

Vote No. ....

Treaty No. ....

# Department of Indian Affairs

To Department of Surveys

Province of Ontario

DATE	SERVICE.	AMOUNT.
1930	On account of survey inspection of area flooded by McIntosh dam	275 79
TOTAL,		275 79

*Certified work performed,  
charges fair and just.*  
*[Signature]*  
CHIEF SURVEYOR

*1808  
with letter*

I HEREBY CERTIFY that this Voucher is correct, that the material has been supplied, the work performed and that the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

Agent.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

**PUBLIC ARCHIVES  
ARCHIVES PUBLIQUES  
CANADA**

COPY.

Sault Ste. Marie, Ontario.

March 12th 1930.

L. V. Horke Esq., O.L.S.,  
Surveyor General,  
Deputy Minister,  
PARLIAMENT BUILDINGS,  
TORONTO. Ont.

Sir,

Following your instructions dated February 10th 1930 to make an inspection and report in reference to the lake shores affected by water power development at the Indian School near McIntosh, Ontario, I beg to state that I left Sault Ste. Marie on March 1st, and arrived at McIntosh the following day.

To save time and long walks I had with me a light camp equipment for 3 men to travel the lakes, and acquired the services of an Indian at McIntosh to assist me in packing this outfit on a toboggam. On the evening of March 3rd the Crown Timber cruiser overtook me on Boulder Lake.

Near the Indian School I found a dam of concrete construction, having a length of about 300 feet, which included a spillway at the South end, 45 feet long. The crest of the dam above present water level is 4.5 feet, and the top of the spillway measures 2.5 feet above present water level. Almost adjacent to the North end of the spillway is a gate 8 feet in width, and a few feet North of gate is a log sluice 5 feet in width. Following Northerly along dam from log sluice is a penstock opening, 3 feet in diameter. The end of penstock at head of dam is bedded one foot below surface rock, leaving the top of penstock one foot below the present water level. The depth of water about the gate, sluiceway and penstock is 3 feet.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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To arrive at a height of mean flood level that this dam has made from the date of operation, I believe that it was necessary to observe the present water level conditions of lakes in this vicinity, other than those affected by daming. While travelling on the railway to McIntosh I saw many lakes, and it appeared to me that the present water level was from 3 to 4 feet below high water mark. This condition is similar of Cañon Lake which takes its waters at the dam from Forest Lake. The high water mark on Cañon Lake, which could be seen distinctly in many places, measures 3.5 feet above present water level.

The lakes affected by the dam are, Forest, Whitney, Edward, Alexandra, Bladder and Boulder; also a creek which drains Moose Lake and flows in an Easterly direction for a distance of about 2 miles to Bladder Lake.

At a point on Forest Lake, about half a mile Westerly from the dam, is a rapid, and I am told on good authority that this rapid had a fall of one foot before dam construction. The dam at present is holding back water to barely flood this rapid out, although there still remains a noticeable current here.

Along the Northerly shore of Forest Lake, a distance of about half a mile, from the dam, a by-pass was noted, having a width of about 8 chains. If water was raised another foot above its present level it would make its way to Canon Lake.

Taking into consideration the length and height of the spillway, and the slow gradual rise of cleared land at the end of the spillway, together with the by-pass to Canon Lake, I doubt very much if the dam could hold back water to its total height of 4.5 feet above the present water level.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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While travelling the lakes in question, I worked on a 5 foot contour, but was unable to find any traces of tree destruction caused from floods at this elevation. Any tree destruction was found at an elevation of 3.5 feet above present water level, which elevation corresponds with the high water mark of these lakes.

Noted on my plan which accompanies this report are flooded areas due to the effect of high water periods. These areas are swamps and of no agricultural value.

The blue line indicated on plan is a contour 3.5 feet above present water level, and along this contour very little destroyed timber from flooding was found. In a distance of about 60 miles of shore line there would not be more than 500 cords of pulpwood, and some red pine, and cord-wood.

My opinion is, that without the dam the timber along the beaches and around the inner edges of the swamps, would be effected by spring floods, and that this natural condition would not as a rule, kill tree growth, but if water is held by damming, and becomes warmed, it has a tendency to affect the bark by scalding and therefore kills the tree. Flooding of timber in the late fall of the year and water freezing about the tree will also prove disastrous to tree growth.

