

DEPARTMENT OF THE INTERIOR
CANADA

Dominion Water Power and Reclamation Service

WINNIPEG, MAN.

August 14th, 1929.

Sir:

Re Repairs McIntosh Dam.

In reply to your night letter of August 9th, the last sentence, Mr. Wallace is willing to open the log chute only and objects to opening the main sluices in the dam.

As it is quite necessary to lower the lake level in order to effect the repairs to the McIntosh dam at a minimum cost the delay occasioned in getting authority to lower the lake is going to prevent the lowering until towards the end of September and as I have no desire to carry on this concrete work under frost conditions it seems advisable that the repairs to the dam be deferred until next spring. This delay will also give the Department of Indian Affairs an opportunity to arrive at some agreement with the Ontario government regarding the lake levels and the regulation thereof.

Delaying the repairs to the dam until next spring will not in my opinion cause much inconvenience to the school authorities at McIntosh. The lake level could for protection purposes be very readily lowered to elevation 110 or 110.5 and still provide plenty of head and water for the operation of the power plant throughout the winter and under the circumstances I would suggest that the approval of the Department of Indian Affairs be obtained to postpone this work until next spring.

Your obedient servant,

Sgd. C.H. Attwood.
District Chief Engineer.

J.T. Johnston, Esq.,
Director, Dom. Water Power & Reclamation Service,
Department of the Interior,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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PLEASE ADDRESS YOUR REPLY TO
THE DIRECTOR OF
WATER POWER AND RECLAMATION
DEPARTMENT OF THE INTERIOR
OTTAWA, CANADA

MFC:LM



B

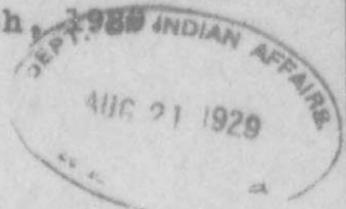
DIRECTOR J. T. JOHNSTON, C.E., M.E.I.C.
ASST. DIRECTOR V. MEEK, B.Sc., M.E.I.C.

PLEASE REFER TO ONE SUBJECT IN A
LETTER, AND IN YOUR REPLY QUOTE

FILE NO. 40103-W.

DEPARTMENT OF THE INTERIOR
CANADA
DOMINION WATER POWER AND RECLAMATION SERVICE

OTTAWA, ONT.. August 19th, 1929



Sir,-

Architect

Your file number 130-7-16.

In further reference to the repairs to the dam at the McIntosh Indian Residential School, I enclose herewith copy of a letter, dated the 14th instant, from Mr. Attwood from which you will note that owing to the difficulty of having the water level lowered before the end of September, he recommends postponing the repairs to the dam until next spring. I approve of Mr. Attwood's suggestion and shall be glad of your instructions in this connection.

I am having prepared a statement in regard to this water power development for the information of the Ontario Department of Lands and Forests, as it appears desirable that application should be made to that Department for authorization covering the development, and this information with plans of the development will be required for that purpose. This material will be sent you in a few days.

Your obedient servant,

Encl.

J. T. Johnston,
Director.

per Mr. F.C.

Mr. J.D. McLean,
Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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DO NOT WRITE ABOUT MORE THAN ONE SUBJECT IN THE SAME LETTER. GIVE YOUR FULL NAME AND ADDRESS.

ADD YOUR REPLY TO THE DEPUTY MINISTER OF GAME AND FISHERIES, PARLIAMENT BUILDINGS, TORONTO, 2, AND REFER TO R-143.

DEPT. OF INDIAN AFFAIRS
AUG 26 1929
SURVEYS



ONTARIO
GAME AND FISHERIES DEPARTMENT

130-7-16

ALL CHEQUES AND MONEY ORDERS ARE TO BE MADE PAYABLE TO THE ORDER OF THE "PROVINCIAL TREASURER OF ONTARIO," AND MAILED TO THE DEPUTY MINISTER OF GAME AND FISHERIES.

Handwritten:
I am architect
letter under

Toronto 2, August 17th, 1929.

DEPT. OF INDIAN AFFAIRS
AUG 21 1929
RECORDS

Dear Sirs:-

This Department has received a complaint which would appear to be well-founded to the effect that the dam constructed at McIntosh on the stream connecting Forest Lake and Canyon Lake is very detrimental to fish life in those waters.

We understand that this dam was constructed by the Water Powers Branch of the Department of the Interior for your Department and that it is maintained for supplying power for the Indian Mission located at that place. We are further advised that no fish ladder has been installed in accordance with the provisions of the Fisheries Act and that the absence of such fish ladder is the cause of conditions which are responsible for the present complaint.

Copy this letter

Will you please advise as to the correctness of our information, in so far as it concerns those who were responsible for the construction of the dam and those who are responsible for its present maintenance. We would also like to know whether or not this dam is maintained for the purpose above set forth and if it is absolutely necessary that the same should be maintained. Can some provision for the construction of a fish ladder in connection thereof not be made in order that the provisions of the Fisheries Act in this respect will be complied with?

Yours truly,
R. McDonald
Deputy Minister.

Department of Indian Affairs,
Ottawa, Ont.
JP/FMS.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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CANADA



R

130-7-16

DEPARTMENT OF INDIAN AFFAIRS
CANADA



Ottawa, 29th August 1929

Memorandum

Mr. Fernier

noted

Re-filing correspondence pertaining to flooding damage caused by the dam at McIntosh School, I ascertained in the Records Branch that the correspondence which was changed from file-16 to File-9 had not been noted as changed in the Records. I thought, therefore, that for the meantime at least they might be returned to -16, which transfer I have made.

I have also placed on 130-7-16 extracts from several of our letters to the Province in 1924 which pertained to the water power. With reference to Mr. MacKenzie's memo of the 3rd instant on 130-7-16 regarding the Water Power Branch interviewing the Provincial Surveyor General, I may say that Mr. Marr of that Branch, who had the interview, is out of town but is expected back September 3rd. I will get in touch with him on the 'phone next week and ascertain what transpired in the interview.

H. Robertson

Chief Surveyor.

These files are now with Mr. Orr & Mr. Charle!

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Architect
under

130-7-16.

Ottawa, September 5, 1929.

