

Guide to the application: Transformation/external permanent transfer to Murray Irrigation

This application is used to:

- apply to Murray Irrigation for consent to a transformation arrangement, as defined by the *Water Act 2007* (Cth). It involves the cancellation of Murray Irrigation water entitlements, and the assignment of share component to the purchaser's Water Access Licence (WAL); or
- apply to Murray Irrigation for consent to the assignment of share component to the company's Water Access Licence (WAL) and to be issued water entitlements for the same.

For questions relating to where water can and cannot be traded to and from, and interstate or inter-valley transfer rules, please refer to WaterNSW.

This guide should be read in conjunction with and subject to Murray Irrigation's *Transfer Rules Policy*.

1 Checklist

The following is a list of documentation required for processing of this application:

1.1 Submission for conditional approval:

- Form 25, duly completed
- Current title searches (transformation only)
- The application fee;
 - Transformation (refer to Schedule of Standard Service Fees; 'External transfer')
 - External permanent transfer in (refer to Schedule of Standard Service Fees; 'Permanent transfers')
- WaterNSW form – Application to assign share component
 - Transformation (sections B, D, F and G)
 - External permanent transfer in (sections A, C, F and G)

Applications received in order are considered for conditional approval weekly. Documentation should be submitted in a single parcel.

1.2 Required for registration:

- Cheque payable to 'WaterNSW' for form 71Q fee/or credit card details completed
- Cheque payable to 'NSW Land Registry Services' for WAL dealing registration fee
- Approved determination by WaterNSW (obtained by Murray Irrigation)
- Form 19 – Security interest, notification/removal/consent and application fee (see notes and Schedule of Standard Service Charges; 'Other charges')
- Original WAL title certificate for the purchaser (or NSW LRS lodgement receipt) – Purchaser (transformation) or Vendor (external permanent transfer in)
- Entitlements Contract, latest version duly executed by the customer, in duplicate
- Security, in an appropriate form (if applicable)
- *Original Water Entitlements Certificate
- Confirmation of settlement (**this must be supplied before lodgement with NSW LRS**)
- Payment of all charges (current and arrears)

- Confirmation from NSW LRS of transfer (obtained by Murray Irrigation)

*Original Water Entitlements Certificate not required for external permanent transfer to Murray Irrigation where transferring to a **new** water entitlements holding.

Additional requirements, if any, will be advised when conditional approval is granted.

The Schedule of Standard Service Charges can be found at www.murrayirrigation.com.au under 'Customers' then 'Fees and prices', and any other forms referred to in this application under 'Customers' then 'Forms'.

2 Notes

2.1 General

- 1) Only original, current version forms will be accepted. Fax or email copies will not be processed.
- 2) Delivery entitlements and/or company shares will not be issued as a result of this application. The applicant may acquire delivery entitlements or shares, subject to separate application.
- 3) Surrender/termination of delivery entitlements requires a separate Form 14 application.
- 4) If the purchaser does not already possess a WAL then the purchaser must apply to WaterNSW at the purchaser's own expense for the issue of a new WAL in the purchaser's name (transformation only).
- 5) Amounts credited to the water allocation account of the customer up to the time of registration will remain in that account.
- 6) Murray Irrigation will submit the 71Q application to WaterNSW, and lodge the resulting determination and original WAL certificates with NSW Land Registry Service (NSW LRS). All other lodgements or applications, for example obtaining a new WAL, are the responsibility of the purchaser.
- 7) Details of your irrigation rights and delivery rights can be found in the *Entitlements Contract* and associated policies, available in the 'Customer' section of our website, and by contacting Murray Irrigation. Contact details are provided at the end of this guide.
- 8) **Forms or pages that are not dated or otherwise complete may be returned.**

Fees current at 1 July 2020

NSW LRS: \$146.50

WaterNSW: \$371.85

- 9) Fees to NSW LRS must be made in the form of a cheque payable to NSW Land Registry Services. Murray Irrigation cannot accept this fee as a credit payment or a direct debit as this fee is lodged along with documents via our lodging agent directly to NSW LRS.

2.2 Security interests

- 1) If a mortgage, charge or caveat appears on the titles of the land or Murray Irrigation registers, Form 19 – Security interest is required from each interested party. *No application fee is required for consent.*

2.3 Processing times

- 1) As a general rule, allow four to 16 weeks for processing of a transformation/external permanent transfer to Murray Irrigation application.
- 2) Timing will vary depending on a range of factors such as timeliness of requirements being met, settlement dates, and so forth.

