

## IV.—DRAINAGE OF MINES

Permission  
to run  
drain, etc.,  
through  
occupied  
mining  
land.

**Section 43.** The Superintendent General of Indian Affairs may grant to any person, or association of persons, permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

Grantee  
shall  
compensate  
owner.

**Section 44.** The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation, if not agreed upon, shall be settled by the local agent and be paid before such drain or tunnel is constructed.

Property  
in such  
tunnel  
or drain.

**Section 45.** Such tunnel or drain, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

Application  
for grant,  
what to  
contain.

**Section 46.** Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given, and protests may be made, in the same manner as provided in regard to bed-rock flumes.

Deposit  
and notice.  
Grant of  
right of way  
to construct  
drains.

Form, re-  
gistration  
and annual  
rent.

**Section 47.** The grant of the right-of-way to construct drains or tunnels, shall be made in the Form J in the schedule hereto. The grant shall be registered by the grantee in the office of the local agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid in advance by the said grantee for each quarter of a mile of right-of-way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

## V.—DITCHES

Right to  
divert water,  
and to con-  
struct  
ditches and  
flumes to  
convey such  
water.

**Section 48.** The Superintendent General of Indian Affairs may, upon the application hereinafter mentioned, grant to any person, or association of persons, for any term not exceeding five years, the right to divert and use the water from any stream or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim shall have permanently ceased, the grant shall be at