Dear Sir:

I have your 143 of the 17th ultimo, with reference to the dam that was constructed at McIntosh, to supply power for the Indian Residential School there. I may say that this institution was erected by the Department and is maintained by us for Indian educational purposes and that the dam is required for the supplying of light and power. With particular reference to a fish ladder, I wish to quote from the report of the Assistant District Chief Engineer of the Dominion Water Power and Reclamation Service:-

"The dam at the outlet of Forest Lake was built without a fish ladder. However, during the open water seasons of 1927 and 1928, there has been a natural outflow channel from Forest Lake which gives fish free access from Canyon Lake to the lakes above. This channel will probably be closed in the next year or so, but even so, it would not appear necessary to go to the great expense involved in placing a fish ladder in the dam in order to permit suckers to reach the lakes above since there are practically no other fish left in Canyon Lake."

Your obedient servant,

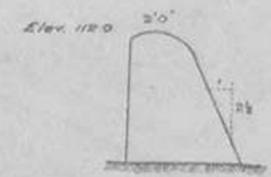
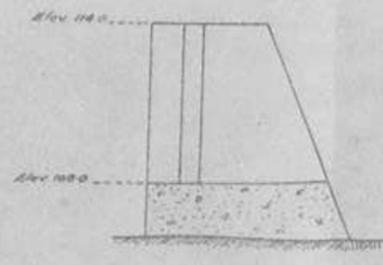
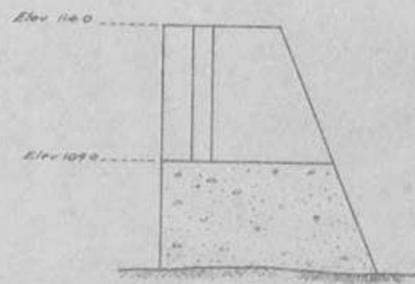
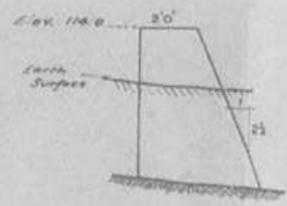
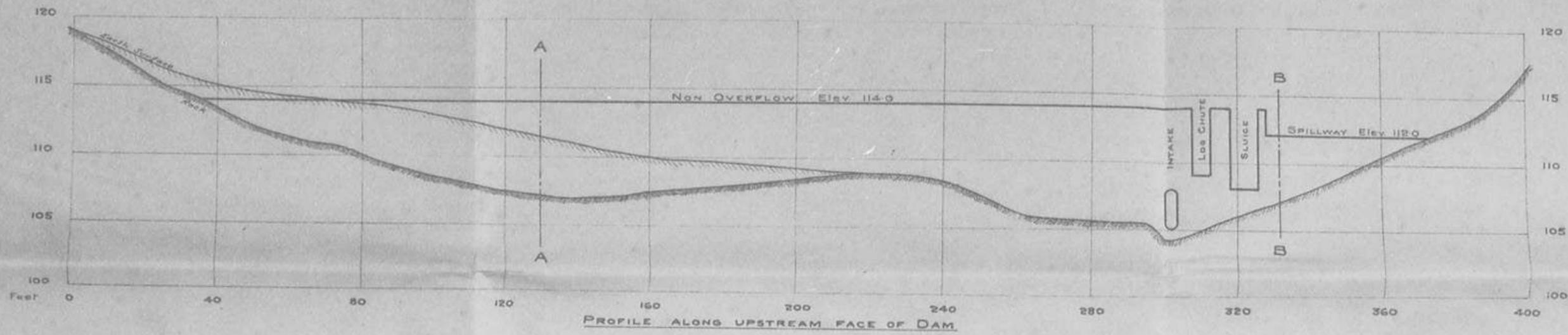
J. D. McLean
J. D. McLEAN

J. D. McLean,
Asst. Deputy & Secretary.

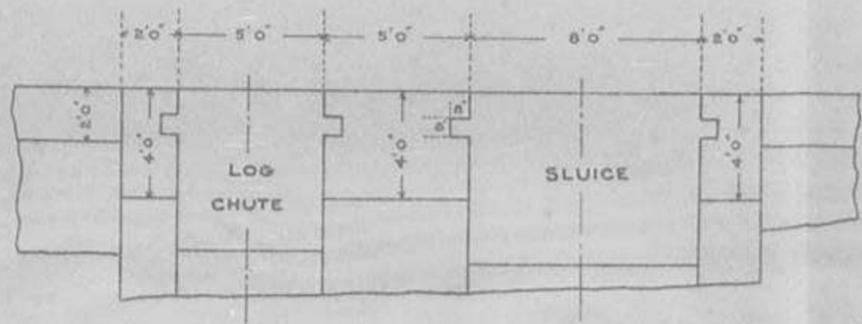
D. McDonald
D. McDonald, Esq.,
Deputy Minister,
Dept. of Game & Fisheries,
Toronto, 2, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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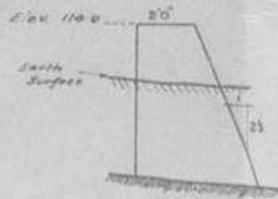
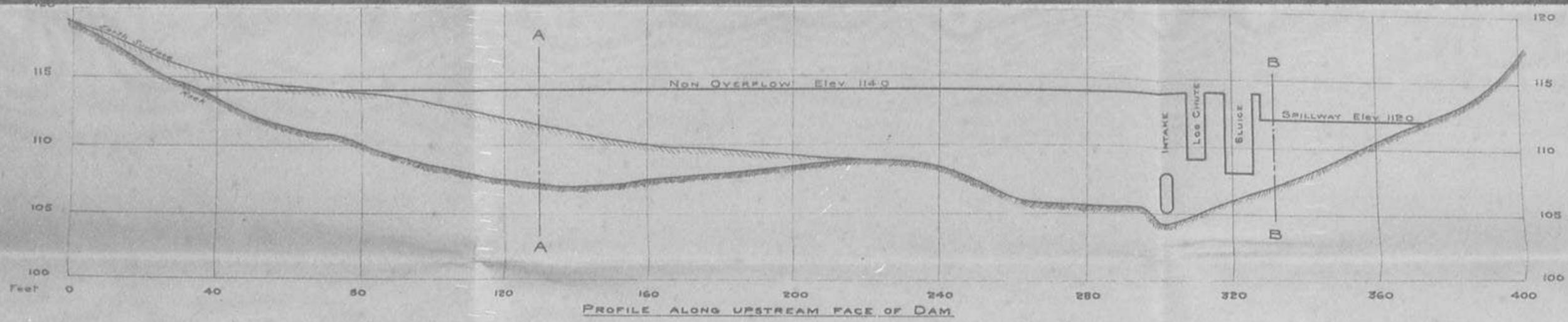


