



Warren-Donnelly Water Update

March 2019

Welcome to the first 'Water Update' newsletter for Warren-Donnelly landholders and licensees.

The Department of Water and Environmental Regulation (DWER) undertakes licensing, planning and measurement activities in the Warren and Donnelly River catchments to support the equitable and sustainable distribution of water to support commercial, domestic, public water supply and environmental needs. The department does this through working with the Warren Donnelly Water Advisory Committee. This first newsletter is provided to identify to landholders recent happenings in water management in the Warren-Donnelly.

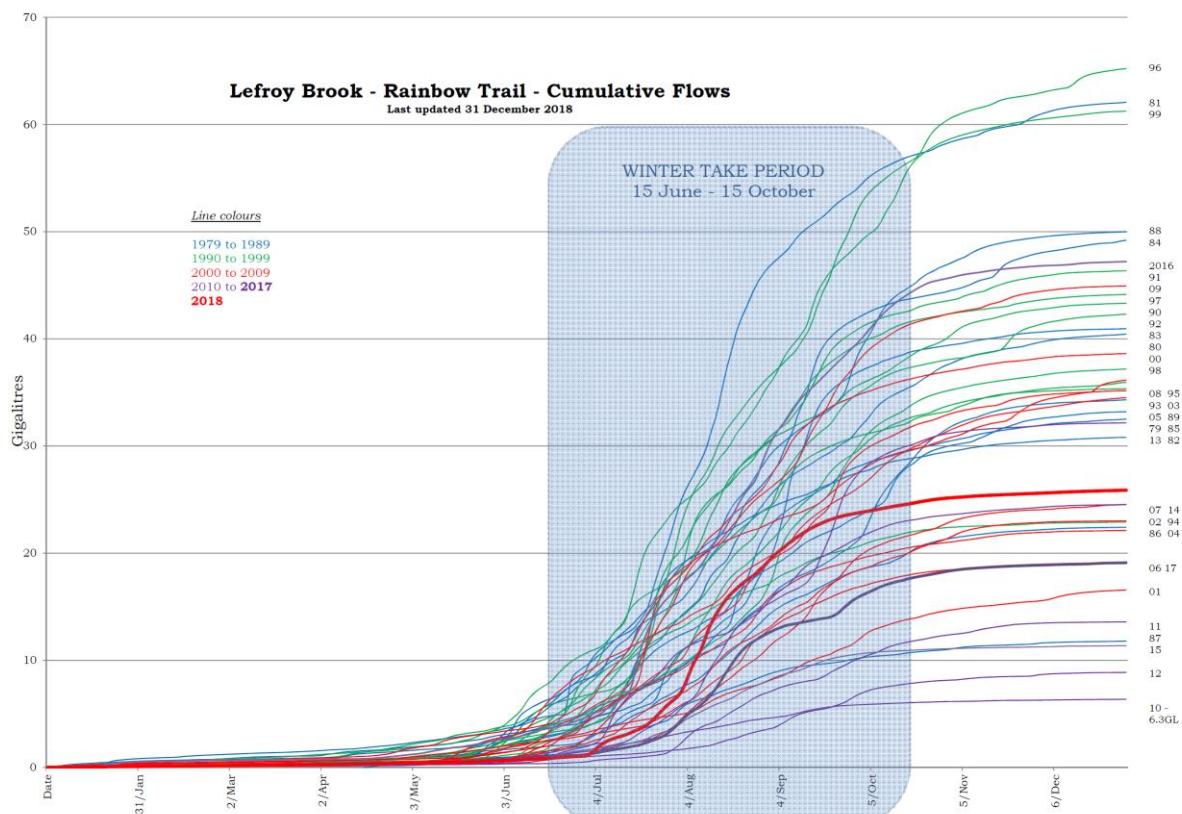
Who is the Warren-Donnelly Water Advisory Committee?

