

STATE OF OREGON

COUNTIES OF MARION AND CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CASCADE PACIFIC COUNCIL OF
BOY SCOUTS OF AMERICA
2145 SW NAITO PARKWAY
PORTLAND, OREGON 97201

confirms the right to use the waters of BUTTE CREEK AND AN UNNAMED SPRING BRANCH, a tributary of PUDDING RIVER, for IRRIGATION OF 18.3 ACRES AND COMMERCIAL USE.

This right was perfected under Permit 22303. The date of priority is JUNE 1, 1953. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.266 CUBIC FOOT PER SECOND(CFS); BEING 0.166 FROM BUTTE CREEK FOR IRRIGATION OF 13.7 ACRES, 0.058 CFS FROM UNNAMED SPRING BRANCH FOR IRRIGATION OF 4.6 ACRES AND 0.042 CFS FROM UNNAMED SPRING BRANCH FOR COMMERCIAL USE (IF AVAILABLE AT THE ORIGINAL SOURCES AND POINTS OF DIVERSIONS DESCRIBED BELOW), or its equivalent in case of rotation, measured at the points of diversion from the source. The period of use allowed under this right is limited to March 1 through October 1 of each year.

The points of diversion are located as follows:

ORIGINAL SPRING BRANCH DIVERSION (IRRIGATION) - NW 1/4 SW 1/4, SECTION 32, TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.; 1150 FEET SOUTH AND 630 FEET EAST OF THE WEST 1/4 CORNER OF SECTION 32;

NEW SPRING BRANCH DIVERSION (IRRIGATION) - NE 1/4 SW 1/4, SECTION 32, TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.; 585 FEET SOUTH AND 1520 FEET EAST OF THE WEST 1/4 CORNER OF SECTION 32;

ORIGINAL BUTTE CREEK DIVERSION (IRRIGATION) - NE 1/4 SW 1/4, SECTION 32, TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.; 300 FEET SOUTH AND 1750 FEET EAST OF THE WEST 1/4 CORNER OF SECTION 32;

ORIGINAL BUTTE CREEK DIVERSION (IRRIGATION) - NE 1/4 SW 1/4, SECTION 32, TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.; 1150 FEET SOUTH AND 1700 FEET EAST OF THE WEST 1/4 CORNER OF SECTION 32;

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

NEW BUTTE CREEK RE-DIVERSION (COMMERCIAL USE) - NE 1/4 SW 1/4, SECTION 32, TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.; 460 FEET SOUTH AND 1760 FEET EAST OF THE WEST 1/4 CORNER OF SECTION 32; AND

NEW BUTTE CREEK DIVERSION (IRRIGATION USE) - NE 1/4 SW 1/4, SECTION 32, TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.; 470 FEET SOUTH AND 1765 FEET EAST OF THE WEST 1/4 CORNER OF SECTION 32.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 ½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

	<u>BUTTE CREEK</u>	<u>UNNAMED SPRING BRANCH</u>
NE 1/4 SW 1/4	6.2 ACRES	COMMERCIAL USE
NW 1/4 SW 1/4		4.6 ACRES
SW 1/4 SW 1/4	2.4 ACRES	
SE 1/4 SW 1/4	5.1 ACRES	
	SECTION 32	
	TOWNSHIP 6 SOUTH, RANGE 2 EAST, W.M.	

The water user shall instal and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The use of water from Butte Creek may be made from the additional points of diversion on the Spring Branch as described herein, when water is lawfully available at the original Butte Creek diversion point. The use of water from the Spring Branch for other water rights shall not be regulated to satisfy this right, except as the use of water would be regulated for the use of water at the original diversion.

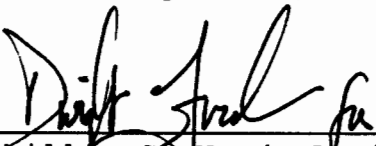
The use of water for Commercial Use shall be limited to a diversion of 0.042 cubic foot per second and be further limited to an appropriation of 8.25 acre feet per year.

This certificate is issued to confirm a change in USE, PLACE OF USE AND ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered MARCH 4, 1999, and together with Certificate 76016, supersedes Certificate 30995, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued August 25, 2004.



Phillip C. Ward, Acting Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 80935.

T-7418A.SB