The present water level conditions of the lakes and at the dam appear to be of sufficient volume to operate the power system for the Indian School, but for logging purposes more water may be required.

About 50 per cent of the shore line of these waters is high bare rock the balance consists of clay and sand shores, and along this in many places, there would be an area equal to about 24 acres affected, together with an area of 399 acres of low lying

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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land, making a total area of approximately 423 (four hundred and twentythree) acres of land affected by the holding of water at the dam above a height of natural water conditions.

Yours truly,

*L. H. Keary*

O.L. Surveyor.

*HP*

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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CANADA**

FILE/56021.



ONTARIO  
DEPARTMENT OF SURVEYS  
OFFICE OF SURVEYOR GENERAL

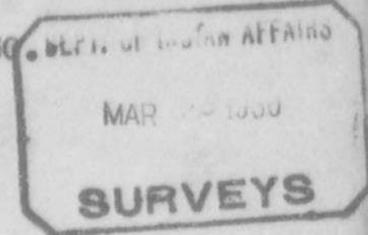
130-7-16

B



*[Handwritten signature]*

Toronto, March 25, 1930.



Dear Sir:-

Re: McIntosh Power Development.

I beg to enclose a copy of Ontario Land Surveyor Kenny's report on his examination of ground areas around the lakes at McIntosh. I also forward you a copy of his account amounting to - \$273.79, which is being paid by this Department, pending reimbursement from the Department of Indian Affairs.

I also enclose a statement of dues on the timber damaged around the shores of the Lakes, from the Woods and Forests Branch of this Department.

You will note that lands flooded by reason of the dam at McIntosh School, above the natural high water mark, is some - 423 acres. From this however, should be deducted the 5 acres which lie within the limits of Location PP-115, leaving a balance of - 418 acres, and we are willing to admit in the absence of a definite survey, that 400 acres will be a fair basis for rental.

(E)

In order to forward this matter, according to the arrangement, it will be necessary to issue a Water Power Lease, covering the dam-site, at an annual rental of

(A. F. Mackenzie, Esq.,)

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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25/3/1930.

\$1.00 per horse -power, or a minimum rental of - \$25.00, that is, an accounting should be made from year to year of the amount of horse-power developed, and if over an average of 25, the rate of \$1.00 per horse-power should apply, but in any case, the minimum rental will be - \$25.00.

A License of Occupation may also issue, giving your Department the right to hold the water and flood the 400 acres of land, set out in Mr. Kenny's report, at an annual rental of 10 cents per acre, total - \$40.00.

The timber dues, amounting to - \$247.50 will require to be paid and the surveyor's account of - \$273.79, is also a charge as per arrangement. The removal of the timber on the flooded area is to be undertaken by your Department and will be suitable for fire-wood. This can be arranged by the cleaning off of about 20 acres annually.

Yours very truly,

*J. R. Clarke*  
Surveyor-General  
Deputy Minister.

LVR:GEMS.



*see  
Lake 1808*

A. F. Mackenzie, Esq.,  
Act'g. Asst. Deputy & Secretary,  
Department of Indian Affairs,  
OTTAWA, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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M. Royer  
of Ontario  
Surveyors funds  
of this year will  
stand he may a  
check he made  
in 1870 from Provincial  
for D 273 - 1808 <sup>with letter</sup>  
over account  
28/3/30 L. Robertson

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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*Check 2419 Surveys for 273.79 from 29-30*  
*DK*

130-7-16

With cheque

Ottawa, 28th March 1930

Sir,-

Your ref.No.56021

I have to acknowledge the receipt of your letter of the 26th instant and the accompanying surveyor's report. Enclosed you will please find departmental cheque for \$273.79 covering the cost of inspection survey made by Mr.Kenny.

ACCOUNTANTS  
 100 St. Paul

I am also enclosing departmental cheque for \$312.50, payable to the Department of Lands and Forests to cover the following,-

1 yr's rental for license of occupation for the right to hold and flood 400 ac. of land at 10¢.....	\$40.00 ✓
Timber dues in payment of timber damaged by flooding.....	247.50 ✓
1 yr's rental of water power lease covering the dam site. ....	25.00 ✓

*AR*

I shall be pleased to receive from you at an early date the Water Power Lease and the License of Occupation. I should like to be advised if the regulations of your Department would permit of a lump sum payment being made to cover the rental for the flooded area and if so, what amount would be accepted as settlement of this claim.

