

# Form 1 – Application for Approval to Transfer a Water Share



Use this form to gain approval to transfer whole or part of a water share.

Transferring a water share is a two step process:

Step 1: Gain water corporation approval for the transfer (using this form)

Step 2: Lodge the resulting transfer document (sent to the seller at completion of step 1) with the Water Registrar.

## Checklist to help you complete this application form

### Retain or copy this page for your records

#### Sellers

- Each water share owner will need to complete an identity check.
- Companies must attach an ASIC Company Extract that is less than 12 months old.
- Ensure all sellers have completed all details and have signed.
- All entitlement storage fees must be paid prior to submitting this application.

#### Buyers

- Companies must attach an ASIC Company extract that is less than 12 months old.
- Ensure all buyers have completed all details and have signed.
- If any water-use license/ registration listed in Section D has owners who are different to the buyers of the water share, attach a 'Related Parties Statutory Declaration' and a 'Consent of Land-Owners to Association of Water Share' form. If you are unsure who the owners are, contact your water corporation.

#### Agents and Solicitors

- Ensure the details of Section B are correct.
- Application forms must have original signatures. Electronic signatures are not accepted. You must lodge this application with the water corporation by mail or over the counter. Photocopied, faxed, or emailed forms are not accepted.

### More information

If you require more information or wish to know the progress of this application please contact your water corporation:

#### Goulburn Murray Water

40 Casey Street  
PO Box 165  
Tatura 3616  
T: 1800 013 357

#### Lower Murray Water

741-759 Fourteenth Street  
PO Box 1438  
Mildura 3502  
T: 03 5051 3400

#### Southern Rural Water

88 Johnston Street  
PO Box 153  
Maffra 3860  
T: 03 5139 3100

Copies of the identity check, and the Related Parties Statutory Declaration and Consent of Land-Owners to Association of Water Share form can be downloaded from [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au). A water share copy of record can also be downloaded from that site. ASIC company extracts can be downloaded from [www.asic.gov.au](http://www.asic.gov.au).

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## A Seller's agent or solicitor



Agents/ solicitors lodging this application on behalf of the seller must provide their contact details. If this is not filled in, the agents/ solicitors will not receive any correspondence regarding this application.

Party ID (if known)

PTY \_\_\_\_\_

Your reference

Company name (if applicable)

Phone number

Given name

Middle name

Surname

Postal address

Postcode

Email address

The seller(s) of the water share authorise me to receive the *Transfer of water share* document.

## B Buyer's agent or solicitor



Agents/ solicitors acting on behalf of the buyer must provide their contact details. If this is not filled in, the agents/ solicitors will not receive any correspondence regarding this application.

Party ID (if known)

PTY \_\_\_\_\_

Your reference

Company name (if applicable)

Phone number

Given name

Middle name

Surname

Postal address

Postcode

Email address

**C About the water share transfer (seller to complete)**

i. Which water share (whole or part of) are you transferring?

W	E	E							
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 Example: WEE000077
ii. What is the reliability of the water share (tick applicable)?  High Low (or spill for Ovens)

iii. What is the current volume in megalitres (ML) of the water share?

 .  ML Example: 5.8 ML

iv. How much of the water share do you wish to transfer?

 **Whole:** or **Part** - How much are you transferring?
 .  ML Example: 3.5 ML

How much of the water share are you retaining?

 .  ML Example: 2.3 ML

Transferring part of a water share will cancel the original water share, and two new shares will be issued for the transferred and retained volumes respectively.

v. Total dollar value of the water share being transferred?

 \$ Example: \$40,000 (if 20.0 ML were being transferred at \$2,000 per ML)

We use this information to estimate the market value for water.

**D Seller(s) of the water share**

**i** Each seller must complete a separate identity check, and include it with this application.

To include more sellers than there is space for here, tick this box, complete the relevant sections below and use Annexure to Form 1 (Annexure 1).

**D1 Company seller(s)**

**i** You must attach an ASIC company extract less than 12 months old to this application.

1 Company name

Phone Number



Company postal address

Postcode

Email address

I/we are **authorised to sign** for this company:

Given name

Middle name(s)

Surname




Position

Signature



Given name

Middle name (s)

Surname




Position

Signature

**2** Company name  Phone Number

Company postal address  Postcode

Email address

I/ we are **authorised to sign** for this company:

Given name  Middle name(s)  Surname

Position  Signature

Given name  Middle name (s)  Surname

Position  Signature

**D2** **Individual sellers (provide your full legal names)**

**1** Given name  Middle name(s)  Surname

Date of birth  /  /  Phone number  Mobile number

Postal address  Postcode

Email address  Signature

**2** Given name  Middle name(s)  Surname

Date of birth  /  /  Phone number  Mobile number

Postal address  Postcode

Email address  Signature

**3** Given name  Middle name(s)  Surname

Date of birth  /  /  Phone number  Mobile number

Postal address  Postcode

Email address  Signature

**E How will the water share be used (buyer to complete)**

i. Are you buying the land with which the water share is currently associated?

- No.**
- Yes** - The association will be retained.

ii. Do you have an allocation account you want to link to the water share?

**i** Future allocation from your water share will be deposited into the allocation account you nominate. If you are not the holder of this account, you are giving future allocation to the persons named on that account.

**Yes** - Please use the following allocation account.

Example: ABA000055

The ABA must be in the same trading zone as the purchased water share.

**No** - Please create a new allocation account for the water share in the buyer's name(s).

iii. If you would like to associate the water share with other water-use licences/ registrations, list them here.

<b>W</b>	<b>U</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>W</b>	<b>U</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>W</b>	<b>U</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>W</b>	<b>U</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Example: WUL000001 / WUR000001

**F Buyer(s) of the water share**

**i** The default will be for the water share purchased to be held as sole/ joint owners by the buyers named below. If you wish to record the buyers as tenants in common (portioning a share) tick this box  and complete E1 and/ or E2 and Annexure to Form 1 (annexure 2 and 3).

