

Application to Vary and/or Associate, or Revoke a Water Share Association

Explanatory Notes

General

1. To vary a water share means varying one or all of the following attributes of the water share: the Allocation Bank Account, trading zone use, delivery system, or the Water Authority.
2. To associate a water share means to associate the share with a water-use licence or water-use registration. A water share can be associated with more than one water-use licence and water-use registration but the water share, water-use licence, and water-use registrations must have the same Water Authority and trading zone use attributes.
3. To revoke an association means to include the water share in the non water user limit. That water share would no longer be associated with a water-use licence or water-use registration. The non water user limit limits the volume of water that can be held without being associated to ten percent of a water source and reliability type combination. A water share's association cannot be revoked if the revocation means that the non water user limit would be exceeded.
4. A water share's association and attributes are detailed in the copy of the water share's record.

Process for obtaining approval

Lodgement

5. The applicant must complete the Application to *Vary and/or Associate, or Revoke a Water Share Association* application form and lodge the completed form including payment of the application fee with the Water Authority over the counter or by mail.
6. 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.
7. The *Vary and/or Associate, or Revoke a Water Share Association* application form and schedule of application fees are available from your Water Authority.

If you require further information please contact your Water Authority:

Goulburn-Murray Water
40 Casey Street
PO Box 165, TATURA 3616 T: (03) 5833-5500

Lower Murray Water
741-759 Fourteenth Street
PO Box 1438, MILDURA 3502 T: (03) 5051-3400

First Mildura Irrigation Trust
120 Ninth Street
PO Box 5024, MILDURA 3502 T: (03) 5021-1811

Approval of the Application

8. If the Water Authority approves the application the Water Authority will record the variation and/or the association, or revocation of association.
9. The Water Authority will send a letter to the first water share owner listed advising that the variation and/or the association, or revocation of association has been approved and recorded in the water register. A copy of the letter will be forwarded to the water broker if a water broker coordinated the application.

Refusal of the Application

10. The Water Authority will send a letter to the first water share owner listed stating the reasons for the refusal. A copy of the letter will be forwarded to the water broker if a water broker coordinated the application.
11. Reasons for refusal may include:
 - i. Where the applicant requests the water share association to be revoked but the revocation would cause the non water use limit to be exceeded; and
 - ii. Where the water share is to be associated with a water use-licence and/or a water-use registration but the association will cause the holding limit to be exceeded. (The holding limit is equivalent to twice the annual use limit of the water-use licence and/or water-use registration. A volume no greater than the holding limit can be associated).

More information required

12. If the Water Authority requires more information a letter will be sent to the first water share owner listed and to the water broker if a water broker coordinated the trade. The letter will make clear the missing information and/or incorrect information that requires correction.
13. Applicants must provide missing information or correct information within two calendar months or the application to *Vary and/or Associate, or Revoke a Water Share Association* will lapse, and a new application would need to be lodged with another application fee.

Note: A reference in these notes to actions to be undertaken by the Water Authority may mean the Water Authority is acting as delegate of the Minister under section 306 of the Water Act 1989.

How to complete the Application to Vary and/or Associate, or Revoke a Water Share Association

General Information

This application can only facilitate the variation and/or association, or revocation of water share association of one water share.

Question 1 – Water Share Identification Number

This number can be found on the copy of water share record.

Question 2 – Variation of Water Share

Only the Water Authority, trading zone use, delivery system and Water Allocation Bank Account can be varied. All variations are subject to trading zone rules and are subject to the annual limit on trade out of irrigation areas or districts.

Question 3 – Water Allocation Bank Account

Nominate the Water Allocation Bank Account that you wish to use. All future allocations for the water share will be issued to the Water Allocation Bank Account you nominate.

Question 4 – Association

Provide the water-use licence number(s) or water-use registration number(s) that you wish to associate with your water share. If you wish to associate your water share with a water-use licence(s) and/or water-use registration(s) there must be capacity within the holding limit (twice your annual use limit). Your annual use limit will be recorded on your water-use licence/water-use registration.

