

# Application for the Issue of a Water Share (Form 7)

Application for the Minister's approval under section 33L, 33M, 33R, 33AQ and 33TA of the *Water Act 1989*.

Application Number:

**WEI 1 5 6 0 0 8**

## WATER SHARE DETAILS

### 1. Do you wish to: (Please tick)

- Issue a water share upon cancellation of a bundled entitlement.
- Issue a water share upon the cancellation of an interstate entitlement.
- Issue of a water share in one trading zone and/or water system upon the cancellation of a water share in another trading zone or system.

### 2. Please provide the application number from the *Cancel a Water Share* or *Cancel a Bundled Entitlement* form.

|  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|

### 3. Please provide the expected volume (ML). ML

### 4. Please list below what the water share attributes are to be:

|                        |  |
|------------------------|--|
| Water System Source    |  |
| Water System Type      |  |
| Water Corporation      |  |
| Trading Zone Source    |  |
| Trading Zone Use       |  |
| Delivery System        |  |
| Reliability (high/low) |  |

### 5. Do you wish to associate the new 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 new water share to be associated with.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

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

### 6. Do you have an existing allocation account to which you would like future allocations from the water share issued?

- YES. I have an existing allocation account to which I would like future allocations from the water share issued.

My account number is: **A** **B** **A**

*Note that if you are not a holder of this allocation account, you are giving the rights to future allocation to the persons named on that account.*

- NO. I would like a new allocation account, held by the proposed owners of the water share.

OFFICE USE ONLY:

May 2014

**WATER SHARE PROPOSED OWNERSHIP STRUCTURE**

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

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.  | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |
| ii.   | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |
| iii.  | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |

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 and sign. If there is to be more than three portions or the owner is a company please ensure that Annexure 4 is also completed. Please see explanatory notes for an explanation of ownership structures. You may wish to seek legal advice about how to complete this part.

**First portion** Size of portion:

|   | GIVEN NAME(S)                            | SURNAME                                  | SIGNATURE                                |
|---|--|--|--|
| i.  | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |
| ii.   | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |

Dated:

**Second portion** Size of portion:

|   | GIVEN NAME(S)                            | SURNAME                                  | SIGNATURE                                |
|---|--|--|--|
| i.  | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |
| ii.   | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |

Dated:

**Third portion** Size of portion:

|   | GIVEN NAME(S)                            | SURNAME                                  | SIGNATURE                                |
|---|--|--|--|
| i.  | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |
| ii.   | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Postal address <input style="width: 95%;" type="text"/> |  |  |  |

Dated:

**LODGING PARTY (IF APPLICABLE):**

8. **Print name(s) in full and in capitals.** The lodging party may be a water broker or solicitor coordinating the application.

GIVEN NAME(S)

SURNAME

Postal address:

Phone number

Lodging Party ID:

|          |          |          |  |  |  |  |  |  |  |
|----------|----------|----------|--|--|--|--|--|--|--|
| <b>P</b> | <b>T</b> | <b>Y</b> |  |  |  |  |  |  |  |
|----------|----------|----------|--|--|--|--|--|--|--|

# Annexure 4

Water Act 1989

Application Number:

**WEI 1 5 6 0 0 8**

Dated:

## SIGNATURES AND WATER SHARE PROPOSED OWNERSHIP STRUCTURE (IF MORE THAN THREE OWNERS)

Please print name(s) in full and in capital letters and sign. All proposed 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. | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Postal address

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

Postal address

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

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 and sign. 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. | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Postal address

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

Postal address

Dated:

Fifth portion Size of portion:

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

Postal address

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

Postal address

Dated:

|                        |
|------------------------|
| Application Number:    |
| <b>WEI 1 5 6 0 0 8</b> |

**TO BE COMPLETED 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 listed first in the water register.

**1. Name of Company:**

ABN

|  |  |
|--|--|
|  |  |
|--|--|

Postal address:

Dated:

Portion size (if applicable):

| GIVEN NAME (S) | SURNAME | SIGNATURE | POSITION |
|----------------|---------|-----------|----------|
|                |         |           |          |
|                |         |           |          |

