

License for Mining Privilege granted in Exchange of Title under former mining Act.

Precise time of filing Application

[Form 31 (Reg. 24).

(No. 6 Patearoa) for this License:

Under "The Mining Act, 1898."

10.20 a.m. on the 20th

day of May, 1907

License for a Water-race.

PURSUANT to "The Mining Act, 1898," I, the undersigned James McEnnis, a Warden of the

OTAGO Mining District, do hereby grant to Samuel Cunningham Greer of Patearoa Farmer & Thomas Hall of Patearoa Farmer and Wilson McQuellan & James G. Gimmerton Farmers being the Trustees and Executors for the time being of the will of Patrick Jackson Greer deceased this License for a water-race, as specified in the First Schedule hereto.

This License is granted for a term of 14 years, commencing on the date hereof, subject to the terms, conditions, reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and also to such additional terms, conditions, reservations, and provisions as are specified in the Second Schedule hereto.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at Patearoa, this 9th day of June, 1907.

FIRST SCHEDULE.

James McEnnis Warden.



(7) Set out locality of race and nature of the proposed work as set forth in application, modified, however, so as to accord with the grant, adding such other particulars as are necessary, including plan of land if surveyed, number of heads authorized to be diverted, and purpose for which water is to be used.

(8) Commencing below Fosters farm Pigeon Creek and terminating on claim worked by Hunt Quirk Ah Jiri and Choy Seck length 1 1/2 miles. To carry seven Government heads of water. To be used for irrigation and domestic purposes.

Memorandum

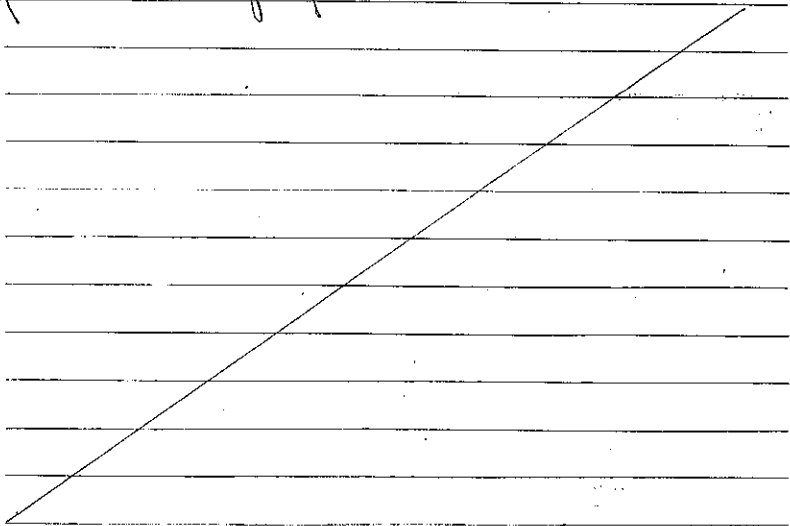
The above license is granted in Exchange for license No 7345 dated 23rd March 1887 issued under the provisions of "The Mines Act 1877 (which has been duly surrendered for the purpose of such exchange) and confers the same priorities and is subject to the same encumbrances liens and interests as in the case of the surrendered mining privilege to wit the following: Priority is claimed from 23rd March 1887.

SECOND SCHEDULE.

(1) Set out additional terms, &c., if any.

Two heads of water to be allowed to run down Creek for use of parties using same for domestic purposes.

Miner's
office
this
1904



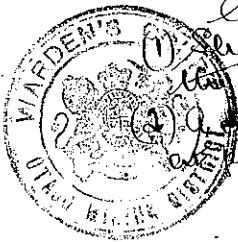
McInnis
Warden.

Alteration of length of Water race No. 1118 by terminating same at the commencing point of Water Race extension as described hereunder.

Extension three miles in length commencing at a point in the North West corner of A.G. Mathias' Run crossing Thomas Foster's land, land of John Gellard Pearce, Thomas Johnston, Michael Graham and County roads and terminating at a point in the South East corner of Jane Green's land. Course South East to North West Mean depth and breadth 1 ft by 3 ft. Registered No 1135 Mining Registrar's Office Perth 2 pm 30th June 1902.

