



**POLICY:** Internal Permanent Water Entitlement Transfers

**POLICY NUMBER:** 009

**REVISION DATE:** March 2011

**REVISED BY:** David Pengilly – Policy Committee

**APPROVED BY:**

---

**Purpose:** To facilitate permanent water entitlement transfers

**Scope:** To cover all shareholders within Jemalong Irrigation

**Procedure:**

1. Approval of any transfer shall be at the discretion of the Company in the interests of the members and the Corporation. Matters to be taken into account in determining an application shall include the following:
  - a) conditions of any licenses held by the corporation
  - b) water delivery efficiency
  - c) transmission losses
  - d) environmental concerns
  - e) channel capacity
  - f) geographical location
  - g) suitable drainage and recycling facilities
  - h) height of water tables/rapid watertable rise
  - i) soil salinity
  - j) whether the transfer will lead to seepage from water supply channels or lead to over-topping of channels, and
  - k) whether infrastructure improvements will be required
  - l) there are no outstanding charges to the Corporation for water or otherwise.
2. An internal file for the holding in question to be established to record transfer events. All dealings with permanent transfers to be in writing and dealt with by the Manager.
3. Notice of transfer will come to the attention of Jemalong Irrigation either by ordering of water by the new owner, by official notification by transferee's (buyers) legal representative, or by a request for an internal permanent transfer form.
4. Water is not to be supplied to a new owner until such time as it is deemed by Jemalong Irrigation that the transfer of water entitlement is finalised or will proceed unencumbered.

5. An minimum administration fee of \$400 will be charged for administering the transfer plus allowances for any other costs incurred by JIL, and will be payable by the transferee.
6. New owner to be officially issued with a Water Supply Contract (Page 39 of the contract to be personalised) and a JIL Standard Transfer Form (if not previously provided by legal representative) contingent upon the following:
  - a) where water is being transferred from one holding to another within Jemalong Irrigation, a Water Supply Contract is not necessary.
  - b) in the event of an existing shareholder acquiring an additional holding then that shareholder is required to sign an additional Water supply Contract stating that particular holding number.
  - c) In the event of a deceased estate, the executors are entitled to become registered holders of the shares and water entitlement upon application and production of the probate document. The Executors are required to sign a Water supply Contract as a condition of becoming owners of the water.
  - d) Water Supply Contract to be signed by new owner and a Director or Company Secretary of Jemalong irrigation and dated the actual completed date of sale.
  - e) Water Supply Contract to record:
    - full particulars of registered owner/member (ie full name and address)
    - property on which the holding is situated
    - holding number
7. A written request for the return of the old Share Certificate be sent to the previous owner. In the event of Certificate not being located then a Statutory Declaration (as per attached) must be completed stating all necessary particulars. Jemalong Irrigation to officially issue the Statutory Declaration. The old certificate is to be copied and marked 'Processed' and filed with other processed certificates to be kept in the office safe. The copy to be kept with relevant transfer documents.
8. Obtain written notification from the transferee's (buyers) legal representative as to the change of ownership of the holding (if not previously received).
9. Transfer form (as per attached) to be completed, signed and dated appropriately by both parties.
10. Completed Transfer form to be lodged for stamp duty by transferee's (buyers) legal representative.

11. Upon completion of the above and approval by the Company Secretary, a new Water Entitlement Certificate is to be issued and forwarded to the new owner/shareholder together with a covering letter and copy of the signed Water Supply Contract. The butt (to be filled in in butt folder and kept in office safe) of the new certificate to state:
  - a) Date of Transfer
  - b) Date of Issue
  - c) Date Posted
  
12. Where a transfer leaves remaining shares and entitlement on the seller's holding, ie not all water is sold, then a new Share Certificate is to be issued to the seller reflecting what entitlement remains. The butt of the Certificate to state:
  - a) Record that shares and water entitlements remain following transfer (*eg Shares retained following transfer to Smith (Date of Original Issue 34e March 1995)*)
  - b) Date of Transfer
  - c) Date of Issue
  - d) Date Posted
  
13. Jemalong Irrigation staff to ensure all relevant databases are altered to reflect changes as per the Date of Purchase. Previous owner not to be deleted from records until such time as his/her data is not reflected in Jemalong Irrigation statistical information.
  
14. Upon completion and verification of all relevant documents per transfer, the Water Entitlement Certificate is to be signed by a Director and the Company Secretary, stamped with the Company seal and issued to the relevant shareholder.

# STANDARD TRANSFER FORM

Affix Stamp Duty Here

Marking Stamp

FULL NAME OF COMPANY OR CORPORATION	<b>Jemalong Irrigation Ltd</b>		ABN 76 067 197 782
DESCRIPTION OF SECURITIES	<b>Ordinary Shares, Water Entitlements and Delivery Entitlements</b> <small>Class</small>		<b>NSW</b> <small>Register</small>
QUANTITY	<small>Words</small>		<small>Figures</small>
FULL NAMES(S) OF TRANSFEROR(S) [SELLER(S)]	Surname(s) ..... Christian Name(s) ..... ..... (PLEASE USE BLOCK LETTERS)		
CONSIDERATION	\$		<small>Date of Purchase</small> ...../...../.....
FULL NAME(S) OF TRANSFEREE(S) [BUYER(S)]	Surname(s) ..... Christian Name(s) ..... ..... (PLEASE USE BLOCK LETTERS)		
FULL ADDRESS OF TRANSFEREE(S) [BUYER(S)]	..... ..... ..... .....State.....Postcode.....		
REMOVAL REQUEST	Please enter the above securities on the ..... Register .....		
I/We the registered holder(s) and undersigned Sellers(s) for the above consideration do hereby transfer to the above names(s) hereinafter called the Buyer(s) the securities as specified above (shares, delivery entitlements and water entitlements) standing in my/our name(s) in the books of the above-named Company, subject to the several conditions on which I/We held the same at the time of signing hereof, and I/We the Buyer(s) do hereby agree to accept the said securities subject to the same conditions. I/We have not received any notice of revocation of the Power of Attorney by deed of the grantor or otherwise, under which this transfer is signed.			
TRANSFER(S) [SELLER(S)]	.....		<b>FOR COMPANY USE</b>
SIGN HERE ➡	.....		
DATE SIGNED	...../...../.....		
TRANSFEREE(S) [BUYER(S)]	.....		
SIGN HERE ➡	.....		
DATE SIGNED	...../...../.....		

