

PRACTICAL GUIDE

Water in the sale of a farm

WHY IT IS DIFFERENT

Access to water now determines what a farm can produce. It therefore weighs on its value. Yet it rarely appears in a deed of sale. Water rights are scattered: administrative authorisations, private infrastructure, collective organisations, contracts of use. For each one, you must check whether it follows the land, follows the person, or may disappear at the time of sale.

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Every branch of the living world

QUESTIONS TO ASK

- 1 Where does the water come from: borehole, river, reservoir, collective network?
- 2 Which authorisations cover these withdrawals, and in whose name?
- 3 Can these authorisations be transferred to the buyer?
- 4 Is the farm a member of a collective irrigation organisation? With what commitments?
- 5 Who owns the infrastructure: wells, ponds, pipes, pumps?
- 6 Do the authorised volumes match actual needs?

- 7 Has the farm already been subject to restrictions in recent years?
- 8 Are storage or sharing projects under way in the area?
- 9 Are there disputes with neighbours or other users?
- 10 How is water reflected in the price?

WHO IS INVOLVED

Seller and buyer. Their lawyers and the notary. The relevant state services. Collective irrigation organisations. Where needed, a hydraulic expert and a public law specialist.

TYPICAL TIMELINE

- 1 Inventory of sources and infrastructure
- 2 Collection of authorisations and contracts
- 3 Analysis of their transferability
- 4 Transfer formalities
- 5 Specific clauses in the deed

THREE COMMON MISTAKES

- ! Assuming that water follows the land.
- ! Discovering after the sale that an authorisation was in a third party's name.
- ! Setting the price without taking the risk of restrictions into account.

HOW WE HELP

We list the rights attached to the farm. We secure their transfer in the transaction. We coordinate our public law partner when administrative steps are needed.

YOUR CONTACTS

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