storages to meet the objectives in sub-clause 24.1.

26.2 The plan must:

- (a) be consistent with any storage management rules prepared under clause 25 of this Order;
- (b) be prepared in consultation with all entitlement holders and other interested parties likely to be affected by the plan;
- (c) have regard for the:
 - (i) Water Holder's planning and decision making for the release of water under the environmental entitlement.
 - (ii) GWMWater's Glenelg River compensation flow operating plan;
 - (iii) GWMWater's recreation lakes water supply plan; and
 - (iv) the recommendations of any audit received under clause 27,
- (d) be prepared annually;
- (e) include forecast operating scenarios which:
 - (i) are based on a range of possible climatic conditions;
 - (ii) include contingency plans to avoid the need for temporary qualification of rights under severe water shortage; and
 - (iii) nominate the storages from which supply to each entitlement holder is anticipated,
- (f) state what the water quality targets are for that year and the operating strategies to achieve them;
- (g) include a multi-year outlook; and
- (h) be made available to entitlement holders on request.

26.3 The storage manager must:

- (a) implement the plan;
- (b) update the plan from time to time in response to:
 - (i) changes to the assumptions on which the plan is based; and
 - (ii) changes to the storage management rules; and

- (c) report monthly and annually to entitlement holders on the operation of the Wimmera-Mallee system headworks against the plan, including any failure to operate in accordance with the plan;
- (d) meet with entitlement holders at least annually to discuss and review the plan; and
- (e) assist the entitlement holders with any reasonable request associated with the plan.

27. AUDIT OF OPERATING PLAN

- 27.1 An entitlement holder may, at their own expense, arrange an independent audit of the operating plan.
- 27.2 If an entitlement holder arranges an audit under sub-clause 27.1, the entitlement holder must provide completed copies of the completed audit to all other entitlement holders and the storage manager.

28. ENVIRONMENTAL OBLIGATIONS

- 28.1 The storage manager must, in consultation with all entitlement holders, provide to the water Minister a program to assess and manage the environmental effects of operating the weirs and harvesting storages, including:
- (a) the effects on the bed and banks of the waterways in the vicinity of the reservoirs and weirs;
 - (b) the effects on aquatic biota in the waterway;
 - (c) operational practices to remove silt from the reservoirs and weirs;
 - (d) operating practices to manage the water quality, including temperature, in the reservoirs and weirs and in the waterway;
 - (e) operating rules to control releases from the reservoirs and weirs to the waterways; and
 - (f) operating rules for managing flood flows through the reservoirs.
- 28.2 The water Minister may:
- (a) approve the program proposed under sub-clause 28.1; or
 - (b) require the storage manager to amend the proposed program; or
 - (c) require the storage manager to:
 - (i) review the program approved by the water Minister if, in the water Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) propose an amended program to the water Minister.
- 28.3 The storage manager must:
- (a) implement the approved environmental management program; and
 - (b) keep a record of all work undertaken under paragraph (a).

29. METERING, MEASURING AND REPORTING

29.1 The storage manager must:

- (a) establish and maintain accounts of:
 - (i) the water stored and water flows in the Wimmera-Mallee system headworks; and
 - (ii) water allocated to entitlement holders and the water taken by them:
- (b) allow entitlement holders to inspect the accounts on request.

29.2 The storage manager must, on request:

- (a) assist entitlement holders to update their metering programs to demonstrate compliance with their bulk entitlements to water in the Wimmera-Mallee system headworks; and
- (b) provide entitlement holders with access to operational data for the Wimmera-Mallee system headworks to enable them to meet their reporting obligations under their entitlements.

30. KEEPING FINANCIAL ACCOUNTS

The storage manager must:

- (a) establish and maintain an account to identify the costs of undertaking the storage manager functions;
- (b) by 31 March in any year, provide entitlement holders with an estimate of their share of the amounts payable for undertaking the storage manager functions in the ensuing year; and
- (c) allow entitlement holders to inspect the account on request.

31. REVIEW OF THE STORAGE MANAGER OBLIGATIONS IN PART 7 OF THIS ORDER

31.1 An entitlement holder may submit a proposal to the water Minister to consider changes to the storage manager obligations in clauses 23 to 30 of this Order.

