

MEMO

TO: File

DATE: 12/3/1999

FROM: J E STANTON

SUBJECT: App. for Permit, Mark Lupher (Wildlife Storage)

I heard back from the applicant after writing the long memo on this facility. Warm Springs Creek in this area really starts as overflow from the Warm Springs canal. Two large ponds are formed by an earth dam on the creek about 300-400' below the overflow. There is one dam, but a road & culvert separate the backed-up water into 2 pieces 2-3' deep; most of the water applied for is stored here. The creek runs NE a little ways, then bends around to a NNW orientation.

After the bend, there is an old concrete dam that diverts water into a ditch for fish propagation. This is the northernmost diversion licensed under 72-07209, so is actually covered by that water right. It does back up a small pond to provide head for the conveyance ditch. Mr. Lupher intended to cover this pond under the new application, but this is not necessary.

When he called back, Mark said that there were 3 other earth dams on Warm Springs Creek forming small ponds, but I did not see these when I was there. I left the place well after dark, so there just wasn't time to see everything. He was quite cooperative, so I have no reason to doubt his statement that the ponds are already constructed. He said that the 5 ponds cover a total of 35,700 square feet (0.82 acres), with a total volume of 75900 cubic feet (1.74 acre feet). Leaving out the old pond mentioned above would likely still leave the total surface area over ½ acre, so this may be considered a consumptive use that requires mitigation or may not be processable under the present wilderness moratorium. This stream has no surface connection to the Salmon River according to the USGS map, so these ponds should not affect endangered salmon. Alfred Morganroth irrigates downstream from these ponds, and has complained that Lupher's actions have reduced his water supply. But the ponds probably prolong stream flow just like beaver ponds do. The stream is a trickle here, so any losses in the ponds would be nearly impossible to measure. The stream probably has no native fish in this area, and is certainly not a pristine mountain flow that would be harmed by manmade developments.