The Warren-Donnelly Water Advisory Committee is a representative group of all water users made up of largely landholders from the Warren-Donnelly catchments, as well as representatives of the Shire of Manjimup, the Department of Primary Industries and Regional Development (DPIRD) and DWER. This long-standing committee meets regularly and provides advice to the department about surface water management and allocation in the area. The committee does not make decisions on applications or policy. The committee acts to bring community views and knowledge, as well as liaise directly with landowners and licensees. Equally, the community can approach committee members to assist in understanding water management issues. The members of the committee are;

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|-----------------------|----------------|---------------|----------------|
| Adam Maskew (DWER) | Di Fry | John Omodei | Bob Pessoto |
| Lyn Daubney (Shire) | Bill Rice | Julian Sharpe | Cliff Winfield |
| Peta Richards (DPIRD) | Harvey Giblett | | |

Rainbow Trail – 2018 Cumulative Flows

The Rainbow Trail gauging station is located just north of Pemberton, approximately mid-way down the Lefroy Brook subarea and has a good historical record of streamflow used to reflect stream response to winter rainfall. The graph below shows that approximately 25GL of water passed the gauging station in 2018 which is just below the long term average.





Community Workshops

The DWER completed a series of workshops in late October last year with the community in both Pemberton and Manjimup in order to provide an overview of water licensing, our work in the Donnelly River catchment, and seek feedback on the outcomes of modelling which considered the take of water from the Donnelly River by the proposed Southern Forests Irrigation Scheme.

One hundred and fifteen people attended seven workshops held over the 23-25 October period and included the Warren-Donnelly Water Advisory Committee, Southern Forests Irrigation Scheme Board, Shire of Manjimup, Southern Forests Food Council and interested landholders. Feedback from attendees identified some common themes raised across all of the meetings;

- Queries related to the Donnelly River modelling to clarify where water for the scheme is coming from.
- Why water flowing out of the fully allocated Manjimup Brook-Yanmah-Dixvale subarea is unavailable to landholders.
- The operational management of the Southern Forests Irrigation Scheme and the ability for others, currently not involved, to access it at a later date.



A copy of the consolidated feedback is attached to this newsletter and we have answered some of the questions being raised through the workshops as part of this newsletter. We appreciate that some of this information could have been provided publicly following the changes in allocation limits in late 2017 and apologise for the angst this caused in some areas of the community.

Please be aware that the Southern Forests Irrigation Scheme is being managed by the Department of Primary Industries and Regional Development (DPIRD). As such, feedback in relation to the scheme has been forwarded on to DPIRD and the SFIS Board to consider. Other issues raised will be worked through with the Warren Donnelly Water Advisory Committee. Copies of the 'Frequently asked questions' which related to the presentations are available from the department's Manjimup office, or by e-mailing manjimup@dwer.wa.gov.au.

Update – Modelling of the Southern Forests Irrigation Scheme

As part of the recent workshops, DWER presented the outcomes of the modelling to test whether the volumes required to support the Southern Forests Irrigation Scheme (SFIS) could be taken sustainably from a pump point in the Middle Donnelly subarea. This work was undertaken and independently verified under contract with the Department of Primary Industries and Regional Development who are the project manager. The modelling identified the following outcomes;

- Water from the forested parts of the Upper and Middle Donnelly subareas was sufficient to meet the schemes needs.
- Outflow from the fully-allocated Manjimup Brook/Yanmah-Dixvale subarea was not required to supplement the scheme.
- Take of water for the scheme would not detrimentally impact the environmental values downstream of the take point, including the Donnelly River mouth.
- Previous allocation limits for self-supply use would be reinstated without change in the Barlee, Carey, Manjimup Brook/Yanmah-Dixvale, Record, Lower Donnelly, Beedelup and Fly Brook subareas.
- Allocation limits for the Upper and Middle Donnelly subareas have been proportionally reduced to reflect the cleared portions of the catchment, making water available for self-supply.
- No existing licensees are impacted by the SFIS.

The changes to allocation limits was announced through public notices in local and state newspapers on 12 December 2018. Applications requesting available water have been accepted since 18 December 2018.

