

RIGHTS IN WATER AND IRRIGATION ACT 1914-1962.

Department of Public Works.
Perth, 24th April, 1963.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Rights in Water and Irrigation Act, 1914-1962, has been pleased to make the regulations set forth in the schedule hereunder.

J. McCONNELL.
Under Secretary for Works and Water Supply.

Schedule.

Regulations.

1. These regulations may be cited as the Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations, 1963.
2. The regulations made under the Rights in Water and Irrigation Act, 1914 and published in the *Government Gazette* on the 22nd January, 1915, are revoked.

3. (1) In these regulations, unless the context otherwise requires—

"Act" means the Rights in Water and Irrigation Act, 1914, as amended;

"regulation" means one of these regulations;

"schedule" means the schedule to these regulations;

"well" means an artesian well and, also, a non-artesian well that is situate in an area proclaimed under section 18 of the Act.

(2) Unless the context otherwise requires, words and expressions used in these regulations have, when so used, the same respective meanings as are given them in, and for the purposes of, the Act.

4. Every person applying for a license for the commencement or construction of a well or for the enlargement, deepening or altering of, or the drawing of water from, an existing well, pursuant to the provisions of section 18 of the Act, shall make his application to the Minister—

(a) in the case of an artesian well, in the form of Form 1; and

(b) in the case of a non-artesian well, in the form of Form 2;

in the schedule.

5. (1) Every application made under regulation 4 shall be accompanied by—

(a) a plan or tracing of a plan, drawn to such scale, and having such bearings and distances or measurements marked thereon, as to show the exact position of the well or proposed well and its relation to an established point depicted on a Lands and Surveys Department plan;

(b) the specifications of the construction of the well; and

(c) a statement setting out the purposes for which the water is used, or is proposed to be used, with particulars of the extent of use for each purpose, such as the number or probable number of stock to be watered, the area or probable area to be irrigated, crops growing or proposed to be grown and the requirements for domestic use.

(2) The plan, specification and statement submitted pursuant to this regulation shall be signed by the applicant, his attorney or authorised agent and shall be dated.

6. Every license issued pursuant to section 20 of the Act shall be in the form of Form 3 in the schedule and shall be indorsed with the terms, limitations or conditions (if any) to which the issue of the license is subject.

7. Where, before the issue of the license, the Minister requires any alterations to be made in, or in connection with the proposed work, plan or specifications or refuses the application, advice of that requirement or refusal shall be sent to the applicant at the address shown on the application.

8. (1) A person aggrieved by any decision of the Minister made under the provisions of section 20 of the Act and advised under regulation 7, if wishing to be heard, shall give notice thereof in writing addressed to the Minister at the Department of Public Works, Perth, within thirty days of his receipt of the advice in this regulation mentioned.

(2) Where the Minister causes an inquiry to be conducted for the purpose of hearing a person aggrieved by his decision, notice of the place of, and day of the commencement of, the inquiry shall be sent to the applicant, at the address shown on the application, at least fourteen clear days before that day.

(3) The Minister may, from time to time, at the request of the person requiring to be heard, adjourn the commencement of the inquiry for a sufficient period to enable that person to be present and notice of the adjourned date shall be sent to that person, as provided by subregulation (2) of this regulation.

9. Every person, being the holder of a license for the commencement, construction, enlargement, deepening or alteration of an artesian well, shall, at the expiration of each calendar month after the day of issue of the license,

until the completion of the work, and within thirty days after the completion of the work, forward to the Minister a statement regarding that well in the form of Form 4 in the schedule.

10. Every person, being the holder of a license for the commencement, construction, enlargement, deepening or alteration of a non-artesian well in a proclaimed area, shall, within thirty days after the completion of the work, forward to the Minister a statement regarding that well in the form of Form 5 in the schedule.

11. (1) Where, under the provisions of section 22 of the Act, works necessary for the maintenance of a well in good order or occasioned by any unforeseen emergency are carried out, the notice of those works given pursuant to that section shall be in the form of statement to the Minister, setting forth—

- (a) the nature of the works; and
- (b) the circumstances that rendered them necessary or the emergency that occasioned them.

(2) Every application for an amended license, under the provisions of subsection (3) of section 22 of the Act, shall be accompanied by the license, a statement of the required amendments and the circumstances giving rise to that requirement.

