Submission No 120

A November 2010 submission, re the Guide to the Draft MDBA Plan, (replacing the previously submitted October 2010 submission.)

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Perhaps some of the purported science, used for the MDBA guide to the draft may be regarded as questionable? Prior to this year's rain events, the "experts" claimed it would take several year's of above average rainfall to refill MDBA storages to the level that has now been obtained in less than 5 months.

How independent will operation of a MDBA Plan be considering that SDL's have to be agreed to by the States and that it will be up to the States as to decide how SDL's are utilised and thus how much water is annually available for irrigator useage and thus also the acquired environmental water and as to how the environmental water may be applied?

The Guide proposes to buy irrigation licenses to then be used for environmental watering. When sold, water irrigation licenses are tagged. That is, eg, if in a particular year the SA Government determined that irrigation licenses were limited to using 50%, of allocation, then the same restriction would apply to SA irrigation licenses, which have been purchased for environmental useage. To achieve maximum controllable environmental outcomes, the Plan will have to specifically define what percentage of consumptive water allocation SA recieves and within that, the percentage to be allocated to SA irrigation licenses, in comparison to what quantity of water is in MDBA storages, probably in 5% increments, up to 100%. Also, similar must be done for other States/catchments. Such defining would not only ensure environmental water allocation, but also for irrigation allocations, thus providing irrigators with certainty of water supply and with this the ability to plan for the most prudent water use.

Interpretations, compliance/non-compliance with the SA Irrigation Act,2009, have the potential for adverse impacts on environmental, socio/economic needs.The SA Irrigation Act,2009, defines "irrigation" water as water used to irrigate land used solely for the purpose of primary production. Therefore, can irrigation license water be purchased and used for environmental water?In the past, the Central Irrigation Trust (CIT), in SA, has utilised irrigation water and recently has been acquiring irrigation licenses to provide domestic water. However, perhaps CIT may be regarded as acting in an anticompetitive manner, in that irrigators are not "legally" allowed to use irrigation water for domestic purposes, but have to access such domestic water via an additional annual access fee charged domestic water meter, with such domestic water being charged for at a significantly higher monetary charge than CIT supplied irrigation water, this being despite the fact that CIT supplied water, in the Waikerie District, is all untreated river water delivered via the same CIT pipeline infrastructure. Note that, in my individual circumstances, the CIT supplied domestic meter is not physically connected to my water supply infrstructure, with no consumption having been recorded in the last 13 years, but CIT insists I continue to pay annual domestic access fees and despite numerous requests, CIT have refused to remove such domestic meter.

Given the preceeding, as an irrigator , with an irrigation water license, supplied via CIT, I should be able to access my "irrigation" water for the associated domestic dwelling, on my property, without the requirement to pay additional domestic fees/charges.

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Basin wide, meters must be installed at the initial point of extraction, such that all water useage, including losses from evaporation and/or ground infiltration, is accountable. Such metering would contribute to significantly reducing over allocation. Reportedly, over 2,000 domestic water license holders, in SA, extract water, from the River Murray,without such useage being metered. Also, in SA, some irrigator's pumps, which have been relocated from backwaters, to the River Murray, have not had meters relocated to the river extraction site.

Previously, above ground flows, during periods of flooding, was declared as unregulated flows, with take not being restricted to the quantity as pertained to the individual annual license to use. The quantity of above ground water flows, whether it is diverted, collected or stored, in a water year period, must not exceed the quantity of water which the individual license holder is authorised to use in a one year water period, Exemptions should apply for water utilized soley for domestic consumption and/or stockwater. In flood events, as per recent water flows, which ended up filling the Menindee Lakes, probably in excess of another 2,000 gl of water may have been saved for environmental use, if the preceeding had been implemented.

Credit should be given, in applying SA SDL's, particularly given the following;
SA irrigator water use efficiency, SA having effectively applied a consumptive water use cap, in about 1970. (If the MDBA Plan achieves 3,000 gl/y environmental water, the basin consumptive SDL would be 10,700 gl/y. This level of basin "sustainable" consumptive extraction is actually higher than when SA capped its consumptive extractions. Therefore, overallocation of the Basin water resource, has obviously occurred since 1970, during which period of time SA has not contributed to the overallocation.) Prior to the recent drought period, SA basin water extractions were from a combination of various catchment flows, not restricted just to the Murray catchment.

In an above average water inflow year, after say 100% of SA consumptive water use is allocated, will all additional MDBA storage water be held over, to the commencement of the next water year, when the relevant water distribution rules would apply to all consumers, including environmental water? Will environmental water be able to be carried over, in MDBA storages, from one year to the next? As environmental water, purchased via irrigation licenses is tagged, to the previous irrigation license, then conversely, will irrigation water recieve the same carryover entitlements, as per environmental water?

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There is conjecture as to whether irrigation license holders have been "willing " sellers. If the Commonwealth paid $2,500 per mgl, there would be sufficient "willing" sellers to provide necessary environmental water allocation. Often, with termination fees, transfer charges, etc, the actual price realised, to the seller, would be closer to $2,000 mgl. There should be a provisio that money recieved, from a sale, could be averaged, for taxation purposes, over a 5 year period. If some winegrape growers exit the industry, this will reduce oversupply, thus ultimately increasing industry viability, with associated price return increases, for remaining growers, possibly leading to more industry jobs. Many SA irrigators have increased water use efficiency, so they may have from 10mgl upwards, of water, which they may be prepared to sell, utilizing such sales money to further improve their irrigation business viability, which may ultimately result in more jobs.