The Southern Forests Irrigation Scheme is a State Government and industry initiated project managed through the Department of Primary Industries and Regional Development (DPIRD). Information on the scheme can be found on DPIRD's website at <https://www.agric.wa.gov.au/waterforfood/southern-forests-irrigation-scheme>, and the Southern Forests Irrigation Cooperative Ltd at <http://sfirrigationcooperative.com.au/>



Measuring the take of water

The department recently wrote to licensees informing them of the new regulations which require licensees to measure their water take, and record and report information to the DWER. In doing so it sought to require all licensees to meter, or alternatively measure their water take. There has been some confusion as to how the regulation may apply in individual circumstances to surface water users in the Warren-Donnelly district. A second letter has been sent to provide greater clarity to licensees.

In most cases of on-stream dams with only one licence, metering is not required. This is because the department considers that your dam capacity is equivalent to your licensed water entitlement, whether that be related to an agreed dam estimation at the time of issue or by submission of a post construction survey. You may need some form of measurement if you have changed your dam dimensions (i.e. excavated out or built up; noting these activities require authorisation from the department) since your licence was issued or last renewed and you should contact the department if that is the case. You additionally do not require metering where your licence has a requirement to install staff gauges, pressure probes or submit a post construction survey as a condition of licence.

Metering is required in some circumstances related to the take of surface water, which includes;

- when there is direct take of water by pumping from a watercourse to off- or on-stream storage, or direct irrigation for a commercial use or in excess of riparian rights (normal stock and domestic use);
- where multiple licensees are taking water from a shared resource i.e. more than one licence is associated with a dam; and
- certain circumstances which require accurate measurement of water as part of overall water balance management (i.e. such as movement of water between storages),. This will often be in conjunction with alternative measurement (i.e. staff gauges, pressure probes and/or survey)

If you are unsure if you meet the requirements of the new regulations, you should contact the department's Bunbury office on 9726 4111 or Manjimup office on 6364 7925.

What is a spring right?

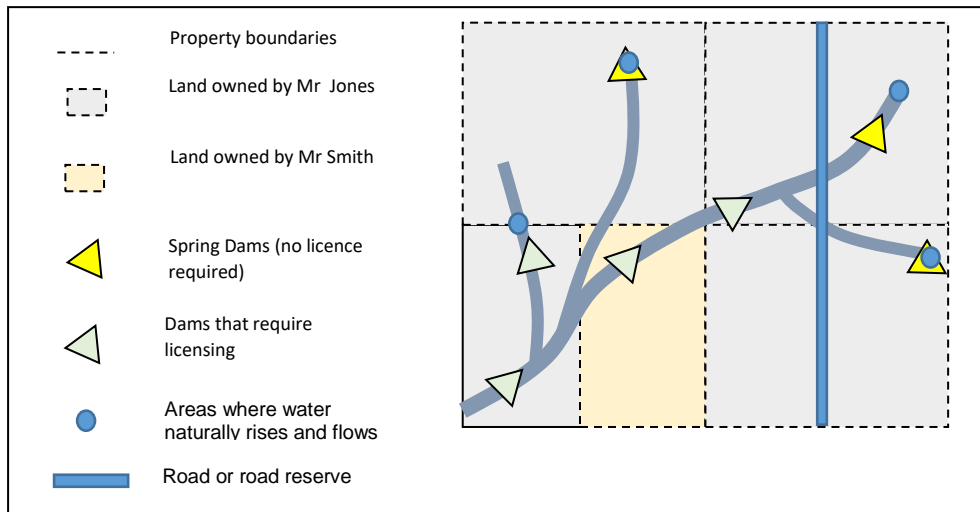
There has been some confusion and acknowledged inconsistency with regard to the interpretation and application of spring rights over the years in the Warren-Donnelly District, as in other areas of the state. Spring rights are not regulated under licence by DWER. Having a spring on your property does not mean you have spring rights as defined under the *Rights in Water and Irrigation Act 1914*. **You must have written confirmation from the department that you qualify for spring rights.** It is acknowledged that DWER has incorrectly issued letters confirming Spring Rights in the past and are being reviewed as they are identified. The following should be considered as a guide only.

