

Form 2

Transformation

This application is to be used by a Water Entitlement Holder to apply to Coleambally Irrigation Co-operative Limited for consent to have Water Entitlements held in the Coleambally Irrigation Water Access Licence transformed to a Share Component of the transferee's Water Access Licence (WAL) in accordance with the Water Market Rules.

Checklist

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

- Form 2 duly completed
- WaterNSW Form 71Q – Application to Assign Share Component (with sections requiring transferee's details completed)
- Consent or Discharge of Mortgage by encumbrancee
- Original Share / Water Entitlements / Delivery Entitlements Certificates
- Confirmation of settlement / Notice of Sale
- WaterNSW Form 71T and/or CIKL Form 8 (found [here](#)) is required to be completed if the associated current year allocation and associated current year carryover is to be transferred to the Transferee.
- Payment of all related charges (current and arrears)
- Liability Statement has been produced by this office
- Payment of the prescribed fee as per the Schedule of Charges can be found at www.colyirr.com.au under Fees and Pricing

Completing the Application

- 1) Coleambally Irrigation Cooperative Limited (CIKL) is the approving authority for this application.
- 2) The Transferor/Vendor and Transferee/Purchaser completing this application must be the same as the Transferor/Vendor and Transferee/Purchaser included in the contract of sale as indicated by their signatures on Page 2 and Page 3 of this application.
- 3) All handwriting should be in BLOCK letters in blue or black ink.
- 4) Electronic signatures are not accepted. Please print and sign this form.
- 5) If there is insufficient space on any part of the form, please attach an annexure, labelled beginning at the letter "A", and refer to the annexure at the relevant position on the form.
- 6) The application must be executed by ALL registered proprietors. If executing as attorney, please make note of the power of attorney and provide evidence.
- 7) All original certificates (i.e. share, water entitlement and delivery entitlement) relevant to the Transferor and Transferee must be submitted.
- 8) Forms or pages not dated where indicated or otherwise incomplete may be returned.
- 9) Follow any other instructions provided with the relevant forms / pages.
- 10) Submit completed applications to:
The Company Secretary
Coleambally Irrigation Co-operative Limited
PO Box 103
COLEAMBALLY NSW 2707

Enquiries

For all enquiries or further information regarding this application, please contact Coleambally Irrigation on 02 6954 4003 or email cosec@colyirr.com.au

**Form 2: REF 2023/24
Transferor's (Vendor) Application
Transformation (Out of CICL Licences)**

Transferor Details

Name

Address

Farm No.

Particulars of Transfer

From

To

[Farm No.]

[CICL WAL]

[Transferee WAL]

Water Entitlements

Class (please circle)

Water Entitlements

Class (please circle)

Termination of Delivery Entitlements

By ticking this box, the Transferor(s) applies to CICL to terminate all or some of the Delivery Entitlements and/or Shares associated with this Farm and agrees to complete a **Form 6** to confirm the treatment of the Delivery Entitlements and/or Shares as a condition of this sale.

Security

By ticking this box, the Transferor(s) acknowledges that CICL may request security to recover ongoing access fees may as the number of delivery entitlements exceeds five (5) times the number of water entitlements remaining.

I/We the Transferor(s), by their signatures below, apply to Coleambally Irrigation Co-operative Limited 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 from the Co-operative's relevant Water Access Licence (WAL) to a WAL obtained from the transferee; and
2. To transform the water entitlements identified in this application as of the date of settlement; and
3. Acknowledge that payment of the government charges relating to the water entitlements identified in this application will be paid upon settlement.

Transferor: Signed by the Transferor on in the presence of:

DATED _____

Signature of witness

Signature of Transferor or Director

Name of Transferor or Director (BLOCK letters)

Name of witness (BLOCK letters)

Signature of additional Transferor or Director/Company Secretary

Name of additional Transferor or Director/Company Secretary (BLOCK letters)

**Form 2: REF 2023/24
Transferee's (Purchaser) Application
Transformation (Out of CICL Licences)**

Transferee Details

Name

Address

Farm No.

Particulars of Transfer

From

To

[Farm No.]

[CICL WAL]

[Transferee WAL]

Water Entitlements

Class (please circle)

Water Entitlements

Class (please circle)

Responsibility for all Charges and Liabilities associated with this application

By ticking this box, the Transferee(s) confirms that they are responsible for all charges and liabilities associated with the above entitlements that are to be transferred from the beginning of the current water season.

The Transferee(s), by their signatures below:

1. Apply to Coleambally Irrigation Co-operative Limited for transfer of the entitlements as specified above; and
2. Confirm that the Transferee WAL provided above matches the details included on the WaterNSW 71Q; and
3. When Water Entitlements are transferred to the Transferee, any carryover liability is also transferred to the Transferee upon settlement; and
4. Acknowledge the acceptance of all liabilities attached to these entitlements from the date of settlement.

Transferee: Signed by the Transferee on in the presence of:

DATED _____

Signature of witness

Signature of Transferee or Director

Name of Transferee or Director (BLOCK letters)

Name of witness (BLOCK letters)

*Signature of additional Transferee or
Director/Company Secretary*

*Name of additional Transfer or
Director/Company Secretary (BLOCK letters)*

**Form 2: REF 2023/24
Transferor's Statutory Declaration
Transformation (Out of CICL Licences)**

I/We *Name(s)*

of *(Address)*

Solemnly and sincerely declare that:

1. I/We are the Transferor(s) in the attached application for permanent transfer of * shares/ delivery entitlements / water entitlements / land / infrastructure to:

(Transferee)

2. I/We declare that:

- a. The following parties hold the specified interests in the * shares / delivery entitlements//water entitlements / land / infrastructure
- b. I/We have procured the agreement in writing of the mortgagee/s who hold an interest in the Landholding and/or entitlements the subject of this application.

