

# Application to Divide a Water Share (Form 5)

Application for the Minister's approval under section 33Y(1), and 33TA of the *Water Act 1989*.

Application Number:  
**WED 1 5 5 5 2 6**

## WATER SHARE DETAILS

1. Water Share Identification No.: (to be divided) **W E E**

2. Total volume of original water share (before division):  ML

3. Please list the new volumes of your water shares:

Volume of water shares to be created

1  ML

2  ML

3  ML

4  ML

5  ML

6  ML

7  ML

8  ML

9  ML

10  ML

ML Total volume of all water share holdings

OFFICE USE ONLY

|   |   |   |  |  |  |  |  |  |  |
|---|---|---|--|--|--|--|--|--|--|
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |
| W | E | E |  |  |  |  |  |  |  |

Please check that the sum of all the water shares equals the volume of the original water share in Question 2.

## NAME(S) AND SIGNATURE(S) OF OWNER(S)

4. Please print name(s) in full and in capital letters and sign. All owners of the relevant water share must sign. If there are more than four owners or if an owner is a company, please ensure that Annexure 3 is also completed. All notices will be sent to the postal address of the person/company listed first in the water register.

| GIVEN NAME(S) | SURNAME/COMPANY | SIGNATURE |
|---------------|-----------------|-----------|
| i.            |                 |           |
| ii.           |                 |           |
| iii.          |                 |           |
| iv.           |                 |           |

Dated:  DD  MM  YY

## LODGING PARTY (IF APPLICABLE):

The lodging party may be a water broker or solicitor coordinating the application.

5. Print name(s) in full and in capitals.

GIVEN NAME(S)  SURNAME/COMPANY

Postal address:

Phone number  Lodging Party ID: **P T Y**

OFFICE USE ONLY: May 2014

**Privacy 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.

## EXPLANATORY NOTES: APPLICATION TO DIVIDE A WATER SHARE

### General

1. A division of a water share will cancel the original share and create new water shares, and their total volume will equal that of the original share.
2. The attributes, associations, and ownership of the original water share are transferred onto the new water shares. These include the Allocation Bank Account, water system source, reliability type, trading zone source and use, Water Corporation and delivery system, and the water-use licence. The attributes, association, and ownership excluding allocation bank account details are detailed in the water share copy of record.
3. The new water share will be linked to the same ABA as the original water share. This means that if the water share is linked to an ABA you are not a holder of, you are giving future allocation from the water share to the person(s) named on the ABA.
4. If there is a mortgage and/or limited term transfer on the water share to be divided, the mortgage or limited term transfer will remain on each of the water shares once divided.
5. If you do not wish to have a limited term transfer carried forward onto the new water shares, the holder of the limited term transfer would first need to terminate the limited term transfer. Similarly, if you do not wish for a mortgage to be carried over to the new shares the mortgage would first need to be discharged.
6. Any limitation on seasonal allocation as a result of carryover held on the original water share will be transferred pro-rata to the resulting water shares.
7. Only the recorded owners of a water share or their legal personal representatives can apply to divide water shares. If an owner is a company, Annexure 3 must be completed and must be accompanied by an ASIC company extract not more than 12 months old.
8. All notices and invoices will be sent to the postal address of the person or company first listed in the water register.

### Lodgement

9. If the lodging party section of the form is completed the lodging party will also be notified by letter when the application is processed.
10. The applicant(s) must complete the application to Divide a Water Share and lodge the completed form including payment of the application fee with the Water Corporation over the counter or by mail. All the water share owners must sign the application.
11. The Water Corporation will not accept:
  - Photocopied forms as the application number on the top right hand corner must be unique.
  - Faxed or emailed forms as original signatures are required.
12. Additional applications can be obtained at <http://waterregister.vic.gov.au/about/forms-and-fees>  
Or by contacting one of the Water Corporations below.
13. If you require further information please contact your Water Corporation:

|                                   |                                    |                                    |
|-----------------------------------|------------------------------------|------------------------------------|
| Goulburn-Murray Water             | Lower Murray Water                 | Southern Rural Water               |
| 40 Casey Street                   | 741-759 Fourteenth Street          | 88 Johnston Street                 |
| PO Box 165, TATURA 3616           | PO Box 1438, MILDURA 3502          | PO Box 153, MAFFRA 3860            |
| T: 1800 013 357 F: (03) 5824 5355 | T: (03) 5051 3400 F:(03) 5051 3480 | T: (03) 5139 3100 F:(03) 5139 3150 |
14. If a water share owner is a company, Annexure 3 must be completed. Signature(s) are required in accordance with an ASIC company extract not more than 12 months old which must be attached to the application.

### Approval of the Application

15. If the application is approved by the Water Corporation, the Water Corporation will record the division in the water register (this includes cancelling the original water share and creating new shares).
16. The Water Corporation will send a letter advising that the division has been approved and recorded in the water register. Copies of record for the water shares will be attached. A copy of the letter will be forwarded to the lodging party (if applicable).

### Refusal of the Application

17. If the Water Corporation refuses the application, the Water Corporation will send a letter to the first water share owner listed in the water register stating the reasons for the refusal. A copy of the letter will be sent to the lodging party (if applicable).
18. The application will be refused if the combined volume of the new water shares does not equal the volume of the original water share.
19. After refusal, if the water share owner(s) wish to attempt the division again a new application to Divide a Water Share would need to be lodged with another application fee.

### More information required

20. If the Water Corporation requires more information a letter will be sent to the first water share owner listed in the water register advising of the missing information and/or incorrect information that requires correction. A copy of the letter will be sent to the lodging party (if applicable).
21. Applicants must provide missing information or correct information within two calendar months or the application to Divide a Water Share will lapse and a new application would need to be lodged with another application fee.

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

22. This for is an application, where applicable, for the Minister's approval to-
  - divide a water share (under section 33Y(1));
  - give a standing direction (under section 33TA).

**Note: A reference in these notes to actions to be undertaken by the Water Corporation may mean the Water Corporation is acting as delegate of the Minister under section 30b of the Water Act 1989.**

### Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

# Annexure 3

Water Act 1989

Application Number:

**WED 1 5 5 5 2 6**

Dated:

## NAME(S) AND SIGNATURE(S) OF APPLICANT(S) IF MORE THAN FOUR (4)

|       | GIVEN NAME(S)        | SURNAME              | SIGNATURE            |
|-------|----------------------|----------------------|----------------------|
| v.    | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| vi.   | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| vii.  | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| viii. | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Dated:

## NAME(S) AND SIGNATURE(S) OF COMPANY IF COMPANY IS APPLICANT

Please ensure you attach an ASIC company extract that is not more than 12 months old. Signatures must be in accordance with the company extract.

All notices and invoices will be sent to the company first listed in the water register.

### 1. Name of Company:

ABN

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

Postal address:

Dated:

| GIVEN NAME (S)       | SURNAME              | SIGNATURE            | POSITION             |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

### 2. Name of Company:

ABN

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

Postal address:

Dated:

| GIVEN NAME (S)       | SURNAME              | SIGNATURE            | POSITION             |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Please detach and retain the slip below



Application Number:

**WED 1 5 5 5 2 6**

## ENQUIRIES

Please retain this slip as a copy of your application number for your reference.

For enquiries regarding the progress of your application please contact your Water Corporation or lodging party and quote your application number.