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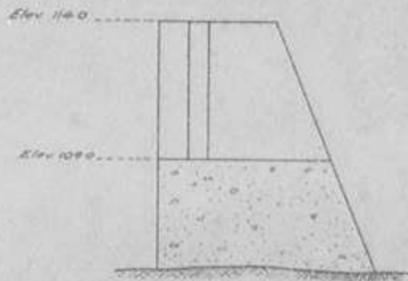


Department of the Interior, Canada
 DOMINION WATER POWER & RECLAMATION SERVICE
 McINTOSH INDIAN SCHOOL
 CANYON RIVER POWER DEVELOPMENT
 CONCRETE DAM

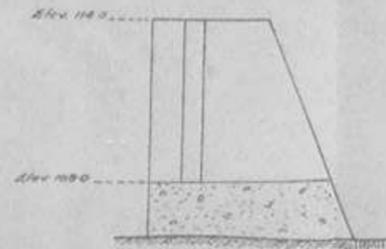
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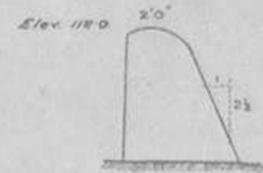
SECTION AA TYPICAL



SECTION LOG CHUTE

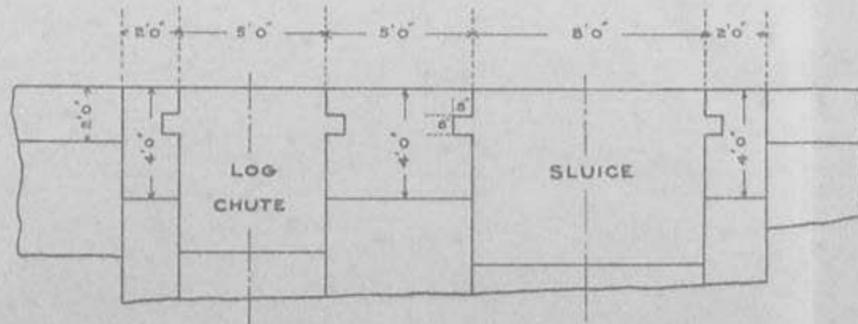


SECTION SLUICE



SECTION BB TYPICAL

Scale $\frac{1}{4}'' = 1'$



PLAN OF LOG CHUTE & SLUICE

Scale $\frac{1}{4}'' = 1'$

Department of the Interior, Canada.
DOMINION WATER POWER & RECLAMATION SERVICE

McINTOSH INDIAN SCHOOL
CANYON RIVER POWER DEVELOPMENT.
CONCRETE DAM

Winnipeg District Office
May 1929

C. Hattwood
District Chief Engineer

2 of 2

October 6, 1928.

Sir,

You will remember that on July 4 last you wrote to the Department of Indian Affairs regarding complaints received in your department as to injury alleged to have been caused along the shores of Forest, Whitney, Indian, Alexander and Boulder lakes, due to the construction of a dam by the Department of Indian Affairs at the outlet of Forest lake. This letter was referred to this department for attention and on July 12 I wrote you stating that Mr. Attwood, our District Chief Engineer, at Winnipeg, had been asked to make an investigation of the matter and submit a report. This report, prepared by Mr. Gow his chief assistant, has been received and a copy is enclosed herewith. This report states that there is no land bordering the lakes in question which is in private ownership and there is only one camp on the lakes affected by the raising of the water level, the owner of which makes no complaint of material injury.

Encl.

Since receiving this report I have also seen the correspondence between the Department of Indian Affairs and the Department of Lands and Forests at Toronto regarding the purchase of land for the school site and the references made to the development of water-power in connection therewith. Amongst this correspondence there is a letter from Mr. McLean, Assistant Deputy and Secretary of the Department of Indian Affairs dated August 21, 1924, which quotes some extracts from the report prepared by Mr. Attwood at the request of the Indian Department on the proposed scheme for the development of water-power at the outlet of Forest lake. The extracts show that it was intended to raise the level to some extent and so obtain a certain amount of storage to provide dependable power. Mr. Cain replied to this letter on September 5 of the same year in which it is stated that there seems now to be no reason why a sale of the land referred to should not be carried out to the Indian Department for the purposes of the Indian school, which seems to imply that the scheme proposed in Mr. McLean's letter of August 21 had been sanctioned by your department.

Mr. Attwood in further correspondence which we have had with him states that it was his understanding at the time surveys were made that a certain amount of flooding would necessarily be caused by the construction of the dam and his plans were prepared for several feet of storage on all these upper lakes, these being the plans referred to in Mr. McLean's letter of August 21, 1924.

Mr. L.V. Rorke,
Surveyor-General,
Department of Lands and Forests,
Toronto, Ontario.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Mr. Attwood further writes in regard to this matter -

"Many years before the school and power plant was built at McIntosh there had existed a dam and log chute at the outlet of Forest lake. This dam raised the level of Forest lake and the adjoining lakes some two or three feet or more above its natural level for the purpose of creating storage and having water available for the log drive and passing the logs from Forest to Canyon lake. In other words this old log dam raised the water level of Forest and adjoining lakes above natural conditions. In building the dam we raised the water very little above the previous levels.

The power site would be of little or no use without some measure of storage. The storage and lake levels now maintained does not damage private property on any of the lakes above and only damages a small fringe of timber at places around the lakes. The school authorities could not afford to clear timber off the flooded area.

The Indian Department have invested a considerable sum of money at this point for the education and betterment of conditions among the Indians in the region. The Oblate Fathers are running the school and last winter there were in attendance between 100 and 125 pupils which were being trained and instructed with the ideals of a better livelihood by the Oblate Fathers. This is a cause that is worthy of support, but I happen to know that there are some few individuals in the district who are trying to raise as many difficulties as they possibly can for the school authorities."

From the foregoing explanation I think you will agree that the Indian Department in carrying out the power development has acted in good faith and has not gone beyond a reasonable interpretation of the permission given by your department. The power development is necessary for purposes of the school and is not being used in such a way as to materially affect any private interest.

Your obedient servant,

J. T. Johnston,
Director.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Summary of the Negotiations between the Department of Indian Affairs and the Ontario Department of Lands and Forests for purchase of McIntosh School Site, from material supplied by the Department of Indian Affairs.

The first communication from the Ontario Government in the correspondence relative to the application by the Indian Department to purchase lands for the McIntosh Indian residential school which mentions the water-power appears to be that of May 10th, 1924 from Mr. W.C. Cain, Deputy Minister of Lands and Forests, in which he states,-

"If there is a water power located on these lands the question of the development and disposal of this power will require to be considered and such conditions would be made to apply to the same as would seem reasonable."

