

DOCKET 14 **DUPLICATE**
ORIGINAL

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INTERNATIONAL JOINT COMMISSION

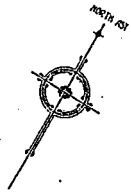
APPLICATION

—OF—

New York & Ontario Power Co.

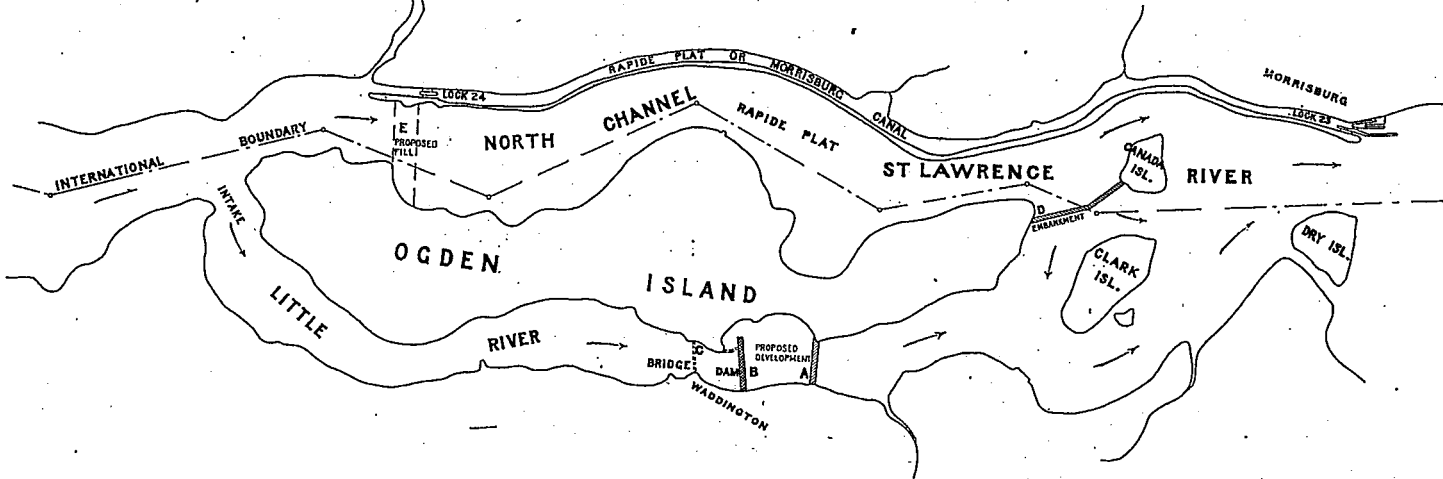
**For Approval of Its Plans to Reconstruct,
Repair and Improve Its Dam, Hydraulic
Structures and Water Power Property
at Waddington-on-the-St.-Lawrence,
New York**

**Thomas Spratt,
George E. Van Kennen,**
Attorneys for Petitioner
Ogdensburg, N. Y.



O N T A R I O

PLATE I



N E W Y O R K

- LEGEND —
- PRESENT STRUCTURES TO BE REPAIRED OR REMOVED.
 - PROPOSED NEW WORK.

**NEW YORK AND ONTARIO
POWER CO**

GENERAL PLAN OF POWER SITE & VICINITY
SHOWING PRESENT DAM- LOCATION OF
PROPOSED NEW DEVELOPMENT-PROPOSED
EMBANKMENT AND PROPOSED FILL

APPLICATION OF NEW YORK & ONTARIO
POWER COMPANY FOR APPROVAL OF
ITS PLANS TO RECONSTRUCT, REPAIR
AND IMPROVE ITS DAM, HYDRAULIC
STRUCTURES AND WATER POWER PROP-
ERTY AT WADDINGTON-ON-THE-ST.-LAW-
RENCE, NEW YORK.

TO THE HONORABLE, THE INTERNATIONAL JOINT COMMIS-
SION, WASHINGTON, D. C., AND OTTAWA, CANADA.

The petition of the New York & Ontario Power Company respectfully shows :

(1) That the New York & Ontario Power Company is a public service corporation, duly organized under and pursuant to the Transportation Corporation Law of the State of New York, with an authorized capital stock of two million dollars (\$2,000,000).

(2) That said corporation was organized for the purpose inter-alia, of acquiring water powers, water rights, privileges and other property for the production, utilization and transmission of electricity for light, heat and power to be used in Northern New York and Canada.

(3) That on application duly made, the Gas & Electricity Commission and the Public Service Commission of the State of New York authorized said corporation to transact business in the State of New York and elsewhere, and to acquire certain water power properties, rights and privileges, together with other property connected therewith and appurtenant thereto, situate at Waddington-On-The-St.-Lawrence, New York.

(4) That pursuant to such authority and consent, the said New York & Ontario Power Company did acquire by

purchase such water power property, rights, privileges and other property and has duly entered into possession of the same and, since such purchase, has been engaged in the business of producing, utilizing and transmitting electricity for light, heat and power at said place.

(5) That the property so acquired consisted of a water power created by the construction of a dam and hydraulic structures in and across what is locally known as the "LITTLE RIVER" from Ogden's Island, formerly known as "ISLE-AU-RAPID-PLAT," in the River St. Lawrence, to the American shore, together with all water rights and privileges connected therewith and appurtenant thereto, and including a light and power plant then in operation.