Granted on the following conditions:-

- (1) Should the race wash away any of Mr Graham's land the Licenses to compensate Mr Graham therefor.
- (2) A culvert for sheep crossing to be erected over the Race at place agreed upon by Licenses and Mr Graham.



McInnis
Warden.

Permission is granted to carry on heads of water in this Water Race in lieu of seven heads authorized by the said license, Registered No. 2374

(October 1902)
 MINING REGISTER OF LICENSES
 registered (No. 2374) in the
 of the Mining Registrar at Naseby,



McDonnell
 Warden.

6-10-02

21st day of September
 at 3 p.m.
F. O. Hart
 Mining Registrar.

Permission granted to shift head of this race to the same mining point of dry water race license No. 2373 and to lift the same at that point and to carry the water authorized to be diverted by this license in said license No. 2373, granted at Naseby on 12th September 1906.

McDonnell
 Warden.

MINING REGISTER OF LICENSES
 registered (No. 2462) in the
 of the Mining Registrar at Naseby,
 this 14th day of December
 1906 at 11-50 a.m.
F. O. Hart
 Mining Registrar.

Authority granted to use the water authorized to be diverted by this license only during the months of January, February, March, April, May, September, October, November and December in each year, granted at Naseby on 10 December 1906.

McDonnell
 Warden.

No. 4590. Office of the Mining Registrar Naseby this 15th. August 1925 at 3 p.m. Entry of Death of Wilson McQuillan Mashinney (certificate produced) one of the trustees in the estate of Patrick Jackson Greer, dead. declaration dated 15th. August 1925.

F. O. Hart
 Mining Registrar.

No. 4591. Office of the Mining Registrar Naseby this 15th. August 1925 at 3 p.m. Assignment of all interest from Samuel Cunningham Greer and Thomas Hall executors of the estate of Patrick Jackson Greer dead. to Samuel Cunningham Greer by deed dated 16th. July 1925.

F. O. Hart
 Mining Registrar

TRANSMISSION of all interest in the within License from Estate of Samuel Cunningham Greer to Louisa Winifred Greer by writing dated the 11th day of September 1909 and registered at Naseby this 12th day of October 1909 at 10 a.m.
 Registration No. 5833

Arthur Donald
 Mining Registrar.

Assignment 1/2

Bruce Cunningham Green

to
Adrienne Edith Wright

| |
|---|
| Chicago Regional Council Noted Permit Transfer |
| No. 15066 |
| On 10/10/62 |
| By [Signature] |

NASEBY

1118 N

No. 1118 Feb 23 20 IV

Dated 9th June, 1902

Under "The Mining Act, 1898."

1118

WARDEN

Severel Cunningham
Green Thomas Holt
Wagon, 1118 N. 1118 N

License for a Water-race.

MINING REGISTER
MINING REGISTER OF INDEPENDENT REGISTERED (No. 1118) in the office of the Mining Registrar at Naseby, with 17th day of June 1902, at 10 a.m.

[Signature]
Mining Registrar

RENEWED for a term of FORTY-TWO YEARS commencing on the expiry of the current term

THIS sixth DAY OF February 1945 PURSUANT TO APPLICATION

IN CONNECTION WITH THAT



AS. ROBBIE WARDEN.

Assignment of share.
Bruce Cunningham Green & Adrienne Edith Wright

Bruce Cunningham Green
Registered at the office of the Mining Registrar, Cromwell, at 9.30 a.m. on 17 APR 1958

Assignment
Bruce Cunningham Green to
Bruce Cunningham Green & Adrienne Edith Wright

Registered at the office of the Mining Registrar, Cromwell, at 10 a.m. on 31 OCT 1962

[Signature]
Mining Registrar

REGISTERED at the office of the Mining Registrar, Cromwell, at 9.30 a.m. on 17 APR 1958

AS. 5405 [Signature]