In a letter of May 19th from Mr. Rorke, Director of Surveys, to Major Robertson, Mr. Rorke says,-

"Water Powers on Crown lands which will develop 150 horse-power and over are subject to the regulations respecting the disposal of water powers but those under 150 horse-power are dealt with on such terms and conditions as the Minister of Lands and Forests may deem advisable and in any case full information regarding the power is required before an application is considered."

Following this notification that full information would be required, the Department of Indian Affairs wrote under date August 21st of the same year as follows:-

"As previously understood it is of course expected that permission will be granted to the Department to use the small water power on the stream connecting Forest and Canyon lakes. The Department of course does not propose any particular development at this point as power is required merely for local use in connection with the school, such as lighting, water supply, pump etc. A report on this power has been made by C.H. Attwood, Chief Engineer of the Dominion Water Power Branch, Department of the Interior. For your information I submit the following extract from his report,-

Possible Power

Under the maximum regulated head of 17 feet and the estimated low-water flow of 14 c.f.s. the power available at the site is 22 h.p. By the use of the storage, however, it is estimated that the

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)



minimum flow may be increased to 25 c.f.s. although the head will be decreased as the storage is used until it is 14 feet. Under these conditions the estimated minimum power available is 32 h.p.

Use of Power

The amount of power available is sufficient only for small local uses such as lighting, pumping for water supply, sawing wood, etc. There is at present no market at the site, but it is proposed to establish there a small Indian mission-school, for the purpose of which the power could be very advantageously employed."

This letter was acknowledged by Mr. Cain in the following terms on September 5th,-

"Your letter of the 21st ult. in reference to the application of your Department for a parcel of land in Smellie township, and west thereof, district of Kenora, only reached this Department on the 2nd inst. and the plans referred to in your letter were duly received and the necessary declarations as requested made by Duncan Scott, Deputy Superintendent General of Indian Affairs, have been placed on file.

There seems now to be no reason why a sale of this land should not be carried out to your Department for the purposes of the Indian School. The total area involved is 325.35 acres and the purchase price at \$3. per acre, \$976.05."

That is to say, the Deputy Minister apparently was satisfied with the information received in regard to the water-powers, which information clearly showed that it was the intention to raise the natural level in Forest lake.

The Order in Council authorizing the sale of the land in question was passed on the 2nd October, 1924, receipt of which was acknowledged by the Department of Indian Affairs on November 7th, and in order that there might be no misunderstanding with regard to the rights of the Indian Department as to the water-power proposed to be used for school purposes, the matter was directly drawn to the attention of the Deputy Minister of Lands and Forests in the letter of that date, as follows:-

"It is also noted that in your description you have left out the portion excepting the connecting waters between Canyon Lake and Forest Lake. Is it to be presumed that this was done with the intention of conveying to this Department the water power which it is necessary to use for our school purposes?"

It appears that no reply was made to this letter. In the absence of such reply the Indian Department naturally concluded that the development of the water-power might proceed in accordance with the proposal submitted to the Ontario Government on August 21st, 1924.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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The Director of Surveys had expressly stated that the disposal of water-powers of the capacity of that of the McIntosh school was not subject to the general regulations but was dealt with on such terms and conditions as the Minister of Lands and Forests might deem advisable, and a proposal to use the water-power augmented by storage in the upper lakes having been formally made by the Indian Department on August 21st, 1924, and accepted by the Deputy Minister of Lands and Forests without comment on September 5th of the same year, it does not appear reasonable that Mr. Rorke should now say that the Indian Department has been raising the lake levels without any authority or permission from the Ontario Department of Lands and Forests.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Water Power Development at the
McIntosh Indian Residential School,
McIntosh, Ontario

History of Development.

In 1924 the Department of Indian Affairs decided to erect a residential school for Indian boys near McIntosh, Ontario, the school when completed to be conducted by the Roman Catholic Mission for Eastern Manitoba and Northwestern Ontario. The site selected bordered on Forest and Canyon lakes on provincial Crown lands. Application was made to the Ontario Department of Lands and Forests for the lands selected, and after some exchange of correspondence, an area of about 330 acres was sold to the Department of Indian Affairs under authority of an order of the Executive Council dated October 2nd, 1924.

One of the chief reasons for the selection of the site chosen was the existence of a natural water-power due to the difference in level between Forest and Canyon lakes. The Mission authorities were most anxious to have this water-power used to supply the electric energy needed at the school for lighting, pumping water and general purposes and the Indian Department agreed to pay for the cost of developing the power so as to provide a dependable supply which could be readily maintained and operated by the school authorities.

In order to carry out the development, the Indian Department requested the Director of Water Power and Reclamation of the Department of the Interior to have surveys made and plans and specifications prepared to determine the extent of the power and the best method of development. This was accordingly done, the plans submitted were approved and work was begun in November 1924, but owing to the difficulty of constructing the concrete dam in winter and to other unavoidable delays, the development was not completed until June 1926.

The intention of the Indian Department to develop this power site was communicated to the Department of Lands and Forests and the method of development by which it was proposed to raise the natural level of Forest lake about three feet in order to maintain a dependable flow of 25 c.f.s. was described by Mr. J.D. McLean, Assistant Deputy and Secretary of the Indian Department, in his letter of August 21st, 1924 to the Deputy Minister of Lands and Forests.

No objection was taken by the Department of Lands and Forests to this proposal and the development was carried out in good faith by the Indian Department solely for the benefit of the Indian school. As was pointed out by the District Chief Engineer of the

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Dominion Water Power and Reclamation Service in submitting his report on the proposed development, a fuel generating plant giving an equal amount of power could have been installed at much less cost, and the water-power development was decided upon only on account of the urgent requests of the Mission authorities.

Description of Development.

The water-power development at the McIntosh Indian school is situated on the short stretch of river separating Forest and Canyon lakes, the natural head available being about 11 or 12 feet. During earlier years a timber and rock dam was built across the outlet of Forest lake to assist in lumbering operations by raising the lake level, and the water in Forest lake and the connecting lakes above it has thus been raised above the natural level at intervals for a number of years past.

In the plan of development as carried out, the assumed natural high water level of Forest lake was raised a maximum of 2.5 feet, partly to obtain storage to give a continuous minimum flow of 25 c.f.s. but also to obtain a sufficient depth of water at the intake to the penstock and so avoid expensive rock excavation which would otherwise be necessary to ensure a seal at the intake structure. The maximum head available is about 17 feet, the minimum 14 and the power available is 33 horse-power.