(6) The said "ISLE-AU-RAPID-PLAT" is an American island lying in the River St. Lawrence, south of the International boundary line, and the said "LITTLE RIVER" flows between said island and the American shore. See Plate 1 hereto attached and made a part hereof.

(7) That said dam and hydraulic works were originally constructed prior to the year 1808 by David A. Ogden and associates who were then the owners of said "ISLE-AU-RAPID-PLAT," together with all the lands on the American shore lying adjacent thereto, and likewise owned any and all riparian rights and privileges incident thereto and connected therewith.

(8) That on the 1st day of April, 1808, the Legislature of the State of New York passed an act (Ch. 121 L. 1808, N. Y.) which with a supplemental act passed April 17, 1826 (Ch. 280, L. 1826 N. Y.), granted to and vested in the said David A. Ogden and associates their heirs and assigns.

(a) All lands susceptible of improvement down stream from the dam to the navigable waters below;

(b) The right to canalize said "LITTLE RIVER" and improve the same for such purpose;

(c) The right to utilize the natural flow of the stream for the development of power and to sell and dispose of the same for industrial, manufacturing and other lawful purposes.

(9) That pursuant to the rights and powers conferred by said statutes, the said Ogden and his associates duly constructed locks and other works in connection with the dam at said place, and thereafter the said South Channel was used almost entirely for the navigation of said River at that point, and the same was continuously used for navigation until about the year 1847, when a canal was constructed on the Canadian side of the North Channel by the Canadian government.

(10) That ever since the construction of said dam and the enactment of the statutes above cited, the said David A. Ogden, *et al.*, their heirs, successors and assigns, have owned, enjoyed and possessed the right and privilege to use the full natural flow of said "Little River" together with all other rights and privileges connected therewith for the development of power for the operation of factories, mills and other industrial plants at said place, and ever since have used the same, in whole or in part, for such purpose.

(11) That the natural flow of said stream (Little River) and the power resulting therefrom to which the said Ogden, his associates and their successors in interest are entitled, is of course dependent upon the volume and stage of the water in the Main River, and is shown on Plate II hereto attached and made a part hereof.

(12) That as above stated, your petitioner, the New York & Ontario Power Company is now the owner and in possession of all of the lands, water power, water rights, privi-

leges and other property connected therewith and appurtenant thereto.

(13) That from long continued use the said dam and hydraulic works have become out of repair and in order that the power on the said "Little River" may be developed to the highest degree of commercial efficiency for the generation of electric energy, it is necessary to reconstruct, repair and improve the same which your petitioner proposes to do, if permission be granted.

(14) That, if permission be granted, your petitioner further proposes to dispose of the rock and other suitable material excavated in connection with the erection of its power house, and in the removal of obstructions in the channel of said "Little River" for the construction of an embankment from the eastern extremity of Ogden Island to Canada Island at a point on Plate I, marked (D), and to contract the channel of the main river at a point marked E on Plate I by filling in the deeper part of the channel and by constructing a side embankment along the north shore of Ogden's Island, the result of which will

(a) Lower the level of the water in the tail-race, thereby increasing the head upon the power plant.

(b) Eliminate a strong side draft current now flowing between Ogden and Canada Island, thereby improving navigation at that point.

(c) Raise the level of the water in the north channel up to and beyond Lock 24, thereby further improving navigation, and in low water periods, more than fully compensating for any increased flow through the Little River channel.

(15) That in consideration of the improvement to navigation effected by the construction of said embankment

between Ogden Island and Canada Island, and by the proposed contraction of the channel of the river as aforesaid, your petitioner requests that it be permitted to supplement the natural flow of the "Little River" by the diversion of such additional waters as may be required to maintain the discharge therein at a flow of thirty thousand (30,000) cubic feet per second at all times when such additional diversion does not detrimentally affect navigation.

WHEREFORE, your petitioner prays, if jurisdiction be taken, that its plans be approved to—

(a) Remove the present dam and construct a new dam and power house at a point marked A on Plate No. 1, hereto attached; or, in the alternative, repair and reconstruct the present dam and erect a power house at a point marked (B) on said Plate No. 1.

(b) Improve the channel of "Little River" above the dam by the removal of all artificial obstructions, such as bridge piers and the like, shown at a point marked C in Plate No. 1, and make such excavation in said channel as will enable petitioner to use the natural flow of said stream at the highest degree of commercial efficiency.

(c) Use the rocks and other suitable material excavated in the erection of its power house and in the removal of artificial obstructions in the channel of the "Little River" to construct embankments between the easterly extremity of Ogden Island and Canada Island, and to contract the channel of the river opposite Lock 24 by filling in the deeper portions and by constructing embankments at points marked D and E on Plate I.

(d) Permit the diversion of such additional waters as may be required to maintain a discharge of thirty thousand (30,000) cubic feet per second at all times

when such additional diversion does not detrimentally affect navigation.

All of which is respectfully submitted without prejudice to the rights and interests of your petitioner.

Dated, February 2, 1918.

THOMAS SPRATT and GEO. E. VAN KENNEN,
Attorneys for Petitioner,
Office and Postoffice address, 82 Ford Street,
Ogdensburg, N. Y.

District of Columbia, City of Washington, ss:

W. S. CONNOLLY, being duly sworn, deposes and says, that he is an officer of the New York & Ontario Power Company, the petitioner above named, to wit, the President thereof; that he has read the foregoing petition and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Sworn to before me this 21st day
Of March, 1918.

~~General~~

Notary Public

~~W. S. CONNOLLY~~

W. S. Connolly