



What are rural landholders' basic rights to water?

Rural landholders in NSW have rights to access water for some basic purposes. You do not require a licence to obtain water under any of the three types of basic landholder rights:

1. Domestic and stock rights
2. Harvestable rights in farm dams
3. Native title rights.

Domestic and stock rights

Rural landholders who own or occupy land on a riverbank, lakefront or overlying an aquifer can take water (without a licence) from the river, lake or aquifer

- for domestic purposes (eg cooking, washing, watering house gardens), and
- to water stock on the property (but **not** intensively housed animals).

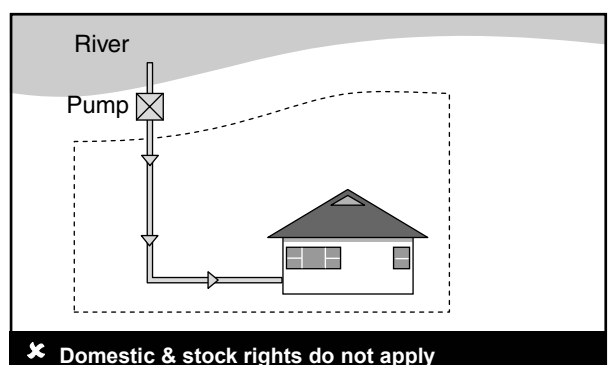
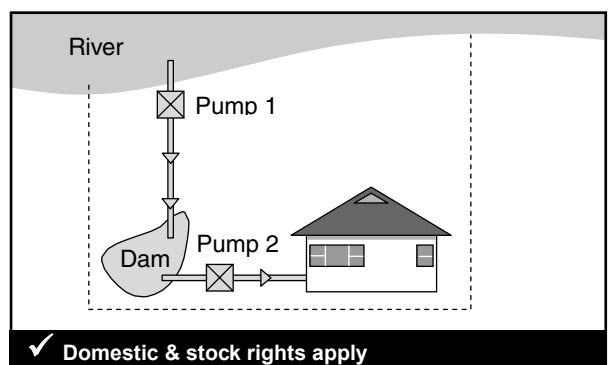
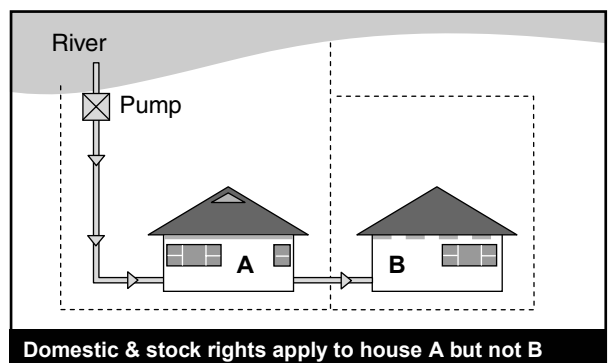
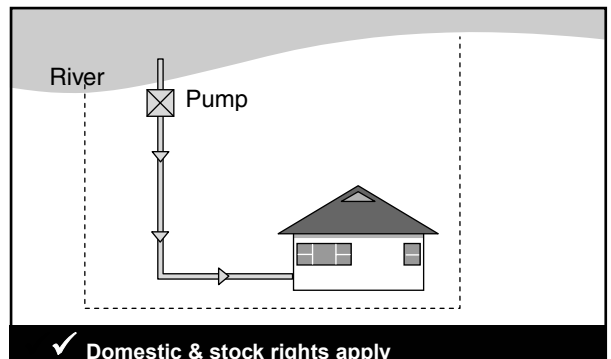
This water cannot be used for irrigating crops or garden produce that will be sold or bartered; for washing down machinery sheds; or for intensive livestock operations.

Landscape and recreational dams are not considered to be domestic uses of water. These dams **may** be part of your harvestable rights.

Note:

When accessing water from an aquifer, you must still obtain consent from Department of Water and Energy (DWE) to construct your bore or well. These consents help DWE protect your access right from being affected by other users.

When accessing water from a river or lake for your domestic and stock rights, approval is not required for the pumps, pipes, troughs and tanks needed. Approval is required to construct any dam on a river.



Harvestable rights in farm dams

Harvestable rights allow landholders to collect up to 10% of the average regional rainwater runoff on their property and use this water in a farm dam, or dams, provided the dam is built on a hillside or minor stream. If the amount of water landholders harvest under this right was not limited, flows in rivers would be greatly reduced, threatening aquatic ecosystems and water supplies to downstream users.

The harvestable right is intended to satisfy essential farm needs such as stock and household water but can be used for any purpose including commercial irrigation. However the allowable capacity is unlikely to support a significant crop.

The harvestable right is based on runoff because it is the component of rainfall captured in farm dams. Only a small portion of rain actually becomes runoff into dams and watercourses because most of it either soaks into the ground, is intercepted by plants or evaporates. The portion that becomes runoff varies widely depending on slopes, soils, vegetation, evaporation and rainfall duration and intensities. Regulations that apply to the size and location of the construction of a harvestable rights dam are outlined in the information sheets:

- *Farm dams - where they can be built without a licence;*
- *Farm dams - when do you need a licence?;* and
- *Farm dams - what size dam you can build without a licence.*

Some important points

- Harvestable rights dams can only be constructed on minor streams that are **not permanently flowing** or on hillsides and gullies. See *Farm dams – where can they can be built with a licence?*
- Harvestable rights dams cannot be constructed on rivers.
- One or more farm dams can be used to access your harvestable right.
- It is up to you how much of the water in your dams you use. You decide whether to keep some water in the dams for next year or use it all now.
- The water available under the harvestable right is in addition to, and separate from, any water that you extract under a licence from a river or a bore.
- You can only use water from your harvestable right dams on your property – it cannot be transferred or assigned to another landholder, as is the case with water rights under licence.
- There is no restriction on the size of rainwater tanks collecting water from roofs.

Native title rights

The *Water Management Act 2000* recognises the cultural and spiritual importance of water to Aboriginal people in NSW. Anyone who holds native title with respect to water, as determined under the Commonwealth's *Native Title Act 1993*, can take and use water for a range of needs. These include personal, domestic and non-commercial communal purposes such as manufacturing traditional artefacts, hunting, fishing and gathering, and recreation, cultural and ceremonial purposes.

Where do I get more information?

Contact the water licensing officer at your local Department of Water and Energy office
26 Honeysuckle Drive
Newcastle West
t (02) 4904 2500
e information@dwe.nsw.gov.au

Note: This information does not constitute legal advice.