*W.M. S.C.*

Your obedient servant,

*Mr. Paget:-  
 Please pay the School vote 1929-30 \$312.50 from R.F.S.*

*March 31/30  
 a.m./11*

*A.F. MacKenzie*

(A.F. MacKenzie)  
 Act. Assistant Deputy and Secretary

L.V. Barke Esq.,  
 Surveyor General & Deputy Minister,  
 Department of Surveys,  
 Toronto, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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130-7-16

DEPARTMENT OF INDIAN AFFAIRS  
CANADA

Ottawa, 2nd April 1930

R

Memorandum

Mr. Fenner, -

Please note Article 5 in my memorandum of 9th Jan. last and also closing sentence in the last paragraph of that memo. It is suggested by the Province that we clear off about 20 acres of the flooded land annually and I think if possible a start should be made on this work before the break up this year and I would recommend that the school authorities be given instructions to commence the work of utilizing the trees cut for fire wood for the school.

As this clearing requires to be done in a manner which will meet the approval of the Province, I would suggest that Mr. Bury be requested to frame the regulations by which the school authorities must be guided in clearing this land.

*Mr. Bury / Please frame regulations / Schools 2.*

*Robertson*  
Chief Surveyor.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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Department of Indian Affairs



Canada

*RU*

Lands and Timber Branch

Ottawa, April 2nd, 1930. 192

Memo. Mr. Fenwick

Re CUTTING and DISPOSAL of timber on flooded area adjacent to McIntosh School.

As it is presumed that the school authorities will cut and salvage the above timber, the cutting should be governed by the following regulations:-

- 1. All timber other than sapling growth to be cut.
- 2. Cutting to be undertaken during the winter months only.
- 3. Stumps to be cut close to ice level, and all debris, such as tree tops, branches etc. to be piled and burned under the supervision of the provincial forest ranger.
- 4. 20 acres to be cut off each year.

*H. Bay*  
Supervisor Indian Timber Lands.



Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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CANADA

drawn to the school for domestic consumption.

The Department believes that this work should be undertaken entirely by the school authorities, as you are benefiting to a great extent by the raising of the water level and the development of power. When the flooded area quite distant from the school is being cleaned of timber, the Department might favourably consider a small grant to assist you, as the work will be less convenient than that which will be undertaken during the next few years.

Nothing must interfere with the carrying out of the condition which has been imposed, as we would be endangering our power lease and license of occupation of the flooded land, so you will please see that the conditions are faithfully complied with and that at least 20 acres of flooded area is cleaned each winter.

Your obedient servant,



A. F. Mackenzie,  
Acting Asst. Deputy & Secretary.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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CANADA

Ottawa, April 3, 1930.

Reverend Sir:

I have to inform you that the Department has had considerable correspondence with the Provincial Authorities, concerning the development of power and the raising of the water level at the McIntosh Indian Residential School. We have had to make various payments and certain conditions have been accepted, so that we can have a water power lease and a license of occupation for the right to hold and flood approximately 400 acres, located around the shores of the upper lakes.

One of the conditions is that the timber must be removed from the flooded area, and I have to instruct you to cut and salvage this timber, cleaning up approximately 20 acres of the flooded land each winter. The Department would be very grateful if a start could be made on this work before the coming break-up, and I have to urge you to commence the work, choosing the flooded land nearest the school, without delay. Please note the following regulations:

1. All timber, other than <sup>small</sup> sapling growth, must be cut.
2. Cutting should be undertaken during the winter months only.
3. Stumps should be cut close to ice level and all debris, such as tree tops, branches, etc., to be piled and burned, under the supervision of the Provincial Forest Ranger.

All wood, suitable for firewood, will of course be

Rev. C. Perreault, O. M. I.,  
Principal,  
Indian Residential School,  
McIntosh, Ont.

- drawn to

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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CANADA

*[Handwritten signature]*

*[Handwritten mark]*

Ottawa, April 3, 1930.

Sir:

I am enclosing, for your information, a copy of my letter of today's date to the Rev. Principal of the McIntosh Indian Residential School. Nothing must interfere with the conditions and regulations being faithfully complied with, and the Department would be grateful if you would look into this matter every time you visit the Institution. You should include in your report some remarks relative thereto.