There must be an adaptive environmental water management approach to reduce environmental water losses and to achieve maximum available environmental results.

There will be a projected 42 gl, per annum, water inflow to the lower Coorong, via the South East Drainage Scheme, in SA. Therefore, 42 gl less environmental water needs to be made available from the River Murray, to this RAMSAR site.

If the Lower Lakes are operated at 0.45 metres above sealevel, instead of 0.75 m, this would maintain the integrity off the Lower Lakes RAMSAR site, including associated fresh water mounds.and save in excess of 150 gl evaporation losses, per year. Recently, pipelines have been installed, around the Lakes, supplying water, taken from near Tailem Bend, to domestic/irrigators previously accessing Lower Lakes water. By incorporating principles, relating to "snowshoe" footprints and bogged vehicle retrieval, a practical navigatable lock, incorporating fish passageway and carp removal trap, together with bottom of the lock water passage, with minimal turbulence and practical easy maintenance proceedures can be established near Wellington.The weir pool created to Lock 1 would enable the environment, in this area, to be appropriately watered, in a wetting/drying regime, mimicing as previously occurred in nature, whilst enabling other consumptive users to access water. A cost/benefit ratio analysis, for per gigalitre of water saved, would benefit demonstrate this engineered works would be within the parameters as for other basin infrastructure upgrade requirements.

The latest, higher than normal river flow rates, have not achieved the river height levels, in SA, as compared to that which occurred prior to 1990. In SA, is this flood minimisation a "management" measure, designed to minimise/prevent flooding to holiday shack areas, utilised by Adelaide based voters/greenies,from Morgan to the river mouth? For environmental water to achieve the maximum benefit for overbank /bankfill flows, then daily flow rated, up to 75,000 mgl/day must be managed such that they achieve comparable water level heights, as similar to recorded prior to 1990.

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The 2010 environmental water flow, in SA, has not been utilised to the best advantage. A coordinated approach should have been used. eg, initially using a combination of the most upstream Locks structures to create water level heights to achieve the maximum bankfill/ floodplain inundation, for say 2 weeks, before releasing the water downstream for similar lock pools. Water would ultimately flow to the Coorong and Murray Mouth, ensuring maximum possible environmental benefits.

Intercepted saline groundwater, obtained via salt interception schemes, in SA, are regarded as water take and are included in SDL's. Given that the aim is to "export" salt through the river mouth and for to maintain a level of less than 800 EC units, at Morgan, in SA, the following management techniques must be adopted. During periods of above normal entitlement river flow, collected saline groundwater must be disposed of via the river, instead of into land based disposal basins. Also , similar, during normal, or less than normal river flow entitlements, whilst the EC readings, at Morgan, are below 400. Given that, to date, reportedly in excess of 2 million tonnes of salt has infiltrated into groundwater aquifers, at Stockyard Plain Disposal Basin, potentially this may create a future environmental disaster. I note the environmental consequences which have occurred through over 100 years of questionable Basin Management.

Environmental water use, together with socio/economic needs are intertwined and there is a need for a readily publically available transparent register of who owns how much water license, in the MDB. Ownership by investment companies, banks, etc, and/or non-Australian residents, etc, may determine viability of various food growing enterprises and whether such food is actually available for Australian consumptive use.

The MDBA must be truly independent and able to ensure compliance, of the Basin Plan, free from the States political decisions.

To maximise environmental and socio/economic outcomes there is a need to alter some State/Commonwealth Water/Irrigation Acts, etc. There is also the need for the ACCC to have more powers, re regulations/ compliance, re water trading and water pricing, (including alterations such that State water authorities, etc, have to comply with similar conditions, etc, as for non- Government water license holders.)

This submission offers practical solutions to obtain environmental, together with socio/economic benefits.

Ultimately the success, or failure, of any Basin Plan, is dependent on political will, or political won't.

Thankyou in anticipation of your consideration.

Yours sincerely, (Tom Loffler)

Footnote; The definition of SA essential/critical human water needs, must be adjusted so that it includes stockwater, but not the needs of industry, outside of the MDB catchment area.

Addition to MDBA Guide to the Draft MDBA Basin Plan. November 2010

Recently, in SA Parliament, a draft bill was introduced, re establishing an independent arbitrator to set domestic water pricing, for SA Water supplied customers.

This highlights the lack of an independent arbitrator/authority to ensure all aspects of Water Acts/Regulations are compliant. Reality is that even if an aggrieved individual was financially affluent enough, to pursue a compliance matter, in a civil court, perhaps possible outcomes may be circumvented, by a Minister altering regulations,etc, by Ministerial decree.

It is imperative that to ensure security of water, compliance with a MDBA Basin Planand for the best environmental and socio/economic outcomes, that an independent MDBA and/or authority,(such as ACCC), have adequate powers to ensure compliance of not only the finalised MDBA Basin Plan, but within this Plan that the various State Water Acts/Regulations, etc, are compliant and that compliance can be enforced, for all portions of the Water Acts/Regulations, etc, as pertain to The Murray Darling Basin, regardless as to whether compliance involves a State Government, Government authority, etc., and/or non-government identities.

Thankyou. Yours sincerely, (Tom Loffler)