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**From:** Sarah Gallagher - NOAA Federal <sarah.gallagher@noaa.gov>  
**Sent:** Friday, November 30, 2018 10:57 AM  
**To:** Garwin Yip - NOAA Federal; Barbara Byrne - NOAA Federal  
**Subject:** Re: updated water right on Clear Creek

here is the mentioned instream flow preservation agreement

**Sarah Gallagher | Fish Biologist**  
[NOAA Fisheries](#) | [West Coast Region](#)  
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On Fri, Nov 30, 2018 at 9:53 AM Sarah Gallagher - NOAA Federal <[sarah.gallagher@noaa.gov](mailto:sarah.gallagher@noaa.gov)> wrote:

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**From:** Sarah Gallagher - NOAA Federal <[sarah.gallagher@noaa.gov](mailto:sarah.gallagher@noaa.gov)>  
**Date:** Fri, Nov 30, 2018 at 7:56 AM  
**Subject:** updated water right on Clear Creek  
**To:** Barbara Byrne - NOAA Federal <[barbara.byrne@noaa.gov](mailto:barbara.byrne@noaa.gov)>

Hi Barb, See attached document. This was put into place after the removal of Saetzer Dam in 2000 because there was a diversion associated with the dam. While it maintained a water diversion (now through Keswick) it also put provisions in for Clear Creek instream flows. I need to find the 'instream flow preservation agreement' mentioned in the document from 2000 for more details. This is just another addition to the 1960 MOA and B2.

However, this is from 2004 BA.

*" In 2000, the McCormick-Saeltzer Dam was removed on Clear Creek, thereby removing a significant fishery passage impediment. As part of the overall dam removal effort, a new agreement involving Townsend Flat Water Ditch Company and its shareholders, FWS, and Reclamation was reached. Townsend Flat Water Ditch Company had an annual diversion capability of up to 12,500 acre-feet of Clear Creek flows at Saeltzer Dam. With the dam removed, Reclamation, under the new agreement, will provide Townsend with up to 6,000 acrefeet of water annually. If the full 6,000 acre-feet is delivered, 900 acre-feet will be dedicated to (b)(2) according to the August 2000 agreement."*

This may be referring to 'instream flow preservation' agreement mentioned.

I will probably look more into this as things go on, just so we have the complete information moving forward.

**Sarah Gallagher | Fish Biologist**

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