Your obedient servant,

ENCL.  
*[Handwritten signature]*  
*[Handwritten signature]*

*[Handwritten signature]*  
A. F. MacKenzie  
Acting Asst. Deputy & Secretary.

Frank Edwards, Esq.,  
Indian Agent,  
Kenora, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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FILE-56021. LVR:GS.

130-7-16



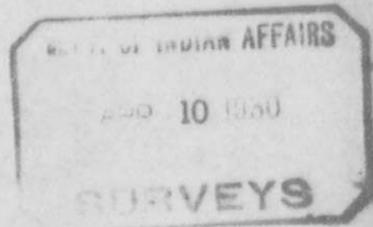
ONTARIO  
DEPARTMENT OF SURVEYS  
OFFICE OF SURVEYOR GENERAL

R



Toronto, April 7th, 1930.

*Handwritten signature and initials*



Dear Sir:- Re: McIntosh School Dam.

This will acknowledge receipt of your letter forwarding monies in connection with the above mentioned matter, as follows:-

- 1. G. R. Kenny's Account for examination ..... \$273.79 ✓
- 2. First year's rental for Water Power Lease ..... \$ 25.00 ✓
- 3. Rental on Brownd Lands ..... \$ 40.00 ✓
- 4. Payment for timber damaged ..... \$247.50 ✓

Official receipts for these have already been forwarded to you.

We will now prepare the necessary lease and license in this matter and will be glad to know in whose name this should issue. We assume you have a special way of referring to such leases or patents which may issue to your Department.

Kindly advise and oblige,

Yours very truly,  
*W. R. Kerke*  
Surveyor-General  
Deputy Minister.

A. F. Mackenzie, Esq.,  
Asst. Deputy & Secretary,  
Department of Indian Affairs,  
OTTAWA, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)



130-7-16

*19/4/30  
2  
3  
A. F. MacKenzie*

**EX-114**

Ottawa, 11th April 1930

Sir,-

Your ref.No.56021

In reply to your letter of the 7th instant, I have to advise you that the lease and license in connection with the McIntosh Water Power should be issued to the Crown as represented by the Superintendent General of the Department of Indian Affairs.

*R  
A.F.M.*

Your obedient servant,

*A. F. MacKenzie*

(A.F. MacKenzie)

Act. Assistant Deputy and Secretary.

L.V. Rorke Esq.,  
Surveyor General & Deputy Minister,  
Department of Surveys,  
Toronto, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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CANADA**

COPY

L.V. BURKE ESQ. O.L.S.  
Surveyor General,  
Deputy Minister,  
Parliament Buildings,  
Toronto, Canada.

Sir,

Following your instructions dated February 10th. 1930 to make an inspection and report in reference to the lake shores affected by water power development at the Indian School at Mc.Intosh Ontario. I beg to state that I left Sault Ste Marie on March 1st. and arrived at Mc.Intosh the following day.

To save time and long walks, I had with me a light camp equipment for three men to travel the lakes, and acquired the services of an Indian at Mc.Intosh to aid me in packing this outfit on a toboggan. On the evening of March 3rd. the Crown Timber cruiser over-took me on Boulder Lake.

Near the Indian School I found a dam of concrete construction, having a length of about 300 ft. which included a spillway at the South end 45 ft. long. The crest of the dam above present water level is 4.5 ft. and the top of the spillway measures 2.5 ft. above present water level. Almost adjacent to the north end of the spillway is a gate 8 feet in width, and a few feet north of the gate there is a log sluice 5 ft. in width. Following northerly along dam from log sluice is a penstock opening 3 ft. in diameter. The end of penstock at head of dam is bedded 1 foot below surface rock leaving the top of penstock 1 foot below present water level. The depth of water about the gate, sluiceway and penstock is 3 feet.

To arrive at a height of mean flood level that this dam has made from the date of operation, I believe that it was necessary to observe the present water level conditions of lakes in this vicinity, other than those affected by damming, While travelling on the railway to Mc.Intosh I saw many lakes and it appeared to me that the present water level was from 3 to 4 feet below high water mark. This condition is similar of Canon Lake which takes its waters at the dam from Forest Lake, The

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

**PUBLIC ARCHIVES**  
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(2)

high water mark on Canon Lake, which could be seen distinctly in many places, measures 3.5 feet above present water level.