31.2 In preparing a proposal under sub-clause 31.1, the entitlement holder must:

- (a) appoint a person to conduct the review with the agreement of the other entitlement holders and the storage manager;
- (b) pay the cost of the review unless the other entitlement holders and the storage manager agree otherwise; and
- (c) consult with the other entitlement holders and the storage manager.

31.3 The proposal in sub-clause 31.1 must include:

- (a) justification for the proposal; and
- (b) the views of the other entitlement holders and the storage manager on the outcome of the review.

31.4 The water Minister may:

- (a) accept the proposal and amend clauses 23 to 30 in the Order in accordance with the Act; or
- (b) require the entitlement holder to submit an amended proposal to the water Minister; or
- (c) not accept the proposal.

Dated: 26/10/2010

Tim Holding
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

SCHEDULE 1. PRIMARY ENTITLEMENTS

The primary entitlements relevant to this bulk entitlement are:

Entitlement	Volume (ML)
Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010	
System operating water:	
- Pipeline and balancing storage losses	2,960
Commonwealth Environmental Water Holder	28,000
Glenelg compensation flow	3,300
Recreation	3,090
Wimmera-Mallee Pipeline product	44,720
Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Order 2010	
Wimmera-Mallee Pipeline product	300
Bulk Entitlement (Wimmera and Glenelg Rivers – Wannon Water) Order 2010	
Wimmera-Mallee Pipeline product	2,120
Wimmera and Glenelg Rivers Environmental Entitlement 2010	
Wetlands	1,000
Wimmera-Mallee Pipeline product	40,560
Total	126,050

SCHEDULE 2. WATER ALLOCATION RULES

1. PURPOSE

The purpose of this Schedule is to provide rules for determining the water allocation.

2. MAKING WATER ALLOCATIONS

2.1 In July and in each subsequent month until the maximum allocation for entitlements in Table 1 of this Schedule is reached, or at such other times as the storage manager believes it to be required, the storage manager must determine the water available to meet the entitlements in Table 1 of this Schedule, and bulk entitlement holders' share of that water in accordance with the following steps.

2.2 To determine the water available to meet entitlements, the storage manager must take the lower of –

- (a) the resources that could be diverted from the Wimmera-Mallee system, determined in accordance with clause 3 of this Schedule; and
- (b) the amount of water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap, as determined in clause 4 of this Schedule.

2.3 The storage manager must –

- (a) use the water available as determined in accordance with sub-clause 2.2 to determine the water allocation to primary entitlements in Schedule 1; and
- (b) inform the entitlement holders of the water allocation determined under paragraph 2.3(a), and at the same time make available the method and calculations and any other information used to determine the water allocation.

Table 1 Shares of water available

WATER AVAILABLE (ML)	A 126,050	B 98,050	C 75,971	D 53,459	E 45,253	F 0
Grampians Wimmera Mallee Water						
System operating water:						
Pipeline and balancing storage losses	2,960	2,960	2,960	2,960	2,960	0
Commonwealth Environmental Water Holder	28,000	0	0	0	0	0
Glenelg compensation flow	3,300	3,300	825	50	50	0
Recreation	3,090	3,090	648	0	0	0
Wimmera-Mallee Pipeline Product	44,720	44,720	36,352	25,725	21,540	0
Coliban Water						
Wimmera-Mallee Pipeline Product	300	300	244	173	145	0
Wannon Water						
Wimmera-Mallee Pipeline Product	2,120	2,120	1,723	1,220	1,021	0
Environment						
Wetlands	1,000	1,000	250	0	0	0
Wimmera-Mallee Pipeline Product	40,560	40,560	32,970	23,332	19,537	0

Notes to Table 1:

1. All numbers in the table are in ML.
2. If the volume of water available is greater than shown for column A, the share is equal to the volume shown in column A
3. If the volume of water available is between any two columns, the share is linearly interpolated between the shares in the adjacent columns.
For example, if there is 60,000 ML of water available (between columns C and D), Wannon Water's share is equal to:
$$[(1,723-1,220) \times (60,000-53,459) / (75,971-53,459)] + 1,220 = 1,366 \text{ ML}$$
4. The calculation in Note 3 is to be rounded to the nearest whole number.

3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT YEAR

- 3.1 The storage manager must, in determining water allocations, make an assessment of the resources that could be diverted from the headworks in the current year using the method outlined in Table 2 of this Schedule.

