

Provided that, except in a mining district, no such dam shall be constructed across a stream.

110. A drainage-area license shall, during its currency, entitle the licensee to the exclusive right to collect and store the water that naturally lies within, or falls upon, or percolates through the area of land specified in the license (hereinafter referred to as "drainage-area").

Drainage-area license.
1898, No. 38, sec. 96

111. (1.) For the purposes of the construction, maintenance, and improvement of the race or dam for which any such license as aforesaid is granted, and the deposit of soil and other matter removed therefrom, such license shall, during the currency thereof, entitle the licensee to occupy the land forming the course of such race or, as the case may be, the site of such dam, and also such other land as is specified in that behalf in the license.

Power to occupy land forming course of race or site of dam.
Ibid, sec. 97

(2.) The area of such other land shall not exceed,—

15 (a.) In the case of a race, a strip twenty feet wide along the entire length of the course of the race, and measured either wholly on one side of its course or partly on one side and partly on the other, but so nevertheless that at no point in the course shall the total width measured on both sides exceed
20 twenty feet, or such greater width as the Warden may prescribe; and

(b.) In the case of a dam, a strip twenty feet wide measured on each outer face of the dam.

112. In every case where the application for any such license relates to private land the applicant shall publish a copy of the application twice in a newspaper circulating in the district, and once in the *Gazette*, the publication in the *Gazette*, and also the first publication in the newspaper, being made not later than fourteen clear days before the day of hearing.

Mode of application when license relates to private land.
Ibid, sec. 98
1899, No. 29, sec. 4

30 113. In every case where any such application relates to private land, or where any person's interests may be affected by the grant of the proposed license, or the exercise by the proposed licensee of the rights to be conferred on him by such license, the following special provisions shall apply:—

Special provisions as to applications.
1898, No. 38, sec. 99

35 (a.) Any owner or occupier of such private land, or any person whose interests are affected as aforesaid, may, in the prescribed manner and within the prescribed period, object to the grant of the license.

Objections.

40 (b.) In such case the Warden in his discretion may postpone the application until he has received from a surveyor, or other competent person appointed by the Warden in that behalf, a report as to the applicant's compliance with the prescribed conditions, and also as to the reasonableness of the objections.

Report on application.

45 (c.) The costs of and incident to such report shall in the first instance be paid by the applicant, but if after considering the report the Warden is of opinion that the objections were frivolous he may order the costs to be paid in whole or in part by the objector, and the same shall be payable accordingly in terms
50 of such order. The Warden may require the applicant to deposit security for such costs before they are incurred.

Cost thereof.