**2. Name of Company:**

ABN

|  |  |
|--|--|
|  |  |
|--|--|

Postal address:

Dated:

Portion size (if applicable):

| GIVEN NAME (S) | SURNAME | SIGNATURE | POSITION |
|----------------|---------|-----------|----------|
|                |         |           |          |
|                |         |           |          |

## EXPLANATORY NOTES: APPLICATION FOR ISSUE OF A WATER SHARE

### General

1. There are a significant number of matters that the Water Corporation must consider in issuing a water share under section 33L, section 33M or section 33R, section 33TA, or section 33TB of the *Water Act 1989*. It is therefore advisable that you contact your Water Corporation before you apply for the issue of a water share.
2. Due to caps or limits on the issue of water shares in most systems, applications for the straight issue of a water share under Section 33L are unlikely to be approved (see note 20). This form should only be used for the issue of a water share following the cancellation of another entitlement. The entitlement cancelled may be a water share, an equivalent right in another State or Territory or a bundled entitlement.
3. Any transfers of entitlement facilitated by cancel and issue may be subject to exchange rates. In some cases exchange rate trade may be limited by the volume of trade which has previously occurred in the opposite direction. Refer to the trading rules and contact your water corporation for more details.
4. Please note that applications to vary a water share under Section 33R are administered by cancellation of one water share and issue of another and should use this form. Applications to vary other properties of a water share should use form 9.
5. To associate your new water share with a water-use licence/registration include the WUL/WUR number at Question 5. There must be capacity in the holding limit (twice the annual use limit). The trading zone use, delivery system and Water Corporation attributes of the new water share should reflect the properties of the WUL/WUR. If you do not wish to associate the new water share with a WUL/WUR then it will be classed as disassociated from land. If you are not associating your water share you should list the delivery system for the new water share as NWU and the trading zone use should reflect the trading zone source.
6. If you have an existing allocation account (ABA) with the same Water Corporation, trading zone source and trading zone use attributes, you may choose to link your new water share to it by inserting the ABA number at Question 6. Alternatively if your nominated ABA is not already linked to a water share or WUL/WUR then the Water Corporation will vary the ABA attributes as required. In all other cases if you are concerned that the attributes on your ABA do not reflect the attributes of the new water share or associated WUL/WUR then it is advisable to contact your Water Corporation.

### Lodgement

7. If you are applying for the issue of a water share upon the cancellation of a bundled entitlement (for example a supply by agreement), this application should be accompanied by a separate application for cancellation of the bundled entitlement.
8. If you are applying for the issue of a water share upon the cancellation of an interstate entitlement, you must attach evidence of its cancellation.
9. If you are applying for the issue of a water share upon cancellation of another water share, this application should be accompanied by a separate application for cancellation of a water share.
10. You must complete the *Issue of a Water Share* application form and lodge the completed form together with payment of the application fee with the Water Corporation over the counter or by mail. If you are also submitting an application to *Cancel a Water Share*, only one fee will need to be paid.
11. The Water Corporation will not accept:
  - Photocopied forms as the application number must be unique
  - Faxed or emailed forms as original signatures are required
12. Application forms and the schedule of application fees can be obtained from your Water Corporation or at <http://waterregister.vic.gov.au/about/forms-and-fees>

If you require further information please contact your Water Corporation

Goulburn-Murray Water

40 Casey Street

PO Box 165, TATURA 3616

T: 1800 013 357 F: (03) 5826 3334

Lower Murray Water

741-759 Fourteenth Street

PO Box 1438, MILDURA 3502

T: (03) 5051 3400 F:(03) 5051 3480

Southern Rural Water

88 Johnston Street

PO Box 153, MAFFRA 3860

T: (03) 5139 3100 F:(03) 5139 3150

### Signatures

13. The applicant(s) to sign the application should be the people who will be recorded as the owner(s) of the water share. The owner(s) will be required to sign for all future transactions such as transfer of a water share, division of a water share, consolidation of a water share and cancellation of a water share.
14. If a new Allocation Bank Account (ABA) is required, the people to sign as the owner(s) of the water share will be the only people able to buy/sell water allocation. To authorise an agent to buy/sell water allocation on the owners' behalf, an application form authorising an agent to trade water allocation will need to be completed.
15. If a water share owner is a company, Annexure 4 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.
16. If associating a water share and the owners of the water share are not recorded in the water register as owners of the land with which the water share is being associated, the application must be accompanied by a 'related parties' statutory declaration and 'consent of land owner form' available at <http://waterregister.vic.gov.au/about/forms-and-fees> or from your Water Corporation.