The lakes affected by the dam are Forest, Whitney Edward, Alexandra, Bladder and Boulder, also a creek which drains Moose Lake and flows in an Easterly direction to Bladder Lake.

At a point on Forest Lake about half a mile Westerly from the dam is a rapid, and I am told on good authority that this rapid had a fall of 1 foot. The dam at present is holding back water to barely flood this rapid out, altho there still remains a noticeable current here.

Along the Northerly shore of Forest Lake, a distance of half a mile from the dam a by-pass was noted, having a width of about 8 chains. If the water was raised another foot above its present level it would make its way to Canon Lake.

Taking into consideration the length and height of the spillway, and the gradual rising of cleared land at end of spillway together with the by-pass to Canon Lake. I doubt very much if the dam could hold back water to its total height of 4.5 feet.

While travelling the lakes in question I worked on a 5 foot contour, but was unable to find any trace of tree destruction caused from floods at this elevation. Any tree destruction was found at an elevation of 3.5 feet above present water level, which elevation corresponds with the high water mark of these lakes.

Noted on my plan which accompanys this report are flooded areas, due to the affect of high water period. These areas are swamps and of no agricultural value.

The blue line indicated on plan is a contour 3.5 ft. above present water level, and along this contour very little destroyed timber from flooding was found. In a distance of about 60 miles of shore line there would not be more than 500 cords of pulp wood, and some red pine.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

**PUBLIC ARCHIVES  
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(3)

My opinion is, that without the dam the timber along the beaches and around the inner edges of the swamps would be affected by spring floods and that this natural condition does not as a rule kill the tree growth, but if water is held by damming and becomes warmed, it has a tendency to affect the bark by scalding and therefore kills the tree. Flooding of timber in the fall of the year and water freezing about the tree will also prove disastrous to tree growth.

The present water level conditions of the lakes and at the dam appear to be of sufficient volume to operate the power system for the Indian School, but for logging purposes more water may be required

Yours truly

(Signed) C. R. Kenny

O.L. Surveyor

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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**CANADA**

DEPARTMENT OF INDIAN AFFAIRS  
CANADA

108-20



OFFICE OF  
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS  
APR 23 1930  
SURVEYS

130-7-16

Kenora, Ontario,  
April, 17th. 1930

R

*P.S. The Principal does not say if  
Mr. Kenny's report is confidential or not  
E.S.*

Dear Sir,

In reference to your letter 130-7-16  
of 3rd. inst. re damage caused by the Dam at  
Mc.Intosh School.

I have discussed this matter with the  
Principal of the School and he informs me that  
Mr. Kenny, the Ontario Land Surveyor had claimed  
there was practically no damage caused by the  
Dam.

I inclose copy of Mr. Kenny's report to  
L.V. Rorke Esq. Surveyor General Provincial  
Government, Toronto.

The Principal also says the present water  
level is sufficient for power for the School  
and that the flooding is caused by Mr. E. Wallace,  
who is lumbering on the lakes above the dam and  
holding the water back in the Spring for these  
operations. The Principal does not think the School  
authorities should be held responsible for the work  
to be done along the shore of the far away lakes.

Perhaps you might find it advisable to send  
him further instructions,

Your obedient servant,  
*Rank Edwards*  
Indian Agent,

Assistant Deputy & Secretary,  
Department of Indian Affairs,  
Ottawa. Ontario.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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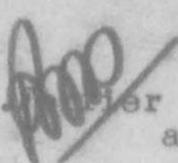


130-7-16

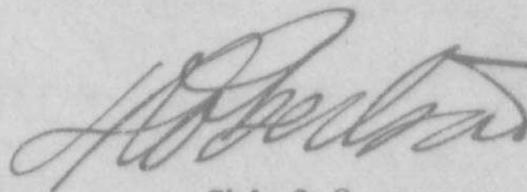
DEPARTMENT OF INDIAN AFFAIRS  
CANADA

Ottawa, 24th April 1930

Memorandum

Mr.  and Mr. , -

With reference to Agent Edwards letter under, I may say that I realized that Mr. Kenny's report on lands damaged by the McIntosh dam construction was one which might enable the Department to advance a further claim to the Province for a reduction in the amounts being charged, but it must also be realized that the Provincial Surveyor General after perusing this report made his demands in his letter of March 25th and in view of Mr. Attwood's letter of Jan. 30th last, in connection with the repair of the dam, I consider it more advantageous for the Department to obtain at once from the Provincial Government the necessary water power lease and license of occupation, and I had in mind the intention, after these are secured, of taking up the matter further with the Surveyor General with a view to obtaining, if possible, better terms. Until we have completed our repairs at the dam under protection of our lease and license of occupation, I think it would be most inadvisable to further go against the wishes of the provincial authorities, inasmuch as our irregular action in establishing this dam without official permit has caused the provincial authorities considerable annoyance resulting from complaints of summer residents in the district.