3 Security

- 1) Security for ongoing access fees will be requested in the following circumstances:
 - a) The number of delivery entitlements exceeds five times the number of water entitlements remaining; and
 - b) Greater than 2,000 delivery entitlements are held.
- 2) Security may be in the form of cash deposit, bank guarantee, or any other form agreed by the company and the applicant.
- 3) The quantum or value of security will generally be equal to the termination fee that would apply to all delivery entitlements, at the date of application.
- 4) The requirement for security to be provided, and the quantum/value will be notified following conditional approval.
- 5) In circumstances where criteria (1a) above is met, and between 250 and 2,000 delivery entitlements are held, Murray Irrigation will instead lodge a caveat on the titles of the landholding, noting the existence of Murray Irrigation's statutory charge on the land.

4 Completing the application

- 1) All handwriting should be in BLOCK letters in blue or black ink.
- 2) All spaces on the form must be completed and any corrections initialled.
- 3) If transferring from a landholding, the water allocation account number is the same as the landholding reference number. The real property description must also be provided.
- 4) The application must be executed by ALL registered proprietors. If executing as attorney, please make note of the power of attorney.
- 5) Form Assign Share Components between Water Access Licenses - Complete sections according to the instructions provided
- 6) Do not submit this guide with the application.

5 Submission and enquiries

Submit completed applications to:

Murray Irrigation Limited
PO Box 528
443 Charlotte St
DENILQUIN NSW 2710

For all enquiries regarding this application, please contact the Water Trade team via Customer Support on:

T. 1300 138 265
Email: register@murrayirrigation.com.au

Application: Transformation/external permanent transfer to Murray Irrigation

Customer details

Name:			
Mailing address:			
Contact number:		Mobile:	
Email address:			
Landholding folio identifiers:			
Solicitor/agent: (name, address, reference, email)			

WAL holder details

Name:			
Mailing address:			
Contact number:		Mobile:	
Email address:			
Solicitor/agent (name, address, reference, email)			

Particulars of transfer

From: Water allocation account/WAL		To: Water allocation account/WAL	
Water entitlements		Class (please tick)	A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>

As the vendor/solicitor authorised to act on behalf of the vendor, I [_____]
authorise Murray Irrigation to release certificates upon finalisation of application to:

(Name, address, reference)	
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I/We the customer(s) identified above apply to Murray Irrigation Limited (the company) for the following:

1. To apply to the Ministerial Corporation under section 71Q of the *Water Management Act 2000* (NSW) for the Minister's consent to the assignment of share component to and from the company's relevant Water Access Licence (WAL); and
2. To cancel or issue the water entitlements identified in this application, as appropriate;

Dated:	
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Where the applicant is an individual: Signed by the applicant in the presence of:

Where the applicant is a company: Executed by the applicant in accordance with section 127 of the *Corporations Act 2001*:

	Name	Signature
Individual 1; or Secretary/Director		
Individual 2; or Director		
Witness		
Witness address		



Murray Irrigation

Payment

Cheque <input type="checkbox"/>	made payable to Murray Irrigation Limited: hand delivered to Deniliquin or Finley Office – <i>only available for mailed or hand delivered applications</i>	
Direct Deposit <input type="checkbox"/>	(BSB 062-533 Acct 1011 7736)	Ref: (LRN) <input type="text"/>
Credit Card <input type="checkbox"/>		

Credit Card Details: (*A 0.9% Surcharge applies to amounts over \$200. The card will be debited by the total cost)

Card Holders Name	Expiry Date	MASTERCARD	VISA
<input type="text"/>	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
Card Number	Debit Credit Card By:		
<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"/> <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"/>

Please note that applications may not proceed until payment has been received.

Application to assign share components between water access licences

Use this application form to apply to assign share components between water access licences, of the same category with respect to the same water management area or water source, under section 71Q of the Water Management Act 2000 (WM Act).

STEPS TO APPLY

1. Complete the application form using the associated guide

Applicants are advised to read the guide to the application available at:

www.waternsw.com.au, under Applications and fees. The guide provides information to assist answering each question, paying application fees and submitting the application form.

There are three options for completing your application – you can either:

- apply online using our quick and easy, interactive [Water Applications Online](#) service, or
- complete a ‘fillable’ PDF application form (use Adobe Acrobat Reader version 11 or higher which you can download free of charge), or
- print the PDF application form and fill it out by hand in capital letters with a black/blue pen.

