

Your right to domestic and stock water

Your basic rights under the Water Act

What can you use domestic and stock water for?

Using bore or river water

The *Water Act 1989* says that anyone in the state can take domestic and stock water from a river or bore that they can access.

The exact wording from the Act is on the back of this fact sheet.

What is “domestic and stock” use?

You can use domestic and stock water for:

- The house
- A kitchen garden
- Watering pets or stock
- Fire prevention (only if taken from a spring or soak)

You cannot use domestic and stock water for dairies, piggeries, feedlots, poultry or any other intensive or commercial use.

River or bore water is not treated and is not always suitable for humans. You should test your water source before you drink it.

River or creek water

You can take river or creek water for domestic and stock use if:

- Your property title includes the river
- Your property title directly abuts the river
- You lease Crown Land abutting the river

Bore water

You can take bore water for domestic and stock use if the bore is located on your property.

If you don't have a bore, you can have one built. You will need to obtain a Bore Construction Licence from Southern Rural Water before work starts on the bore. Check our website for current licence fees.

More information

Contact us on **1300 139 510** for more information or to make an appointment to chat to one of our assessment staff. More information can also be found at www.srw.com.au

Extracts from the Water Act 1989

WATER ACT 1989 - SECTION 8

Continuation of private rights to water

(1) A person has the right to take water, free of charge, for that person's domestic and stock use from a waterway or bore to which that person has access —

(a) by a public road or public reserve; or

(b) because that person occupies the land on which the water flows or occurs; or

(c) in the case of a waterway, because that person occupies land adjacent to it and the bed and banks of the waterway have remained the property of the Crown by virtue of section 385 of the Land Act 1958 [3] or any corresponding previous enactment; or

(d) subject to section 33C, in the case of a bore, because that person occupies it.

While legislation sets strict guidelines on where bores can be positioned, we recommend that you talk to your neighbours.

(3) A person has the right to use water taken by that person from a waterway under subsection (1)(a), if the water is being used at the place at which it is taken.

DEFINITIONS (SECTION 3)

Domestic and stock use, in relation to water, means use for-

(a) household purposes; or

(b) watering of animals kept as pets; or

(c) watering of cattle or other stock; or

(ca) in the case of the curtilage of a house and any outbuilding, watering an area not exceeding 1.2 hectares for fire prevention purposes with water obtained from a spring or soak or water from a dam; or

(d) irrigation of a kitchen garden-

but does not include use for dairies, piggeries, feed lots, poultry or any other intensive or commercial use.

Kitchen garden means a garden

(a) that is used solely in connection with a dwelling; and

(b) no produce from which is sold; and

(c) in the case of a garden irrigated solely with surface water that is not part of an allotment that was alienated from the Crown before 15 December 1886, that is not bigger than 0.1 hectares; and

(d) in the case of a garden irrigated with both surface water and groundwater that is not part of an allotment that was alienated from the Crown before 15 December 1886, that is not bigger than 0.4 hectares; and

(e) in the case of a garden irrigated solely with groundwater, that is not bigger than 0.4 hectares; and

(f) in the case of a garden that is part of an allotment that was alienated from the Crown before 15 December 1886, that is not bigger than 1.2 hectares.