(Mortgagee)

and I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1900 (NSW).

MADE and declared at in the state of

on in the presence of:

Signature of Justice of the Peace / Solicitor

Signature of Declarant

Name of Justice of Peace / Solicitor

Signature of additional Declarant (if more than one)

* *delete inapplicable reference*

Form 2: REF 2023/24 Transformation (Out of CICL Licences)

This application is to be used by a Water Entitlement Holder to apply to Coleambally Irrigation Co-operative Limited for consent to have Water Entitlements held in the Coleambally Irrigation Water Access Licence transformed to a Share Component of the transferee's Water Access Licence (WAL) in accordance with the Water Market Rules.

A Water Entitlement Holder may apply to the CICL Board for transformation of water entitlements by providing the written information by way of a completed Form 2.

On receipt of the application the Water Entitlement Holder is deemed to be an Applicant for Transformation and CICL will act their behalf in relation to lodging the completed 71Q and notification with Land Registry Services for registration.

The following conditions are to be read in conjunction with the CICL Rules and are to be used as a guide to the conditions that this application is considered.

Transformation Conditions

1. Transformation is where a water entitlement Holder may apply to the CICL Board for transformation of water entitlements by providing the written information required by the CICL Board.
2. Transformation means the transformation of all or part of a Water Entitlement Holder's Water Entitlements to a share component of a Water Access Licence in accordance with the Water Market Rules.
3. On receipt of the completed application, the Water Entitlement Holder is deemed to be an Applicant for Transformation.
4. After Board approval is received, a WaterNSW Form 71Q signed by the Transferee's WAL holder, will be completed by CICL (as the WAL holder) and lodged by CICL for execution with WaterNSW for determination.
5. When CICL has received the determination from WaterNSW and advice that settlement has taken place, CICL will lodge the determination with Land Registry Services for registration of the determination to the Transferee's nominated WAL.
6. If the available water, being the associated current season allocation and associated current season carryover, a separate WaterNSW Form 71T and/or CICL Form 8 is required to be completed and lodged for completion once the Land Registry Services register the Share transfer between WAL's. Please note this may occur after settlement.
7. When Water Entitlements are transferred to the Transferee, any carryover liability is also transferred to the Transferee upon settlement.
8. A transfer of the available water does not change the ownership of the entitlement and it is the seller's responsibility to have sufficient available water for use in the current season and to cover the volume being permanently traded.
9. An applicant for transformation may retain Membership in CICL if the applicant can continue to meet the requirements to establish active membership under CICL Rule 9.

Termination of Delivery Entitlements and Cancellation of Shares

10. If the Transferor wishes to apply to CICL to terminate delivery entitlements and / or cancel shares please complete a separate **Form 6**.

Non-Member and Customer accounts

11. Water Entitlements can be held in a different ownership to the infrastructure, Delivery Entitlements and Shares.
12. Water entitlements may be held by any person other than a Member under a Non-Member Water Entitlement Holder account.
13. A Non-Member must agree to the terms and conditions in the Non-Member Water Entitlement Agreement by signing the Non-Member Water Entitlement contract.

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14. If the water entitlements being transferred are to be transferred to a Non-Member application a Non-Member Water Entitlement Holder account is to accompany this application.

Encumbrances

15. Where an encumbrance is noted on the titles of any of landholding, shares, delivery entitlement or water entitlement, consent by Encumbrancee is required.
16. A certified copy of a Discharge of Mortgage may be provided in lieu of Consent.
17. Information relative to water entitlements on the CICL Register is provided to the National Irrigation Corporation Water Entitlement Register (NICWER) uploading daily.
18. Consent or discharge is to be provided before settlement can be completed.

Security

19. Security for the recovery of ongoing access fees may be requested in relation to an application for transformation or the application for the internal permanent transfer of delivery entitlement that leaves the number of delivery entitlements exceeding five (5) times the number of water entitlements remaining.
20. Security may be in the form of a cash deposit, bank guarantee, or another acceptable form of security, including a registered caveat and lodged with and accepted by CICL prior to settlement.
21. The quantum or value of security will be equal to the termination fee that would apply to all delivery entitlements, for the current water year.
22. If security is required, the applicant will receive a notice from CICL confirming the security required and the relevant form to be completed.
23. Security is to be provided before settlement can be completed.

Foreign Ownership

24. Irrigation Corporations are required to request ownership status of each of their Members and keep a record if the Member is foreign owned. Further details regarding this requirement can be found at <https://www.ato.gov.au/General/Foreign-investment-in-Australia/Water-Register/>
25. It is the responsibility of the purchaser to provide the correct details to the ATO regarding their Foreign Ownership status.
26. Details relative to foreign ownership must be completed as part of this application.

Disclaimer

The information requested in this application is for use by Coleambally Irrigation Co-operative Limited and will be treated in accordance with our Privacy Policy available [here](#). The information included in this application does not constitute legal advice, is not intended to be a substitute for legal advice and should not be relied upon as such. You should seek legal advice or other professional advice in relation to any transfer of ownership of land, infrastructure, entitlements, or shares.