

Burdekin Basin

Water Management Protocol

May 2017

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Chapter 1 Preliminary

1 Short title

This water management protocol may be cited as the Burdekin Basin Water Management Protocol 2016.

2 Commencement of the water management protocol

This protocol commenced on 6 December 2016.

3 Purpose of protocol

This protocol implements parts of the Water Plan (Burdekin Basin) 2007.

4 Interpretation of words used in this protocol

Unless defined under the relevant provisions, the dictionary in attachment 1 defines particular words used in this protocol.

5 Water to which this protocol applies

This protocol applies to the management of the following water in the plan area—

- (a) water in a watercourse, lake or spring; and
- (b) overland flow water.

6 Information about areas, schemes and zones

- (1) The location of the boundaries of the plan area, subcatchment areas, water supply scheme and water management area zones are held in digital electronic form by the department.
- (1) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries¹.

¹ The boundaries held in digital electronic form may be inspected at any of the department's offices.

Chapter 2 Unallocated water

Part 1 Requirements for dealing with, and volumes of, unallocated water

7 Scope of chapter 2

This chapter states the process for making available and dealing with unallocated water mentioned in part 5, division 2, subdivision 2 of the Water Plan (Burdekin Basin) 2007.

8 Record of volume of unallocated water

The chief executive may keep a register of the volume of unallocated water available.

9 Dealing with unallocated water generally

(1) In preparing and implementing a process to release unallocated water from a reserve, the chief executive must consider the following—

- (a) the purpose for which the water is required;
- (b) the efficiency of existing and proposed water use practices;
- (c) the extent to which water is being taken under existing authorisations in the plan area;
- (d) the availability of an alternative water supply for the purpose for which the water is required;
- (e) the impact the proposed taking of, or interfering with, the water may have on existing water users in the plan area;
- (f) whether the proposed taking or interfering is likely to have a direct adverse effect on groundwater flows;
- (g) the matters mentioned in section 23(1)(a) and (b) of the Water Plan (Burdekin Basin) 2007.

(2) Subsection (1) does not limit the matters the chief executive may consider.

10 Requirement for information about land suitability

(1) A submission for unallocated water where the water is proposed to be used for irrigation must be accompanied by information that demonstrates the potential suitability of the land for irrigation.

(2) For this section, potential suitability of the land for irrigation means the potential of the land for sustainable irrigation having regard to the following matters that may constrain the extent and location of any irrigation development—

- (a) the availability of land without remnant vegetation, including any occurrence of remnant vegetation;
- (b) the occurrence of ecological assets and other high value environmental features such as wetlands;
- (c) the suitability of the topography, including the slope of the land intended to be irrigated;

- (d) any known cultural heritage sites; and
- (e) the physical and chemical attributes of the soil.

11 Volumes of unallocated water held in reserve

The total volumes of water held in a reserve mentioned in section 30 of the Water Plan (Burdekin Basin) 2007 for each subcatchment area is shown in table 1.

Table 1: Unallocated water reserve volumes

Reserve	Mean annual volume (ML) by subcatchment area							
	A	B	C	D	E	F	G	Total
General reserve	50 000	5 000	0	0	130 000	5 000	10 000	200 000
Strategic reserve for State purposes	0	0	0	0	20 000	5 000	10 000	35 000
	Nominal volume (ML) by subcatchment area							
SunWater reserve	0	0	8 744		0	0	0	8 744
Strategic reserve for a future raising of Burdekin Falls Dam	150 000		0	0	0	0	0	150 000
Strategic reserve for water infrastructure for the Bowen and Broken subcatchments	0	0	150 000		0	0	0-	150 000

Part 2 Process for releasing water from the SunWater reserve

12 Process for releasing water from the SunWater reserve

- (1) The chief executive may release water from the SunWater reserve to SunWater Limited for all or part of the unallocated water held as SunWater reserve if—
 - (a) SunWater Limited makes a submission to the chief executive requesting the release of all or part of the SunWater reserve; and
 - (b) the submission addresses to the satisfaction of the chief executive—
 - (i) the matters mentioned in section 9 of this protocol; and
 - (ii) any other matters the chief executive requires SunWater to address in the submission; and
 - (c) the submission is consistent with an application to amend the resource operations licence for the Bowen Broken Water Supply Scheme to include new or altered infrastructure; and
 - (d) the release is consistent with—
 - (i) the environmental flow objectives for the Water Plan (Burdekin Basin) 2007; and
 - (ii) the water allocation security objectives for Water Plan (Burdekin Basin) 2007—
 - (A) generally; and