### Water Share Proposed Ownership Structure

17. The manner of holding refers to the way in which a person or a legal entity owns a water share. (Hereafter any reference to 'person' includes legal entity). A water share can be owned by one person or it can be owned by two or more persons:

**Sole Owner:** Is where only one person owns the water share.

**Joint Owners:** Is where two or more persons own a water share as joint owners. On the death of one joint owner the whole of the water share remains with the surviving joint owners.

**Tenants in Common:** Two or more persons can own water shares as tenants in common. For example Farmer A as to 1/2 water share and Farmer B as to 1/2 water share. A tenant in common can sell their portion (1/2) without the approval of the owners of the other portion(s). If the person dies their portion passes either in accordance with their Will, or in accordance with the laws of intestacy should they die without a Will.

**Tenants in Common may Own their Portions as Joint Owners:** Multiple persons may own a portion of a water share. For example, in a share divided into two portions Farmer A and Farmer B may own 1 of the 2 portions (1/2) as joint owners, and Farmer C may solely own the other portion (1/2). This ownership structure would be expressed:

• Farmer A and Farmer B as joint owners of 1/2 of a water share are tenants in common with Farmer C who also owns 1/2 of the water share.

If Farmers A and B wanted to own their portion as tenants in common, the fractions would need to be re-expressed as:

• Farmer A has 1/4 water share, Farmer B has 1/4 water share, and Farmer C has 2/4 water shares as tenants in common.

For each portion, the size must be recorded (expressed as a fraction), the sole owner or multiple owners named, and their manner of holding expressed. A common denominator must be used for the shares held by the tenants in common.

Share portions may be unequal but in all cases the fractions must add to 1. If a portion size is not provided in the application the portions will be considered equal.

**Disclaimer:** This explanation of the 'manner of holding' does not constitute legal advice. You may require legal advice to determine your requirements.

### Approval of the Application

18. If the Water Corporation approves the application, the Water Corporation will record the issue of the water share on the water register.
19. The Water Corporation will send a letter to the person listed first in the water register, advising that the water share issue has been approved and recorded in the water register. Attached to the letter will be a water share copy of record. A copy of the letter will also be forwarded to the lodging party (if applicable).

### Refusal of the Application

20. If the Water Corporation refuses the application, the Water Corporation will send a letter to person listed first in the water register stating the reasons for the refusal. A copy of the letter will be forwarded to the lodging party (if applicable).
21. After refusal, if the applicant chooses to apply again a new Issue of a Water Share application form would need to be lodged with another application fee.
22. The Water Corporation will not be able to issue the water share if:
  - i. The water share is not being associated with a WUL or WUR and the issue of the share would cause the non-water user limit to be exceeded for the class of water share and water system to which the water share belongs;
  - ii. The issue of the share would be in conflict with any approved management plan for a water supply protection area;
  - iii. The issue of the share may result in the permissible consumptive volume for the proposed associated water system being exceeded; or
  - iv. The issue of the share would be in conflict with any relevant bulk entitlement.

### More information required

23. If the Water Corporation requires more information a letter will be sent to the person listed first in the water register and to the lodging party (if applicable). The letter will make clear the missing information and/or incorrect information that requires correction.
24. Applicants must provide missing information or correct information within two calendar months or the Issue of a Water Share application will lapse, and a new application would need to be lodged with another application fee.

**Note: A reference in these notes to action to be undertaken by the Water Corporation may mean the Water Corporation is acting as delegate of the Minister under section 308 of the *Water Act 1989*.**

### Disclaimer

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