Transmission (Protective Order) Estate of Bruce Cunningham Green to
Bruce Cunningham Green & Adrienne Edith Wright

Registered at the office of the Mining Registrar, Cromwell, at 9.30 a.m. on 17 APR 1958

[Signature]
Mining Registrar

Transmission
1 Share
Bruce Cunningham Green & Adrienne Edith Wright

Bruce Cunningham Green

| |
|---|
| Chicago Regional Council Noted Permit Transfer |
| No. 14676 |
| On 10/10/62 |
| By [Signature] |

Our Reference: A39424

Consent No: 96230.V1

DEEMED PERMIT

This is a Deemed Permit pursuant to Sections 413-417 of the Resource Management Act 1991.

Name: ~~[Bruce Cunningham and Edith Evelyn Greer]~~ Transmitted 18 July 2006
~~[Bruce Cunningham Greer]~~ Transferred 29/10/07
~~[Bruce Cunningham Greer and Adrienne Edith Wright]~~ Transmitted 4 April 2008
~~[Adrienne Edith Wright]~~ Transferred 18 April 2008
~~[Greenbank Pastoral Limited]~~ *Transferred 21 September 2011*
Hamiltons Dairy Limited

Address: ~~[Greer Road, RD 4, Ranfurly]~~
~~[64 Caulfield Street, Ranfurly]~~
~~[C/o Gallaway Cook Allan, Corner High and Princes Street, Dunedin]~~
C/o Ibbotson Cooney Limited, Level 1, 69 Tarbert Street, Alexandra

to take 268,800,000 litres per month from the Pig Burn at a maximum rate of 400,000 litres per hour

for the purpose of irrigation

for a term expiring 1 October 2021

Location of Point of abstraction: Pig Burn, immediately adjacent to Hamilton Road, approximately 348 metres north east of the intersection of Hamilton Road and Roberts Road, Patearoa.

Legal description of land adjacent to point of abstraction: Pt Run 204B

Map reference of point of abstraction: NZMS 260 H42:833-470

Legal description of land where water is to be used: Sec 17 Blk IV Upper Taieri SD, Sec 7 Blk I Upper Taieri SD, Sec 2 Blk IV Upper Taieri SD, Sec 14 Blk XIII Maniototo SD, Lot 2 DP 427338, Lot 1 DP 441480 Upper Taieiri SD

This document is a deemed permit within the meaning of Sections 413-417 of the Resource Management Act 1991. It is a renewal of permit 3030 which was granted in substitution of water race licence WR1118N, which was granted in Naseby on 20 May 1902, priority however was back dated to the original mining licence in respect of the same issued under the mining Act 1877 on 23 March 1882.



Conditions

1. The following priorities attach to this permit:

Permits which can exercise priority over this permit:

| License/Right number | Priority Date | Water Source | Abstraction Rate | Holder |
|----------------------|---------------|--------------|------------------|-----------------------|
| WR1744N (97210) | 16.12.1879 | Pig Burn | 200,000 l/h | Hamilton Runs Limited |

Permits over which this permit can exercise priority:

| License/Right number | Priority Date | Water Source | Abstraction Rate | Holder |
|----------------------|---------------|--------------|------------------|---|
| WR2298N (97128) | 13.04.1886 | Pig Burn | 200,000 l/h | G & K Kirkwood Farms Limited and Kirkwood Concept Limited |
| WR976N (96254) | 28.09.1897 | Pig Burn | 600,000 l/h | G & K Kirkwood Farms Limited and Kirkwood Concept Limited |
| 2000.136 | No priority | Pig Burn | 200,000 l/h | David Malcolm MacDonald and William Andrew MacDonald, Edenbank Farm Limited and Janine Ruth Smith |

2. Appended is a schedule of provisions from the former Water and Soil Conservation Amendment Act 1971 that may apply to this deemed permit and a diagram of the relative locations of the permits.

Issued at Dunedin this 28th day of May 1996

Reissued at Dunedin this 4th day of August 2006 to effect a transmission of the late Edith Evelyn Greer's jointly held interest and to reflect a correction to the legal description, grid reference and the location of activity.