The works as constructed consist of a concrete dam about 10 feet high at the highest part and 330 feet long on rock foundation with spillway and non-overflow section, the latter containing an opening for a log chute and a sluiceway for discharging flood waters, intake works, wood stave penstock 3 feet diameter, and 312 feet long, power house 20 X 25 feet with workshop above, and tailrace, details as shown on the accompanying plans.

The machinery in the power house consists of a single horizontal turbine, 30 B.H.P. under 15 feet head at 450 R.P.M. with Woodward governor supplied by Boving Hydraulic and Engineering Company of Lindsay, Ontario; D.C. generator, 17½ K.W. belt driven from turbine supplied by Lincoln Electric Company of Toronto, Ontario; switchboard and accessories.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Water Power Development at the
McIntosh Indian Residential School,
McIntosh, Ontario

History of Development.

In 1924 the Department of Indian Affairs decided to erect a residential school for Indian boys near McIntosh, Ontario, the school when completed to be conducted by the Roman Catholic Mission for Eastern Manitoba and Northwestern Ontario. The site selected bordered on Forest and Canyon lakes on provincial Crown lands. Application was made to the Ontario Department of Lands and Forests for the lands selected, and after some exchange of correspondence, an area of about 330 acres was sold to the Department of Indian Affairs under authority of an order of the Executive Council dated October 2nd, 1924.

One of the chief reasons for the selection of the site chosen was the existence of a natural water-power due to the difference in level between Forest and Canyon lakes. The Mission authorities were most anxious to have this water-power used to supply the electric energy needed at the school for lighting, pumping water and general purposes and the Indian Department agreed to pay for the cost of developing the power so as to provide a dependable supply which could be readily maintained and operated by the school authorities.

In order to carry out the development, the Indian Department requested the Director of Water Power and Reclamation of the Department of the Interior to have surveys made and plans and specifications prepared to determine the extent of the power and the best method of development. This was accordingly done, the plans submitted were approved and work was begun in November 1924, but owing to the difficulty of constructing the concrete dam in winter and to other unavoidable delays, the development was not completed until June 1926.

The intention of the Indian Department to develop this power site was communicated to the Department of Lands and Forests and the method of development by which it was proposed to raise the natural level of Forest lake about three feet in order to maintain a dependable flow of 25 c.f.s. was described by Mr. J.D. McLean, Assistant Deputy and Secretary of the Indian Department, in his letter of August 21st, 1924 to the Deputy Minister of Lands and Forests.

No objection was taken by the Department of Lands and Forests to this proposal and the development was carried out in good faith by the Indian Department solely for the benefit of the Indian school. As was pointed out by the District Chief Engineer of the

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Dominion Water Power and Reclamation Service in submitting his report on the proposed development, a fuel generating plant giving an equal amount of power could have been installed at much less cost, and the water-power development was decided upon only on account of the urgent requests of the Mission authorities.

Description of Development.

The water-power development at the McIntosh Indian school is situated on the short stretch of river separating Forest and Canyon lakes, the natural head available being about 11 or 12 feet. During earlier years a timber and rock dam was built across the outlet of Forest lake to assist in lumbering operations by raising the lake level, and the water in Forest lake and the connecting lakes above it has thus been raised above the natural level at intervals for a number of years past.

In the plan of development as carried out, the assumed natural high water level of Forest lake was raised a maximum of 2.5 feet, partly to obtain storage to give a continuous minimum flow of 25 c.f.s. but also to obtain a sufficient depth of water at the intake to the penstock and so avoid expensive rock excavation which would otherwise be necessary to ensure a seal at the intake structure. The maximum head available is about 17 feet, the minimum 14 and the power available is 33 horse-power.

The works as constructed consist of a concrete dam about 10 feet high at the highest part and 330 feet long on rock foundation with spillway and non-overflow section, the latter containing an opening for a log chute and a sluiceway for discharging flood waters, intake works, wood stave penstock 3 feet diameter, and 312 feet long, power house 20 X 25 feet with workshop above, and tailrace, details as shown on the accompanying plans.

The machinery in the power house consists of a single horizontal turbine, 30 B.H.P. under 15 feet head at 450 R.P.M. with Woodward governor supplied by Boving Hydraulic and Engineering Company of Lindsay, Ontario; D.C. generator, 17½ K.W. belt driven from turbine supplied by Lincoln Electric Company of Toronto, Ontario; switchboard and accessories.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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PLEASE ADDRESS YOUR REPLY TO
THE DIRECTOR OF
WATER POWER AND RECLAMATION
DEPARTMENT OF THE INTERIOR
OTTAWA, CANADA

MFC:LM



DIRECTOR, J. T. JOHNSTON, C.E., M.E.I.C.
DIRECTOR, V. MEEK, B.Sc., M.E.I.C.

PLEASE REFER TO ONE SUBJECT IN A
LETTER, AND IN YOUR REPLY QUOTE
FILE NO. 40103-W

DEPARTMENT OF THE INTERIOR
CANADA
DOMINION WATER POWER AND RECLAMATION SERVICE

OTTAWA, ONT., September 9th, 1929.

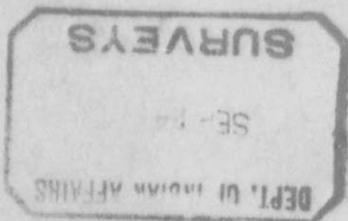
R

1 *Supp*
2 *Architect*
Sir,

Your file number: 130-7-16.

In further reference to my letter of August 19th, I enclose herewith material for the use of your Department in making application to the Ontario Department of Lands and Forests for an authorization covering the water-power development at the McIntosh Indian residential school, as it appears desirable, in order to settle the outstanding difficulties with the Ontario Government, that a form of authorization should be issued defining the rights of the Indian Department in regard to this development. The material, which is in duplicate, consists of -

- (1) Plans showing the development as constructed (under separate cover);
- (2) Statement outlining the history of the development and giving a description of the works and machinery (marked A hereunder);
- (3) Summary of the negotiations between the Department of Indian Affairs and the Ontario Department of Lands and Forests from material supplied by the Indian Department (marked B hereunder).



In forwarding this application it might be well for the Department of Indian Affairs to explain its side of the question in view of the complaints made by Mr. Rorke, Surveyor General, in his letters of July 4th, 1928 and July 24th, 1929 and for that purpose the summary marked B may be useful. Regarding the letter of July 4, 1928 a reply was sent from this Department to Mr. Rorke dated October 6th, 1928, copy attached marked C hereunder, which was intended to meet the questions raised at that time, and the summary marked B deals more particularly with the correspondence, copies of which have been received from the Indian Department.

