

Coleambally Irrigation Co-operative Limited

ABN 75 951 271 684

Brolga Place, PO Box 103, Coleambally NSW 2707

Phone: 02 6954 4003 Facsimile: 02 6954 4321



Guide to the Application: Internal Permanent Transfer

Form 4

This application is used to apply to Coleambally Irrigation Co-operative Limited for consent to a transfer of any combination of water entitlements, delivery entitlements and shares, without a corresponding transfer of land or infrastructure.

1 Checklist

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

- Form 4 duly completed
- Consent or Discharge of Mortgage by encumbrancee
- Original Share / Water Entitlements / Delivery Entitlement Certificates for both Landholdings
- Confirmation of settlement / Notice of Sale
- Payment of all relevant charges (current and arrears)
- A Liability Statement has been produced by this office
- Payment of the prescribed fee as per the Schedule of Standard Service Charges can be found at www.colyirr.com.au under Fees and Pricing

2 General Notes

- 1) Where an encumbrance is noted on the titles of any of landholding, shares, delivery entitlement or water entitlement, Consent by Encumbrancee is required. A certified copy of a Discharge of Mortgage may be provided in lieu of Consent.
- 2) All original certificates relevant to the units being transferred (i.e. share, water entitlement and delivery entitlement) must be submitted
- 3) Note that delivery entitlements held or carryover capacity may be the subject of an existing annual transfer to another customer.
- 4) Forms or pages not dated where indicated or otherwise incomplete may be returned
- 5) Information relative to water entitlements on the CICL Register is provided to the National Irrigation Corporation Water Entitlement Register (NICWER) uploading daily.
- 6) Shares and delivery entitlements may only be transferred between members
- 7) Water entitlements may be held by any person other than a Member under a Non-Member Water Entitlement Holder contract.
- 8) A Fixed Charge Equivalent (FCE) will be levied for any metered use exceeding 110% of the permanent delivery entitlement held on a landholding.
- 9) Every permanent trade of Delivery Entitlement is subject to a capacity check to confirm if it is classed as Tier 1 or Tier 2 Delivery Entitlement noting that Tier 1 Delivery that comes with capacity share at all times and Tier 2 Delivery Entitlement being that which comes with capacity share when a channel is not constrained but no capacity share when it is.
- 10) The allocation, carryover and savings distributions (member benefit) as specified on **page 6** will be transferred upon registration.

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

3 Holding Water Entitlements in CICL's licence

- 1) If the water entitlements being transferred within CICL's licence are not to be attached to a landholding, please contact the Company Secretary to apply for a Non-Member Water Entitlement Holder account.

4 Security

- 1) Security for ongoing access fees will be requested where the number of delivery entitlements exceeds five (5) times the number of water entitlements remaining – refer CICL Rule 116.
- 2) Security may be in the form of cash deposit, bank guarantee, or another acceptable form of security and lodged with and accepted by CICL prior to settlement.
- 3) The quantum or value of security will be equal to the termination fee that would apply to all delivery entitlements, at the date of application.
- 4) Details relative to security must be completed on **page 7** of this application.

5 Foreign Ownership

- 1) As from 1 July 2017, 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/>
- 2) It is the responsibility of the purchaser to provide the correct details to the ATO regarding their Foreign Ownership status
- 3) Details relative to foreign ownership must be completed on page 3 of this application.

6 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.
- 3) 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.
- 4) The application must be executed by ALL registered proprietors. If executing as attorney, please make note of the power of attorney.
- 5) Follow any other instructions provided with the relevant forms / pages.
- 6) Submit completed applications to:

The Company Secretary
Coleambally Irrigation Co-operative Limited
PO Box 103
COLEAMBALLY NSW 2707

6 Enquiries

For all enquiries or further information regarding this application, please contact Coleambally Irrigation on:

Telephone: 02 6954 4003

Email: cosec@colyirr.com.au

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Form 4

**Transferor's Application:
Internal Permanent Transfer of Water Entitlement, Delivery Entitlement and/or Shares**

Transferor Details

Name

Address

Farm No.

or Non Member Water Entitlement Holder Ref No.

Particulars Associated with Transfer

Water Entitlements

HS / GS / G class / Supp HOU

Class (please circle)

Water Entitlements

HS / GS / G class / Supp HOU

Class (please circle)

Delivery Entitlements

HS / GS / G class

Class (please circle)

Delivery Entitlements

HS / GS / G class

Class (please circle)

Shares

Termination of Delivery Entitlements

By ticking this box, the Transferee(s) applies to Coleambally Irrigation Co-operative Limited to terminate all or some of the Delivery Entitlements and/or cancel all or some of the 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.