Reissued at Dunedin this 27th day of February 2008 to reflect a transfer of holder and corrections to the consent.

Reissued at Dunedin this 24th day of April 2008 to effect a transmission from the late Bruce Cunningham Greer to Adrienne Edith Wright

Reissued at Dunedin this 16th day of May 2008 to reflect a transfer of holder

Reissued at Dunedin this 23rd day of September 2011 to reflect transfer of holder from Greenbank Pastoral Limited to Hamiltons Dairy Limited, update priority table and to vary the legal description of land where water is to be used.

Reissued at Dunedin this 29th day of November 2012 to append WEX0062 and update the holders names in the priority table.



Julene Ludlow
Manager Resource Management Administration

NOTICE OF EXEMPTION

Pursuant to Regulation 10 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, the Otago Regional Council **approves** the use of a water measuring device or system installed near (instead of at) the location from which water is taken.

Relating to Deemed Permit number: **96230**

Map reference of point of take:
NZMS 260 H42:833-470

Map reference of water measuring device or system:
Within a 20 metre radius of NZTM 2000 E 1371293 N 4987097

For a term expiring on 1 October 2021

Description of the location of the water measuring device or system:
The water measuring device is currently located approximately 622 metres east of the intersection of Patearoa-Waipata Road and Greer Road, and approximately 2672 metres north-east from the point of take, Maniototo

Notes:

- 1. In accordance with Regulation 12 this exemption prevails over relevant conditions of the related water permit.*
- 2. In accordance with Regulation 11, approval may be revoked by the Otago Regional Council if it has been granted on the basis of incorrect information provided by the permit holder.*

Approved on this 29th day of November 2012

Christopher P Shaw
Manager Consents

Water and Soil Conservation Act Amendment 1971

In this context “current mining privilege” means:

- (a) *Any mining privilege in respect of water which was subsisting or in force immediately before 1 April 1973 and which was granted under the Mining Act 1926 after 9 September 1966, and*
- (b) *Any mining privilege in respect of water which was so subsisting or in force and which was granted under the Mining Act 1926 or any former Mining Act on or before 9 September 1966 to the extent that it has been authorised under S 21(2) of the WSCA 1967 (as amended by WSCA amd 1969).*

S4 **Water Race Licence** – *Every current mining privilege that is a water race licence shall during its currency entitle the holder of the privilege to cut, construct, and maintain a water race, or to use as a water race any natural channel, on the land specified in and in accordance with the conditions of the licence; and also, by means of the race, to divert and use the quantity of water specified in the licence from any watercourse on or running through or adjoining the land in order to continue to supply, sell or dispose of the water for any of the purposes specified in the licence:*

provided that where any such licence was granted before 10 September 1966 the diversion and use of water shall be restricted to the extent that it has been authorised under S 21(2) WSCA 1967 (as amended by WSCA amd 1969).

S5 **Dam Licence** – *Every current mining privilege that is a dam licence shall, during its currency, entitle the holder of the privilege to excavate, construct, maintain and use a dam in accordance with conditions of the licence for the storage of water for any of the purposes specified in the licence:*

provided that where any such licence was granted before 10 September 1966 the volume of water stored shall not exceed that authorised under S 21(2) WSCA 1967 (as amended by WSCA amd 1969).

S6 **Drainage Area Licence** – *Every current mining privilege that is a drainage area licence shall during its currency, entitle the holder of the privilege to the exclusive right to collect and store the water that naturally lies within, or falls upon or percolates through the area of land specified in the licence:*

provided that where any such licence was granted before 10 September 1966 the collection and storage of water shall be restricted to the extent that it has been authorised under S 21(2) WSCA 1967 (as amended by WSCA amd 1969).

