

an end and determined. The grantee shall record the said grant with the local agent during each year of the continuance of the same, and whilst it shall be in operation.

Section 49. Twenty days' notice of the application shall be given, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously upon the inner walls of the Indian office for the district, and any person may protest within such twenty days, and not afterwards, against such application being wholly or partially granted.

Length and mode of giving notice.

Section 50. Every application for a grant of water exceeding 200 inches, shall be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise.

Deposit.

Section 51. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in Form K in the schedule hereto.

What application shall state.

Section 52. Every grant of a water privilege on unoccupied creeks, shall be subject to the right of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

Grant of water privilege subject to certain rights.

Section 53. If, after the grant has been made, any miner or miners locate and *bona fide* work any mining claim below the ditch head, or any stream so diverted, he or they collectively shall be entitled to 40 inches of water if 200 inches be diverted, and 60 inches if 300 inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses shall be considered.

Miner below the ditch head entitled to compensation.

Section 54. No person shall be entitled to a grant of the water of any stream for the purpose of selling the water to present or future claim-holders, or any part of such stream. The Superintendent General of Indian Affairs may, however, grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for, be protected.

Conditions respecting grants of water privilege.

Section 55. The Superintendent General of Indian Affairs may, on the report of the local agent that such action is desirable, order the enlargement or alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefited.

Enlargement or alteration of ditch.