

Form 2

**Guide to the Application
Transformation**

This application is used to apply to Coleambally Irrigation Co-operative Limited for consent to the transformation of water entitlements held in the Coleambally Irrigation Water Access Licence to the transferee's Water Access Licence (WAL) as defined by the *Water Act 2007 (Cth)*.

1 Checklist

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

- Form 2 duly completed
- DPI Water 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
- 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 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 (i.e. share, water entitlement, and delivery entitlement) must be submitted
- 3) Note that in the application the amounts credited to the Available Water Account of the transferor will remain in that account. If the contract between the parties states otherwise the transfer to the transferee's account will be by separate lodgement of a Water NSW 71T.
- 4) Forms or pages not dated where indicated or otherwise incomplete may be returned
- 5) After Board approval is received, a Form 71Q signed by the Transferee will be lodged by CICL for execution with the DPI Water for determination.
- 6) When CICL has received the determination from DPI Water and received advice that settlement has taken place, CICL will lodge the determination with LPI for registration of the determination to the Transferee's nominated WAL.

- 7) Information relative to water entitlements on the CICL Register is provided to the National Irrigation Corporation Water Entitlement Register (NICWER) uploading daily.
- 8) If the Transferor wishes to apply to CICL to terminate delivery entitlements and / or cancel shares please complete a separate **Form 6**

3 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 Completing the Application

- 1) All handwriting should be in BLOCK letters in blue or black ink.
- 2) 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.
- 3) The application must be executed by ALL registered proprietors. If executing as attorney, please make note of the power of attorney and provide evidence.
- 4) Follow any other instructions provided with the relevant forms / pages.
- 5) 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

**Form 2
Transferor’s Application
Transformation (Out of CICAL Licences)**

Transferor Details

Name

Address

Farm No.

Particulars of Transfer

From

[Farm No.]

[CICAL WAL]

To

[Transferee WAL]

Water Entitlements

Class (please circle)

Water Entitlements

Class (please circle)

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 some or all 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.

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.

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)*

Form 2
Transferee's Application
Transformation (Out of CICL Licences)

Transferee Details

Name

Address

Farm No.

Particulars of Transfer

From

[Farm No.]

[CICL WAL]

To

[Transferee WAL]

Water Entitlements

HS / GS / G class / Supp HOU

Class (please circle)

Water Entitlements

HS / GS / G class / Supp HOU

Class (please circle)

The Transferee(s), by their signatures below:

- apply to Coleambally Irrigation Co-operative Limited for transfer of the entitlements as specified above; and
- confirm that the Transferee WAL provided above matches the details included on the WaterNSW 71Q; and
- 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/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)

Form 2
Assignment of Available Water associated with this Permanent Transfer Transformation (Out of CICL Licences)

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

Please note: The announced Allocation is referred to as the Available Water Determination

- Water Entitlements ONLY to be transferred to the Transferee
- Water Entitlements and Available Water Determination to be transferred to the Transferee
- Available Carryover water 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 Secretary

Signature of Transferee or Director/Company Secretary

Name of witness (BLOCK letters)

Signature of additional Transferee or Director

**Form 2
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
Security Declaration
Transformation (Out of CICL Licences)**

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 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)
(BLOCK letters)*

Name of Guarantor

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)