Chief Surveyor.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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CANADA

Ottawa, April 25, 1930.

Sir:

I have your 108-20 of the 17th instant, with enclosure, with reference to the flooding caused by the dam at the McIntosh Indian Residential School and the necessity for clearing the flooded area at the rate of approximately 20 acres per winter. The Department is glad to have your communication and it will be timely to use the information therein at a later date. At the present time, it is desired that the instructions of April third to the Rev. Principal be complied with faithfully. I might state that we have not yet secured the power lease and the license of occupation of the flooded land, and it will not be advisable to now ask the Provincial authorities for reconsideration.

You might inform the Principal that the Department is not holding the school authorities alone responsible for the work that is to be done in the flooded area. We believe that the school is benefiting largely by the development of power and can use the wood for domestic fuel. However, I indicated in the penultimate paragraph of my letter that when the flooded area distant from the school is being cleaned, the Department might favourably consider a small grant to assist in the work.

I am enclosing an extra copy of this letter, for you to forward to the Rev. Principal.

Your obedient servant,

*A. F. MacKenzie*  
A. F. MacKenzie,  
Acting Asst. Deputy & Secretary.

*F. E.*  
*W. H.*  
*AM*

Frank Edwards, Esq.,  
Indian Agent,  
Kenora, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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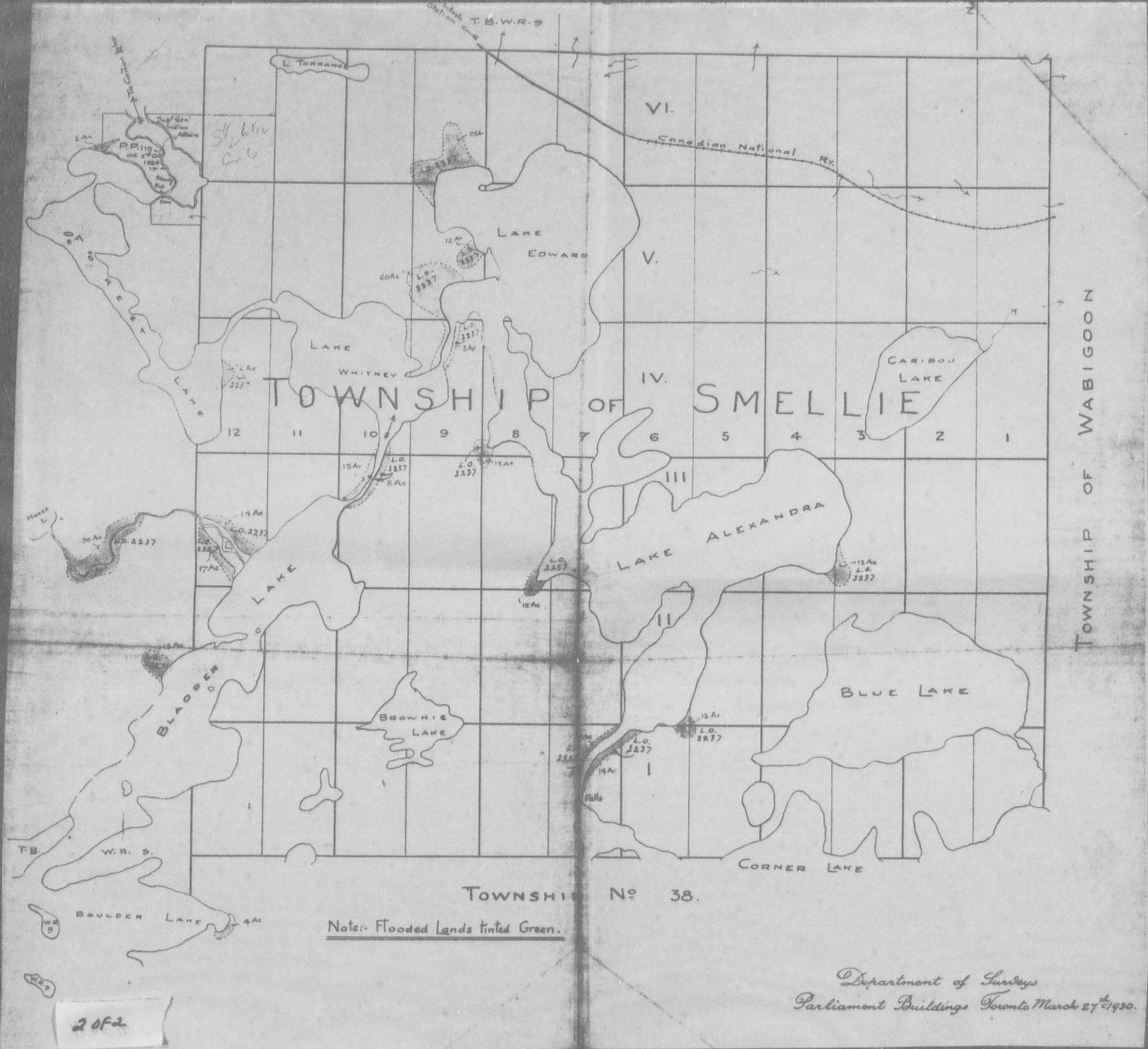
PLAN SHOWING FLOODED LANDS IN T<sup>PS</sup> OF SMELLIE  
AND UNSURVEYED TERRITORY TO WEST & IN T<sup>PS</sup> N<sup>O</sup> 38.  
M<sup>C</sup> INTOSH INDIAN SCHOOL DAM  
DISTRICT OF KENORA