It is assumed, however, that the Indian Department, having made its position clear, will be quite ready now to supply any available information which may be requested by the Department of Lands and Forests and to

Mr. J.D. McLean,
Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

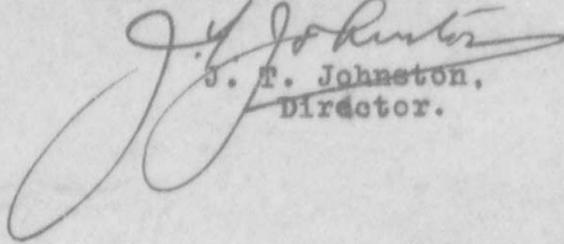
Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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2.

comply with reasonable conditions as to the control of lake levels, in return for a formal authorization covering the water-power development to be granted by the Ontario Government in accordance with the understanding distinctly implied in its previous correspondence with the Indian Department.

Your obedient servant,


J. F. Johnston,
Director.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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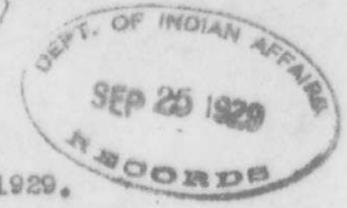
130-7-16

DO NOT WRITE ABOUT MORE THAN ONE SUBJECT IN THE SAME LETTER, AND GIVE YOUR FULL NAME AND ADDRESS.
ADDRESS YOUR REPLY TO THE DEPUTY MINISTER OF GAME AND FISHERIES, PARLIAMENT BUILDINGS, TORONTO, 2, AND REFER TO R-143



ONTARIO
GAME AND FISHERIES DEPARTMENT

ALL CHEQUES AND MONEY ORDERS ARE TO BE MADE PAYABLE TO THE ORDER OF THE "PROVINCIAL TREASURER OF ONTARIO," AND MAILED TO THE DEPUTY MINISTER OF GAME AND FISHERIES.



Toronto 2, September 23rd, 1929.

[Handwritten signature]

[Handwritten signature]

Sir:-

I beg to acknowledge receipt of your letter of the 5th instant, your file No. 130-7-16, and having reference to the dam constructed for your Department by The Dominion Water Power and Reclamation Service Service at McIntosh.

The information given by you regarding the class of fish which are prevalent in the waters concerned is not in accordance with information we have received from other quarters, and the matter will be the subject of further inquiry by this Department, and when we are in receipt of further advice in this connection we will again communicate with you.

I have the honour to be, Sir,

Your obedient Servant,

[Handwritten signature: Jas. Jamieson]

Assistant to Deputy Minister.

The Secretary,
Department of Indian Affairs,
Ottawa, Ont.,

JF/LF

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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130-7-16

2 architect

DEPARTMENT OF INDIAN AFFAIRS
CANADA

Ottawa, 27th September 1929

Memorandum

1. Mr. F. [unclear], -

W. J. [unclear]
Will you please advise & negotiate in due course. I feel you can handle it in our best interests.
W.J.

With reference to letter dated 24th July last from the Surveyor General and Deputy Minister, provincial Department of Surveys, please see letter of Sept. 9th from the Director of Dominion Water Power & Reclamation Service.

I would suggest that the next step to be taken is for this Department to make application to the Province for official authorization covering the water power development of the McIntosh school. It would be well, in making this application, to endeavour to placate the provincial officials somewhat by pointing out that the Department acted in good faith in proceeding with this development, as it considered that the correspondence between the provincial Department of Lands and Forests and this Department was tantamount to permission for the development of the power, inasmuch as the power which could be developed at this point was very much below 150 horse power.

The Province no doubt on receipt of this official application will at once reply stating upon what conditions the authorization will be granted. These conditions will, in all probability, involve flooding damage claims. On receipt of these conditions the Department will then be in a position to enter into final negotiations with the Province as to the fulfilment and the payment for any damages which may be proved to have been caused, as it will undoubtedly be necessary for the two Departments to come to an agreement on this subject.

A. Robertson
Chief Surveyor.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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*1 Reply
2 Architect*

Ottawa, 2nd October 1929

Sir,- Your ref.No.56021

With reference to your letter of the 24th July last, I have to advise you that the water power development at Canyon Lake was developed by this Department for the purposes of the McIntosh Indian Residential School. Due to a misunderstanding of the correspondence with your Department, this development was proceeded with in good faith by the Department, as it was thought from the letter dated 5th September 1924 from Mr.Cain, Deputy Minister of Lands and Forests, in reply to letter of this Department of the 21st August of this year, that there were no objections to the Department proceeding with the development as outlined in the last mentioned letter, in view of the fact that the power development was under the minimum mentioned in Mr.Rorke's letter of 19th May 1924.

The misunderstanding is very much regretted. I have now to make application for the formal authorization for this development. I am forwarding under separate cover white prints showing the development as constructed.

*AP 9/10/29
sent*

oct

[Signature]
The Deputy Minister,
Department of Surveys,
Toronto, Ont.

Your obedient servant,

[Signature]
(J.D. McLean)
Assistant Deputy and Secretary.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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Copy of an Order-in-Council

APPROVED BY HIS HONOUR THE LIEUTENANT-GOVERNOR,
THE 16TH DAY OF JANUARY, A.D. 1907.

Upon the recommendation of the Honourable the Minister of Lands, Forests and Mines, the Committee of Council advise that Regulations adopted by Order-in-Council of 21st June, 1898, under 61 Victoria, chapter 8, entitled "An Act respecting Water Powers," be rescinded, and that the annexed Regulations be adopted in their stead.

The Committee further advise that the accompanying form of lease be approved for leases of water powers issued under the said Act and Regulations, subject to such changes as may be necessary and authorized in individual cases.

Certified,

J. LONSDALE CAPREOL,

Clerk, Executive Council.

REGULATIONS RE WATER POWERS.

1. These rules and regulations shall not apply to water privileges which in their natural condition at the average low stage of water have not greater capacity than 150 horse power.

2. In granting or leasing, otherwise than under these regulations, any Crown Lands upon which a water privilege is situated, or which may be flooded or overflowed in consequence of the development and utilization thereof, the said privilege shall be reserved to the Crown, together with such an area of land in

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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connection therewith as shall in the opinion of the Minister be required for the proper development of the same, and the construction of all necessary dams, weirs, tunnels, races, flumes, sluices, pits and other structures or works, and the erection of buildings and plant for the employment and utilization of such privilege, and storing grounds and yards in connection therewith; and there shall also be reserved in any such grant or lease, the right to flood any portion of the lands so granted or leased upon compensation to be made to the owner or lessee thereof by the person or persons to whom such privilege shall afterwards be leased; and the said water privilege, land and right so reserved shall form a separate property and may be dealt with as hereinafter provided.

