

Barrel Springs

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME <i>John R. and Donna M. Atkinson</i>		PHONE (HM) <i>541-580-1251</i>	
PHONE (WK)	CELL <i>541-643-0700</i>	FAX	
ADDRESS <i>2823 NW Kline</i>			
CITY <i>Roseburg</i>	STATE <i>OR</i>	ZIP <i>97470</i>	E-MAIL

Organization Information

NAME <i>Bureau of Land Management</i>		PHONE <i>541-573-4438</i>	FAX <i>541-573-4411</i>
ADDRESS <i>28910 Hwy 20 W</i>		CELL	
CITY <i>Hines</i>	STATE <i>OR</i>	ZIP <i>97738</i>	E-MAIL <i>jana_mort@blm.gov</i>

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME		PHONE		FAX
ADDRESS		CELL		
CITY	STATE	ZIP	E-MAIL	

Note: Attach multiple copies as needed

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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SALEM, OREGON

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I (we) affirm that the information contained in this application is true and accurate.

Jana Mort
Applicant Signature

Jana Mort Water Rights Specialist ^{BM} *3/8/2011*
Print Name and title if applicable Date

John R. Atkinson
Applicant Signature

John R. Atkinson *5-18-11*
Print Name and title if applicable Date

App. No. <i>5-87736</i>	For Department Use	Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes owned by John & Donna Atkinson filing jointly with BLM
a non-owner
☒ There are no encumbrances.
☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☒ No
☐ I have a recorded easement or written authorization permitting access.
☒ I do not currently have written authorization or easement permitting access. COOP Agreement in progress
☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (attach additional sheets if necessary).

John R. and Donna M. Atkinson
John Atkinson
2823 NW Kline
ROSEBURG, OR 97470

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SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: BARREL SPRINGS Tributary to: NO TRIBUTARY
Source 2: SUMMIT CREEK Tributary to: NO TRIBUTARY
Source 3: _____ Tributary to: _____
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

N/A

☐ Yes.
☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- ☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

N/A

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Source #1 BARREL SPRINGS	LIVESTOCK	APRIL - OCTOBER	.0092 ☐ cfs ☒ gpm ☐ af
Source #2 SUMMIT CK	LIVESTOCK	APRIL - OCTOBER	.0092 ☐ cfs ☒ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres

Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

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- If the use is **municipal or quasi-municipal**, attach Form M
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☐ Pump (give horsepower and type): _____

☒ Other means (describe): gravity flow / piped to a trough

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Construct spring box and pipe water via gravity flow to a trough outside of spring area.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

gravity flow and piped to a trough

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C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

REQUESTED AMOUNT WILL WATER 530 head of cattle ea. drinking 32 gallons a day for 30 days. Water will be piped to trough to reduce evaporation and spring area will be fenced for protection.

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SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☐ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: N/A

☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: N/A

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: N/A

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: N/A

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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NOTE TO LOCAL GOVERNMENTS

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The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: BUREAU OF LAND MANAGEMENT (AND) JOHN R. + DONNA M. ATKINSON
First Last

Mailing Address: 28910 HWY 20 W. 2823 NW Kline
ROSEBURG OR 97470

HINES
City

OR
State

97738
Zip

Daytime Phone: 541-580-1251

541-573-4438

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
Source 1 Barrel	31 S	35 E	30	SW SW	600'	☒ Diverted ☐ Conveyed ☒ Used	pipeline extension
Source 2 Summit	31 S	35 E	16	NW NE	700'	☒ Diverted ☐ Conveyed ☒ Used	pipeline extension
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Harney County (rural)

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Barrel spring / Summit creek

Estimated quantity of water needed: 0.0092 for ea. ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet
= 0.0184 total

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Livestock

Briefly describe:

Water from these two sources will be diverted through a short pipeline extension into troughs to water livestock and wildlife.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): EF20-1 (3.010)
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: Brandon McMiller Title: Director, Planning Department
 Signature: [Signature] Phone: 541-573-6655 Date: 5/17/2011
 Government Entity: Harney County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____
 Date: _____

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WR / FS



File #: _____

Oregon Water Resources Department

Application Supplement for Human Consumption & Livestock Uses

For water use permit applications within or above scenic waterways, or from streams for which water is not available due to required instream flows, the Department may issue limited permits for human consumption and livestock uses. Human consumption is limited to indoor use for drinking, cooking, and sanitation and is limited to 500 gallons per day. It does not include outdoor uses such as lawn watering, garden watering or other similar uses.