S7 **Tail-Race Licence** – *Every current mining privilege that is a tail race licence shall during its currency entitle the holder of the privilege to cut, construct, and use as a race in order to carry off water tailings, sludge, and other refuse or waste from mining operations within the meaning of the Mining Act 1971, or to serve as a ground sluice or race for saving gold:*

provided that the holder of the privilege shall not be entitled to treat any portion of the tail race as a ground sluice or race for saving gold:

provided that where any such licence was granted before 10 September 1966 the carrying off of the water, tailings, sludge and other refuse or waste shall be restricted to the extent that it has been authorised under S 21(2) WSCA 1967 (as amended by WSCA amd 1969).

S8 **Main Tail-Race Licence** – Every current mining privilege that is a main tail race licence shall during its currency entitle the holder of the privilege to cut, construct, and maintain a race in order to carry off from such claims or tail races as are specified in the licence any water, tailings, sludge, and other refuse or waste from mining operations within the meaning of the Mining Act 1971:

provided that where any such licence was granted before 10 September 1966 the carrying off of the water, tailings, sludge and other refuse or waste shall be restricted to the extent that it has been authorised under S 21(2) WSCA 1967 (as amended by WSCA amd 1969).

S9 **Mining Debris, etc, not to enter public water supply** –

(a) *It shall not be lawful to allow the water in any water race, or any watercourse with which any such race is connected or by which it is fed, to be used for the carrying off of any tailings, mining debris, or waste water from mining operations within the meaning of the Mining Act 1971, if the race is held and used by a local authority for the purpose of supplying water to the public:*

(b) *(a) above shall not apply in the case of any watercourse duly proclaimed under the Mining Act 1926 or any former Mining Act as a watercourse into which tailings, mining debris, or waste water may be discharged, nor in the case of any tail race lawfully discharging into any watercourse below the point at which any water race is connected with or fed by the watercourse and the discharge of the tail race does not, except in unforeseeable circumstances, back up and enter any water race with which it is connected.*

S10 **Occupation of land for construction, etc of race or dam.** *For the purposes of the construction, maintenance and improvement of any race or dam for which a current mining privilege has been granted, and for the deposit of soil and other matter removed from the race or dam, the privilege shall, during the currency thereof, entitle the holder of the privilege to occupy the land forming the course of the race or, as the case may be, the site of the dam, and also such other land as is specified in that behalf in the privilege.*

S11 **Retention of right of priority** – *Every holder of a current mining privilege who holds a right that was conferred by the Mining Act 1926 or any former Mining Act, and was in force at April 1973 entitling him to exercise the privilege with priority over any other user of water shall retain that right of priority during the currency of the privilege and of any right granted to him under the WSCAA 1967 in substitution for the privilege on its expiry, until he agrees in writing to a lower order or priority in respect of the privilege and the agreement is notified in writing to the consent authority.*

S12 (1) *On the application in writing of a holder of a current mining privilege, the consent authority shall supply the holder with a certificate in writing as to the order of priority, as disclosed by its records, of the privilege in relation to any other current mining privilege or right granted under the principle Act.*

(2) *Every certificate given under this section shall be admitted by all Courts as sufficient evidence of the order of priority specified therein in the absence of proof to the contrary.*

S13 **Exercise of priority** – *In any case where the water flowing in any watercourse is insufficient to supply fully all the races lawfully connected therewith, the holder of any right granted or authorised under WSCA 1967 or the holder of any current mining privilege in respect of the watercourse shall, on receipt of a notice in writing from the holder of a superior privilege stating that the supply of water in respect of the superior*

privilege is less than he is entitled to, forthwith cease to use the water or so much thereof is required to make up the full supply in respect of the superior mining privilege; and, if he fails or neglects to do so, he shall be deemed to be wrongfully using the water, in which case the holder of the superior privilege shall be entitled, in any Court of competent jurisdiction, to recover damages for loss of water, and also to restrain by injunction the holder from wrongfully using the same.