Question 5 – Revocation of Association

If the water share is not to be associated with water-use licence(s) or water-use registration(s) there must be capacity within the non water user limit for the associated water system. To find out if there is capacity within the non water user limit please contact your Water Authority.

Question 6 – Water Share Owner's Signatures

- a. To just vary a water share or to revoke an association, only the owners of a water share can apply and all owners must sign the application.
- b. Only the owner of the land that is covered by a water-use licence/water-use registration, or the occupier of the land, or a related person to the land owner can apply to associate a water share. A "related person" is a person who is related to another person in accordance with any of the following provisions—
 - i. natural persons are related persons if one of them is a relative of the other;
 - ii. companies are related persons if they are related bodies corporate within the meaning of the Corporations Act;
 - iii. a natural person and a company are related persons if the natural person is a majority shareholder or director of the company or of another company that is a related body corporate of the company within the meaning of the Corporations Act;
 - iv. a natural person and a trustee are related persons if the natural person is a beneficiary of the trust (not being a public unit trust scheme) of which the trustee is a trustee; or
 - v. a company and a trustee are related persons if the company, or a majority shareholder or director of the company, is a beneficiary of the trust (not being a public unit trust scheme) of which the trustee is a trustee.
- c. To both associate and vary the water share, all the owners of the water share must sign the application and the owner/occupier of the land covered by the water use license (as per b above).

Questions 7 – Applicant(s) Water Broker

Please provide the name, signature, contact telephone number and party identification number if a water broker is coordinating the application. If the water broker has not received a party identification number, an identification number will be issued on receipt of this application. A letter regarding the approval, refusal or a requirement of more information will also be sent to the water broker (if relevant).

Application to Vary and/or Associate, or Revoke a Water Share Association

Application No: WEV

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.

Application for Minister's approval to associate a water share with a Water-Use Licence or a Water-Use Registration (under section 33AQ of the Water Act 1989); and/or vary a water share (under section 33R of the Water Act 1989); or to revoke an association (under section 33AQ of the Water Act 1989).

Water Share Details

1. Water Share Identification No.:

Variation of Attributes on a Water Share

(Leave this section blank if you do not wish to vary attributes).

2. What water share attribute do you wish to vary on the water share? (Please tick)

- Water Authority To be changed to:
- Trading Zone Use To be changed to:
- Delivery System To be changed to:

3. If you wish to vary the Water Allocation Bank Account that the water share is linked to please provide the Water Allocation Bank Account number below.

Association of a Water-Use Licence/Water-Use Registration with a Water Share

(Leave this section blank if you do not wish to associate).

4. Please list 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"/>

Revoke an Association of a Water-Use Licence/Water-Use Registration with a Water Share

(Leave this section blank if you do not wish to revoke an association).

5. Please list the water-use licence(s) or water-use registration(s) that you no longer wish to be associated with the water share.

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

Water Share Owner(s) Signature(s)

6. Please print name(s) in full and in capital letters. If there are more than four owners or the owner is a company, please ensure that Annexure 3 is also completed. All notices will be sent to the postal address of the first named person.

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

7. Water Broker (if Water Broker coordinated the Application)

Given name(s)

Surname

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Postal Address

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Party ID

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Phone Number

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SAMPLE

Annexure 3

Water Act 1989

This is page _____ of Approved Form 5, 6, 8 and 9.

dated _____ between:

Signatures of the Parties

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To be Completed by the Applicant(s)

Given name(s)	Surname	Signature

Dated

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To be Completed if Company is Applicant

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

1. Name of Company

	ABN
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Postal Address

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Dated

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Given name(s)	Surname	Signature	Position

2. Name of Company

	ABN
--	-----

Postal Address

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Dated

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Given name(s)	Surname	Signature	Position