In order to issue a permit to you for human consumption or livestock use, the Department must find that you cannot reasonably obtain water from any other source. For human consumption, an additional finding must be made that denial of the water right would result in loss of reasonable expectations for use of your property. For livestock use, additional findings must be made that issuance of a permit is necessary to prevent the livestock from watering in or along the stream bed and that you have excluded livestock from the stream and the adjacent riparian zone.

Please answer the following questions, and sign and return this form to Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266.

1. Can you reasonably obtain water from any other source? ☐ Yes ☒ No

If not, please describe why each of the following options are not reasonable:

- a. Groundwater, such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

NOT an option SEE ATTACHED

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- b. Securing stored water from upstream reservoirs.

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NO UPSTREAM RESERVOIRS

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- c. Trucking water. (If expense is the reason this option is not reasonable, please provide a copy of an estimate of the cost of trucking water.)

trucking not reasonable as there are no places to fill a water truck or labor to do so.

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S-87736

- d. Community or municipal water suppliers.

N/A

- e. Tying in to a neighboring property's spring.

N/A

- f. Transferring existing water rights to your proposed use(s).

N/A

Please identify any other alternate water sources you have considered, and why they are not feasible:

Stonehouse Creek is alternate trying to keep cattle off of creek area to protect degrading riparian areas. Trying to draw cattle to other end of seeding to utilize vegetation more evenly.

2. N/A If you are seeking a permit for **human consumption use**, would denial of your application result in loss of reasonable expectations for use of your property?

☐ Yes ☐ No ☐ NotApplicable

If so, please describe how:

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3. If you are seeking a permit for **livestock use**, is the proposed use necessary to prevent the livestock from watering in or along the stream bed?

☒ Yes ☐ No ☐ Not Applicable Cattle will be fenced off nearby creek to prevent riparian damage and draw cattle to use vegetation more evenly.

4. If you are seeking a permit for **livestock use**, have you excluded livestock from the stream and the adjacent riparian zone?

☒ Yes ☐ No ☐ Not Applicable

Applicant Signature Janet M. Munt Water Rights Specialist Burns Dist. BLM Date: _____

Applicant Signature John A. Erickson Date: 5-18-11

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Source #1 Barrel Springs
Filing jointly

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR. 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

REV. 11/20/03

SPRING DESCRIPTION SHEET

John + Donna Atkinson

1. Is the spring on the property owned by the applicant? YES ☒ NO ☐
2. If not, give name and address of legal owner: _____
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES ☒ NO ☐
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES ☒ NO ☐
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
 What is the maximum flow? *.0092 gpm*
 Is flow measured or estimated? MEASURED ☒ ESTIMATED ☐
6. Does the stream flowing from the spring form a well defined natural channel?
 YES ☐ NO ☒ *(through existing pipeline)*
7. Does the water flow off the lands on which it first arises? YES ☒ NO ☐
8. Give the name of the stream or other body of water into which the water from the spring flows: *N/A into trough only*
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: *30 ft*
10. Remarks: _____

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I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant *Janet O. Murt* Water Rights Specialist BLM
 Signature _____ Date *3/31/11*

Signature *John A. Atkinson* Date *5-19-11*

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S-87736



Source #2 Summit CK
Filing Jointly

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR. 97301-1271
(503) 986-0900
www.wrd.state.or.us

REV. 11/20/03

SPRING DESCRIPTION SHEET

John + Donna Atkinson

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1. Is the spring on the property owned by the applicant? YES ☒ NO ☐
2. If not, give name and address of legal owner: _____
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES ☒ NO ☐
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES ☒ NO ☐

5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?

