

- (b) For land under 8 hectares water will be allocated by special agreement with the Minister of Works and Development.

7. Conditions of Supply—(i) During the Transition Period:

- (a) For all land that has taken water 'on contract' or 'on demand' within the 5 seasons prior to the Order in Council:

(i) One unit rate of supply will be supplied for each hectare of land.

(All water supply 'on contract' or 'on demand' has been supplied under an agreement between the Crown and the owners or occupiers of land within the irrigation district under the authority of section 277 of the Public Works Act 1928).

- (b) For land not having taken a supply—

(i) For land 8 hectares and over one unit rate of supply will be provided for each hectare of land on which the on-farm works are completed.

(ii) For land under 8 hectares a supply may be made available subject to terms and conditions determined by the Minister of Works and Development.

(ii) The Renewed Scheme—

- (a) For land 8 hectares and over one unit rate of supply will be supplied for each hectare of land on which the on-farm works are completed

Completed on-farm works shall be application systems that take water from a scheme turnout specifically provided for that method. For example, a spray supply to be approved must be taken from a spray sump.

Uncontrolled methods of application, (for example, wild flooding) will not be approved methods.

Existing on-farm works that comply with these requirements will be classified as completed works.

- (b) For land under 8 hectares a supply may be made available subject to terms and conditions determined by the Minister.

- (c) Land irrigated from groundwater may draw water to the installed capacity of the pumps subject to such restrictions that may be required to maintain the groundwater at a viable level.

8. Land Liable to Pay Water Charges—All land 8 hectares and over shall:

(a) During the Transition Period:

(i) Pay the transition period basic charge on each hectare of land occupied.

OR If water has been supplied in the 5 years prior to the Order in Council pay the transition period water availability charge on the allocation.

(b) For the Duration of the Renewed Scheme:

(i) Pay the basic charge on the irrigable area of each property.

OR Where a water availability agreement is entered into pay the water availability charge for each unit rate of supply of water allocated.

For areas of land 8 hectares and greater for which the occupier does not wish to enter into a water availability agreement, i.e. does not wish to take a supply of water, the National Authority shall determine the irrigable area taking into consideration any request made in writing by the occupier.

9. General conditions of allocation and supply that shall apply during and after the transition period.

- (i) Due allowance will be made for the equitable redistribution of any surplus water.

- (ii) The only grounds on which the Minister will consider a reduction in charges for a diminished or reduced supply shall be a failure of the off-farm works.

- (iii) For areas developed for border-dyking, the allocation will be delivered by a rostered supply.

- (iv) For areas developed for spray irrigation, unless otherwise arranged, a continuous supply will be made available to serve a spray unit.

- (v) If the property has a well supply provided by the scheme, at any time during the season the supply from the scheme race may be discontinued or reduced and be required to be taken from the well.

- (vi) For areas using other forms of irrigation, a suitable supply will be made available, subject to such conditions as are appropriate.

- (vii) Where an occupier is given a special service, the cost of that service or an appropriate charge may be recovered directly.

Equally, where an occupier incurs an operating expenditure for the benefit of the scheme, he may seek to have made an appropriate payment.

10. Fencing—Construction and maintenance of fences to Scheme Races:

- (i) Boundary and subdivision fences will be the responsibility of adjacent land occupiers.

- (ii) Other fences will be the responsibility of the scheme.

11. The general objectives of the Renewed Scheme are:

- (i) To define the district.

- (ii) To make the operation and the terms and conditions of supply of water suitable for all forms of irrigation.

- (iii) To co-ordinate and manage the use of underground water to complement the water in the Opihi River.

- (iv) To make water availability better defined and more reliable.

- (v) To minimise future maintenance.

12. Estimated Capability of Scheme—It is calculated that the scheme will provide a sufficient supply of water for the irrigable land within the scheme, subject to the restrictions that will be imposed under the Opihi River Water Management Plan.

13. Water will be supplied to each property at the boundary in a manner suitable for the irrigation of that property.

14. The supply of water to the scheme shall be from the open race system which draws its water from the Opihi River and from the underground water that is affected by the application of water for irrigation on the Levels Plain.

All water supplied shall be subject to the conditions:

- (i) Of the notified use.

- (ii) Of the Opihi River Water Management Plan.

- (iii) Of existing and new water rights.

- (iv) Of such other conditions as may from time to time be imposed by the National Authority, Legislation, and those requested by a majority of irrigators and agreed to by the Minister of Works and Development.

15. The scheme's substitution will commence with the upgrading of the intake structure on the Opihi River. The balance of the work will be carried out according to a programme determined by the District Commissioner of Works, Christchurch, currently estimated to take 5 years.

16. Where an owner or occupier sells or leases a part or parts of his land he shall provide facilities to supply water to each part. The facilities shall be installed as directed by the Minister of Works and Development.

17. The season shall be from 1 May to 30 April the following year. From 1 May to 31 August in each year, a supply will not be available except by special arrangement.

18. The minimum aggregate area of land occupied by any occupier that it is proposed to include in the substituted irrigation scheme is eight (8) hectares. The aggregate area of land must be contiguous.

19. The application of Part XIX (Irrigation) of the Public Works Act 1981 to the existing Levels Plain Irrigation Scheme shall be in two parts:

- (i) The period during the phasing in of the renewed scheme and the termination of the existing scheme, to be called the "transition period" during which the off-farm works are substituted to commence 1 May 1986.

- (ii) The operation of the renewed scheme after the transition period shall commence the season for which the Minister of Works and Development declares the supply of water available to the whole district.

FIRST SCHEDULE

LEVELS PLAIN IRRIGATION DISTRICT

ALL that area in the Canterbury Land District, Strathallan County, bounded by a line commencing at the intersection of the north-western side of Hedleys Road and the western side of Seadown Road, Seadown and proceeding southerly along the last-mentioned roadside to the southern boundary of Lot 11, D.P. 657; thence westerly along that southern boundary, and its production, to the western boundary of the Main South Railway; thence southerly along the western side of the Main South Railway to a point in line with the north-eastern boundary of Lot 1, D.P. 39470; thence south-easterly to and along the north-eastern boundaries of Lots 1 and 2, D.P. 39470 and Section 5, Meadows Settlement, to and southerly