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## SPECIAL SUPPLEMENT

### WATER MANAGEMENT ACT 2000

Order under section 324 (2)

Temporary Water Restrictions

Upper Namoi Zone 11 - Maules Creek Groundwater Source

PURSUANT to section 324 (2) of the *Water Management Act 2000* ("Act"), I, DAVID HARRISS, having delegated authority from the Minister for Water, on being satisfied that it is necessary to do so to protect water levels in the aquifer specified in Schedule 1 and to protect groundwater-dependent ecosystems, do, by this Order, direct that the taking of water from the aquifer specified in Schedule 1, is restricted as specified in Schedule 2.

This Order takes effect on the date that it is published in the *New South Wales Government Gazette* and will remain in force until 30 June 2010, unless it is repealed or modified by order before that date.

Signed at Sydney this 17th day of August 2009.

DAVID HARRISS,  
Commissioner, Office Of Water  
Signed for the Minister for Water  
(by delegation)

Note: It is an offence, under section 336C of the *Water Management Act 2000*, to fail to comply with this direction. An individual found guilty of an offence under section 336C is liable to a penalty not exceeding \$247,500 and, in the case of a continuing offence, a further penalty not exceeding \$66,000 for each day the offence continues. A corporation found guilty of an offence under section 336C is liable to a penalty not exceeding \$1.1 million and, in the case of a continuing offence, a further penalty not exceeding \$132,000 for each day the offence continues

#### SCHEDULE 1

This Order applies to the whole of the following aquifer:

1. Upper Namoi Zone 11, Maules Creek Groundwater Source (as identified in the *Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003*).

#### SCHEDULE 2

The taking of water from the aquifer specified in Schedule 1 is restricted as follows:

1. When the surface flow of water in Maules Creek at Elfin Crossing, measured at Elfin Crossing Gauging Station, is less than 1ML/day, the taking of water using a water supply work to which this Order applies is restricted to a maximum of 12 hours per day.
2. When the surface flow of water in Maules Creek at Elfin Crossing has ceased:
  - a. unless paragraph (2) (c) applies, the taking of water using a water supply work to which this Order applies is restricted to a maximum of 4 hours per day.
  - b. if the maximum number of hours authorised by paragraph (2) (a) have not been taken on any day, the difference between that maximum and the number of hours taken on that day may be recorded in the log book and accrued.

- c. hours accrued under paragraph (2) (b) may be taken using a water supply work to which this Order applies, subject to the following restrictions:
- (i) water may not be taken on more than 1 day in 6;
  - (ii) water may not be taken on more than 2 days in 12;
  - (iii) water may not be taken on more than 4 days in 24.
3. Water may not be taken under paragraph (1) or (2) unless:
- a. before water is taken, the start time is entered into the log book; and
  - b. when water ceases to be taken, the end time is entered into the log book.
4. In this Schedule:
- a. “**water supply work to which this Order applies**” means a water supply work that is authorised by a water supply work approval listed in Table 1 to this Schedule.
  - b. “**log book**” means a log book maintained by the holder of a water supply work approval to which this Order applies, made available to staff of the NSW Office of Water on request, which accurately records in separate columns:
    - i. the date and the start and end times for water taken under paragraph (1);
    - ii. the date and the start and end times for water taken under paragraph (2) (a);
    - iii. the date and the start and end times for water taken under paragraph (2) (c); and
    - iv. hours accrued under paragraph (2) (b); and
    - v. accrued hours taken under paragraph (2) (c).
  - c. A flow of less than 1ML/day at Elfin Crossing Gauging Station equates to a gauge height of 0.18 metres or less.
  - d. The surface flow of water in Maules Creek at Elfin Crossing has ceased when there is no flow passing over the downstream edge of the Elfin Crossing (concrete road crossing).

**Table 1**

90CA807640	90CA807646	90CA807652	90CA807662	90CA807672
90CA807642	90CA807648	90CA807654	90CA807664	90CA807676
90CA807644	90CA807650	90CA807656	90CA807670	90CA807680