

Minimum Flow Hearing Panel Presentation

Introduction;

1. My name is Alastair Rutherford; I am married to Sue who is the fourth generation of the Lethbridge family to farm The Point, in the Lindis Valley. It is a 5500ha freehold farm running from the Lindis valley floor over the top of the Dunstan Mountains into the upper reaches of Lauder Creek.
2. The Lethbridge's took up the lease in 1910 and Sue and I have been running the farm for the last 40 years. Recently our son with his wife and their son have joined us. Also our daughter helps with the administration.
3. The Point has two deemed permits to take water in the Lindis catchment both issued in 1909 and shares in Lindis Irrigation Ltd's Ardgour Race which was constructed in 1924. We have approximately 600ha of land we irrigate.

Brief History of Irrigation from the Lindis River;

4. The first irrigation right was issued in 1896 to take 5 heads of water out of the Lindis, from just about where the Ardgour measuring site is now situated and delivered water to the Bendigo area. As Morven Hills was subdivided up over the next 15 years there were many rights taken up out of the main river and its tributaries by local land holders.
5. The Government also took up rights as it planned to build a scheme in the Ardgour Valley but the First World War delayed this and it wasn't until 1921 that the scheme finally got started once they found a surveyor.
6. After the Ardgour's success the Tarras farmers lobbied for an irrigation scheme. The Government purchased R K Smith's water race which he had constructed in 1917. It was a very ambitious scheme to bring water in from the Lindis to irrigate his extensive Tarras farmland. To cover the rest of the Tarras area the whole race had to be enlarged through difficult country. This was completed in 1926 but it took many years and blowouts before it finally became reliable.
7. These two Government races (the Ardgour and Tarras) were operated by the Ministry of Works with 3 or 4 race men living in Tarras. In the early 1990s the Treasury suggested the Government sell all its irrigation interests so after protracted negotiations Lindis Irrigation Ltd (LIL) was formed to hold the assets of the two races and run them for the waters users.
8. By the time LIL took over the schemes the cleaning had changed from men with shovels to using an excavator and spraying the weeds so only one raceman was required.
9. On the farms the spreading of water had gone from wild flood to borderdykes then wider laser leveled borderdykes.
10. Now days LIL maintain the old infrastructure as necessary. There are data loggers with telemetry at the intakes and the farmers are changing to the efficient spray systems that are now available.

11. Transition Time Required;

12. The consultation process between the ORC and the community began back in 2008 with regular workshops and presentations being held in the Tarras Hall over the following years.
13. At the third workshop in Nov 2011. Two minimum flows were presented a high 750l/s if Tarras Water Ltd proceeded and 450l/s if it did not. Once TWL did not proceed a presentation on 1st April

2014 reinforced the ORC position of 450l/s being the preferred option as this was considered the best balance between all affected parties. Weeks later this flow level was reinforced at a meeting between Fraser McRae (ORC Director of Policy) and the newly formed Lindis Catchment Group where he stated that 450l/s was still their position and the committee felt they would support that flow.

14. By this time we had got our head around the Bendigo Tarras Groundwater Allocation Study and felt that a 450l/s minimum flow would help to balance the competing interests of the recreational and ecological values in the catchment without too big an effect on the irrigators. Especially if we got efficiency gains from upgrading our irrigation systems we might end up with a similar reliability to before, even though at great cost to us.
15. Knowing the likely minimum flow gave several irrigators the confidence to proceed with upgrading their irrigation systems as they could not delay any longer. We also started upgrading part of our system to pivots.
16. 1st April 2015 ORC had the last presentation in the Tarras Hall this time stating 750l/s as the flow they proposed to notify. The change from the previous flow was without further consultation with any water users. In fact the ORC prevented the Lindis Catchment Group from having any discussions with staff about what was the recent work undertaken that changed their position. This work will be analyzed by one of the expert witnesses appearing for the LCG.
17. This change caused anger and confusion in the district as to how a RMA consultation process could get derailed and has left us very concerned about our family's farming future. One plus from all the delays is that recent amendments to both the RMA and NPS Freshwater have put more emphasis on social and economic effects on people and communities, also the effects on irrigation investments.
18. I find it ironic that I am again discussing this critical subject on April fool's day as it is a very serious subject as far as the Tarras community is concerned.
19. It is essential that at least a five year transition time is granted. To give time to move from the existing water supply arrangement to a completely new mostly pumped spray system, but until the final minimum flow is in the plans and the primary allocation settled and new water consents issued. Nobody can establish their volume of reliable water in order to complete the design of their new systems.
20. Then there is the long and expensive task of establishing new points of take, finance, electricity supply, pumping and pipes, shaping and clearing of ground to remove old gravity systems, construction of pivots and refencing. All this has to be completed before the area can be productive again, since it is not possible to cover the whole irrigated area at once it is essential a transition is granted.