- (B) in particular, for the priority group to which the water allocation will belong; and
 - (iii) the general and strategic reserves mentioned in part 1.
- (2) The submission must—
 - (a) be made to the chief executive, in writing;
 - (b) be accompanied by the prescribed fee; and
 - (c) be supported by sufficient information to enable the chief executive to assess the submission against the matters stated under section 9 of this protocol.
 - (3) The chief executive may, give written notice to the applicant, requiring—
 - (a) the applicant to give additional information about the submission within the time specified within the notice; and
 - (b) any information included in the submission, or any additional information required under subsection (3)(a) to be verified by statutory declaration.
 - (4) If the applicant fails to provide the information required by the chief executive within the time specified in the notice, the submission lapses.
 - (5) For deciding the submission for releasing water from the SunWater reserve, the chief executive must consider—
 - (a) the submission and any additional information given about the submission;
 - (b) the matters prescribed under subsection (1)(b)(i); and
 - (c) the public interest.
 - (6) Subsection (5) does not limit the matters the chief executive may consider in deciding a submission for releasing water from the SunWater reserve.
 - (7) If the chief executive is satisfied the submission should be approved, or approved in part, the chief executive must release water from the SunWater reserve as a water allocation to SunWater Limited.

Part 3 Sale or grant for a particular purpose

- 13 Process for releasing water from the strategic water infrastructure reserve
 - (1) This section applies to the release of a volume of unallocated water held as strategic reserve for a purpose other than a State purpose.
 - (2) The chief executive may release all or part of the unallocated water only in conjunction with the granting or amending a resource operations licence, and the specification of water infrastructure operating arrangements that are consistent with the outcomes and objectives of the Water Plan (Burdekin Basin) 2007.

Part 4 Limitation on water products to be released

- 14 Specification of unallocated water products
 - (1) This section applies to—
 - (a) unallocated water held as general reserve; and
 - (b) unallocated water held as strategic reserve for State purposes.

- (2) In subcatchment areas A and B—unallocated water to which this part applies will be made available only under water allocations.
- (3) In subcatchment areas E, F and G—unallocated water to which this part applies will be made available only under water licences.

Chapter 3 Water allocation dealing rules— supplemented allocations

15 Scope of chapter 3—Act, s. 158

This chapter provides the water allocation dealing rules for water allocations managed under a resource operations licence within the Water Plan (Burdekin Basin) 2007 area.

16 Definitions for this chapter

In this chapter—

total nominal volume in a zone means the sum of the nominal volumes of all water allocations in the same priority group and includes—

- (a) for the zone or zone group;
- (b) for which relevant valid change certificates have been issued under section 159 of the *Water Act 2000*.

total nominal volume for high priority water allocations means the sum of the nominal volumes of all water allocations belonging to the high priority group— including those for which relevant valid dealing certificates have been issued under section 159 of the *Water Act 2000*.

zone means a water management area zone as stated in section 6A of the Water Plan (Burdekin Basin) 2007.

Part 1 Water allocation dealing rules—general

17 Scope of part 1

- (1) This part applies to all water allocations managed under a resource operations licence generally.
- (2) Water allocation dealing rules that apply to specific water supply schemes are stated in parts 2 and 3.

Division 1 Subdivision and amalgamations

18 Permitted subdivisions or amalgamations

- (1) Subdivision of a water allocation is permitted where—
 - (a) the sum of the nominal volumes of the new water allocations is equal to the nominal volume of the allocation that is being subdivided; and
 - (b) the location, nominal location and priority group of the new water allocations are the same as that of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted where—
 - (a) the nominal volume of the new water allocation is equal to the sum of the nominal volumes of the allocations that are being amalgamated; and

- (b) the location, nominal location and priority group of the water allocations that are being amalgamated are the same.

19 Prohibited subdivisions or amalgamations

- (1) Subdivision of a water allocation is prohibited where—
 - (a) the sum of the nominal volumes of the new water allocations is not equal to the nominal volume of the allocation that is being subdivided; and
 - (b) the location, nominal location and priority group of the new water allocations are not the same as that of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is prohibited where—
 - (a) the nominal volume of the new water allocation is not equal to the sum of the nominal volumes of the allocations that are being amalgamated; and
 - (b) the location, nominal location and priority group of the water allocations that are being amalgamated are not the same.