S14 Obligations of holders of current mining privileges –

(1) *Except as otherwise provided in the WSCA 1967 or as authorised by a current mining privilege, the holder of any such privilege shall, as such holder:*

- (a) *Not alter the intake of the water, or use for diverting the water any race other than the race authorised by the privilege:*
- (b) *Not exercise the privilege except for the purpose authorised thereby:*
- (c) *Not exercise the privilege in such a manner as to injure directly any structure, building, bridge, or public road:*
- (d) *Take such action as the consent authority may direct to prevent any water that he may lawfully divert from running to waste:*
- (e) *Not have any right or remedy whatsoever against any person in respect of the discharge of tailings, debris, refuse, or waste water into any watercourse by that person in the lawful carrying on of mining operations within the meaning of the Mining Act 1971:*
- (f) *Comply fully with all conditions and restrictions attaching to the privilege, except to the extent that any may be dispensed with in writing by the consent authority for such period as the consent authority may specify:*
- (g) *Maintain in good repair, order, and condition, to the satisfaction of the consent authority, all bridges and culverts permitting public or private access over water races which have been constructed to enable the privilege to be exercised:*
- (h) *Record in such manner, and furnish to the consent authority such information in respect of the exercise of the privilege as the consent authority may from time to time require.*

(2) *On the application of any person or local authority likely to suffer damage or injury from unfitness, disrepair, or weakness of any dam (other than a dam owned by the Crown), the Board may order the dam to be inspected by any duly qualified engineer, and, after hearing the holder of the licence in respect of the dam and all interested parties, and after consultation with an Inspector of Mines, the Board may give such directions for the repair or strengthening of the dam or otherwise, and upon such terms as to costs and otherwise (including the expenses of the engineer), as it thinks fit.*

(3) *In this section, “dam” means a natural or artificial barrier that retains water.*

S16 (1) *No current mining privilege shall confer any right to the use of natural water as against any person requiring a reasonable quantity for his own domestic needs or for the needs of animals for which he has any responsibility or for or in connection with fire-fighting purposes.*

(2) *In the event of any dispute arising as to what constitutes a reasonable quantity of water for the purposes of subsection (1) of this section, the consent authority, after hearing the parties to the dispute, shall determine the matter; and the consent authority, after hearing the parties to the dispute, shall determine the matter; and the consent authority’s decision shall be final and conclusive.*

S19(1) *The Governor-General may take, purchase or acquire any current mining privilege as for a public work under the Public Works Act 1981 as otherwise, and hold, sell or lease*

or otherwise dispose of the privilege to any person in the same manner in as respects as if he were a private person.

S19(4) *A current mining privilege held by or on behalf of the Crown shall not be determinable by the effluxion of time, but shall notwithstanding anything in this Act, continue in force until surrendered by the Crown by notice in writing to the consent authority.*

S19(5) *The Crown or any duly authorised person on the Crown's behalf may use or authorise the use of any current mining privilege held by the Crown for any purpose in connection with a public work or for any purpose for which it was being used at the commencement of this Part of this Act.*

S23(1) Incidents attaching to a current mining privilege held by a local authority-

(1) *A current mining privilege held by a local authority –*

(a) *Shall confer on the local authority the same rights, powers, and remedies, and impose upon it the same liabilities, as in the case of a private person;*

and

(b) *A current mining privilege held by a local authority shall not be determinable by the effluxion of time, but shall continue in force notwithstanding the expiry of the term for which it was granted, until it is surrendered by the local authority by notice in writing to the consent authority.*

(2) *A local authority shall have authority and control over the entire length of any water race held by it under a current mining privilege, notwithstanding that the race may extend beyond the limits of the district within which the local authority has jurisdiction.*

S30 (1) *The consent authority shall, on payment of the prescribed fee, furnish to any person applying for it, a certified copy of any current mining privilege held by the consent authority under this Part of this Act.*

(2) *Every such certified copy shall be received in evidence for all purposes for which the original privilege might be put in evidence.*

S31 ***Produced privileges to be open for search*** – *Any person may, for the purpose of inspection, without fee, have access to any current mining privilege filed with the District Land Registrar under this Part of this Act, during the hours and on the days appointed by any regulations for the time being in force under the Land Transfer Act 1952.*

