

# Property sales with water entitlements

## Information for Real Estate Agents and Conveyancers



The Department for Environment and Water is writing to inform real estate agents and conveyancers of new administrative requirements applying to property sales where a water entitlement / licence is part of the sale.

In these instances, it is important for real estate agents, conveyancers, buyers and sellers to be aware that a separate price for purchasing the water entitlement (that is separate from the purchase price of the land) needs to be negotiated.

This is because it is a legislated requirement that an accurate trade price for the stand-alone water entitlement must be provided on transfer application forms that are lodged with the Department for Environment and Water (DEW).

Historically, where properties are purchased with water entitlement, the price for both the land and water may have been 'bundled' together. This has resulted in an unidentified price for the water entitlement and a trade price of zero being recorded on transfer application forms. Going forward, a trade price of zero will not be accepted and the Department will follow up with applicants if one is recorded.

**In summary, we are encouraging real estate agents, conveyancers, brokers, sellers and buyers to actively consider the water trade price in any negotiations for property sales where water is included.**

It is important to be aware that it will be a requirement to provide the water trade price on transfer application forms.

Water licences, entitlements and allocations are valuable assets and accurate information on water trade price is important so that buyers, sellers, brokers, financial institutions, and others have reliable and comprehensive information to inform their negotiations and decisions.

To assist with negotiations, historical trade price data can be found in [Water Trade Reports](#) for each prescribed water area. Financial institutions may also be able to assist with up-to-date trade price information.

Note that in order for an agent or conveyancer to lodge an application form on behalf of a licensee then the licensee needs to submit a [G16 Appointment of an agent form](#) (no fee applies) to DEW.

### Other new requirements relating to water transfer applications

Also now required on transfer applications forms are:

- **The Nature of Transfer (reason for trade)** - for transfers where the water sale is part of a larger property sale the appropriate category is 'Market Sale - with sale of business operation i.e. land, buildings and infrastructure'; and
- **The Strike Date (date the water trade price was agreed)** - this information is important for understanding trends in water prices.

Lastly, in accordance with the Commonwealth Water Amendment (Restoring our Rivers) Act 2023, from 1 July 2024 the following obligations apply to persons providing information to water market authorities (such as the Department for Environment and Water) for trade applications in the Murray-Darling Basin:

- Persons making applications must ensure that all information on transfer forms is comprehensive and accurate; and
- Persons making applications must keep records regarding both the reason for trade and price for a minimum of 5 years.

The new Commonwealth provisions apply to all persons providing information on water trade and transfer application forms submitted to DEW for the following prescribed areas:

- River Murray Prescribed Watercourse
- Eastern Mount Lofty Ranges Prescribed Water Resources Area
- Marne Saunders Prescribed Water Resources Area
- Mallee Prescribed Wells Area
- Angas Bremer Prescribed Wells Area
- Peake, Roby and Sherlock Prescribed Wells Area

The new provisions are additional to the existing requirement under the Landscapes South Australia Act 2019 to provide accurate information on transfer application forms.

For further information on the new Commonwealth data accuracy and record keeping requirements, please visit the [Australian Government Department of Climate Change, Energy, the Environment and Water website](#) (DCCEEW), [FAQ's](#) developed by the Inspector-General of Water Compliance or email DCCEEW at [water.markets@dcceew.gov.au](mailto:water.markets@dcceew.gov.au).

### Contact us

Should you have any enquiries regarding trade and transfer applications, please contact the Department for Environment and Water on the contact details below:

Office location	Phone	Email
Berri	8595 2053	DEWWatertrade@sa.gov.au
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