Division 2 Water allocation change rules

Subdivision 1 Permitted changes

20 Change to the purpose rural or any

A change to the purpose of a water allocation is permitted where the change in purpose is from—

- (a) 'any' to 'rural'; or
- (b) 'rural' to 'any'.

21 Change to nominal location

A change to the nominal location of a water allocation is permitted where the change will result in the nominal location being the same as the location on the water allocation.

Subdivision 2 Assessed changes

22 Change of purpose distribution loss

- (1) The holder of a water allocation that states the purpose as 'distribution loss' may apply to the chief executive under section 159 of the *Water Act 2000* to change the purpose of the allocation to 'any' or 'rural'.
- (2) The water allocation holder must provide a report with the application that demonstrates—
 - (a) the resource operations licence holder has achieved a permanent efficiency gain in the distribution of water within the associated delivery system;
 - (b) the reduction in distribution losses specified as an annual volume that will result directly from the works or operational changes;

- (c) that there is sufficient volume held under water allocations to provide for distribution losses within the system;
 - (d) that the proposed change meets the Water Plan (Burdekin Basin) 2007 objectives; and
 - (e) any other matters the chief executive considers appropriate.
- (3) For this section—

distribution loss means water that is ‘lost’ when delivering water for water allocations in reticulated areas via constructed infrastructure through processes such as (but not limited to) evaporation, seepage, pipeline leakage, accidental loss through temporary pipe failure, loss through pressure relief systems, scouring and pigging.

Part 2 Water allocation dealing rules—Burdekin Haughton Water Supply Scheme

23 Scope of part 2

This part states water allocation dealing rules for water allocations managed under the resource operations licence for the Burdekin Haughton Water Supply Scheme.

24 Definition for this part

In this part—

zone group means the Lower Burdekin zone group comprised of the Burdekin A and Burdekin B zones.

Division 1 Permitted changes

25 Change to location

A change to the location of a water allocation is permitted if the change would not result in a total nominal volume in a zone or zone group that is greater than the maximum volumes or less than the minimum volumes in table 2.

Table 2: Limits of total nominal volume in a zone

Location (zone)	High priority group		Medium priority group	
	Minimum volume (ML)	Maximum volume (ML)	Minimum volume (ML)	Maximum volume (ML)
Burdekin A	0	20 000	267 944	350 000
Burdekin B	0	20 000	0	350 000
Burdekin C	0	100 000	524 892	850 000
Burdekin D	0	50 000	0	25 000
Burdekin E	0	25 000	0	25 000
Haughton A	0	8 800	29 178	49 178
Lower Burdekin zone group	0	20 000	267 944	350 000

26 Change to priority group

- (1) A change to the priority group of a water allocation is permitted—
 - (a) from medium to high—where the nominal volume, in megalitres, is calculated by multiplying the nominal volume of the water allocation belonging to the medium priority group, by the conversion factor of 0.565 and rounding down to the nearest whole number; or
 - (b) from high to medium—where the nominal volume, in megalitres, is calculated by dividing the nominal volume of the water allocation belonging to the high priority group, by the conversion factor of 0.565 and rounding down to the nearest whole number.
- (2) Subsection (1) does not apply to a change prohibited under section 28 of this protocol.

Division 2 Prohibited changes

27 Change to location

A change to the location of a water allocation is prohibited if the change would result in—

- (a) the location being a zone not listed in table 2;
- (b) the total nominal volume in a zone or zone group that is greater than the maximum volumes or less than the minimum volumes in table 2;

28 Change to priority group

A change to a priority group is prohibited where—

- (a) the priority group is not specified in the table 2.
- (b) the change from medium priority to high priority that would result in a nominal volume which differs from the result of the conversion specified in section 26 of this protocol.
- (c) the total nominal volume for high priority water allocations being—
 - (i) greater than 100 000 ML; or
 - (ii) less than 25 000 ML;

- (d) the nominal volume of the new water allocation not being expressed as a whole number unless the existing allocation to be changed specifies a nominal volume that is not a whole number.

