

RETURN OF RULES AND REGULATIONS

hereinafter set forth; and copies of such notice shall be posted and maintained for 14 clear days at the source whence it is proposed to obtain water, and at the proposed termination of such race; and the intended course thereof shall be indicated by pegs not less than 2 inches square, or by large stones marked , and placed not more than two hundred yards apart. And if no valid objection be entered against such races within 14 clear days from the posting of such notices, a Certificate of Registration may be granted by the Warden to the applicant.

FORM OF NOTICE.

(District and Date)

To the Warden at

I hereby give notice that I intend to construct a Head Water Race for Mining purposes, commencing at a point (*) and terminating (*).

The length of each Race is or thereabouts, and its intended course is (*).
[Signature and address in full of applicant.]—

* Here describe precise localities

* Do

* Do

2. Races already constructed.

Races constructed prior to the Proclamation of any Goldfield, or of these Rules and Regulations must be registered with the Warden, as provided by Section 1.

3. Superiority of Right.

Superiority of right to a supply of water shall be determined by priority of occupation, the earlier occupant having the superior right. In all cases when the occupier claims under a certificate or other authority in writing granted by a Warden or Commissioner, occupation shall be taken to have commenced at the date of such certificate or authority.

4. Races to be commenced within one month.

The cutting and formation of races must be commenced within one calendar month from the date of registration, and the occupiers shall continue cutting and forming the same until the work is completed, otherwise any superiority of right to which they may be entitled by virtue of such registration shall be deemed to be forfeited.

5. Superiority of Right Forfeited by Disuse.

If any race shall be entirely unused for a full period of thirty days at a time when water is available for it, occupation of the right shall be deemed to have recommenced at the last re-occupation thereof.

6. Abandonment of Races.

All right to any race shall become forfeited if abandoned for the space of one calendar month, unless in cases of sickness or unavoidable absence, or in consequence of failure of water; but it shall be lawful for the Warden, in his discretion, upon sufficient cause being shown, to suspend the operation of this Regulation for a further period of one month, and a certificate of such suspension shall be given in writing to the occupiers.

7. Heads of Races.

All Races that may hereafter be cut, shall have a point specified at which they shall be taken from the creek or river. In races already cut, this point shall be taken to be the spot from which the race now heads. No person shall shift or alter the head of any race without the written sanction of the Warden, nor to the prejudice of any existing right.

8. Alteration of Races.

The alteration or extension of a race at any time shall not in any way affect any right or privilege attached to such race; and the holders thereof shall, during such alteration or extension, be deemed to be in occupation of all the rights and privileges attached to such race. Provided that such alteration or extension shall first be approved by the Warden.

9. Insufficient Supply of Water.

If the water flowing in any creek or river is insufficient to supply all the races connected therewith, the owner of any right shall—on receipt of a written notice from the owner of a superior right, stating that the supply of such superior right is less than he is entitled to—immediately cease to use the water, or such portion thereof as may be necessary to make up the supply of the superior right.

10. Water Gauge.

If any dispute shall arise between holders of water-rights deriving their supply from the same creek or watercourse, relative to the quantity of water to which each of them, the said holders, is or may be entitled, the following shall be taken to be a head of water, and such holders shall be limited thereto:

A stream of water gauged by a box, 12 feet long, 10 inches deep, and 20 inches wide, all measured in the clear. The box shall be covered throughout. The upper or entrance end of such box may be