12. (1) Every well, channel, ditch, flume or other work constructed under the authority of the Act and every regulator or meter used in connection therewith may, at all reasonable times, be inspected by any officer appointed by the Minister for that purpose.

(2) Every person who obstructs or impedes, or interferes with, an officer exercising or attempting to exercise the powers conferred by this regulation commits an offence.

13. Every person committing an offence against these regulations is liable to a penalty of twenty pounds.

Schedule.

Reg. 4.

P.W.W.S. 82.

Form 1.—Artesian Well.

Western Australia.

Department of Public Works.

Rights in Water and Irrigation Act, 1914 (as amended).

APPLICATION FOR A LICENSE UNDER SECTION 20.

Name, address and occupation of applicant

Description, location and approximate height above sea level of proposed new well or of existing well proposed to be enlarged, deepened or altered or drawn upon

Description

Municipal District of the

Lot, Location, or Lease No.

Approximate height above sea level

* Nature of proposed work

Statement of the purposes for which
it is proposed to utilise the water
(Regulation 5 (1) (c))

The several casings proposed to be
used with the names of the
makers, and whether of soft,
wrought iron, or mild steel

Particulars regarding depth and
volume of flow from each ar-
tesian well within a radius of
10 miles from the site of the
well

Depth
Volume

Whether the water will be distri-
buted by natural or artificial
drains or by both

Approximate estimate of the length
of each drain, the total aggre-
gate length of drains and their
respective routes

Period for which license is required

Remarks or further explanations

I/WE, of
in the State of Western Australia, hereby apply for a license under the Rights
in Water and Irrigation Act, 1914 (as amended), for a new well (or to enlarge
or deepen or alter or draw water from a now existing well on land situated at
, in the Municipal District of the
such land being shown on accompanying plan marked "A" and shaded pink,
and upon which land I/we desire to construct a new well (or to enlarge, or
deepen, or alter or draw water from a now existing well) as described above.

Dated at _____ this _____ day
of _____ in the year 19____.

Signature of Applicant.

To the Minister for Works and Water Supplies.

Note.—Plans and specifications must accompany this application in accord-
ance with Regulation No. 5.

Heading marked * should state whether the proposed work is for a new
well or for enlarging, deepening, or altering, or drawing water from a now
existing well, or as the case may be.

Form No. 2.—Non-Artesian Well.
Western Australia.

Rev 4
P.W.W.S. 82.

Department of Public Works.
Rights in Water and Irrigation Act, 1914 (as amended).
APPLICATION FOR A LICENSE UNDER SECTION 20.

Name, address and occupation of
applicant

Description, location and approxi-
mate height above sea level of
proposed new well or of existing
well proposed to be enlarged,
deepened or altered or drawn
upon

Description

Municipal District of the

Lot, Location, or Lease No.

Approximate height above sea level

* Nature of proposed work

Statement of the purposes for which
it is proposed to utilise the
water (Regulation 5 (1) (c))

Period for which license is required

Remarks or further explanations

I/We, _____ of _____
in the State of Western Australia, hereby apply for a license under the Rights
in Water and Irrigation Act, 1914 (as amended), for a new well (or to enlarge
or deepen or alter or draw water from a now existing well on land situated at
at _____ in the Municipal District of the _____,
such land being shown on accompanying plan marked "A" and shaded pink,
and upon which land I/we desire to construct a new well (or to enlarge or
deepen or alter or draw water from a now existing well) as described above.

Dated at _____ this _____ day
of _____ in the year of 19 _____.

Signature of Applicant.

To the Minister for Works and Water Supplies.

Note.—Plans and specifications must accompany this application in accord-
ance with Regulation No. 5.

Heading marked * should state whether the proposed work is for a new
well or for enlarging deepening, or altering or drawing water from a now
existing well, or as the case may be.

Western Australia.

Department of Public Works.

Rights in Water and Irrigation Act, 1914 (as amended).

LICENSE UNDER SECTION 20.

Name and address and occupation
of licensee

Location of well

Municipal District of the

Lot, Location or Lease No.