2. Ensure the completed application form is signed by all applicants

The completed application form must be signed by all applicants. If you are applying online or completing the fillable PDF, you will need to print the completed application form for it to be signed.

3. Submit the completed and signed application form

Post the completed and signed application form to WaterNSW, PO Box 398 Parramatta 2124.

WaterNSW may contact you to request further information in relation to the application.

4. Register the dealing with Land and Property Information (LPI)

An assignment of share components between water access licences is enabled through water access licence dealings under the WMA Act.

If the Minister grants consent to a dealing, it does not take effect until the transaction has been registered in the Water Access Licence Register which is administered by LPI. The applicant is responsible for registering a dealing with LPI. Refer to the guide for further information.

SECTION A: Water access licence – share component to be reduced

A1 Water access licence number	A2 Current share component	units
A3 Proposed reduction	units	A4 Sale price \$ per unit
<p>A5 Do you propose to assign your entire share component? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, you will have a water access licence with a zero share component. You are required to pay a Minimum Water Management Charge to the WaterNSW for this licence.</p> <p>Do you want to surrender your water access licence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Refer to the guide for further information.</p>		
A6 Water source		

SECTION B: Water access licence – share component to be increased

The reduction in the share component (A3) will be credited to the water access licence number (B1) below.

B1 Water access licence number	B2 Current share component	units
B3 Proposed increase	units	
B4 Water source		

OFFICE USE ONLY	Fee paid: \$	Customer receipt number:	Office Stamp
	Officer signature:	Date:	
	Application number:	Acceptance date:	

SECTION C: Details of access licence holder/s – share component to be reduced

List all holders of the access licence which will have its share component reduced.

Photocopy/print multiple copies of this blank page, complete it and attach it to this form if there are more than two access licence holders.

Licence holder

c1 Title (Mr, Mrs, Ms)		c2 Surname	
c3 Given name(s)			
c4 Company/corporation name (if applicable)			
c5 ACN (if applicable)		c6 Position held (if applicable)	
c7 Address			
c8 Town	c9 State	c10 Postcode	c11 Country
c12 Phone		c13 Mobile phone	
c14 Fax	c15 Email		

Additional licence holder (if applicable)

c16 Title (Mr, Mrs, Ms)		c17 Surname	
c18 Given name(s)			
c19 Company/corporation name (if applicable)			
c20 ACN (if applicable)		c21 Position held (if applicable)	
c22 Address			
c23 Town	c24 State	c25 Postcode	c26 Country
c27 Phone		c28 Mobile phone	
c29 Fax	c30 Email		
c31 If there are more than two licence holders, specify the total number of licence holders.			

SECTION D: Details of access licence holder/s – share component to be increased

List all holders of the access licence which will have its share component increased.
Photocopy/print multiple copies of this blank page, complete it and attach it to this form if there are more than two access licence holders.

Licence holder

D1 Title (Mr, Mrs, Ms)		D2 Surname	
D3 Given name(s)			
D4 Company/corporation name (if applicable)			
D5 ACN (if applicable)		D6 Position held (if applicable)	
D7 Address			
D8 Town	D9 State	D10 Postcode	D11 Country
D12 Phone		D13 Mobile phone	
D14 Fax	D15 Email		

Additional licence holder (if applicable)

D16 Title (Mr, Mrs, Ms)		D17 Surname	
D18 Given name(s)			
D19 Company/corporation name (if applicable)			
D20 ACN (if applicable)		D21 Position held (if applicable)	
D22 Address			
D23 Town	D24 State	D25 Postcode	D26 Country
D27 Phone		D28 Mobile phone	
D29 Fax	D30 Email		
D31 If there are more than two licence holders, specify the total number of licence holders.			

SECTION E: Authorised contact person

E1 Title (eg. Mr, Mrs, Ms)		E2 Surname	
E3 Given name(s) MURRAY IRRIGATION PERMANENT TRADE OFFICE			
E4 Address 443 CHARLOTTE ST			
E5 Town DENILQUIN	E6 State ^{NSW}	E7 Postcode ²⁷¹⁰	E8 Country AUSTRALIA
E9 Phone 1300 138 265		E10 Mobile phone	
E11 Fax	E12 Email register@murrayirrigation.com.au		

If this section has not been completed, WaterNSW will assume the first licence holder listed on the form is the authorised contact person and contact that person, if necessary, prior to the determination of an application.

Listing an authorised contact person assists WaterNSW in processing your application. WaterNSW may contact the authorised contact person to discuss the details contained in your application. Any information provided by the authorised contact person will be relied upon by WaterNSW in considering this application.