What is the maximum flow? 0.0092 gpm
Is flow measured or estimated? MEASURED ☐ ESTIMATED ☒

6. Does the stream flowing from the spring form a well defined natural channel?
YES ☐ NO ☒

7. Does the water flow off the lands on which it first arises? YES ☐ NO ☒

8. Give the name of the stream or other body of water into which the water from the spring flows: N/A

9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: 20 ft

10. Remarks: _____

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I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant John + Donna Atkinson Signature John + Donna Atkinson Date 3/31/11

Signature John + Donna Atkinson Date 5-18-11

S-87736

20051473



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, ALBERT A. BROUGHTON and CONNIE L. BROUGHTON, husband and wife, Grantors, for and in consideration of the sum of ONE MILLION FOUR HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS paid by the Grantees, herein, do hereby grant, bargain, sell and convey unto JOHN R. ATKINSON and DONNA M. ATKINSON, husband and wife, Grantees, the following tract of land in the County of Harney and State of Oregon, more particularly described as follows:

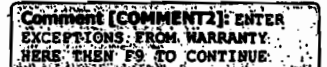
FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the granted premises unto the said Grantees, their heirs and assigns forever.

And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances EXCEPT,

1. Rights of the public in roads and highways.
2. Tax roll discloses the described land herein assessed as Farm Use Land & if disqualified additional tax, interest & penalties may be levied.
3. Mobile home on said premises subject to registration by Oregon Law.
4. Taxes for the year 2005-2006: A lien, not yet payable.
5. Easements, reservations and restrictions of record.

and that they will, their heirs, executors and administrators, shall Warrant and forever defend the granted premises against the lawful claims and demands of all persons, except as above stated.



WITNESS our Hand and Seal this 1st day of August, in the year Two Thousand and Five.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits

against Farming or Forest practice as defined in ORS 30.930

ALBERT A. BROUGHTON

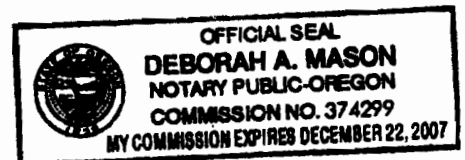
CONNIE L. BROUGHTON

STATE OF OREGON
COUNTY OF Douglas

BE IT REMEMBERED, that on this 1st day of August, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named ALBERT A. BROUGHTON and CONNIE L. BROUGHTON, acknowledged to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Deborah A. Mason
Notary Public for the State of Oregon
My Commission Expires: 12-22-07

—Space below for Recorder's use only—



Until a change is requested all tax statements should be sent to the following address:
John R. Atkinson & Donna M. Atkinson
2823 NW Kline Street
Roseburg, Or. 97470

After recording please return to:
John R. & Donna M. Atkinson
2823 NW Kline Street
Roseburg, Or. 97470

S-87736

STATE OF OREGON
County of Harney

I certify that the within instrument was received for record on this 1st day of August, 2005, at 1:34 PM and recorded Microfilm number 2005473.

By [Signature] Deputy
County Clerk

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SALEM, OREGON

20051473

Comment [COMMENT1]: WARRANT
DEED

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT, ALBERT A. BROUGHTON and CONNIE L. BROUGHTON, husband and wife, Grantors, for and in consideration of the sum of ONE MILLION FOUR HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS paid by the Grantees, herein, do hereby grant, bargain, sell and convey unto JOHN R. ATKINSON and DONNA M. ATKINSON, husband and wife, Grantees, the following tract of land in the County of Harney and State of Oregon, more particularly described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the granted premises unto the said Grantees, their heirs and assigns forever.

And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances EXCEPT,

1. Rights of the public in roads and highways.
2. Tax roll discloses the described land herein assessed as Farm Use Land & if disqualified additional tax, interest & penalties may be levied.
3. Mobile home on said premises subject to registration by Oregon Law.
4. Taxes for the year 2005-2006: A lien, not yet payable.
5. Easements, reservations and restrictions of record.

and that they will, their heirs, executors and administrators, shall Warrant and forever defend the granted premises against the lawful claims and demands of all persons, except as above stated.