3. The right to lay out and use such roads as may be necessary for the passage to and from such water privilege or land shall be reserved in all grants or leases of contiguous or adjoining lands.

4. The applicant for a water privilege situated on Crown Lands shall file in the Department of Lands, Forests and Mines, a plan and field notes by an Ontario Land Surveyor of survey thereof; and also a report by a competent engineer satisfactory to the Minister showing:

(a) The location of the water privilege applied for, and a description of the land required in connection therewith.

(b) The height of the fall or rapid, the volume of water at the average high and low stages of same, the estimated capacity in horse power of the fall or rapid in its natural condition at the average low stage of water, the height of the dams or weirs (if any) which it is proposed to construct, and the increase in the level of the water which such dams or weirs will bring about.

(c) The plan by which the applicant proposes to develop the water privilege, showing the dams, weirs, tunnels, races, flumes, sluices, pits and other structures or works which it is proposed to build or make in connection therewith, the estimated cost thereof, and the form in which the power is to be used or transmitted, that is, whether by direct energy, electricity, compressed air, etc.

(d) The land or lands which would be overflowed or otherwise affected by the raising of the water or the construction of the dams, weirs, sluices, races or other works in connection with the development or use of such water privilege, and the owner or owners thereof.

The applicant shall also show the nature and location of the business, plant or manufactory in connection with which it is proposed by the applicant to utilize the water privilege, and the number of horse power which the applicant proposes to develop and utilize, and shall furnish proof satisfactory to the Minister that the said water privilege is required for the applicant's own mechanical or industrial purposes or to supply an actual or anticipated demand for power in the neighbourhood of the privilege.

Provided that the Minister may dispense with the requirements of any of the preceding clauses of this regulation in case the information, plans, etc., required to be furnished are already in the possession of the Department of Lands, Forests and Mines.

5. If so required by the Minister, the applicant shall furnish at his own expense all such measurements, plans, specifications, descriptions, levels, profiles, elevations and other information as he may deem necessary for the proper consideration of the application; and the applicant shall also, if required, submit to the Hydro-Electric Power Commission of Ontario the plans and specifications showing the proposed works for the development of the said privilege, and such works shall not be proceeded with until the said Power Commission has approved the same.

6. The applicant shall submit such proof of his financial standing and ability and intention to develop the said water privilege as shall be satisfactory to the Minister.

7. Before the lease of a water power is granted the Minister may require the applicant to deposit with the Treasurer of the Province a sum of money to be named by the Minister, conditional upon the carrying out of the works of construction and development specified in the lease within the period therein named; such sum to be returned to the lessee upon the due fulfilment of such condition, otherwise to be forfeited to His Majesty the King for the use of the Province of Ontario.

8. Upon compliance with the foregoing regulations and upon approval of the application by the Minister in writing he may order a lease of the water privilege to be issued to the applicant upon such terms and conditions and at such rental as may be fixed by the Minister. The rental reserved by any such lease or any renewal thereof shall be payable yearly in advance.

9. No such lease shall be granted for a longer term than twenty years, but the lessee shall have the right of renewal of such lease for two further and successive terms of ten years each upon such terms and conditions as may be agreed upon or may be fixed by the Minister.

10. The right of timber owners and others to drive their logs or timber down any river, stream or other body of water, as now by law established, shall not be interfered with, lessened or restricted by the granting of any such lease; and if any dam, weir or other structure be erected or built in connection with the development of any such privilege, with the object, intention or effect of damming the water or impeding the flow thereof, full and proper provision, as now by law required, shall be made by the lessee for the safe and convenient passage of logs and timber over and through the same.

11. The lessee under any such lease shall not destroy or obstruct the navigation of any river, stream or body of water

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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previously navigable; but shall provide such locks, canals, passages and other means as may be necessary for the proper and safe surmounting or passing of any dam, weir or other work made or erected by the lessee, and as may be required for purposes of navigation by the Government of Canada.

12. In addition to any other conditions or provisions required by the Minister, the lease shall contain conditions and provisions to the following effect:

(a) Requiring the development and use within a period or periods to be named in the lease of a specified quantity or quantities of power or energy, estimated in horse power.

(b) If the quantity of power required by the lease to be developed within a period or periods therein named is less than the full capacity of the said privilege, upon report being made by the said Hydro-Electric Power Commission to that effect, and also that there is a *bona fide* demand for power which can be supplied therefrom, the Lieutenant-Governor-in-Council may, by Order-in-Council, require the lessee to develop the said privilege to its full capacity or to such other extent as he may deem proper or requisite within a period or periods of time to be named in the said Order.

(c) For the use by other parties than the lessee of surplus or unused water or power not required by him for the purposes of his business, plant or manufactory, on such terms as may be agreed upon.

(d) Failing an agreement between the parties concerned as to the rates or conditions for supplying power by the lessee to any person, company or corporation, or by any person, company or corporation receiving power from the said lessee, and any other person, company or corporation, either party may submit the matter to the said Power Commission, and any Order made by the Lieutenant-Governor-in-Council upon report thereon by the said Power Commission fixing and determining the said rates and conditions shall be final and conclusive and binding upon all parties concerned.

(e) In case of submission to the Hydro-Electric Power Commission as in Paragraph "(d)" herein mentioned, the said lessee on being so required by the said Commission shall produce all books, accounts, records and statements verified by affidavit, showing the cost of constructing, equipping and maintaining the works for the development of the said privilege and delivering the power therefrom.

(f) Upon complaint in writing being made that any municipal corporation is granting bonuses by supplying power, light or heat below cost to manufacturers or others, whether the said corporation is the lessee of a water privilege or is receiving power therefrom from or through such lessee, the Lieutenant-Governor-in-Council may refer the matter to the said Hydro-Electric Power

Commission, who may dispose of the same in manner provided by Chapter 15 of the Ontario Statutes of 1906, or any amendment thereto.

(g) For the purpose of ascertaining the quantity of power actually developed or capable of development from any water privilege, or the amount of rental payable under a lease thereof, said Power Commission, or any engineer appointed by it for that purpose, shall have free access to all parts of the works, and all books, plans or records bearing on the quantity of power, and may make measurements, take observations, etc., and any calculation as to the quantity of power so developed or capable of development made by the said Commission or by such engineer shall be binding upon the lessee.