Part 3 Water allocation dealing rules—Bowen Broken Water Supply Scheme

29 Scope of part 2

This part states water allocation dealing rules for water allocations managed under the resource operations licence for the Bowen Broken Water Supply Scheme.

Division 1 Permitted changes

30 Change to location

A change to the location of a water allocation is permitted if the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3.

Table 3: Limits of total nominal volume in a zone

Location (zone)	Priority group					
	High A1		High A2		Medium	
	Minimum volume (ML)	Maximum volume (ML)	Minimum volume (ML)	Maximum volume (ML)	Minimum volume (ML)	Maximum volume (ML)
Bowen Broken A	0	0	0	0	0	3600
Bowen Broken B	0	0	0	0	0	5676
Bowen Broken C	11 649	18 649	0	0	0	5676
Bowen Broken D	0	0	0	0	0	45
Bowen Broken E	0	0	14 605	21 605	0	0

Division 2 Prohibited changes

31 Change to location

- (1) A change to the location of a water allocation is prohibited if the change would result in—
- the location being a zone not listed in table 3;
 - the total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3;
- (2) For High A1 and High A2 priority group water allocations in zones C and E, a change to the location of the allocation is prohibited if—

- (a) for a change from zone C to E—the priority group of the allocation is not also changed to High A2; or
- (b) for a change from zone E to C—the priority group of the allocation is not also changed to High A1.

32 Change to priority group

A change to a priority group that is not specified in Table 3 is prohibited.

Chapter 4 Water sharing rules for water management areas

33 Application of chapter 4

This chapter applies to water allocations to take unsupplemented water located in the Lower Burdekin, Haughton and Bowen River water management areas.

34 Definitions for this part

In this part—

announced period means the period of time, as determined and announced by the chief executive, when water may be taken in a water year under the authority of a water allocation.

35 Taking water under a water allocation

- (1) Water may be taken under a water allocation only during an announced period.
- (2) The holder of a water allocation taking water under this section must collect and provide data about the taking of water as is required under section 47 of this protocol.

36 Announced period for water allocations

- (1) The chief executive must announce the start and end of an announced period.
- (2) The chief executive must develop and make available procedures for managing the taking of water during an announced period.
- (3) In deciding an announced period, the chief executive must consider—
 - (a) the flow conditions for the water allocation; and
 - (b) the length of time that flow in the watercourse, lake or spring is expected to exceed the flow conditions for the water allocation.

Chapter 5 Water allocation dealing and seasonal assignment rules for unsupplemented water allocations

Part 1 Water allocation dealing rules

Division 1 Subdivision and amalgamation

37 Permitted subdivision and amalgamations

- (1) Subdivision of a water allocation is permitted where—
 - (a) the new allocations state the same flow conditions and location as the allocation that is being subdivided;
 - (b) the nominal volume, volumetric limit, daily volumetric limit and maximum rate of each of the new allocations are in the same proportions as the nominal volume, volumetric limit, maximum rate and litres per second rate of the allocation that is being subdivided; and
 - (c) the sums of the nominal volumes, volumetric limits, maximum rates and litres per second rates of the new water allocations are equal to the nominal volume, volumetric limit, maximum rate and litres per second rate of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted where—
 - (a) the allocations being amalgamated state the same flow conditions and location; and
 - (b) the nominal volume, volumetric limit, maximum rate and litres per second rate for the new allocation are equal to the sum of the nominal volumes, volumetric limits, maximum rates and litres per second rates of the allocations being amalgamated.

38 Prohibited subdivision and amalgamations

- (1) Subdivision of a water allocation is prohibited where—
 - (a) the new allocations do not state the same flow conditions and location as the allocation that is being subdivided;
 - (b) the nominal volume, volumetric limit, maximum rate and litres per second rate of each of the new allocations are not in the same proportions as the nominal volume, volumetric limit, maximum rate and litres per second rate of the allocation that is being subdivided; or
 - (c) the sums of the nominal volumes, volumetric limits, maximum rates and litres per second rates of the new allocations are not equal to the nominal volume, volumetric limit, maximum rate and litres per second rate of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is prohibited where—

- (a) the allocations being amalgamated do not state the same flow conditions and location; or
- (b) the nominal volume, volumetric limit, maximum rate and the litres per second rate for the new allocation are not equal to the sum of the nominal volumes, volumetric limits, maximum rates and litres per second rates of the allocations being amalgamated.