A spring is defined as an *area where water naturally rises from the ground to the surface and flows over the surface of the land but does not include the discharge of this water into a watercourse, wetland or reservoir*. A SPRING RIGHT is where a spring arises at the head of a watercourse that starts on a landowner's property and applies until it has passed beyond the boundaries of the land belonging to the owner of the land on which the water rises (see below). If the watercourse commences above the spring, then spring rights do not apply. The definition of a watercourse under the legislation is also contentious, but simply, if water gathers or collects to form a flow path, irrespective of whether;

- It is permanent, temporary or occasional,
- a visible channel or bed and banks exists, or
- the natural collection of water has been artificially improved or altered;

it may be regarded as a watercourse.

As such, to reduce the risk of being in breach of the legislation and associated enforcement activity you need to ensure you get confirmation from DWER as to whether you have spring right before you undertake any works.



Making unused water available for use

Licensed water may remain unused in dams for a number of reasons. It has been identified that only 30-50% of licensed water stored in dams or authorised to be taken from watercourses is actually used for irrigation or other purposes. This water can be made available to others on a temporary or permanent basis through the transfer or trading of whole or part licensed water entitlements between landowners in the same surface water subarea. This needs to be approved by the department.

In doing so, water is generally moved between landholders by overland pipes or by releasing water downstream from existing storages. Applications are assessed on a case-by-case basis for merit under existing policy and planning provisions. However, in general, both parties involved in the transfer or trade should expect to have to undertake appropriate measurement associated with the movement of water and the potential for the remaining balance of entitlements. This may include metering and alternative measurement (i.e. surveys and staff gauges) to ensure that only the entitlements issued to both parties are taken. The department appreciates that there is a fair bit of uncertainty around trading and transfers and propose to develop some examples over the coming months for applicants to consider.

The trade and transfer of licensed entitlements does not apply to variable take entitlements due to the unreliable nature of the entitlement, or unlicensed water such as water captured under spring or riparian rights.

Update – Variable Take Entitlements

Over 10 gigalitres of water above the existing allocation limits has been licensed through variable take across 6 sub-catchments between 2012 and 2017. In November 2017, the department capped all variable take resources in the Upper Lefroy, Treen Brook, Manjimup Brook/Yanmah-Dixvale, East Brook, Smith Brook and Four Mile/Big Brook subareas after preliminary modelling indicated the potential risk for these entitlements to detrimentally impact the reliability of supply to existing licensees. The department will undertake further monitoring, compliance and assessment of these entitlements as they are developed and utilised to determine the scale of this risk. A decision on whether to re-introduce or expand variable take will be made once the assessment has been completed.

More information

We will continue to keep licensees informed of developments as they occur through future *Water Updates*. In the meantime, if you have any questions, please contact;

- For general licensing matters – please contact the DWER office in Manjimup on 63647925, or Bunbury office on 97264111.
- For contact details of members of the Warren-Donnelly Water Advisory Committee, please contact DWER in Bunbury on 9726 4111.



Attachment 1 - Warren Donnelly Community Feedback

Background

A series of seven community and stakeholder workshops were held between 23–25 October 2018 in the Warren Donnelly catchment to seek feedback regarding the modelling undertaken by the Department on the Donnelly River in relation to the proposed Southern Forests Irrigation Scheme and the associated outcomes in relation to proposed allocation limits for self-supply. The agenda also took the opportunity to provide participants with a brief background as to why and how the Department undertakes its allocation planning and licensing business. The meetings were supported by a handout of ‘frequently asked questions’ for participants to read and take away after the meeting.

While five of the seven meetings were dedicated to the general public (one in Pemberton and the balance in Manjimup), one meeting was first held with the Warren Donnelly Water Advisory Committee and the Southern Forests Irrigation Board; and the final workshop presented to the Shire of Manjimup and the Southern Forests Food Council.

