

1st October 2025



The Hon Gayle Tierney MP
Minister for Water
Level 1, 2 Treasury Place
EAST MELBOURNE VIC 3002

via Gayle.Tierney@parliament.vic.gov.au

Dear Minister

Application to Amend Lower Murray Water Murray Bulk Entitlement

Lower-Murray Water (LMW) applies to you under section 44 of the *Water Act 1989* to amend the *Bulk Entitlement (River Murray - Lower Murray Urban & Rural Water - Irrigation) Conversion Order 1999*.

The LMW Board approved the proposed amendments at its monthly meeting on 30th September 2025.

This application seeks amendment of the bulk entitlement to support the rationing of LMW irrigation districts during a declared River Murray Shortfall Event. The amendment ensures LMW is restricted to the declared shortfall rationing rate at the relevant BE offtakes during a River Murray Shortfall Event, which as a consequence will require LMW to restrict delivery shares via Section 227(4)(ba) of the *Water Act 1989*. The amendment will also update the off-take points and rates in Schedule 4 of the bulk entitlement to reflect those currently in operation.

The *Bulk Entitlement (River Murray – Lower Murray Urban & Rural Water - Irrigation) Further Amendment Order 2025* supports this amendment and is enclosed. Officers of the Department of Energy, Environment and Climate Action and LMW have prepared this draft instrument.

If you require further information, please contact [REDACTED] Sexton by phone on 0438 [REDACTED]

Sincerely,

Paul Northey
MANAGING DIRECTOR



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OFFICIAL

cc: Beth Ashworth, Acting Executive Director Water Resource Strategy, DEECA
Charmaine Quick, Managing Director, GMW

encl: Draft bulk entitlement (River Murray – Lower Murray Urban & Rural Water -
Irrigation) Conversion Order

Draft Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water –
Irrigation) Further Amendment Order 2025

Our Ref: 420/005/001
2025/055956

WATER ACT 1989

BULK ENTITLEMENT (RIVER MURRAY – LOWER MURRAY URBAN AND RURAL WATER – IRRIGATION) FURTHER AMENDMENT ORDER 2025

I, Gayle Tierney, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

Title

1. This Order is called the Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water - Irrigation) Further Amendment Order 2025.

Purpose

2. The purpose of this Order is to amend the Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water - Irrigation) Conversion Order 1999 to restrict the rate of take from bulk water offtakes that supply irrigation districts, during shortfall events in the River Murray. The Order also updates the table of off-take points and rates in Schedule 4 of the Bulk Entitlement Order to reflect those currently in operation.

Authorising provision

3. This Order is made in accordance with section 44 of the **Water Act 1989**.

Commencement

4. This Order comes into effect on the day it is published in the Victoria Government Gazette.

Definitions

5. In this Order a reference to the Bulk Entitlement Order is a reference to Bulk Entitlement (River Murray – Lower Murray Urban and Rural Water - Irrigation) Conversion Order 1999 (as amended).

Amendment to Clause 4 Definitions

6. In Clause 4 of the Bulk Entitlement Order:
 - a) after the definition of “allocation to Victoria” **insert** –
‘ “**delivery share**” means the right to the service of having water delivered in an irrigation district under section 222(1)(a) of the Act, at specified volumes during specified periods as determined under section 223 of the Act; ’; and
 - b) after the definition of “delivery share” **insert** -
‘ “**distribution loss**” means the operating loss incurred from operating the distribution system, which is calculated as the volume of water diverted from the River Murray minus the volume of water delivered to primary entitlement holders at locations within the relevant irrigation district, specified as ‘losses’ in Schedule 1, and is subject to variation under clause 13; ’; and
 - c) after the definition of “environment Minister” **insert** –