S32 (1) *On the receipt by the District Land Registrar of:*

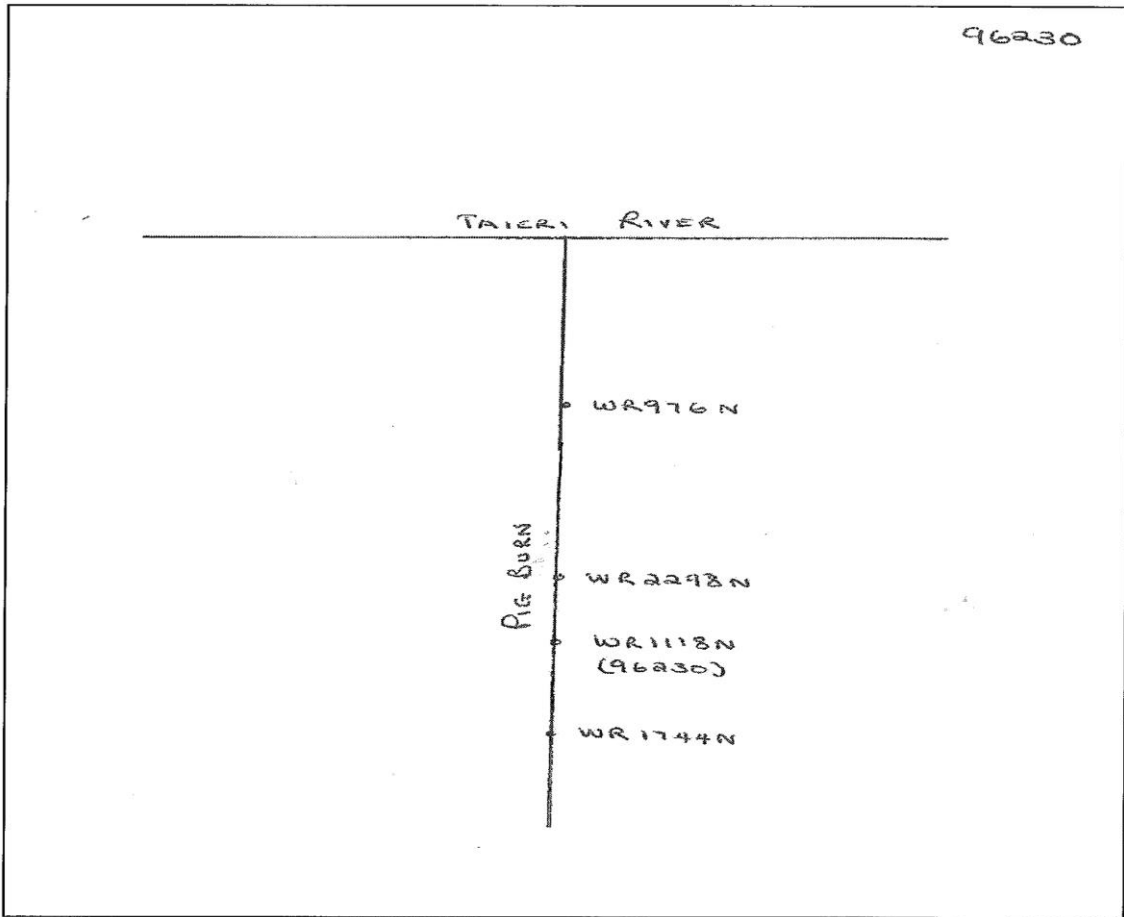
(a) *A surrender under the principal Act of all or part of a current mining privilege; or*

(b) *A copy of an order of the Court cancelling the current mining privilege – he shall note the particulars on his record copy of the privilege affected.*

(2) *If a current mining privilege has been wholly surrendered, or has been cancelled by the Court, and notice of the existence of the privilege appears on a certificate of title, lease, licence to occupy, provisional register, or other instrument of title under the Land Transfer Act 1952, the District Land Registrar shall, on receipt of notice of the surrender or cancellation from the consent authority, note the certificate of title, lease, licence to occupy,*

provisional register, or other instrument, to the effect that the privilege has been surrendered or cancelled, as the case may be.

Relative Locations of Permits- Pig Burn



ISO9001
Certified