A total of 115 community participants were involved in the discussions.

Feedback

Feedback related to the discussions fell generally into the following four areas:

1. Donnelly River Modelling and proposed allocation limits

- Queries over the requirement to impose a moratorium on all Donnelly River subareas.
- Perceptions that significant volumes of water area allocated to the environment/discharged to the ocean as opposed to consumptive use.
- Disparity in the rules of take for the Southern Forests Irrigation Scheme as opposed to self-supply.
- The scheme impact on downstream flows to the estuary.
- Clarity was sought on the role of the Department of Water and Environmental Regulation in the development of the scheme.
- Location, term and costs of monitoring streamflow.
- Relative proportion of flows from cleared and forested catchments contributing to the scheme.
- Potential for water being made available for the Southern Forests Irrigation Scheme (and the environment downstream of) potentially disadvantages the future availability of variable take in catchments upstream of the take point.
- There was no voiced objection to implementing the recommended option.

2. Fully allocated nature of Manjimup Brook/Yanmah-Dixvale subarea

- Relative proportions of total streamflow available for allocation differs between catchments (i.e. Upper Lefroy and Manjimup Brook).
- Perceptions of plentiful water availability to meet demands above existing allocation limits.
- Acceptance of usage against entitlement being approximately 30 per cent.
- Perception that outflow from the Manjimup Brook is proposed to be taken by the Southern Forests Irrigation Scheme when it should be used by landholders within the subarea.
- The availability of streamflow data from Manjimup Brook outflow.
- Self-monitoring as a way of proving up the resource to support future release of more water.
- Future variable take is desirable and landholders are willing to accept risks associated with lower reliability.
- Mechanisms to make unused water available to others.

3. Southern Forests Irrigation Scheme

- Limited potential for the internal trading of entitlements given the fixed outfall points to subscribers and limited additional capacity (~15 per cent) of the proposed pipework.
- Poor community engagement and communication in terms of progression of the scheme uptake, funding and staged approval processes.
- Sectors of the community have not felt involved in the development of the scheme.
- Perceptions that the scheme is politically driven and lacking in due process.



Concerns about the ability of others to subscribe to the scheme at a later date.

- Perceptions that the scheme supports the 'rich getting richer' at the expense of smaller operators.
- Current option versus a series of 'community dams' located in relevant demand areas or national park/state forest for drought-proofing.
- Justification for location of the dam on Record Brook as opposed to on Donnelly River main channel.
- Potential losses from the system as a consequence of evaporation at the source and delivery dams.
- Use of the Southern Forests Irrigation Scheme to supply existing shortages in Manjimup townsite (non-potable demand).
- Does not fully consider the cost/benefit of the scheme relating to lost opportunity.

4. Other

- The ability to build dams of greater capacity to account for latent water and no prejudice the take of your full entitlement the following water year.
- How departmental policy is made available, given some are internal and not published.
- Issues around ownership of water landing and flowing through property (including yield per area), yet unable to access it, particularly where it is perceived to not impact others.
- Water quality impacts, change and monitoring.
- Managing unused water entitlements and making them available through transfers or trading.
- The Department presenting a 'trifecta' of issues – low volumes available under allocation limits, measuring the take of water requirements, and fees.
- Poor and unclear communication associated with the measuring the take of water letters to licensees.
- The *Warren Donnelly surface water allocation plan 2012* is not reflective of current community values and demand, particularly given an absence of guidance in regard to the Southern Forests Irrigation Scheme and variable take.

Actions

Based on the feedback the following actions are proposed:

- The Department and Warren Donnelly Water Advisory Committee review feedback to inform future work and actions to improve communication and water resource management in the Warren Donnelly Surface Water Plan area
- The feedback provided regarding the Southern Forrester Irrigation Scheme be provided to the Department of Primary Industry and Regional Development for consideration by the steering committee and Southern Forrester Irrigation Co-operative