

November 26, 1996

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WATER  
RESOURCES  
DEPARTMENT

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Emily Roth, Wildlife Refuge Manager  
METRO  
600 Northeast Grand Avenue  
Portland, OR 97232-2736

RE: Smith-Bybee Lake  
File S-79

Dear Ms. Roth,

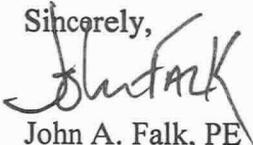
In response to your letter dated 11/25/96, no permit is required from OWRD Dam Safety for removal of an existing dam. However, it is suggested that you retain an engineer to supervise the decommissioning process to make any provisions necessary to protect downstream life and property. Also, you may wish to contact the Dept. of Environmental Quality (DEQ) prior to removal of the dam for any water quality requirements that may apply, e.g. turbidity, salinity, etc.

In the event the existing structure is enlarged or modified in some manner, it will be necessary for you to engage the services of a licensed engineer responsible for the design and submit the proposed changes to OWRD for written approval prior to construction.

Should you wish to build an new dam, a licensed engineer and OWRD Dam Safety approval will be needed only if the height of the dam is equal to, or greater than 10 feet **and** the reservoir is equal to, or greater than 9.2 acre-feet capacity. Dam height typically is measured from the centerline axis of the dam to the bottom of the stream channel or to the lowest point on the natural ground surface. Please note that a storage permit will be required in most instances, regardless of dam height and/or storage. Your description of the proposed construction of an open culvert weir suggests that water will not be permanently stored. That is to say, any water within the confines of the structure will be detained on a temporary basis and not be removed from the live flow of the river/stream. (Tide gates would be an example of non-permanent, or exempt, storage). If that is an example of your situation, then it may not be necessary for you to pursue a water right. Jake Szramek of the Water Rights section can assist with any questions you may have with regard to your specific needs.

Should you have any questions, please do not hesitate to call and let me know.

Sincerely,



John A. Falk, PE  
Safety of Dams  
x 222



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