(h) The power and authority to acquire water powers and works by purchase, lease or otherwise, or without the consent of the owners thereof conferred upon the said Power Commission by Chapter 15 of the Statutes of Ontario of 1906, shall be exercisable by the said Power Commission in respect of any water power leased under these regulations or any works connected therewith.

(i) During the construction of the works for the development of any water power, the said Power Commission or any engineer appointed by it for that purpose shall have free access to all parts of the works for the purpose of inspecting the same and of ascertaining that the construction thereof is in accordance with the plans and specifications approved by the said Power Commission.

(j) For the erection and maintenance by the lessee of a durable and efficient fishway, when so required by the proper officer or authority in that behalf.

(k) During the continuance of the lease, the lessee shall keep and maintain all dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works necessary for the development and use of such privilege in good repair and condition, and shall not wilfully or otherwise injure or destroy the same or any part thereof, but at the expiry or sooner determination of the lease, shall leave all such structures and works in good repair and condition, reasonable use and wear thereof and damage by fire and tempest only excepted, and so that their subsequent usefulness shall not be lessened by any act of the said lessee.

(l) At the expiry or sooner determination of the lease, the water privilege shall revert to and become the property of the Crown as fully as if no such lease had been granted, together with all dams, weirs, tunnels, races, flumes, sluices, pits and other structures or works made or erected by the lessee in connection therewith, and all buildings erected on land covered by the lease; but the lessee shall be allowed a reasonable time to be fixed by the Minister in which to remove all machinery employed by him in the development and use of the privilege, failing which removal, such machinery shall become the property of the Crown. Provided that where any such buildings or structures are of a permanent

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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character and necessary or useful for the proper development or utilization of the water privilege, the Lieutenant-Governor-in-Council may upon report in that behalf by the said Hydro-Electric Power Commission, pay the lessee by way of compensation therefor and purchase thereof such sum or sums as he may deem proper upon the same being appropriated for the purpose by the Legislative Assembly of the Province.

(m) The lease shall at all times be subject to any general regulations thereafter made by the Lieutenant-Governor-in-Council affecting the construction and operation of works for the development of water privileges or the supply of water therefrom.

13. The Lieutenant-Governor-in-Council may cancel any water power lease issued under these regulations for non-payment of rental within 90 days after the same is due and payable, whether the same shall have been demanded or not, or upon report by the said Power Commission that the conditions as to construction of the works or the development or supply of power have not been complied with, or that at any time after the water privilege has been developed, either in whole or to the extent to which the lessee is bound or required to develop the same the said lessee has continuously failed or neglected for the space of one year effectually to produce power from the said privilege, either for his own use or that of other persons, unless hindered by unavoidable accident, or that the lessee has failed or neglected to comply with any of the conditions of the lease or any Order-in-Council respecting any matter or thing arising under the lease concerning which such Order is made; and publication of any Order-in-Council cancelling such lease shall be sufficient proof that the same has been duly and lawfully cancelled. Provided due notice shall be given a lessee before such cancellation in order that he may have an opportunity of being heard, should he so desire.

14. Where a water privilege is applied for by a municipal corporation for the purpose of supplying water, power, light or heat for the use of the inhabitants of the said municipality, the Minister may issue a lease of said privilege to such corporation if otherwise entitled to receive and hold the same, on such special terms and conditions as may be recommended by the said Power Commission, and at such rental as he may deem proper.

15. The word "Minister" in these regulations shall mean the Minister of Lands, Forests and Mines, or any Minister of the Crown performing the duties of the Minister of Lands, Forests and Mines in his absence or during a vacancy in that office; and the Minister may refer to the Hydro-Electric Power Commission of Ontario any application for the leasing of any water privilege or any matter arising out of such application or any lease made in pursuance thereof, whether hereafter or heretofore issued, for consideration, investigation and report.

16. No water power lease shall be valid or effective unless the same is issued under the Great Seal of the Province, and is signed by the said Minister.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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130-7-16

FILE-56021.

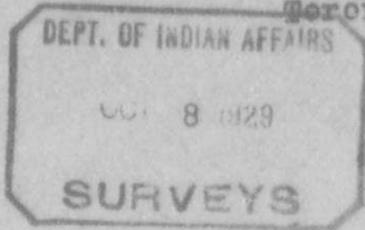


ONTARIO
DEPARTMENT OF SURVEYS
OFFICE OF SURVEYOR GENERAL



Toronto, October 4th, 1929.

*1 Surveyor
2 Architect*



Dear Sir,- Re: Water Power McIntosh Indian School.

I have your letter of the 2nd. inst., in further reference to the water power which has been developed at McIntosh, at the Indian School.

I am enclosing you the Regulations regarding the leasing of water power, which gives you the information required to fully consider the matter.

In addition to the lease which will issue covering the power plant, it will be necessary to file plans of survey, shewing the extent to which the shores of the lakes have been flooded, and an annual rental will require to be paid on this flooded area, as well as paying for all commercial timber which has been damaged, and the clearing of the same, so that the shores of the lake will not be destroyed, from a tourist point of view.

Yours truly,

J. R. Rourke
Surveyor-General
Deputy Minister.

LVR:GS.

J. D. McLean, Esq.,
Asst. Deputy and Secretary,
Department of Indian Affairs,
OTTAWA, Ont.

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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130-7-16

FILE-56021.



ONTARIO
DEPARTMENT OF SURVEYS
OFFICE OF SURVEYOR GENERAL



Toronto, October 11th, 1929.

[Handwritten signature]

Dear Sir,- Re: Water Power, McIntosh Indian School.

DEPT. OF INDIAN AFFAIRS
OCT 14 1929
SURVEYS

The prints shewing the construction of the dam at McIntosh Indian School, by your Department, have been checked over insofar as the design is concerned, and are satisfactory and may be approved, but this in no way is an approval of the right to hold the water and to develop power, which should be obtained in the usual way - by Water Power Lease.

The lands included in the Lease would cover the bed of the stream between Canyon and Forest Lakes, and part of the one (1) chain reserve on each side of the same as is necessary for the maintenance, control and operation of the development.

The annual rental will be based on \$1.00 per horse-power, and 10¢ per acre for flooded lands.

When the necessary surveys have been made and plans have been filed, shewing the lands along the shores of the lakes, (which will be flooded) an estimate will then be made of the commercial timber thereon and

(J. D. McLean, Esq.,)

*Have determined
power to be
developed
and the
water power
and the
is going to
with
done*

Indian Affairs. (RG 10, Volume 6221, file 472-16, part 3)

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