21. Economic impact of the minimum flow;

22. Plan Change 5A has a harmful effect on all the Lindis irrigators and possibly the native fish where as it is of benefit to all other so called effected parties.
23. With the large recommended minimum flow having the first right to water in the river and no reduction to it in low flows means it will have more effect on our farm than most.
24. This is compounded because post 2021 we lose our second priority on our take at "The Point" from the Lindis, due to the RMA not recognizing priority (only existing use). This priority had given us about 90% reliability in the past but recently we have been sharing the losses with Lindis Irrigation Ltd as a way of preparing for the future.

25. Had the priority continued we could have upgraded to new infrastructure to utilize that reliability at any time. Instead we have been forced to wait this past decade to find out what the volume and reliability of water we will receive when we renew our water rights. This has been a very frustrating and worrying wait.
26. The 750l/s minimum flow completely throws the whole catchment out of balance. This summer during the driest part we would have received about 25% of our consented flow had it been in place.
27. The effect of the reduction on flow reliability will be huge as explained by our expert witnesses using models for various farm types and multipliers where the irrigation forms a finishing and winter feed source for a large High Country property like ours.
28. Most models that consultants use just don't show the full effect of the volatile nature of the Lindis river flows. The Berl report didn't show the huge difference in effect on reliability between the minimum flows modeled. This was mainly because it just showed the total days with restriction not showing if it was 5% or 85% restriction. Even Aqualinc struggled to have a model that shows how significantly the reliability will be effected by the 750l/s so I understand where the ORC get some of their ideas from.
29. That is why the LCG engaged consultants who worked in the Tarras area and understood the conditions as they have seen the actual results on some of the farms. The figures they have submitted as expert evidence are very realistic to what we experience on farm due to any drought or change in water availability.

30. Primary Allocation;

31. We feel this should at least 1900l/s to allow existing users certainty in their permits. It may bring on rationing sooner but we are skilled at sharing the resource. This is what we are used to, and we have low cost systems to spread the unreliable water that is available in the shoulder seasons. A primary allocation block so different from the actual use will only serve to pit neighbour against neighbour in the pursuit of replacement consents.

32. Summary;

33. We have spent and huge amount of time and money over many years to present our case to this hearing. I feel we have done our best to consult with other affected parties starting with taking part in the ORC workshops and presentations where a consensus seemed to be arrived at in 2014.
34. The LCG was set up initially to manage the future running of the river. But once the altered minimum flow was presented without prior consultation and the ORC cancelled a proposed all party meeting at short notice. The LCG engaged a consultant and independent chairman, set up its own "think tanks" inviting DOC, F&G, Iwi and the ORC (who only attended the last two).
35. Some common ground was found on the benefits of channel management and how the changes to the points of take would help remove the sometimes dry sections of riverbed between the Ardgour measuring site and the Tarras race intake. There was also some understanding of the need for a transition period.
36. We also ran a survey on the campers over the summer of 2014-2015 and of the 29 replies all supported the 450l/s minimum flow.
37. I still struggle to understand what changed after April 2014 when the Consultation Draft Section 32 Evaluation Report written by the ORC at that time recommended Option 2: (450 l/s). Their evaluation states "Option 2 protects aquatic ecosystems, natural character, cultural and recreation

values at and upstream from the SH8 Bridge, and allows for fish passage over the summer months. This option allows the local community to provide for their social and economic wellbeing, but requires investment in efficient irrigation methods. Access to water for storage is enabled at moderate flows. Scope exists for economic growth in the lower Lindis and on the Clutha River terraces.

38. I feel the 2014 preferred option has the best balance between all parties and considers the local community to provide for their social and economic wellbeing as well as all the other values. Once the points of take are altered it only leaves 2.5% of the total Lindis riverbed subject to drying out in the middle of summer.
39. Whereas the 2015 Section 32 Evaluation Report ignores our social and economic wellbeing, suggesting we will be able to increase productivity through use of alternate sources and water storage with no analysis on the crippling costs and difficulty of access.
40. We feel the LCG expert witness will explain what the real costs are on these options are and that the 450l/s minimum flow is the best balance for all parties. This has been done using sound science, actual certified data and costs that we as experienced farmers and water users recognize as accurate for our catchment.
41. We have no viable alternate supply of water for our farm and will be facing huge costs to maintain our reliability at a 450 minimum flow. Needing to put in new spray systems and water storage.
42. The new irrigation you see in the district is only just viable because of the capital gain you get from converting previously dry un-irrigated land to 100% reliable irrigated land. The reliability gained from water from the Clutha doesn't justify the cost. We have no new area to convert.
43. One other concern I have is the accuracy of the Ardgour flow meter. As you will see in some of the expert evidence there are big differences at times between the daily value and the verified one. If this is what we have to use to maintain the minimum flow there may need to be a more accurate standard set in the Water Plan.
44. For the past 106 years that our family has been living on the banks of the river the Lindis has ruled our lives 24/7. Through floods and droughts it has given and taken. There are few that have a bigger attachment to the Lindis River or as much to lose as us.
45. So I ask you the panel to please give the social and economic wellbeing, the existing rights and investments the weight they now have in the new amendments to the RMA when balancing the needs of all parties.