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When owning water entitlements and having permission to install a pump on the riverbank still may not enable you to get the water to your property >>

This is a further cautionary tale for property owners in the difficult and critical area of irrigation.

In February 2000 Mr Peter Redfern lodged an application for a water licence to irrigate his property "Warrawee", which is located approximately 12 kms from the Namoi River.

He had purchased 315 mega litres of Namoi River surface water entitlements., and between the Namoi River and his property there was a water supply channel that had been constructed by other landholders.

The landholder on the Namoi river had given permission to put in the pump, and Mr Redfern proposed to get the water to his property partly by using the existing channel and partly by putting in a new pipe, but all of the landholders who constructed the channel had declined to grant him permission to use the existing channel.

The Land and Water Conservation Department had refused his application for a licence because they said that the work he proposed was not "new work".

In court Mr Redfern claimed that installing machinery and appliances met his obligations under the Act and therefore the licence should be granted to him. The judge agreed with him and said that the application should be treated as an application for a licence to construct the works.

Although this Court decision meant that Mr Redfern had lodged a valid licence application, it was not the end of it as far as objections were concerned. The landholders between the river and his property still had a right to object after the application was advertised in the Government Gazette.

With so much hanging on the ability of a landholder to be able to irrigate, this case highlights some of the traps that lie waiting in the complexities of the law for unwary players.

Mr Redfern's solicitor has informed us that there re ongoing negotiations in relation to the water licence.. For any further information or assistance contact Peter Jackson, at Jackson Smith Solicitors, free call, 1800 687 217.

Where to find us >>

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