Comment [COMMENT2]: ENTER
EXCEPTIONS FROM WARRANTY
HERE THEN PG. TO CONTINUE

WITNESS our Hand and Seal this 1st day of August, in the year Two Thousand and Five.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits

against Farming or Forest practice as defined in ORS 30.930

ALBERT A. BROUGHTON

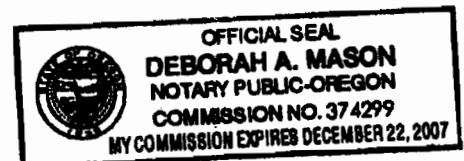
CONNIE L. BROUGHTON

STATE OF OREGON
COUNTY OF Douglas

BE IT REMEMBERED, that on this 1st day of August, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named ALBERT A. BROUGHTON and CONNIE L. BROUGHTON, acknowledged to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Notary Public for the State of Oregon
My Commission Expires: 12-22-07

-Space below for Recorder's use only-



Until a change is requested all tax statements should be sent to the following address:
John R. Atkinson & Donna M. Atkinson
2823 NW Kline Street
Roseburg, Or. 97470

After recording please return to:
John R. & Donna M. Atkinson
2823 NW Kline Street
Roseburg, Or. 97470

STATE OF OREGON
County of Harney
I certify that the within instrument was received for record on the 1st day of August, 2005 at 1:47 P.M. and recorded Microfilm number 20051473.
By [Signature] Deputy
County Clerk

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WATER RESOURCES DEPT
SALEM, OREGON

INST. #2005 1473

EXHIBIT "A"

LEGAL DESCRIPTION

LAND IN COUNTY OF HARNEY AND STATE OF OREGON

Township 24 South, Range 33 East, Willamette Meridian
Section 21: W $\frac{1}{2}$ SW $\frac{1}{4}$.

Township 28 South, Range 36 East, Willamette Meridian
Section 22: NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 28: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 32: E $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 33: W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
Section 34: NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 29 South, Range 36 East, Willamette Meridian
Section 4: Government Lots 2 and 3.
Section 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 23: E $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 24: SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$.

Township 30 South, Range 35 East, Willamette Meridian
Section 36: Government Lots 1 and 2, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Township 30 South, Range 36 East, Willamette Meridian
Section 18: E $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 19: E $\frac{1}{2}$ NE $\frac{1}{4}$.
Section 20: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 29: W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.
Section 30: Government Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$.
Section 31: Government Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$.

Township 31 South, Range 35 East, Willamette Meridian
Section 1: Government Lots 4, 5 and 12.
Section 2: Government Lots 1, 8, 9, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 3: Government Lots 32, 33, 34, 35, 36, 37, 38, 39, 40, S $\frac{1}{4}$.
Section 10: N $\frac{1}{4}$.
Section 11: N $\frac{1}{4}$.
Section 16: W $\frac{1}{2}$ SW $\frac{1}{4}$.
Section 17: E $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 25: NW $\frac{1}{4}$.
Section 30: NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.

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WATER RESOURCES DEPT
SALEM, OREGON

S-87736

INST. #2005 1473

EXHIBIT "A"

LEGAL DESCRIPTION

LAND IN COUNTY OF HARNEY AND STATE OF OREGON

Township 24 South, Range 33 East, Willamette Meridian
Section 21: W $\frac{1}{2}$ SW $\frac{1}{2}$.

Township 28 South, Range 36 East, Willamette Meridian
Section 22: NW $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 28: NE $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 32: E $\frac{1}{2}$ SE $\frac{1}{2}$.
Section 33: W $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$.
Section 34: NW $\frac{1}{2}$ SW $\frac{1}{2}$.

Township 29 South, Range 36 East, Willamette Meridian
Section 4: Government Lots 2 and 3.
Section 13: SE $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 23: E $\frac{1}{2}$ SE $\frac{1}{2}$.
Section 24: SW $\frac{1}{2}$ NW $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$, SW $\frac{1}{2}$.

Township 30 South, Range 35 East, Willamette Meridian
Section 36: Government Lots 1 and 2, N $\frac{1}{2}$, SW $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$.

Township 30 South, Range 36 East, Willamette Meridian
Section 18: E $\frac{1}{2}$ SE $\frac{1}{2}$.
Section 19: E $\frac{1}{2}$ NE $\frac{1}{2}$.
Section 20: SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{2}$.
Section 29: W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{2}$.
Section 30: Government Lots 1, 2, 3 and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$.
Section 31: Government Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{2}$.

