# New Zealand.

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## 1904, No. 16.—*Local.*

Title. AN ACT to make Provision for a Supply of Water for the Use of the Inhabitants of the Town of Ashburton from a Water-race under the Control of the Ashburton County Council.

[*5th November, 1904.*

Preamble. WHEREAS the Ashburton County Council has duly constructed a water-race under the provisions of "The Water-supply Act, 1891," and its amendments, in the Ashburton-Rakaia Water-race District of the County of Ashburton, extending from an intake upon Rural Section 18860 south-easterly to the Great Southern Railway, and is diverting water from the River Ashburton for the supply of such race by means of such intake: And whereas it is expedient to make provision for a permanent supply of water to be drawn from such race for the use of the inhabitants of the Town of Ashburton:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is "The Ashburton Water-supply Act, 1904."

Interpretation. 2. In this Act, unless inconsistent with the subject-matter or the context thereof, the words—

"The County" mean the Chairman, Councillors, and Inhabitants of the County of Ashburton, a body corporate under the provisions of "The Counties Act, 1886":

"The Borough" mean the Mayor, Councillors, and Burgesses of the Borough of Ashburton, a body corporate under the provisions of "The Municipal Corporations Act, 1900":

"The said race" mean the water-race hereinbefore described, and include any water-race which may hereafter be constructed by the Ashburton County Council in substitution therefor, and having an intake on Rural Section 18860.

County to furnish a supply of water to the Borough.

3. So long as the County shall divert water from the River Ashburton by means of any intake on Rural Section 18860, or of any other works upon that section or in the bed of the River Ashburton adjacent thereto, for the purpose of supplying any water-races now or hereafter to be under the control of the County, and for so long as the Borough shall require a supply of water for the use of the inhabitants of the Town of Ashburton, the County shall furnish the Borough with a supply of water from the said race, to be drawn therefrom at such point or points as may from time to time be agreed upon between the County and the Borough.

Quantity of water to be supplied.

4. The supply of water to be furnished by the County to the Borough as aforesaid shall be in such quantity as the Borough shall from time to time require, but (except as hereinafter provided) subject to the limitation that the County shall not be obliged to supply at any one time a greater volume than eight hundred gallons a minute: Provided always that if the Borough shall at any time reasonably require a larger supply of water than eight hundred gallons a minute the County shall increase the supply accordingly, provided that it can do so without interfering with the supply of water from the River Ashburton which it may require for its own purposes, and that such augmented supply can be delivered by means of any works existing for the time being on Rural Section 18860.

When County not to be responsible for deficiency in water-supply.

5. The County shall not be responsible for any deficiency which may happen in the quantity of water hereinbefore directed to be supplied to the Borough owing to the failure of the supply of water in the River Ashburton, or from any other cause not arising from the wilful act, neglect, or default of the County.

Borough to make annual payment for water-supply.

6. For the aforesaid supply of water the Borough shall, so long as it shall require the said water-supply, pay to the County the sum of forty pounds a year by equal half-yearly payments, commencing on the first day of January, one thousand nine hundred and five.

Readjustment of amount of annual payment.

7. If either the County or the Borough shall be dissatisfied with the sum hereinbefore directed to be paid, or which may hereafter become payable, by the Borough to the County for water-supply, it shall be lawful for the County or the Borough, as the case may be, by notice in writing, to call upon the other of them to readjust the amount of such annual payment; and if they are unable to agree upon the amount, the same shall be determined by the Judge of the District Court of Ashburton, whose decision shall be final. Such readjustments may be made from time to time, but so that an interval of not less than three years shall elapse between the date of any readjustment and of that next succeeding; and the first readjustment shall not be made sooner than the first day of January, one thousand nine hundred and eight. Any application to the said Judge under this section shall be made by motion, and shall be dealt with by him in a summary way; and for the purposes of such application the said Judge shall have all the powers of summoning parties and witnesses,

hearing evidence, and awarding costs as are exercisable by him in his ordinary jurisdiction, and any decision given by him with respect to such application shall be deemed to be a judgment of the said District Court, and be enforceable accordingly.

If County ceases to use intake on Rural Section 18860, its obligation to supply water to Borough to determine.

8. If the County shall cease to use any intake whatever on Rural Section 18860 for the purpose of supplying its races with water, its obligation to furnish the Borough with a supply of water shall thereupon cease and determine.

Borough may discontinue taking water.

9. The Borough may at any time discontinue taking water from the said race by giving to the County three calendar months' notice in writing of its intention so to do, and upon the expiration of such notice the liability of the County to supply water to the Borough and of the Borough to make annual payments therefor shall cease and determine; but the Borough shall, in case of cesser of water-supply under either this or the preceding section, make to the County a proportionate payment for water-supply up to the day of such cesser.

Ashburton County Council and Ashburton Borough Council may enter into agreements with respect to water-supply.

10. For the more effectually carrying out the provisions of this Act the Ashburton County Council and the Ashburton Borough Council may from time to time enter into such agreements as they shall consider to be necessary. Any such agreement shall be made by deed under the seals of the bodies corporate, and shall contain such covenants and provisions as the said Councils shall think fit.

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