In addition, any request for additional information about your application will be sent to the authorised contact person. A delay in responding to any such request may result in your application being further delayed or refused.

Changes to any details of this application (except for minor changes to contact details of a licence holder) must be in writing, and signed and dated by all licence holders.

SECTION E: Declaration

Each holder of the access licence which will have its share component reduced, and each holder of the access licence which will have its share component increased, must sign Section F.

Photocopy/print multiple copies of the entire form after Sections A to E have been completed (before anyone signs Section F) if there are more than three licence holders.

I/We, the undersigned applicants, acknowledge and agree:

- that I/We apply to assign share components between water access licences as described in this application;
- that this application will be determined in accordance with the Water Management Act 2000 and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions;

- c) that the authorised contact person (where applicable) is authorised to act for and on my behalf in relation to any aspect of this application, unless otherwise notified by us, and that WaterNSW will rely on information provided by the authorised contact person in its consideration of this application;
- d) that the Crown in right of the State of New South Wales, including the WaterNSW and its officers, employees, agents and successors ('the State'), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application and I/we hereby agree to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law;
- e) that all information contained in this application is accurate, true and complete and that the Crown in right of the State of New South Wales, including the WaterNSW and its officers, employees, agents and successors ('the State') will rely on such information;
- f) that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently;
- g) that details about any licence arising out of this application will be recorded in the publicly available Water Access Licence Register pursuant to the Water Management Act 2000;
- h) that if this application is incomplete it may not be accepted; and
- i) that more information may be requested if it is considered that it would be relevant to the consideration of this application.

Declaration of holder/s of access licence which will have its share component reduced
For applications made by individuals

Name	Signature	Date
Name	Signature	Date
Name	Signature	Date

For applications made by a corporation: Executed for and on behalf of the applicant in accordance with section 127 of the Corporations Act 2001 Cth (if a company) or by its duly authorised officer (for other types of corporation).

Name of corporation		
Position of signatory <input type="checkbox"/> Company director <input type="checkbox"/> Company secretary <input type="checkbox"/> Duly authorised officer (Tick the appropriate box)		
Name of signatory	Signature	Date
Position of signatory <input type="checkbox"/> Company director <input type="checkbox"/> Company secretary (Tick the appropriate box)		
Name of signatory	Signature	Date

Declaration of holder/s of access licence which will have its share component increased
For applications made by individuals

Name	Signature	Date
Name	Signature	Date
Name	Signature	Date

For applications made by a corporation: Executed for and on behalf of the applicant in accordance with section 127 of the Corporations Act 2001 Cth (if a company) or by its duly authorised officer (for other types of corporation).

Name of corporation		
Position of signatory <input type="checkbox"/> Company director <input type="checkbox"/> Company secretary <input type="checkbox"/> Duly authorised officer (Tick the appropriate box)		
Name of signatory	Signature	Date
Position of signatory <input type="checkbox"/> Company director <input type="checkbox"/> Company secretary (Tick the appropriate box)		
Name of signatory	Signature	Date

Privacy note

The personal information you provide in this form will be treated in accordance with the Privacy and Personal Information Protection Act 1998, under which you have rights of access and correction. Your personal information will be used by WaterNSW for assessing and processing your application or in connection with the operation of any water access licence granted and may be disclosed to State or Commonwealth public authorities and other parties: (i) for any of the above mentioned purposes; or (ii) for research related purposes; or (iii) as required by law. It may be used from time to time to contact you about services WaterNSW provides.

If a water access licence is granted, the Water Management Act 2000 requires that various details relating to the licence are to be recorded in the Water Access Licence Register kept by the Minister. Information recorded in the register is publicly available.

Offences and suspension or cancellation

It is an offence, under section 344 of the Water Management Act 2000, to make a statement that you know to be false or misleading in, or in connection with, this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$1.1 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$247,500.

An access licence or approval may be suspended or cancelled under the Water Management Act 2000 in certain circumstances. These include if the holder of the licence or approval is convicted of an offence under that Act.

Section G: Payment of application fee

If you would like to make your payment by credit card please complete the following credit card details.

Card type	<input type="checkbox"/> MasterCard <input type="checkbox"/> Visa		
Card number			
Expiry date (month/year)		/	CCV (last 3 digits on the back of)
Amount (\$)	\$		
Cardholder's name (as it appears on the card)			
Cardholder's signature		Date	
Email address for receipt of payment			