

To: Marlborough District Council
PO Box 443
Blenheim 7240

Telephone: (03) 520 7400
Fax: (03) 520 7496



Transfer Fee \$150.00

Notification of Transfer of Water Permit

This notification is given pursuant to section 136 2(a) of the Resource Management Act 1991

(Please note transfers subject to section 136 2(b) may be made on this form but must be accompanied by an application for resource consent – refer to the information notes at the end of this form)

Please attach a site plan showing the abstraction point the water will be taken from and the irrigated area for which this transfer request relates to.

Water Permit Number.....

Water Permit Holder details

Name (full names):

Address:

.....

Transferee details (The person(s) or entity which the interest is being transferred to)

Name (full names):

Address (where any future correspondence is to be forwarded other than for the notification of this transfer):

.....

TRANSFER OF A WHOLE WATER PERMIT

This section to be completed by the Transferee

**If the whole interest in the water permit is transferring to yourself
(please complete this section)**

What is the legal description of the land to which this water permit applies?

What is the legal description of the land to be irrigated?

What area of land is being irrigated under this permit?.....

Where is the abstraction point for this water permit?
(e.g. Intake point adjacent to Lot 1 DP 541 or well on Lot 2 DP 745)

What will your application rate be?
(the amount of water or the rate at which you wish to apply the water to the above land)

..... m3 per day

..... m3 per annum

..... other

What will you use the water for?

Will this change the use of the water from what it was intended to be used for, when the consent was granted? Yes/No

If the answer to the question above is **Yes** please refer to the notes at the end of this document.



TRANSFER OF A PART INTEREST IN A WATER PERMIT

To be completed by the Holder and the Transferee

Transferee to complete

**If a part interest in the water permit is being transferred to you
(please complete this section)**

What is the legal description of the land covered by this water permit?

What is the total allocation of water held under this permit?.....

What portion of this water permit is being transferred to you?.....

What is the legal description of the land to be irrigated by you?

What is the area of land to be irrigated by you?.....

Where will your abstraction point be?

(e.g. Intake point adjacent to Lot 1 DP 541 or well on Lot 2 DP 745)

What will your application rate be?

(the amount or rate of water to be applied to the area)

..... m3 per day

..... m3 per annum

..... other

What use will the water be used for?

Will this change the use of the water from what it was intended to be used for, when the consent was granted? Yes/No

If the answer to the question above is **Yes** please refer to the notes at the end of this document.

Holder to complete

What portion of this water permit is being retained by you?

What is the legal description of the land to be irrigated by you?

What is the area of land to be irrigated by you?

Where is your abstraction point for this water permit?

(e.g. Intake point adjacent to Lot 1 DP 541 or well on Lot 2 DP 745)

What will your application rate be?.....

(the amount or rate of water to be applied to the area)

..... m3 per day

..... m3 per annum

..... other

What use will the water be used for?

Will this change the use of the water from what it was intended to be used for, when the consent was granted? Yes/No

If the answer to the question above is **Yes** please refer to the notes at the end of this document.



(signed)..... Date
Signature of permit holder
or person authorised to sign on
behalf of permit holder

Address for service of permit holder
for this notification of transfer:
.....

(signed)..... Date
Signature of transferee
or person authorised to sign on
behalf of transferee

Address for service of transferee
for this notification of transfer:
.....

Notes:
Please note any requests for transfers which fall into section 136(2)(b)(ii) of the Act will require a completed application for Resource Consent, together with the supplementary forms relating to applications for water permits and an Assessment of Environmental Effects. The application for consent will need to be lodged in the name of the consent holder and the transfer form completed by the holder and the person to whom the interest in the permit will transfer to.

An extract from the Resource Management Act 1991 is attached which details the different sub sections of the act relating to transfers of water permit.

Resource Management Act 1991

136. Transferability of water permits—

- (1) A holder of a water permit granted for damming or diverting water may transfer the whole of the holder's interest in the permit to any owner or occupier of the site in respect of which the permit is granted, but may not transfer the permit to any other person or from site to site.
- (2) A holder of a water permit granted other than for damming or diverting water may transfer the whole or any part of the holder's interest in the permit—
- (a) To any owner or occupier of the site in respect of which the permit is granted; or
 - (b) To another person on another site, or to another site, if both sites are in the same catchment (either upstream or downstream), aquifer, or geothermal field, and the transfer—
 - (i) Is expressly allowed by a regional plan; or
 - (ii) Has been approved by the consent authority that granted the permit on an application under subsection (4).
- [(2A) A transfer under subsection (1) or subsection (2) may be for a limited period.]
- (3) A transfer under any of subsections (1), (2)(a), and (2)(b)(i) shall have no effect until written notice of the transfer is received by the consent authority that granted the permit.
- (4) An application under subsection (2)(b)(ii)—
- (a) Shall be in the prescribed form and be lodged jointly by the holder of the water permit and the person to whom the interest in the water permit will transfer; and
 - (b) Shall be considered in accordance with sections 88 to 115, 120, and 121 as if—
 - (i) The application for a transfer were an application for a resource consent; and
 - (ii) The consent holder were an applicant for a resource consent,—
 except that, and in addition to the matters set out in section 104, the consent authority shall have regard to the effects of the proposed transfer, including the effect of ceasing or changing the exercise of the permit under its current conditions, and the effects of allowing the transfer.
- (5) Where the transfer of the whole or part of the holder's interest in a water permit is notified under subsection (3), or approved under subsection (2)(b)(ii), [and is not for a limited period,] the original permit, or that part of the permit transferred, shall be deemed to be cancelled and the interest or part transferred shall be deemed to be a new permit—
- (a) On the same conditions as the original permit (where subsection (3) applies); or
 - (b) On such conditions as the consent authority determines under subsection (4) (where that subsection applies).