

## Application for a Private Right Determination

### What is this application form for?

Use this form to apply to Goulburn-Murray Water to determine if you have a right to take water free of charge and without a licence from a waterway.

### What to do:

- Read the accompanying explanatory notes and refer to the current fee schedule (which can be obtained by calling 03 5833 5609 or downloaded from [www.g-mwater.com.au](http://www.g-mwater.com.au)) before you fill out the form.
- Complete the form in full ensuring all relevant information is provided.
- Complete the checklist. Incorrect information may result in your application being refused. **Your application will be returned if it is ineligible or incomplete.**
- Send the form, any required documentation and the application fee to: Goulburn Murray Water, PO Box 165, TATURA , VIC 3616.
- Goulburn-Murray Water accepts payment by cheque or credit card.



# Application form

## Private Right Determination



## Assistance with completing the application form

### How do I get more information or assistance with completing this form?

Read the information included in the attached notes and if you need further assistance contact the Licensing Unit between 8.00am and 4.45pm Monday to Friday

Telephone: (03) 5833 5609 OR 1800 013 357 (free call from most fixed line phones)

Facsimile: (03) 58 24 5815

Email: [licensingadmin@g-mwater.com.au](mailto:licensingadmin@g-mwater.com.au)

### 1. APPLICANT/S DETAILS

Applicant No 1: (Individual or company name).....

Applicant No 2: (Individual or company name).....

Postal Address: .....

..... Postcode: .....

Telephone number: ( ) ..... Mobile number: .....

Fax Number: ..... Email: .....

### 2. DESCRIPTION OF LAND ON WHICH THE DETERMINATION IS REQUESTED

Property address: .....

Vol.: .....Fol: .....Lot No: .....Plan No: .....Crown Allotment: .....Section:.....

Vol.: .....Fol: .....Lot No: .....Plan No: .....Crown Allotment: .....Section:.....

Vol.: .....Fol: .....Lot No: .....Plan No: .....Crown Allotment: .....Section:.....

Parish .....

**Note: If additional lands are required please attach a separate list for this application.**

### 3. SOURCE OF SUPPLY (IF KNOWN)

Waterway: ..... Tributary of: .....

Is the Waterway separated from the property by a Crown Reserve?  Yes  No

### 4. PROPOSED USE/S OF WATER

Domestic Household (Number of Households): .....

Stock Supply

Other: .....

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### 4. DECLARATION OF APPLICANT/S

I confirm that the information supplied in this application is complete and correct to the best of my knowledge. I am aware that it is an offence to supply false or misleading information.

I acknowledge that Goulburn Murray water may release information contained in this application, at the discretion of G-MW to relevant parties and organisations in accordance with relevant legislation.

Signature of applicant 1 .....

Date: .....

Printed name: .....

Signature of applicant 2 .....

Date: .....

Printed name: .....

#### Protecting your privacy

Goulburn-Murray Water protects your privacy by collecting and handling your personal information in accordance with the requirements of the *Information Privacy Act 2000*. The personal information collected in this form will only be used for the purpose of administering your application. It will only be disclosed to appropriate staff in regard to the purpose for which it was provided. Failure to provide the information sought in this form may result in processing delays. You have a right to access and correct the personal information you provide to Goulburn-Murray Water. For further information regarding Goulburn-Murray Water's privacy statement please refer to our website at [www.g-mwater.com.au](http://www.g-mwater.com.au)

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### Credit Card Payment Authority

Applicant/company name: .....

Payment for Application for a Private Right Determination

#### CREDIT CARD DETAILS

Please tick (✓) appropriate card:

#### CREDIT CARD DETAILS:

MasterCard

Visa

Card No

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Cardholder's name

\_\_\_\_\_  
Cardholder's signature

This page is destroyed by Goulburn-Murray Water after the Credit Card transaction has been processed.

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## Private Right Determination



### General information and explanatory notes (retain for future reference)

#### What is a Private Right?

The *Water Act 1989* (the Act) states that anyone in Victoria can take water from any waterway and use the water on land they occupy for domestic and stock purposes provided the land is adjacent to the waterway or the water flows or occurs on the land.

#### How does this relate to rivers and creeks?

A landowner may have a private right when there is no Crown Land, Road Reserve or Public Purposes Reserve separating their property from the waterway.

Normally private right exists if:

- Your property title includes the river or stream
- Your property title directly abuts the river or stream

The Private Right is limited to points where the waterway abuts or transverses their property. If a Crown Allotment that would enjoy a private right was subdivided **before** 1 November 1990, all of the lots within that subdivision that are traversed or abutted by the waterway enjoy the private right to water.

If a Crown Allotment that would enjoy a private right was subdivided **after** 1 November 1990, only one of the lots that is traversed or abutted by the waterway would enjoy a private right to water.

#### What are domestic and/or stock purposes?

Domestic and stock purposes include:

- household use
- watering of stock\* and animals kept as pets
- watering of a kitchen garden (up to 0.1 hectares)

\*Stock use does not include water used in dairies, piggeries feedlots, poultry sheds or any other intensive or commercial use.

#### What if I want to use the water for any purpose other than Domestic and/or Stock?

Private rights to water only apply where it is used for domestic and/or stock use. If water is to be used for any other purpose, a licence to take and use water is required. Please contact Goulburn-Murray Water's Licensing Unit for licensing requirements.

#### Why do I need to provide prior and current copies of titles for the land?

Any prior titles referencing the original crown description for the land must be provided to enable G-MW to assess the application. If any of the land has been subdivided a copy of the title or the plan of subdivision must also be provided.

The current copy of title (Registered Search Statement and plan) for the land(s) being assessed must also be supplied so that G-MW can verify the current ownership of the land. It is important we have an up to date land description so that the private right determination assessment is accurate. An example of the of the search statement is attached for your reference.

#### How can I get a copy of my land titles?

You can obtain a registered search statement (see attached example of the correct search) by:

- Accessing the Land Titles office via the internet at [www.land.vic.gov.au](http://www.land.vic.gov.au) or phone ( 03) 8636 2456
- Requesting that G-MW complete the searches on your behalf.
- Contacting your solicitor or legal advisor to conduct the search on your behalf (fees may apply)

# Application form

## Private Right Determination



Example of a Registered Search Statement produced for a land title from Land Victoria



# SAMPLE ONLY

Copyright State of Victoria. This publication is copyright.  
No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement.

The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

### REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 88888 FOLIO 999

Security no : 888888888888E

Produced 17/03/2010 09:30 am

### LAND DESCRIPTION

Lot x on Plan of Subdivision 999999.  
PARENT TITLE Volume 888888 Folio 999  
Created by instrument 888888 24/04/1919

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
JOHN DOE  
MARY DOE both of 9999 SMITH ST MELBOURNE 3051  
[S999999F](#) 09/11/1992

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE [AC9999999A](#) 25/09/2003  
BENDIGO BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

### DIAGRAM LOCATION

SEE [TP9999999P](#) FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL  
-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)  
Street Address: 999999 SMITH ST MELBOURNE VIC 3186