

# Application to Divide and Transfer a Water Share

3

## Explanatory Notes

### General

1. Only the whole of a water share can be transferred. Transfer of a water share means changing ownership of the water share. It was previously called a permanent trade.
2. This application will cancel the original water share and create two new water shares, and transfer one of the new shares. To divide a water share into more than two water shares requires a separate *Application to Divide a Water Share*.
3. Once the original water share is cancelled and two new water shares are created and the Water Authority has approved the transfer for one of the new shares, then you may arrange financial settlement. After that, a separate application must be made to the Water Registrar to record the transfer.
4. If a mortgage and/or a limited term transfer are recorded over the original water share, the mortgage and/or limited term transfer will be recorded over the two new 'divided' water shares.
5. As a part of the process of dividing and transferring the water share, the buyer can also:
  - Vary the Water Authority, trading zone use, delivery system, and Allocation Bank Account water share attributes.
  - Associate the water share with a water-use licence, water-use registration, or nominate the water share to be included in the non water user limit (i.e. the 10% or other limit on water shares in a system held by non water users).
6. The division and transfer of a water share do not change the ownership of water allocations that have been issued to the water share. Allocations will be continued to be issued into the water share owner's Allocation Bank Account. Ownership does not change until the transfer has been recorded in the Water Register by the Water Registrar.

### Process for obtaining approval

#### Lodgement

7. The parties first need to agree on the volume to be transferred and the price.
8. A completed application to *Divide and Transfer a Water Share* form must be lodged over the counter at the seller's Water Authority including payment of the application fee.
9. The Water Authority will not accept:
  - Photocopied forms as the application number on the top right-hand corner must be unique.
  - Faxed forms as original signatures are required.
10. The Water Authority also requires proof of the identification of all the sellers (a water share may be owned by more than one person). This requires each seller to present their identity check documentation to the Water Authority as specified in the document *100 Point Check: Proving Your Identity to the Water Authority*.
11. The application to *Divide and Transfer a Water Share*, schedule of application fees, and the *100 Point Check: Proving Your Identity to the Water Authority* document are available from the Water Authority.

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#### If you require further information please contact your Water Authority:

Goulburn-Murray Water  
40 Casey Street  
TATURA T: (03) 5833-5500

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Lower Murray Water  
741-759 Fourteenth Street  
MILDURA T: (03) 5051-3400

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First Mildura Irrigation Trust  
120 Ninth Street  
MILDURA T: (03) 5021-1811

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### Approval by the Water Authority and Recording by the Registrar

12. If the division and transfer is approved by the Water Authority:
  - The Water Authority will cancel the original water share and create the two new water shares in the water register.
  - The Water Authority will write to the transferor (the owner and seller) advising of:
    - The cancellation of the original water share and creation of the two new shares.
    - Approval of the transfer of the water share.
  - Included with the letter to the transferor (seller) is a pre-filled *Transfer of a Water Share* form that must be signed by all the parties and lodged with the Water Registrar along with either discharges of any mortgages over the water share or written consent of the mortgagee(s) to the transfer. An approved form of consent is available from the Registrar.
  - The Water Authority will also write to the transferee (buyer) and the water broker (if a water broker coordinated the application) advising of the above.
13. It is important to note that the Water Registrar will not accept the pre-filled form if there are any erasures or alterations to the form, and if it is not signed by all the transferors (sellers) and transferees (buyers).
14. The transfer must be recorded in the water register within two calendar months from the date of Water Authority approval of the transfer. If the transfer is not recorded within the two months, the Water Authority approval lapses and the Water Registrar will not record the transfer. A new application for approval would need to be lodged with the Water Authority with another application fee.
15. Once the Water Registrar has recorded the *Transfer of a Water Share*, a letter advising of the recording will be sent to the transferee (buyer), transferor (seller) and water broker (if applicable).

### Registrar's Procedures

16. The Water Registrar may from time to time publish Directions setting out procedures for recording Limited Term Transfers and other transactions. These Directions will be available from the Office of the Water Registrar, Level 9, 570 Bourke Street, Melbourne 3000.

### Refusal of the application

17. If the Water Authority refuses the transfer, it will send a letter stating the reasons for the refusal to the transferor (seller), transferee (buyer), and the water broker (if one was nominated on the application). Reasons for refusal may include:
  - i. The proposed trade does not comply with trading zone rules.
  - ii. The annual limit on trade out of the irrigation district would be exceeded.
  - iii. There are outstanding charges on the water share being transferred.
  - iv. If the transferred water share is proposed to be included in the non water user limit and the transfer would cause the limit to be exceeded.
  - v. If the water share is to be associated with a water-use licence but the proposed transfer would cause the holding limit to be exceeded.

# Application to Divide and Transfer a Water Share

# Form 3

**Application No: WDT**

**Privacy Collection Statement**

The information from this form is collected under the Water Act 1989, in order to process this transaction. The information is used for the purpose of maintaining the water register and for the provision of statistical water market information. Most of the information in the water register is available to the public. Incomplete forms can not be processed.