Township 31 South, Range 35 East, Willamette Meridian
Section 1: Government Lots 4, 5 and 12.
Section 2: Government Lots 1, 8, 9, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 36, 37, W $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 3: Government Lots 32, 33, 34, 35, 36, 37, 38, 39, 40, S $\frac{1}{2}$.
Section 10: N $\frac{1}{2}$.
Section 11: N $\frac{1}{2}$.
Section 16: W $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 17: E $\frac{1}{2}$ SE $\frac{1}{2}$.
Section 19: SE $\frac{1}{2}$ SW $\frac{1}{2}$.
Section 25: NW $\frac{1}{2}$.
Section 30: NE $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{2}$.

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SALEM, OREGON

From Standard Application Completeness Checklist

Location of each diversion point, well or dam by reference to a recognized public land survey corner.

Barrel springs

754 feet North and 0 feet East of the SW corner of Section 16

Summit Creek

2303 feet West and 545 feet South of the NE corner of Section 30

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WATER RESOURCES DEPT
SALEM, OREGON

Application Supplement for Human Consumption & Livestock Uses

Question 1.

- a. Groundwater such as a well on yours or a neighbor's property. (If expense is the reason groundwater is not reasonable, please provide two estimates of the cost.)

A well in this area needs to be over 400 feet deep due to its location. There is no available power source to run a well as it is a remote area. It is not feasible to bring a well drilling truck or any other large equipment into this area.

Cost

\$ \$500 set up fee

\$ 45 a foot to drill X 400

\$ 15 a foot to case the well X 400

\$ 10,000 for pump

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: 6/2011

Date construction will be completed: 6/2012

Date beneficial water use will begin: 6/2012

SECTION 8: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

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SALEM, OREGON

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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SALEM, OREGON

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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WATER RESOURCES DEPT
SALEM, OREGON

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
Office of County Assessor – Harney County

Reference # 29175

Code Area 33-2

Map # 31 35

Tax Lot # 700

Acres 160.00

Legal Description	Date	Deed Recorded
Township 31 S., Range 35 E., W.M. Section 19: SE1/4SW1/4 Section 30: NE1/4NW1/4, W1/2NE1/4		
Fred Pollock & Vivian Pollock		
Vivian Pollock		93 672
B&S: Vivian Pollock to: The Pollock Family Limited Partnership	3/11/96	960590
WD: The Pollock Family Limited Partnership to: Wrench Ranch, LLC	6/24/02	20021199
WD: Wrench Ranch, LLC to: Albert A. Broughton & Connie L. Broughton, husband & wife (error on legal description) Corrected legal description	7/24/02 9/11/02	20021377 20021672
Well Ownership L 11273	10/7/04	20041804
WD: Albert A. Broughton & Connie L. Broughton, husband & wife to: John R. And Donna M. Atkinson	8/11/05	20051473
WD: John R. And Donna M. Atkinson to: John R. & Donna M. Atkinson Co-Trustee of the John R. & Donna M Atkinson Trust Dated November 10, 2004	1/5/06	20060030

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WATER RESOURCES DEPT
SALEM, OREGON

9-87736

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
Office of County Assessor – Harney County

Reference # 29174

Code Area 33-2

Map # 31 35

Tax Lot # 600

Acres 320.00

Legal Description

Date

Deed Recorded

Land in Harney County, Oregon, as follows:

Township 31 S., Range 35 E., W.M.

Section 16: W1/2W1/2

Section 17: E1/2E1/2

Fred Pollock & Vivian Pollock

Vivian Pollock

93 672

B&S: Vivian Pollock to:

The Pollock Family Limited Partnership

3/11/96

960590

WD: The Pollock Family Limited Partnership to:

Wrench Ranch, LLC

6/24/02

20021199

WD: Wrench Ranch, LLC to:

Albert A. Broughton & Connie L. Broughton, husband & wife

(error on legal description)

7/24/02

20021377

Corrected legal description

9/11/02

20021672

Well Ownership L 11273

10/7/04

20041804

WD: Albert A. Broughton & Connie L. Broughton, husband & wife to:

John R. And Donna M. Atkinson

8/11/05

20051473

WD: John R. And Donna M. Atkinson to:

John R. & Donna M. Atkinson Co-Trustee of the John R. & Donna

M Atkinson Trust Dated November 10, 2004

1/5/06

20060030

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SALEM OREGON

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