

(2.) After receiving such last-mentioned report, the Warden may from time to time make such orders concerning the construction of the dam as he thinks fit, and it shall be the duty of the licensee of the dam to comply therewith.

33. The cost of such inspection and report, and of preparing such plans and specifications, shall be borne by such person as the Warden may order.

34. The Warden may, either before or subsequently to the grant of any application for a dam, specify a distance therefrom within which mining or other operations shall not be carried on, and may also from time to time vary such specification, on application either of the holder or any other person *bonâ fide* carrying or proposing to carry on mining or other operations in proximity to the dam.

35. The Warden may, on the application of any person likely to suffer damage or injury by the unfitness of any dam, order the same to be inspected by any duly qualified engineer or surveyor, and, after hearing the holder of the dam and all parties interested, may make such order for the repair or strengthening of the dam, or otherwise, and upon such terms as to costs and otherwise (including the expenses of the Inspector) as he thinks fit.

General.

36. Where any race is so constructed as to cross any stream from which the holder of the race has no license to divert water, and such construction might prejudicially affect the rights of any person, the race shall be well and efficiently constructed either under or over such stream so as not to interfere with the free flow of all the water naturally pertaining thereto, and flowing past the point of intersection.

37. In respect of water-race licenses, the priority of right to water shall, as between licensees diverting water out of the same watercourse, be counted from the precise time of filing the application therefor, which time shall in all cases be recorded in the register: Provided that this clause shall not operate to affect the priority existing in the case of a water-race license granted under the Mining Act in exchange of title under any former Mining Act.

38. (1.) Every water-race license shall have specified therein every point of intake, and no licensee of a water-race shall, without the written order of the Warden (to be applied for as provided in clause 23 hereof), alter any point of intake, or use for diverting the water any other race than the race specified in the license.

(2.) Before granting such application the Warden may require all the water which, if it were not diverted, would naturally flow in the watercourse between the said races or points of intake to be gauged for the purpose of determining as nearly as may be the extent to which the volume is increased from natural causes between such races or points of intake, and may require the applicant to surrender as many heads of water as are equal to such increase of volume.

39. The licensee of any mining privilege in respect of water shall not allow any water which he is entitled to divert to run to waste, but, on the contrary, such water shall be *bonâ fide* taken, diverted, and used in terms of the license, and not otherwise.

40. Every licensee entitled to divert water from a watercourse shall place a gauge-box in his race within seven days after receiving a written notice so to do from any other licensee entitled to divert water from such watercourse. Where there is only one point of intake the gauge-box shall be placed immediately below such point, but where there are several points of intake the gauge-box shall be placed immediately below the last of such points.

41. Water may be gauged in manner described in the Third Schedule hereto.

TIMBER-CUTTING RIGHTS.

As to Lands available for Timber-cutting.

42. The timber-cutting rights hereinafter provided for shall be exercisable only in respect of timber growing or standing on such lands in a district as are declared by the Governor to be areas within which timber-cutting rights may be granted by the Warden exclusively.

As to Holder of Miner's Right or Mining Privilege.

43. The holder of a miner's right shall, as such holder, and without application to the Warden, be entitled to cut and use for his own domestic purposes, or for the purpose of erecting any building or fence on any mining privilege held by him (but for no other purpose), any timber growing or standing on any available unalienated Crown land open for mining:

Provided that the rights conferred by this section shall not be exercisable in respect of—

(a.) Land comprised in any mining privilege held by any other person (not being a sawmill license or timber-cutting warrant); nor in respect of

(b.) Kauri-trees or any such trees as are reserved by the Warden.

44. The rights by the last-preceding clause of these regulations conferred upon the holder of a miner's right shall, in the case of the holder of a mining privilege, be exercisable by such last-mentioned holder in respect of timber (other than kauri or reserved trees) growing or standing on the land comprised in such mining privilege, or, in so far as suitable timber is not obtainable on such land, then on any other available unalienated Crown land open for mining, nevertheless for the purposes only of his own domestic use, or of the erection of buildings or fences on such first-mentioned land, or the carrying on of his mining operations thereon.

Sawmill Licenses.

45. On application in that behalf the Warden may grant any person a sawmill license entitling the licensee during its currency to cut timber (other than kauri-trees or trees reserved by the Warden) growing or standing on the land comprised in the license, and sell or otherwise dispose