

*Obstructions to Watercourses.*

39. No person shall deposit any earth, stones, tailings, or other substance in or so that it may be washed into the bed of any watercourse so as to obstruct the flow of the water therein, unless by the permission of the Warden, in writing.

*Side Streams.*

40. Where a race crosses any watercourse, the use of which is required by miners, such race shall be carried either over or under the watercourse, so as not to interfere with the natural flow of water therein.

*Licensee may Construct Catch Races.*

41. The licensee of any dam or reservoir, on obtaining permission from the Warden in writing, may form and cut or construct catch races to gather and convey water into such dam or reservoir: Provided that if such races are required to convey water from any running stream or creek, they must be acquired in the same manner as ordinary water-races.

*Reservation of Water.*

42. The Warden may, by notice in the Provincial Government Gazette, set apart any spring, stream, or other depository of water for domestic purposes, and no person shall thereafter defile such water, or do any act by means of which such water may be defiled or rendered unfit for domestic purposes.

*Original Line of Race may be Altered.*

43. If by reason of any natural impediment it shall be impracticable, or attended with unforeseen difficulty or expense, to cut or construct a race according to the line originally designed therefor, it shall be lawful for the licensee of such race, having first obtained the permission in writing of the Warden, to deviate in the cutting of such race so far from such originally designed line as shall be necessary to avoid the effects of such impediment, provided that no prior right be affected thereby.

*Repair of Race.*

44. When a race is in so inefficient a state of repair as to cause a waste of water, the Mining Inspector, or other competent person appointed by the Warden, may order the water to be turned out at the head of such race until the defective portion is made good.

*Construction of Tail Races.*

45. Before any miner shall construct a tail-race he shall proceed by notice in the same manner as is directed in section 26 for head-races. But such notice shall only require to be posted for seven (7) clear days; at the expiration whereof the applicant shall return to the Warden a copy of the notice, which shall be signed by the holders of the four (4) nearest claims, as expressing their assent to or dissent from the issue of a license for such tail-race. And the Warden shall inquire into any objection thereto, or any cause of dissent as aforesaid, and shall thereafter issue or withhold a license according to the equity of the case.

*Use of Tail Races.*

46. Any person wishing to use a tail-race may do so on condition of first paying to the owner of such tail-race a proportionate share of the expense of construction, and of any enlargement that may be rendered necessary by such use: Provided that the person so using any tail-race shall bear an equal share in any labour or expense incurred in clearing the same, or such portion thereof as may be so used, whenever it shall be necessary to do so.

*Flood Races.*

47. Any person may cut a flood-race through or by his claim, subject to such restrictions as the Warden may consider necessary for the public good.

*Races may be carried through Claims.*

48. Upon application being made to the Warden, it shall be competent for him to authorize the applicant to pass a head-race or tail-race over, under, or through any claim or right; provided that compensation shall be allowed for estimated damage (if any), and prior to commencing the construction of such race such compensation shall be paid to the holder or holders of the claim or right over, under, or through which the proposed race has to be constructed. In the event of any dispute as to the amount to be paid, it shall be lawful for the Warden, in conjunction with four assessors (two being appointed for each party), to award such sum to be paid as may seem to them, or the majority of them, to be due to the persons who may be considered entitled thereto.

*Main Sludge Channel to be first constructed.*

49. No miner shall be permitted to erect a quartz-crushing or puddling machine until a main sludge channel shall have been constructed, and in all cases such main channel must be constructed by and at the expense of the person desirous of erecting such machine.

*Main Sludge Channels to be approved by the Warden.*

50. The position and course of all main sludge channels, and the width and depth thereof, shall be subject to the approval of the Warden, who shall have power to alter and vary the same whenever it shall seem to him necessary so to do; and upon his approval of any such main channel, the Warden shall grant a license for the same to the applicant.