- ‘ **“extraction share rationing rate”** has the same meaning as the portion of the notional rationing rate that a general place of take holder is restricted to under a restriction determination; ’; and
- d) after the definition of “high-reliability entitlements” **insert** –
 - ‘ **“irrigation district”** has the meaning given to it in section 3 (1) of the Act; ’; and
- e) after the definition of “primary entitlement” **insert** –
 - ‘ **“rationed off-take point”** means an off-take point:
 - (a) that Lower Murray Urban and Rural Water takes water from to service an irrigation district or part of an irrigation district; and
 - (b) is located within the same geographic reach of the River Murray as a rationing area that is the subject of a restriction determination, and that rationing area is one of the following:
 - (i) Barmah-Nyah; or
 - (ii) Nyah-Euston Weir; or
 - (iii) Euston Weir-Mildura Weir; or
 - (iv) Mildura Weir-Lock 7; or
 - (v) Lock 7-South Australian border; ’; and
- f) after the definition of “rationed off-take point” **insert** –
 - ‘ **“rationing area”** means an area in a declared water system that has been declared by the Minister to be a rationing area in the *Declaration of Rationing Areas in Declared Water Systems 2023* made under section 6C(1) of the Act on 15 November 2023 and published in the Victorian Government Gazette No. S613 dated 20 November 2023, as amended from time to time; ’; and
- g) after the definition of “resources Victoria could divert in the current year”, **insert** –
 - ‘ **“restriction determination”** means a restriction determination made by the Minister (or the Minister’s delegate) under section 64FZC of the Act; ’; and
- h) before the definition of “Torrumbarry” **insert** –
 - ‘ **“River Murray Shortfall Event”** means the times or circumstances that a restriction determination is in place for any of the following rationing areas;
 - (a) Barmah-Nyah; or
 - (b) Nyah-Euston Weir; or
 - (c) Euston Weir-Mildura Weir; or
 - (d) Mildura Weir-Lock 7; or
 - (e) Lock 7-South Australian border; ’.

Amendment to Clause 6

7. In sub-clause 6.4 of the Bulk Entitlement Order, for the word ‘upstream’ **substitute** ‘downstream’.
8. After sub-clause 6.4 of the Bulk Entitlement Order **insert**:

- ‘6.5 For the purposes of sub-clause 6.1, water taken under this bulk entitlement for the purpose of supplying a primary entitlement includes water supplied to another water system as a result of a water share issued in respect of the Murray water system being transferred or a water allocation to such a water share being assigned.’.

Insertion of Clause 16A

9. Following Clause 16 of the Bulk Entitlement Order, **insert** new Clause 16A–

‘16A. TAKE DURING RIVER MURRAY SHORTFALLS

16A.1 During a River Murray Shortfall Event, Lower Murray Urban and Rural Water is restricted from taking water from the River Murray at a rationed off-take point at a rate that exceeds the rate of flow required to:

- (a) supply delivery shares at the shortfall rationing rate described in sub-clause 16A.2; and
- (b) supply other primary entitlements that are not supplied under a delivery share; and
- (c) meet distribution loss incurred in supplying water via the rationed off-take point at the aggregate rate of flow required under paragraphs (a) and (b).

16A.2 The shortfall rationing rate under paragraph 16A.1(a) is the same proportional limit as the extraction share rationing rate for the relevant rationing area, being the rationing area that contains the geographic area of the River Murray where the rationed off-take point is located.

16A.3 The delivery shares and other primary entitlements referred to in sub-clause 16A.1 are only those that are serviced with water that is taken by Lower Murray Urban and Rural Water at the rationed off-take point. ’

Amendment to Clause 22

10. Following paragraph 22.1(o) of the Bulk Entitlement Order, **insert** –

- ‘(n) the actual or estimated volume of water taken and delivered under paragraphs (a), (b) and (c) of sub-clause 16A.1 during a River Murray Shortfall Event.’.

11. In sub-clause 22.3 of the Bulk Entitlement Order, for the words ‘paragraph (a)’, **substitute** ‘paragraphs (a) and (n)’.

Amendment of Schedule 4

12. For the table in Schedule 4 of the Bulk Entitlement Order, **substitute** –

Off-take point	Maximum rate (ML/d)	Area supplied
Robinvale high pressure pumping station	320	Robinvale irrigation district

Red Cliffs pumping station	450	Red Cliffs irrigation district, and remaining Carwarp area of Carwarp-Yelta waterworks district
Merbein pumping station	420	Merbein irrigation district, and Yelta part of Carwarp-Yelta waterworks district
Millewa river pump	330	Millewa waterworks district and private diversions from Lake Cullulleraine
Central Main Pump Station, at King's Billabong	900	First Mildura irrigation district This is counted as the point where water is diverted from the River Murray
Psyche Bend pumps	1,128	Used to replenish King's Billabong where River Murray flows are at insufficient level to do this (see clause 18.10)
Private diversion points	n/a	Along River Murray between the Nyah pumps and the South Australian border, around King's Billabong and Lake Cullulleraine

Hon Gayle Tierney MP
Minister for Water

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