Scale 40 Chains = 1 Inch.

North Ast.



10F



TOWNSHIP OF WABIGOOON

TOWNSHIP No 38.

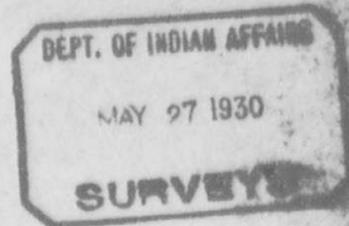
Note: Flooded Lands tinted Green.

Department of Surveys  
Parliament Buildings Toronto March 27<sup>th</sup> 1930.

20f2



R

LICENSE of OCCUPATION.NO. 2237

WHEREAS Water Power Lease No. 4/ has been issued to the Crown, as represented by The Superintendent-General of the Department of Indian Affairs, of the Government of Canada, dated 1st. May, 1930, covering water power privileges on the lot of Forest Lake, near McIntosh, in the district of Kenora.

AND WHEREAS the construction of the dam creating the water power privileges has maintained at times, the water above the natural high water mark, and has flooded certain areas of low-lying lands adjoining Forest; Whitney; Edward; Bladder; Boulder and Alexandra Lakes, and the connecting streams.

NOW THEREFORE I William Finlayson, Minister of Lands and Forests for the Province of Ontario, do hereby give full right and liberty, leave and license, unto the Crown, as represented by the Superintendent-General of the Department of Indian Affairs, of the Government of Canada, his successors in office, to enter upon, possess, occupy, use and enjoy, during the pleasure of the Crown, and only so long as the term created by Water Power Lease No. 4/ or any renewal thereof, the right to maintain and operate the dam as constructed under Water Power Lease No. 4/ and to flood and overflow the lands herein described by reason of the construction and maintenance of said dam, said lands being described as follows:-

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"ALL these certain parcels of land and land covered by water, lying adjacent to the above mentioned Lakes, in the township of Smellie, and in the unsurveyed township West of Smellie, in the district of Kenora, which have been flooded by reason of the construction of said dam, said lands being further designated and described, as shown coloured green on plan prepared in the Department of Surveys and hereto attached, dated 17th March, 1930, containing by admeasurement three hundred and ninety-nine (399) acres more or less."

SUBJECT to the payment to the Treasurer of the Province of Ontario of the sum in each and every year, of Forty Dollars (\$40.00) the first payment to be made on or before the sealing and delivery hereof, and each subsequent payment on the first day of January, in each and every year, so long as this license shall remain in force.