Table 2 Method for estimating the resources that could be diverted

Available water in month i	=	measured total volume in Headworks Reservoir at the start of month i
	-	estimate of total dead storage
	-	the volume of carryover and any accumulated passing flows defined under the Schedule 1 of the Wimmera and Glenelg Rivers Environmental Entitlement Order 2010
	+	an estimate of harvestable inflows and pick-up from start of month i to 30 June next
	+	the measured total amount of water released from headworks from 1 July last to the start of month i
	-	the volume of reserve
	-	the estimated headworks losses from the start of month i to 30 June next

- 3.2 In making the assessment in sub-clause 3.1, the storage manager must –
 - (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the estimates of headworks losses; and
 - (iii) the estimated dead storage,
 - (b) make available to all entitlement holders the information used to apply the method.

4. APPLYING THE MURRAY-DARLING BASIN CAP

- 4.1 If the volumes of water diverted each year from the Wimmera-Mallee system as determined by the storage manager in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –

- (a) the limit established in the Agreement;
- or, in the absence of any limit in the Agreement,
- (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –

then action must be taken in accordance with this clause.

4.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the water Minister such appropriate action to avoid the limit being reached as they see fit, and the water Minister may approve such action, with any modifications the water Minister considers necessary.

4.3 If no appropriate action is approved by the water Minister under sub-clause 4.2 –

- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be –
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and
 - (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements,
- (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

5. * * * * *

SCHEDULE 3. HEADWORKS

Reservoirs	Bulk Entitlement operating figures			
	Full supply level		Maximum operating level**	
	Capacity (ML)	Australian Height Datum (metres)	Capacity (ML)	Australian Height Datum (metres)
Lake Bellfield	78,550	276.50	78,550*	276.50*
Lake Fyans	18,460	203.8	18,460	203.8
Lake Lonsdale	65,000	187.62	53,000	187.12
Moora Moora	6,290	219.95	6,290	219.95
Rocklands	348,310	195.47	296,000	194.67
Taylor's Lake	27,060	144.66	27,060*	144.66*
Toolondo	92,430	165.93	46,200	161.01
Lake Wartook	29,360	441.69	29,360	441.69
Mt Cole	801	667.55	801	667.55
Langhi Ghiran	45	498.80	45	498.80
Panrock	57	335.28	57	335.28
Weirs				
Distribution Heads	NA	NA	NA	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA	NA	NA
Fyans Creek diversion weir (2x weir in total)	NA	NA	NA	NA
Fyans Creek diversion weir (Radial Gates)	NA	NA	NA	NA
Glenelg Diversion Channel Weir	NA	NA	NA	NA
Huddlestons weir	NA	NA	NA	NA
Mount Zero channel diversion weir	NA	NA	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA	NA	NA
Stewarts Weir	NA	NA	NA	NA
Transfer channels, other weirs and associated structures				
Burnt Creek channel	600	NA	NA	NA
Bungalally Creek	30	NA	NA	NA
Fyans Creek diversion channel	800	NA	NA	NA
Fyans inlet channel	200	NA	NA	NA
Fyans outlet channel	120	NA	NA	NA
Lonsdale bypass channel	360	NA	NA	NA
Lubeck Loop	245	NA	NA	NA
Moora channel	50	NA	NA	NA
Mt Zero channel	35	NA	NA	NA
Rocklands Outlet channel	625	NA	NA	NA
Toolondo channel	380	NA	NA	NA
Wimmera Inlet channel	1,600	NA	NA	NA
Green Lake (Horsham)	5,350	135.70	5,350	135.70

NOTES: N/A means 'not applicable'; * Subject to flood target curves described in the storage management rules; and ** As defined in the storage management rules.