Application for Minister's approval to divide a water share (under section 33Y of the **Water Act 1989**) and to transfer a water share (under section 33X); and, if required, to vary the water share (under section 33R of the **Water Act 1989**) or to associate the water share with a water-use licence or water-use registration (under section 33AQ of the **Water Act 1989**).

**Transfer Information**

1. ML to be transferred  ML

2. Please write in full (using capital letters) the volume to be transferred:  
 ML

3. Monetary consideration \$  *This information is collected for statistical purposes only, under 84ZG (a) of the Water Act 1989.*

**To be Completed by the Transferor(s) (Sellers)**

4. Water Share Identification No.: (to be divided)

5. Current total volume of the water share (before transfer)  ML ML (MUST equal 5a + 5b)

a) ML to be divided and transferred (as per question 1)  ML

b) Volume of your reduced holding (after division and transfer)  ML

6. Please print name(s) in full and in capital letters. All owners of the relevant water share must sign. If there are more than four owners or the owner is a company please ensure that Annexure 2 is also completed. The first person listed will be the person to whom all correspondence will be sent.

Given name(s)	Surname	Signature
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Dated

**To be Completed by the Transferee(s) (Buyers)**

7. Do you wish to associate the purchased water share with a water-use licence or water-use registration?  
 YES. Please list below the water-use licence(s) or water-use registration(s) that you would like the water share to be associated with.

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

NO. I do not want this water share to be associated with a water-use licence or water-use registration.

8. Do you have an existing Allocation Bank Account to which you would like future allocations from the water share issued?

YES. I have an existing Allocation Bank Account to which I would like future allocations from the water share issued.

My account number is:

NO. I would like to open a new Allocation Bank Account.

9. If you wish to vary the water share please list below what the water share attributes are to be changed to:

Water Authority

Trading Zone Use

Delivery System

## 10. Transferee(s) (Buyers) Proposed Ownership Structure

Please print name(s) in full and in capital letters. All prospective owners of the relevant water share must sign. If there are to be more than three owners or the owner is a company please ensure that Annexure 2 is also completed. The first person listed will be the person to whom all correspondence will be sent.

### EITHER

a) The **WHOLE** water share (i.e no portions) is to be held by one or more owners.

Given name(s)	Surname	Signature
i.		
Postal address		
ii.		
Postal address		
iii.		
Postal address		

Dated

### OR

b) The water share is to be in **PORTIONS** held by tenants in common.

Please see explanatory notes on how to complete the following. Legal advice may be required.

First portion  Size of portion:

Given name(s)	Surname	Signature
i.		
Postal address		
ii.		
Postal address		

Dated

Second portion Size of portion:

Given name(s)	Surname	Signature
i.		
Postal address		
ii.		
Postal address		

Dated

Third portion Size of portion:

Given name(s)	Surname	Signature
i.		
Postal address		
ii.		
Postal address		

Dated

### 11. Water Broker (if Water Broker coordinated the Application)

Given name(s)	Surname
<input type="text"/>	
Postal Address <input type="text"/>	
Party ID <input type="text"/>	Phone Number <input type="text"/>

# Annexure 2

## Water Act 1989

This is page \_\_\_\_\_ of Approved Form 1, 3 and 10

dated \_\_\_\_\_ between:

Signatures of the Parties

## Privacy Collection Statement

The information from this form is collected under the Water Act 1989, in order to process this transaction. The information is used for the purpose of maintaining the water register and for the provision of statistical water market information. Most of the information in the water register is available to the public. Incomplete forms cannot be processed.

## To be Completed by the Seller(s)

Given name(s)	Surname	Signature

Dated

## Buyer's proposed ownership structure

Please print name(s) in full and in capital letters. All prospective owners of the relevant water share must sign.

### EITHER

a) The **WHOLE** water share (i.e no portions) is to be held by **one or more** owners.

Given name(s)	Surname	Signature
iv.		
Postal address		
v.		
Postal address		
vi.		
Postal address		

Dated

### OR

b) The water share is to be in **PORTIONS** held by tenants in common.

Please print name(s) in full and in capital letters below. Please see explanatory notes on how to complete the following. Legal advice may be required.

Fourth portion  Size of portion:

Given name(s)	Surname	Signature
i.		
Postal address		
ii.		
Postal address		

Dated

## Annexure 2

Fifth portion	Size of portion:		
Given name(s)	Surname	Signature	
i.			
Postal address			
ii.			
Postal address			
Dated			

### To be Completed if Company is Seller

All notices and invoices will be sent to the postal address of the first named company.

1. Name of Company	ABN		
Postal Address			
Dated			
Given name(s)	Surname	Signature	Position

2. Name of Company	ABN		
Postal Address			
Dated			
Given name(s)	Surname	Signature	Position

### To be Completed if Company is Buyer

All notices and invoices will be sent to the postal address of the first named company.

1. Name of Company	ABN		
Postal Address			
Dated			
Portion Size (if applicable)			
Given name(s)	Surname	Signature	Position

## Annexure 2

2. Name of Company

ABN

--	--

Postal Address

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Dated

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Portion Size (if applicable)

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Given name(s)

Surname

Signature

Position

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SAMPLE