Position

Thing which may be done pursuant
to this License, i.e. commence
construct, enlarge, deepen, alter,
or draw water from a wellPurpose for which the licensee may
utilise the water

Period for which the license is issued

Special terms, limitation and con-
ditions (if any) upon which the
license is issued

This license is issued upon the conditions—

- (i) that the information required under regulations 9 and 10 is for-
warded as required;
- (ii) that the quantity of water drawn from this well and the rate of
draw does not exceed the figure which the Minister may from
time to time determine under section 21 of the Act.

The work described hereon, and referred to in the application and plans
and descriptions and statement of the purpose for which it is proposed to
utilise the water deposited by or on behalf of the abovenamed, as
as finally approved by me, is hereby declared to be a licensed work under the
Rights in Water and Irrigation Act, 1914 (as amended).

This license is issued subject to and in accordance with the regulations
relating to artesian and non-artesian wells, made under the Act.

Given under my hand at Perth this _____ day of _____ 19__.

Minister for Works and Water Supplies

Note.—No alteration shall be made in connection with the well, nor shall
the water from the well be used for purposes other than those authorised by
this license. See regulation 11.

On expiry of term for which license is issued, application for renewal
may be made on Form No. 1.

Western Australia.

Department of Public Works.

Rights in Water and Irrigation Act, 1914 (as amended).

MONTHLY OR FINAL STATEMENT IN RESPECT OF ARTESIAN WELLS
BEING CONSTRUCTED, ENLARGED, DEEPENED, OR ALTERED
UNDER LICENSE.

Name and address of licensee	.....
Location of well, stating Municipal District and lot or location No.	.....
The several casings used, with the names of the makers and the weight per running foot of each size, and whether of soft wrought iron or of mild steel.	.....
Diameter and length of casings inserted, and whether whole or perforated.	.....
If perforated, the sizes and lengths, with the position of each perforated length in the bore.	.....
The depth reached in the well	.....
The depth from the surface, with the thickness and character of each of the different beds of strata pierced.	.....
Particulars of water struck (if any), whether salt, brackish or fresh, and the depths from the surface at which each water-bearing bed was struck.	.....
Also, the height above ground level to which the water will rise in the casing.	.....
The approximate daily volume of the flow of artesian water from each artesian water-bearing bed tapped, and the final or total daily volume from the well on its completion. The day to consist of twenty-four hours.	.....

I, of
in the State of Western Australia, being the holder of a license for the construction, enlargement, deepening, or alteration of an artesian well situated at in the Municipal District of the
hereby forward statement (for the month of) 19 .., in respect of the abovementioned work.

Signature of Licensee.

Date.

To the Minister for Works and Water Supplies.

Note.—If work suspended, or fishing operations only carried on, state that fact.

The head driller of a bore may make out the monthly statements, also the final statements, but the correctness of any of such statements must be verified as far as practicable by the Licensee or his local representative and forwarded by him to the Minister for Works and Water Supplies.

If work completed this statement must be marked FINAL.

Form 5.

Reg. 10.

Western Australia.

Department of Public Works.

Rights in Water and Irrigation Act, 1914 (as amended).

**FINAL STATEMENT IN RESPECT OF NON-ARTESIAN WELLS BEING
CONSTRUCTED, ENLARGED, DEEPENED, OR ALTERED UNDER
LICENSE.**

.....
Name and address of licensee.....
.....
Location of well, stating Municipal
District and lot or location No.
.....
Diameter and length of casings in-
serted, and whether whole or
perforated.
.....
If perforated, the sizes and lengths,
with the position of each per-
forated length in the well.
.....
The depth reached in the well
.....
The depth from the surface, with
the thickness and character of
each of the different beds of
strata pierced.
.....
Particulars of water struck (if any),
whether salt, brackish, or fresh,
and the depths from the surface
at which each water-bearing bed
was struck.
.....
Also the height below ground level
to which the water will rise in
the casing.
.....

I, of
in the State of Western Australia, being the holder of a license for the con-
struction, enlargement, deepening, or alteration of a non-artesian well situated
at in the Municipal District of the
hereby forward the statement under regulation No. 10 in respect of the above-
mentioned work.

Signature of Licensee.

Date.

To the Minister for Works and Water Supplies.

Note.—If work suspended, or fishing operations only carried on, state that fact.

The head driller of a bore may make out the final statements, but the correctness of such statements must be verified as far as practicable by the Licensee or his local representative and forwarded by him to the Minister for Works and Water Supplies.