

(5.) Nothing in this section shall authorise the inclusion in any such lease of lands held in freehold by any person, or any area in respect of which any mining privilege has been heretofore granted and is now in force.

*Races and other Mining Privileges in respect of Water.*

5

Classes of licenses  
in respect of water.  
1898, No. 38, sec. 91

105. Subject to the provisions of this Act and of Part XI. of "The Public Works Act, 1894" (which said Part XI. is hereby incorporated herewith), the Warden, on application in that behalf, may, in respect of Crown lands, Native lands, or private lands, grant mining privileges of any of the following descriptions in respect of water :—

10

Water-race licenses ;

Tail-race licenses ;

Main tail-race licenses ;

Dam licenses ;

Drainage-area licenses ;

15

Such other descriptions of licenses as are prescribed.

Water-race license.  
Ibid, sec. 92

106. A water-race license shall, during its currency, entitle the licensee to cut, construct, and maintain a water-race, or use as a water-race any natural channel, on the land specified in the license ; and also, by means of such race, to take, divert, and use a specified number of sluice-heads of water from any watercourse on or running through or adjoining such land, in order to supply, sell, or dispose of such water for any of the purposes following, that is to say :—

20

Purposes for which  
water may be used.

(a.) Mining operations ;

(b.) Domestic purposes ;

25

(c.) Irrigation ;

(d.) Any industrial pursuit ;

(e.) Feeding or driving machinery, whether used for mining purposes or not ;

(f.) Constructing, maintaining, and supplying any tank, reservoir, railway, or tramway, or any houses or works connected therewith ;

30

(g.) Any other purposes authorised by regulations or by the Warden :

1903, No. 26, sec. 5

Provided that no application to a Warden for the use of more than forty heads of water shall be granted except with the consent in writing of the Minister.

35

Tail-race license.  
1898, No. 38, sec. 93

107. A tail-race license shall, during its currency, entitle the licensee to cut, construct, maintain, and use a race in order to carry off water, tailings, sludge, and other refuse from mining operations, or to serve as a ground sluice or race for saving gold :

40

Provided that the licensee shall not be entitled to treat any portion of such tail-race as a ground sluice or race for saving gold excepting such portion as is distinguished for that purpose with reasonable particularity both in the application and the license.

Main tail-race  
license.  
Ibid, sec. 94

108. A main tail-race license shall, during its currency, entitle the licensee to cut, construct, and maintain a race in order to carry off from such claims or tail-races as are specified in the license any water, tailings, sludge, or other refuse from mining operations.

45

Dam license.  
Ibid, sec. 95

109. A dam license shall, during its currency, entitle the licensee to excavate, construct, maintain, and use a dam for the storage of water for any of the purposes for which a water-race license may be granted :

50