

until he shall have constructed a ditch, flume or other conduit for conveying the water to the place where it is intended to be used; and in case any such conduit shall not be of sufficient capacity to carry the quantity of water so recorded, then the exclusive right of such owner shall be limited notwithstanding such record, to the quantity which such conduit may be capable of carrying, until such conduit shall be enlarged so as to be capable of carrying the quantity of water so recorded.

31. Priority of right to any water privilege shall, in case of dispute, depend upon priority of record.

32. The right of entry on and through lands acquired by others under these regulations for carrying water for any lawful purpose upon, over, or under such land, may be claimed and taken by the owner of any such privilege acquired under these regulations, he (previous to entry) paying or securing payment of compensation as aforesaid for the waste or damage so occasioned to the person whose land may be wasted or damaged by such entry or carrying of water.

33. In case of dispute, such compensation or any other question connected with such water privilege, entry, or carrying, may be ascertained and assessed by the Local Agent of the district, or other person appointed by the Minister of the Interior, for that purpose, in a summary manner.

34. Water privileges for mining or other purposes, not otherwise lawfully appropriated, may be claimed, and the said water may be taken upon, over, or under any Dominion lands, or lands the right to which shall be acquired under these regulations by obtaining a grant or license from the Local Agent of the district; and, previous to taking the same, paying reasonable compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege, or carriage of water, and in the event of dispute as to the amount of compensation, the same may be ascertained as in the last preceding section is mentioned.

35. In either of the cases referred to in the last two preceding sections the Local Agent or person appointed by the local Agent or person appointed by the Minister of the Interior for that purpose shall have all the powers of a County Court Judge in the Province of British Columbia, in awarding costs, and the certificate of the Agent or other person appointed as aforesaid, of the amount of compensation ascertained and assessed under the last two preceding sections and of costs awarded, shall have the effect of an award and may be made a rule of the Supreme Court of British Columbia and enforced accordingly.

36. Any owner of any ditch, flume, or other conduit or water privilege acquired by record or otherwise under these regulations who shall wilfully waste any quantity of water by diverting any more of it from its natural course, through any ditch or otherwise, than the quantity actually required by him for irrigation or any other purpose for which he is entitled to use such water, shall be punished by a fine not exceeding one hundred dollars for each such offence, to be recovered before a Justice of the Peace, Stipendiary Magistrate, Local Agent or

other person appointed by the Minister of the Interior for that purpose, in a summary manner, and in default of payment by distress, or by imprisonment for any period not exceeding six months; and no owner of any first record to any water privilege shall have the right to interfere with or prevent the construction of any dams, break-waters, or other improvements made or hereafter to be made for the purpose of saving or economizing the waters of any creek, lake, or water-course of any kind: Provided, that the construction or use of such dam or break-water does not nor will divert such water from its proper channel at the point or place where such owner takes the water used by him into his ditch or channel: Provided also, that the construction and use of such dam or breakwater shall not injure the source from which such water is taken, or the property of any party or parties, by backing water, flooding, or otherwise: Provided also, that all disputes arising upon any matter or thing in this clause contained, shall be decided in a summary manner, before any Justice of the Peace, Stipendiary Magistrate, Local Agent or other person appointed by the Minister of the Interior for that purpose, who shall have full power to make such decision as shall seem to him just and equitable.

37. The proprietors or occupiers of any lands subject to irrigation may, with the consent in writing of the Local Agent or other person appointed by the Minister of the Interior for that purpose, by means of flumes, ditches, drains, or other conduit, through the adjacent Dominion lands or land, the right to which shall have been acquired under these regulations, run their surplus and waste water into any creek, gulch or channel: Provided further, that when such power is exercised by either of the above officers, any Commissioners or other officers acting under the drainage, dyking, and irrigation Acts of British Columbia for the time being in force, shall not be at liberty to interfere with the power so exercised. The provisions of this clause shall, except as to the lands which for the time being shall be Dominion lands, be subject to the provisions of the law for the time being in force respecting compensation for entry upon occupied lands for carrying water through or over them.

38. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head, no water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it; one inch of water shall mean half the quantity that will pass through an orifice two inches high by one wide, with a constant head of seven inches above the upper side of the orifice.

#### TIMBER LICENSES.

39. The enactments and provisions in the twenty-six next following clauses shall be limited in their effect to the Dominion Lands in the Railway Belt in British Columbia lying west of the one hundred and twentieth degree of longitude, west of Greenwich; and in regard to the timbered lands within the Railway Belt in British Columbia lying east of the said 120th degree of longitude west of Greenwich, the provisions of the Dominion Lands