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera-Mallee system¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Year: July to June

Total diversions	=	Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
-------------------------	---	--

Where:

Diversions components

Rural water authority bulk entitlements	=	The sum of all diversions taken under GWMWater’s bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes, wetlands formerly supplied by the channel system, supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on GWMWater’s data base and estimates where unmetered. (Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the Glenelg River compensation flows entitlement, the Commonwealth Environmental Water Holder entitlement and the Wimmera and Glenelg Rivers environmental entitlement.)
Unregulated urban bulk entitlements	=	The sum of all diversions taken under GWMWater’s unregulated bulk entitlements to supply towns (part Ararat , Great Western, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on GWMWater’s database and estimates where unmetered.
Unregulated licences	=	The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the GWMWater database and estimates where unmetered. (Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)

¹ For the purposes of the Murray Darling Basin cap, the Wimmera-Mallee system includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers

SCHEDULE 5. OFFTAKE POINTS, ANNUAL AMOUNTS AND MAXIMUM RATES OF TAKING WATER

Waterway/works	Offtake point	Maximum rate	Areas supplied
MacKenzie River	Dad and Dave Weir	35 ML/day	GWMWater's supply via the Mt Zero channel to: <ul style="list-style-type: none"> - Mt Zero water treatment plant (Horsham and Natimuk) - D&S diverters
Moora Moora Channel	Brimpaen Storages ¹		GWMWater's supply to Wimmera-Mallee Pipeline customers on supply system 6
Rocklands-Toolondo channel	Licensed diversion offtakes		GWMWater's supply to D&S diverters
Taylors Lake	Taylors Lake outlet		GWMWater's supply from Taylors Lake to: <ul style="list-style-type: none"> - recreation lakes; and - Wimmera-Mallee Pipeline customers on supply systems 1, 2, 3, 4, and 6.
Rocklands Reservoir	Rocklands offtake		GWMWater's supply to Supply-by-Agreement customers. GWMWater's obligation to release the water allocation for the Glenelg Compensation Flow.
Lake Fyans	Lake Fyans outlet		GWMWater's supply to towns and Supply-by-Agreement customers
Lake Bellfield	Lake Bellfield outlet or tail gauge.		GWMWater's supply from Lake Bellfield to: <ul style="list-style-type: none"> - towns direct off Wimmera-Mallee system headworks; - recreation lakes; and - Wimmera-Mallee Pipeline customers on supply systems 1, 2, 3, 4 and 7.
Upper Fyans Creek	Stawell Diversion Weir (2 No.)		GWMWater's supply to Stawell
Spring Creek	Mt Cole Reservoir		GWMWater's supply to: <ul style="list-style-type: none"> - Supply-by-Agreement customers - Ararat
Easter Creek	Langhi Ghiran Reservoir		GWMWater's supply to: <ul style="list-style-type: none"> - Supply-by-Agreement customers - Ararat
Panrock Creek	Panrock Reservoir		GWMWater's supply to: <ul style="list-style-type: none"> - Supply-by-Agreement customers - Great Western

¹ This offtake point can also be supplied from Lake Wartook and the MacKenzie River via Distribution Heads.

SCHEDULE 6. RESERVE RULE

1. PURPOSE

The purpose of this Schedule is to define the reserve rule the storage manager must apply when determining the resources that could be diverted from the Wimmera-Mallee system in paragraph **Error! Reference source not found.** of Schedule 2 of this Order.

2. RESERVE RULE

2.1 The storage manager may develop a rule for calculating the volume of reserve or amend an existing reserve rule.

2.2 The objectives of the reserve rule developed or amended in paragraph 2.1 of this Schedule are to:

- (a) maintain the security of supply of water to entitlement holders; and
- (b) in the event of a very dry year occurring within the planning horizon of at least two years, provide enough system operating water to allow the storage manager to supply water to primary entitlement holders from the Wimmera-Mallee system.

2.3 Before the reserve rule developed or amended in paragraph 2.1 of this Schedule can be included in the storage management rules prepared or updated under clause 25 of this Order, the storage manager must:

- (a) provide all entitlement holders with a written report on the justification for the rule, including:
 - (i) the impact on the reliability of supply for each entitlement holder; and
 - (ii) the impact on environmental flows;
- (b) obtain the agreement of all entitlement holders to the rule.

3. DEFAULT RESERVE RULE

Until a reserve rule has been developed under paragraph 2 of this Schedule, the storage manager must adopt the default rule described in the following steps:

- (a) The reserve volume to be used depends on the volume of available water as shown in Table 1 below.
- (b) At the start of the year, the reserve volume to be used is shown in the column 'Starting reserve' in Table 1 below.
- (c) After the start of the year, the allocation must not be increased until the reserve volume is equal to the value shown in the column 'Target reserve' in Table 1 below.
- (d) Once the target reserve volume has been reached, any increase in water resources is to be used to increase the volume of available water.
- (e) The volume of available is increased until it equals the next highest level in Table 1 associated with a new target reserve, and the steps should be re-applied starting with step (c).