PROVIDED that on default for two months in payment of said rent as aforesaid, this license shall be void, and provided also that this license shall cease and determine immediately upon the determination of the term created by said Crown lease or any renewal thereof, whether by effluxion of time, forfeiture, revocation or otherwise, and may be cancelled and revoked at any time by me or my successor in office, if it should be made to appear to the Minister for the time being that any covenant, provision, term or condition of the said Crown lease or of this license, is not being complied with or fulfilled.

PROVIDED that this license shall not be transferred or assigned without the written consent of the said Minister.

PROVIDED FURTHER that the licensee shall cut and remove all timber on the flooded area within a period of ten (10) years from the date of this license, such removal of timber is to be made to the satisfaction of the Minister of Lands and Forests and shall be proceeded with from time to time as an annual operation, and further, that the licensee shall not interfere in any way with the timber driving operations or navigation on the rivers and waters herein affected, and shall keep the navigable parts of streams free from floating timber and logs.

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PROVIDED FURTHER that all debris and flood-wood which may be carried down to the dam shall be at least once a year taken out of the river and used or destroyed. The licensee shall not permit any portion of the said debris or flood-wood to go over or through the dam to the river below.

PROVIDED ALSO, that the control and operation of the dam which causes flooding of the land herein described, is to be at all times subject to the approval of the Minister of Lands and Forests, and he may at any and all times order such operation and control as he may deem advisable, and the said licensee shall operate and control accordingly.

PROVIDED FURTHER that the licensee shall not unduly interfere with the natural facilities for hauling, piling or driving of logs on the said waters, or the lands adjoining, or the navigation of any of the said waters, and this license is not to be interpreted as granting any rights which would interfere with said hauling, piling or driving of logs or the navigation of said waters, or the making on the unflooded portions of such roads as may be necessary for the purpose of hauling, piling or driving of logs or timber.

PROVIDED that the licensee shall pay for all merchantable timber destroyed by reason of the flooding of the lands herein described and shall cut and remove the same as ordered so to do by the said Minister.

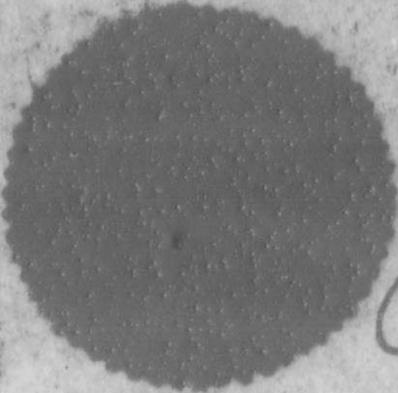
PROVIDED FURTHER that this license shall not in any way prejudice the rights of any private individuals or companies whose lands may be flooded by the said dams or works, and the licensee shall make due compensation for any lands or property of private individuals taken or affected without recourse against the Crown in any way whatsoever.

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IN WITNESS WHEREOF, I have hereunto set my  
hand and seal of office, this *10th* day of *May*  
A. D. 1920.

*[Handwritten initials]*



*[Handwritten signature]*  
Minister of Lands and Forests.

Signed, Sealed and  
Delivered, in the  
presence of -

*[Handwritten signature]*

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 4)

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R HOUSE OF ASSEMBLY  
TORONTO  
MAY 23 1930  
Original No. 8886

A. F. Kenzie  
Asst Deputy + Secty  
Dept. Indian A.  
Ottawa. I

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CANADA

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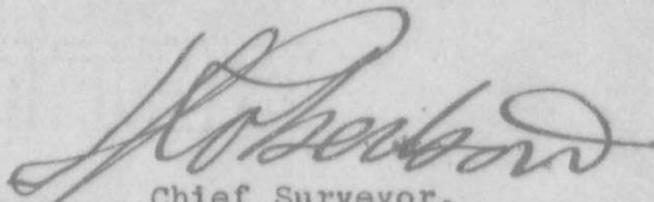
Ottawa, 27th May 1930

Memorandum

~~ME~~ Orr, -

I note from License of Occupation No. 2237 under that Water Power Lease No. 41 has been issued to the Department covering power development at McIntosh Residential School and I presume we will receive this lease in a few days.

As the License of Occupation and Lease have now been issued, with these authorities and also the authority given in the Provincial Surveyor General's letter of the 20th February last, I think we are now fully protected in connection with repairs which you propose making to the dam this Spring. If the Water Power Lease is not received within a few days, I shall write the Province, bringing this to their attention.

  
Chief Surveyor.

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