Ensure that you complete the details of all buyers of the water share and have them sign.

To include more buyers than there is space for here, tick this box, complete the relevant sections below and use Annexure to Form 1 (Annexure 2).

**F1 Company buyers**

**i** You must attach an ASIC company extract less than 12 months old to this application.

**1** Company name  Phone Number

Company postal address  Postcode

Email address

I/ we are **authorised to sign** for this company:

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

**2** Company name  Phone Number

Company postal address  Postcode

Email address

I/ we are **authorised to sign** for this company:

Given name  Middle name(s)  Surname

Position  Signature

Given name  Middle name (s)  Surname

Position  Signature

**F2** 

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 **Individual buyers (provide your full legal names)** 

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**1** Given name  Middle name(s)  Surname

Date of birth  /  /  Phone number  Mobile number

Postal address  Postcode

Email address  Signature

**2** Given name  Middle name(s)  Surname

Date of birth  /  /  Phone number  Mobile number

Postal address  Postcode

Email address  Signature

**3** Given name  Middle name(s)  Surname

Date of birth  /  /  Phone number  Mobile number

Postal address  Postcode

Email address  Signature

### About the water share transfer

#### 1. Transferring a water share

The two steps to transfer whole or part of a water share are:

**Step 1 Applying for approval from the seller's water corporation using this form.**

When the water corporation approves the transfer it sends a letter to the buyer, seller and lodging agent/ solicitor and sends a 'Transfer of Water Share' document to the seller or his/ her agent.

**Step 2 Lodging a signed and completed 'Transfer of Water Share' form with the Water Registrar.**

If there is a mortgage on the water share the seller must provide evidence that it has been discharged or that the mortgagee bank has consented to the transfer.

Any limited term transfer stays on the water share until it expires, or is surrendered.

The parties named on the 'Transfer of Water Share' must complete and lodge it with the Water Registrar within two calendar months from the date of the water corporation's approval. Otherwise the approval expires and the application process has to start again.

The Water Registrar notifies the seller and buyer/ lodging party when the transfer has been recorded and sends the buyer a copy of the record of the water share. Until this happens the buyer does not own the water share.

#### 2. Transferring part of a water share

The approval to transfer part of a water share automatically cancels the original share and creates two new water shares in the seller's name. One share is for the volume being transferred and the other is for the volume being kept. The two new water shares will continue to exist even if the Water Registrar does not record the transfer.

#### 3. Allocation does not transfer with a water share

Transferring the water share does not transfer the allocation account ABA or any water in it. If you want to buy the seller's allocation you need to make a separate application (a Form 39 Application to Trade Water Allocation).

Please note that the seller still owns the water share until the Water Registrar records the change of ownership. This means that in the time between the water corporation approving the application and the Water Registrar recording the transfer any allocations issued will go into the seller's allocation account.

### Where the transferred water share will be used

#### 4. Using the water share you are buying on land

To use water on your land, either your water share needs to be associated with the land, or you need the Minister's approval to use the water from the water share on that land. This application form provides for both of these options.

To be associated with land the volume of the water share must not be greater than twice the water-use licence/ registration's annual-use-limit.

When you buy a water share with the land you can choose to retain the current association.

You are also applying for the Minister's on-going approval to use allocation from all water shares linked to the nominated account on all the land linked to the account.

#### 5. Linking the water share to an ABA

The buyer can nominate an existing allocation account (ABA) which has the same trading zones as the water share. If you do not nominate a compatible allocation account, the water corporation will issue a new one for you.

By linking your water share to an allocation account, you are applying to have future allocations from your water share deposited into the account. If you are not named on the account, you are giving future allocations to the person(s) named on that account.

### 6. Water share ownership

Like land, a water share can be owned as:

**Sole owner** - where only one person/ legal entity owns the water share, or as

**Joint owners** - where two or more people/ legal entities own a water share together and if one joint owner dies, the whole of the water share remains with the surviving joint owners, or as

**Tenants in common** - where two or more people/ legal entities own a defined portion of a water share. Under this arrangement an owner can sell their portion without the approval of the other owners. If one of the owners dies their ownership passes in accordance with their Will.

**Tenants in common owning their portions as joint owners** - where two or more people/ legal entities own a defined portion of a water share.

### 7. Water entitlements

You can get the full details of different water entitlements by paying a fee and downloading a copy of record from the Water Register website at [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au)

You can also check if there is a mortgage on a water share by searching for a water share copy of record.

### 8. What is happening under the *Water Act 1989*

This form is an application, where applicable, for the Minister's approval to:

- transfer a water share (under section 33X);
- divide a water share (under section 33Y);
- vary the water share (under section 33R);
- associate the water share (or revoke its association) with a water-use licence or water-use registration (under section 33AQ);
- give a standing direction (under section 33TA);
- revoke a standing direction (under section 33TB);
- approval to take water outside the water system (under section 33AI);
- approval to use water from the water share on land which the water share is not associated (under section 64 K).

### Privacy Statement

The information from this form is collected by the Water Corporation and the Department of Environment and Primary Industries under the *Water Act 1989*, in order to process this transaction.

The information is used to maintain the Water Register and to provide statistical water market information. Most of the information in the Water Register is available to the public either online ([www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au)) or through a freedom of information request.



## Payment details



To maintain your privacy, details provided below will be destroyed upon receipt of payment.

Mastercard     Visa     Cheque     Other

Card number

-     -     -

Expiry date

/

Name as it appears on the card

Card holder's phone number

Total amount due

\$

Signature of card holder

Date

/  /

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