Foreign Ownership of Water Entitlements

By ticking this box, the Transferee(s) confirms that this farm and its associated Water Entitlements will be foreign owned (in accordance with the <https://www.ato.gov.au/General/Foreign-investment-in-Australia/Water-Register/> guidelines), and applies to Coleambally Irrigation Co-operative Limited to register this ownership status on its Member and non-Member Registers.

The Transferor(s), by their signatures below, apply to Coleambally Irrigation Co-operative Limited for the transfer of entitlements as specified above to the Transferee as indicated in the Transferee's application.

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

DATED _____

Signature of witness

Signature of Transferor or Director/Company Secretary

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

Name of witness (BLOCK letters)

Signature of additional Transferor or Director

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

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Form 4

**Transferee's Application:
Internal Permanent Transfer of Water Entitlement, Delivery Entitlement and/or Shares**

Transferee Details

Name

Address

Farm No. or Non Member Water Entitlement Holder Ref No.

Particulars Associated with Transfer

Water Entitlements Class (please circle)

Water Entitlements Class (please circle)

Delivery Entitlements Class (please circle)

Delivery Entitlements Class (please circle)

Shares

Foreign Ownership of Water Entitlements

By ticking this box, the Transferee(s) confirms that this farm and its associated Water Entitlements will be foreign owned (in accordance with the <https://www.ato.gov.au/General/Foreign-investment-in-Australia/Water-Register/> guidelines), and applies to Coleambally Irrigation Co-operative Limited to register this ownership status on its Member and non-Member Registers.

The Transferee(s), by their signatures below,:

- apply to Coleambally Irrigation Co-operative Limited for transfer of the entitlements as specified above, and
- acknowledge the acceptance of all liabilities attached to this landholding (including the annual water invoice issued 30 June each year)

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

DATED _____

Signature of witness

Signature of Transferee or Director/Company Secretary

Name of Transferee or Director/Company Secretary (BLOCK letters)

Name of witness (BLOCK letters)

Signature of additional Transferee or Director

Name of Transferee or Director/Company Secretary (BLOCK letters)

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Form 4

**Transferor's Statutory Declaration
Internal Permanent Transfer of Water Entitlement, Delivery Entitlement and/or Shares**

I/We

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

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**Assignment of Available Water associated with this Transfer
Internal Permanent Transfer of Water Entitlement, Delivery Entitlement and/or Shares**

Form 4

The Transferor and Transferee hereby advise CICL that the following conditions of sale shall apply to the transfer of Water Entitlements and/or Delivery Entitlements (please clearly mark the appropriate box/es):

- Water Entitlements ONLY to be transferred to the Transferee
- Water Entitlements and Available Water Determination (announced allocation) to be transferred to the Transferee
- Available Carryover water to be transferred to the Transferee
- Delivery Entitlements ONLY to be transferred to the Transferee
- Available Member Benefit AND / OR Additional Water Offer(s) to be transferred to the Transferee
- Up until settlement all Available Water (including Available Water Determination (announced allocation), Carryover, Member Benefit and Additional water offers) to remain with Transferor, any increase in the Available Water Determination after settlement will be transferred to the Transferee.

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

DATED _____

Signature of witness

Signature of Transferor or Director/Company Secretary

Name of witness (BLOCK letters)

Signature of additional Transferor or Director

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

DATED _____

Signature of witness

Signature of Transferee or Director/Company Secretary

Name of witness (BLOCK letters)

Signature of additional Transferee or Director

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Form 4

Security Declaration:

Internal Permanent Transfer of Water Entitlement, Delivery Entitlement and/or Shares

Where the water delivery right (delivery entitlements) held is more than 5 times the irrigation right (water entitlements) as noted in Rule 116, Coleambally Irrigation Co-operative Limited has the right to require security for the payment of ongoing fees or charges.

I/We

acknowledge and understand that I/We are are not required to provide security for the following:

units of unsecured General Security Delivery Entitlements

units of unsecured High Security Delivery Entitlements

In accordance with the forms of security listed above I/We nominate the following security:

Security to the value of \$ in the form of a bank guarantee, or

Security to the value of \$ in the form of a cash deposit with CICL, or

Security of units of High / General Security Water Entitlements held on

Farm No. owned by

Signature of all owners of the Guarantor farm

Signature of Guarantor

Signature of Guarantor

Name of Guarantor (BLOCK letters)

Name of Guarantor (BLOCK letters)

Where the Transferee is an individual: Signed by the Transferee in the presence of:

Signature of witness

Signature of Transferee

Name of witness (BLOCK letters)

Signature of additional Transferee

Where the Transferee is a company:

Signature of Director/Company Secretary

Signature of Director

Name of Director/Company Secretary (BLOCK letters)

Name of Director (BLOCK letters)