Column in Table 1 of Schedule 2	Available water (ML)	Reserve volume (ML)	
		Starting reserve	Target reserve
A	126,050	94,500	94,500
B	98,050	45,000	94,500
C	75,971	15,000	45,000
D	53,459	0	15,000
E, F	0 to 53,459	0	0

Notes to table:

- (i) The method for calculating available water is set out in paragraph 3 of Schedule 3.
- (ii) If the volume of available water is greater than shown for column A, the reserve is equal to the volume shown in column A.
- (iii) If the volume of available water is between any two rows, the reserve is taken to be the volume associated with the lower of the two rows. For example, if the available water is 70,000 ML (between columns C and D), the starting reserve is 0 ML and the target reserve is 15,000 ML.
- (iv) The calculation in Note (iii) is to be rounded to the nearest whole number.

APPENDIX 1

Below is a list of all the amendments made to the **Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Order 2010** under Division 1 of Part 4 of the Act to date. A summary of the purpose of each amendment and details about which sections were changed in each case is provided below.

Additional information on Bulk and Environmental Entitlement can be accessed from the Victorian Water Register website at <http://waterregister.vic.gov.au/water-entitlements/bulk-entitlements> or by contacting the Department of Environment and Primary Industries Customer Service Centre on 136 186.

Government Gazette details	Amendment citation and summary of changes
<p>G S206 29 June 2011</p>	<p>Bulk Entitlement (Wimmera and Glenelg Rivers - GWMWater) VEWB Amendment 2011</p> <p><i>Purpose:</i> To amend the bulk entitlement to reflect the commencement of the Victorian Environmental Water Holder</p> <p><i>Amendments:</i> Substituted: 4</p>
<p>G 47 20 November 2012</p>	<p>Bulk Entitlement (Wimmera and Glenelg Rivers - GWMWater) Amendment Order 2012</p> <p><i>Purpose:</i> To amend the bulk entitlement to:</p> <ol style="list-style-type: none"> 1) ensure the entitlement is consistent with the Storage Management Rules for the Wimmera-Mallee System Headworks and the current provisions of the Water Act 1989, 2) ensure provision for considering the Wimmera and Glenelg Rivers Environmental Entitlement 2010 when varying operating arrangements and 3) correct errors made in the drafting of the entitlement instruments. <p><i>Amendments:</i> Substituted: 4, 18.1(f), 18.1(g), Schedule 2, Schedule 3 Inserted: 12.4</p>
<p>G15 11 April 2013</p>	<p>Bulk Entitlement (Wimmera and Glenelg Rivers - GWMWater) Minor Amendment Notice 2013</p> <p><i>Purpose:</i> To amend the bulk entitlement to account for the transfer of the Wimmera irrigation entitlement product to the Commonwealth Environmental Water Holder.</p> <p><i>Amendments:</i> Substituted: Schedule 1, Schedule 2, Schedule 4</p>

<p>G 38 18 September 2014</p>	<p>Bulk Entitlement (Wimmera and Glenelg Rivers - GWMWater) Amendment Order 2014</p> <p><i>Purpose:</i> To amend the bulk entitlement to apply recommendations from the Bulk and Environmental Entitlements Operations Review (2014).</p> <p><i>Amendments:</i> Substituted: 4, 6.1 , 9.1(a), 11.2(b)(ii), 13.1, 13.2(c), Schedule 1, Schedule 2, Schedule 3, Schedule 5 Inserted: 13.1A, 13.1B Repealed: Schedule 2(5)</p>
<p>S749 29 December 2021</p>	<p>Bulk Entitlement (Wimmera and Glenelg Rivers – GWMWater) Minor Amendment Notice 2021</p> <p><i>Purpose:</i> To make a minor variation by inserting the obligations on the storage manager previously contained within the storage manager appointment to ensure these obligations are retained. It also makes a minor wording change to Schedule 5 to correct an error.</p> <p><i>Amendments:</i> Substituted: Clause 4 “reserve” definition; 13.1, Schedule 5 words “Mt Cole Creek” for “Spring Creek”. Inserted: Part 7 – 23 to 31, Schedule 6</p>