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## Drought brings increased water complaints

NSW Water Commissioner, David Harriss, today said drought conditions across much of inland NSW has seen an increase in reports from rural landholders about unauthorised water use.

“With a very dry season and drought conditions throughout much of NSW, some people will take water illegally,” said Mr Harriss.

“While most water users do the right thing, some people illegally pump or divert water either without a licence or outside of the conditions of their licence.”

Mr Harriss said it was up to the individual licensed water user to ensure they are accessing and taking water consistent with their respective licence conditions and that they are taking water legally.

“Where the NSW Office of Water finds that people have broken the law, we will take appropriate action that may include prosecution, substantial fines or even gaol terms.”

Mr Harriss said that the Office of Water encourages reporting of potential illegal water use and anyone wishing to report suspected water theft could do so by telephoning the Office of Water on **1800 633 362** or send an email to - [watercompliance@water.nsw.gov.au](mailto:watercompliance@water.nsw.gov.au)

“Activities that should be reported include taking water from a river or stream during periods when pumping is not permitted, where river flows suddenly decrease or stop, or where there is the construction of a dam or earthworks in or near a creek or river.”

He said the Office of Water is also receiving an increasing number of enquires about landholders’ rights to accessing water including the sinking of stock and domestic bores.

“The Office of Water’s website - [www.water.nsw.gov.au](http://www.water.nsw.gov.au) - provides more information about water licensing and approvals and applications for stock and domestic bores or people can call **1800 353 104**,” Mr Harriss said.

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## Key Facts

### What are the basic landholder rights to water?

Landholders in NSW have rights to access water for some basic purposes. **You do not require a licence** to take or capture 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

In some circumstances you need an approval for the work (see below).

### Domestic and stock rights

Rural landholders who own or occupy land with frontage to a river or lake 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.

When accessing water from an aquifer, you **must still obtain an approval** from the NSW Office of Water to construct your bore or well. 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

Harvestable rights allow landholders to construct a dam or dams and collect up to 10 per cent of the average regional rainwater **runoff** on their property, provided the dam is built on a hillside or minor stream. This water can be used for any purpose. 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. A harvestable rights calculator is available at [www.water.nsw.gov.au](http://www.water.nsw.gov.au) to assist you in calculating the maximum harvestable right dam capacity for your property.

### 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 artifacts, hunting, fishing and gathering, and recreation, cultural and ceremonial purposes.

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