Division 2 Water allocation change rules

Subdivision 1 Permitted changes

39 Change to location

A change to the location of a water allocation is permitted if the change results in—

- (a) for an allocation belonging to water allocation group A1—the location being zone Burdekin A, B, C or D; and
- (b) for an allocation belonging to water allocation group C1—the location being zone Bowen Broken A or B.

40 Change to purpose

A change to the purpose of a water allocation is permitted where the change results in the purpose being 'rural', 'any' or 'supplementation of water supply scheme'.

Subdivision 2 Prohibited changes

41 Change to location

A change to the location of a water allocation is prohibited if the change would result in—

- (a) for allocations belonging to water allocation group A1—
 - (i) the location being other than zone Burdekin A, B, C or D; and
- (b) a change to or from zone Burdekin E;
- (c) for allocations belonging to water allocation group B1—the location being other than zone Haughton A;
- (d) for allocations belonging to water allocation group C1—the location being other than zone Bowen Broken A or B.

42 Change to water allocation groups

A change to a water allocation group is prohibited.

43 Change to purpose

A change to a purpose that is not 'rural', 'any' or 'supplementation of water supply scheme' is prohibited.

Part 2 Seasonal water assignment rules

44 Seasonal water assignment rules

The chief executive must approve a seasonal water assignment of a water allocation to take unsupplemented water, with or without conditions if—

- (a) for water allocations belonging to water allocation group A1—the location of the assigned volume is either zone Burdekin A, B, C or D;
- (b) for water allocations belonging to water allocation group B1—the location of the assigned volume is zone Haughton A;
- (c) for water allocations belonging to water allocation group C1—the location of the assigned volume is either zone Bowen Broken A or B;
- (d) the flow condition under which water may be taken under assignment is the same as the flow condition for the water allocation that is being assigned;
- (e) the maximum rate for taking water under the assignment must be in the same proportion to the maximum rate stated on the water allocation being assigned as the proportion of the unused volumetric limit of the water being assigned;
and
- (f) the amount assigned does not exceed the unused volumetric limit of the allocation.

Chapter 6 Monitoring and Reporting

45 Water monitoring

- (1) The chief executive must measure or collect and keep publicly available, records of—
 - (a) water quantity;
 - (b) water taken;
 - (c) prices for water allocations permanently traded;
 - (d) the number of water allocations and water licences permanently traded or seasonally assigned; and
 - (e) the volumetric limit of water allocations and of water licences permanently traded or seasonally assigned.
- (2) The chief executive must collect and keep publicly available, information on—
 - (a) future consumptive demands for water; and
 - (b) water use efficiency.
- (3) The chief executive may use information collected to support water resource assessment and reporting.

46 Natural ecosystems monitoring

The chief executive must collect and keep publicly available, information on—

- (a) ecological assets that are linked to the ecological outcomes of the Water Plan (Burdekin Basin) 2007; and
- (b) the critical water requirements of ecological assets, including the provision of these requirements under the Water Plan (Burdekin Basin) 2007.

47 Data collection and transfer for unsupplemented water allocation holders

- (1) For water taken under a water allocation during an announced period, the allocation holder or an assignee must record meter readings, time and date—
 - (a) at the start of taking water; and
 - (b) at the end of taking water.
- (2) The water allocation holder and any assignee must transfer the data collected under subsection (1) to the chief executive within five business days.
- (3) In this section—

assignee means the person or entity to whom an interest or right to water is being transferred (e.g. seasonally assigned).

Attachment 1 Dictionary

section 4

Term	Definition
Location	For a water allocation, means the zone from which water under the water allocation can be taken. For a water licence, means the section of the watercourse, lake or spring abutting or contained by the land described on the water licence at which water may be taken.
Megalitre (ML)	One million litres
Nominal location	Nominal location is the location of a supplemented water allocation set at the commencement of the original resource operations plan.
State purpose	Means a State purpose as defined in the Water Plan (Burdekin Basin) 2007.
Water year	The water year for water managed under the Water Plan (Burdekin Basin) 2007 is the 12 month period beginning 1 July and ending 30 June.
Zone	A geographic location defined by a reach of a watercourse. Zones are defined in the Water Plan (Burdekin Basin) 2007.