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Ex. 277-US-408

Rhine Messmer

*Oregon Department of Fish and Wildlife, Klamath Watershed District*

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**MEMORANDUM**  
**Oregon Department of Fish and Wildlife**  
**Klamath Watershed District**

**To:** Roger Smith  
**From:** Rhine Messmer  
**Date:** June 18, 2001  
**Subject:** Scott Creek Fish Kill

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On June 15, 2001 the ODFW office in Klamath Falls received a phone call from Jim Dyke (sp?) phone number 884-2882. Mr. Dyke was up on Scott Creek and observed about 50 dead fish off Road 2300 (Sum Mt. Road). He also stated that a landowner was diverting all the water into ponds. Mr. Dyke stated that he wanted a Law Man to do something. The ODFW office also received a call from the Klamath Tribes regarding the same situation on Scott Creek, someone had stopped in and reported it.

Susan Moody contacted me about 2:00 pm on my way back from Medford where I was returning the stocking boat. When informed on the situation, I told Susan to contact Del Sparks, Klamath County Watermaster, to see if he knew what was going on and to see if the diversion rates were permitted under existing water rights. Ms. Moody was only able to reach Mr. Spark's answering machine so she left him a message. I then contacted Mike Cushman, OSP, to let him know that I would be going to Scott Creek to look at the situation and give him an update.

I also contacted Steve Wilson, President of the Scott Creek Landowner's Association. I had talked to Mr. Wilson that morning concerning getting screens for the Association's ponds so they could stock fish into the ponds. He had stated that Del Sparks had instructed them to shut off water diversions to their ponds to see if flows in Scott Creek could reach a downstream irrigator. According to Mr. Wilson, flows were subbing out before they could reach the downstream irrigator and that Del Sparks gave the Association permission to open the headgates to their ponds. Mr. Wilson stated that by Sunday (June 10) their ponds were full.

I arrived at FS Road 2300 at approximately 4:15 pm. Just prior to reaching the creek, I received a call from Terry Simpson, USFS Chemult Ranger District (365-7073). Ms. Simpson had just left Scott Creek and reported that she had talked to a local landowner (Wayne Pewett) who knew about the fish kill. Mr. Pewett told Ms. Simpson that a landowner with the last name of Short had diverted all the water from Scott Creek into a pond. Ms. Simpson also stated that other landowners were releasing water from their ponds to restore flow into Scott Creek. She also stated that she observed the dead fish in the pool below FS Road 2300.

When I got to Scott Creek I observed dead fish in the pool below the road culvert. I proceeded to collect these dead fish to obtain species composition and lengths. The fish appeared to be recent mortalities and consisted of mainly brown trout with a few small brook trout. There were 59 dead brown trout in the pool ranging in length from 58-290mm. Most of the brown trout

were from 60-100mm. There were also 8 dead brood trout ranging in length from 48-87mm. Water temperature in the culvert pool was 63 F at 4:20 pm. I did observe about 6 live fish, probably brown trout, in the culvert pool. After sampling the dead fish in the culvert pool, I walked downstream approximately 200 yards to look for additional dead fish. I collected 9 dead brown trout (85-262mm) and 3 brook trout (74-94mm). These dead fish were collected mostly in the first three pools downstream from the culvert. I continued surveying downstream until I observed three pools with no additional dead fish. I did observe live fish in this section of stream below the culvert.

I then proceeded upstream of the culvert to look for live and dead fish. The only dead fish observed in an approximately 150 meter section was a 164mm brown trout in the second large pool above the culvert. There was a pond located on the north bank (right hand side going upstream) that had a water diversion. It appeared that the section of Scott Creek between the diversion for the pond and the outlet of the pond had been dry in recent days. The bottom of the stream channel looked like it had dried out because the mud was cracked. The stream temperature at the pond diversion was 57 F at 5:15 pm. I concluded my upstream survey at the pond diversion.

I rechecked the culvert pool for additional dead fish at 5:30 pm and no additional dead fish were observed. Water temperature of the pool was 61 F.

On June 18, I talked to Del Sparks who updated me on the situation. I was told that Mr. Short was stopping flow in Scott Creek at Short's Dam (an impoundment on Short Creek). Del Sparks stated that Mr. Short has a water right to impound water until May 31, after which he has to pass all flow through the dam. He also stated that flows in Scott Creek were starting to sub-out and sections of Scott Creek between Short's Dam and FS Road 2300 had gone dry this year. Del stated that flow was restored to the creek (opening of Short Dam headgates) and that he had contacted Mike Cushman and Mr. Dyke to let them know what the situation was concerning diversions from Scott Creek.

Summary: It appears that when Scott Creek flows were stopped by shutting flows off at Short Dam, flows in the creek stopped or were so low that only a few fish in the larger pools (culvert pool) were able to survive. The fish kill was not 100% of the population in the affected reach. The extent of the kill is unknown but probably includes the section of stream upstream from Short's Dam. It is likely that some of the fish in this reach may have died prior to this incident when flows were diminishing due to legal diversions and natural low flow conditions.

cc: Mike Cushman, OSP  
Del Sparks, Klamath County Watermaster