



**Oregon Water Resources Department  
Alternate Reservoir Application**

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Thursday, February 28, 2019

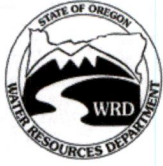
Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	40	\$1,400.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,330.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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

OWRD

Application for a Permit to  
**Store Water  
in a Reservoir**  
(Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

**Use a separate form for each reservoir**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

**1. APPLICANT INFORMATION**

Applicant: William Vogel  
First Last  
Mailing Address: PO Box 41  
Oakland OR 97462  
City State Zip  
Phone: 541-430-3021  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: 1rockingvranch@gmail.com

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

**2. AGENT INFORMATION**

**The agent is authorized to represent the applicant in all matters relating to this application.**

Agent: \_\_\_\_\_  
First Last  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip  
Phone: \_\_\_\_\_  
Home Work Other

Fax: \_\_\_\_\_ E-Mail Address\*: \_\_\_\_\_

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

**3. LOCATION AND SOURCE**

A. Reservoir Name: St. Hubert Reservoir

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.  
Source: Rain/Run-off/Spring Tributary to: Calapooya Creek

C. County in which diversion occurs: Douglas

App. No. <u>R-88753</u>	For Department Use
Permit No. _____	Date _____

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
24S	5W	36	SWNE	100

**E. Dam:** Maximum height of dam: 9'9" feet. If excavated, write "zero feet".

**F. Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 40 Acre-feet =  $\frac{(\text{Average Length})(\text{Average Width})(\text{Average Depth})}{43,560}$

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars)  Yes  No

**4. WATER USE**

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose

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**5. PROPERTY OWNERSHIP**

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

**Yes** (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

**No** (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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**6. ENVIRONMENTAL IMPACT**

- A. **Channel:** Is the reservoir:  in-stream or  off channel?
- B. **Wetland:** Is the project in a wetland?  Yes  No  Don't know
- C. **Existing:** Is this an existing reservoir?  Yes  No  
If yes, how long has it been in place? \_\_\_\_\_ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure?  Yes  No  Don't know  
If yes, how much? \_\_\_\_\_ miles.
- E. **Partnerships:** Have you been working with other agencies?  Yes  No  
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

**7. WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

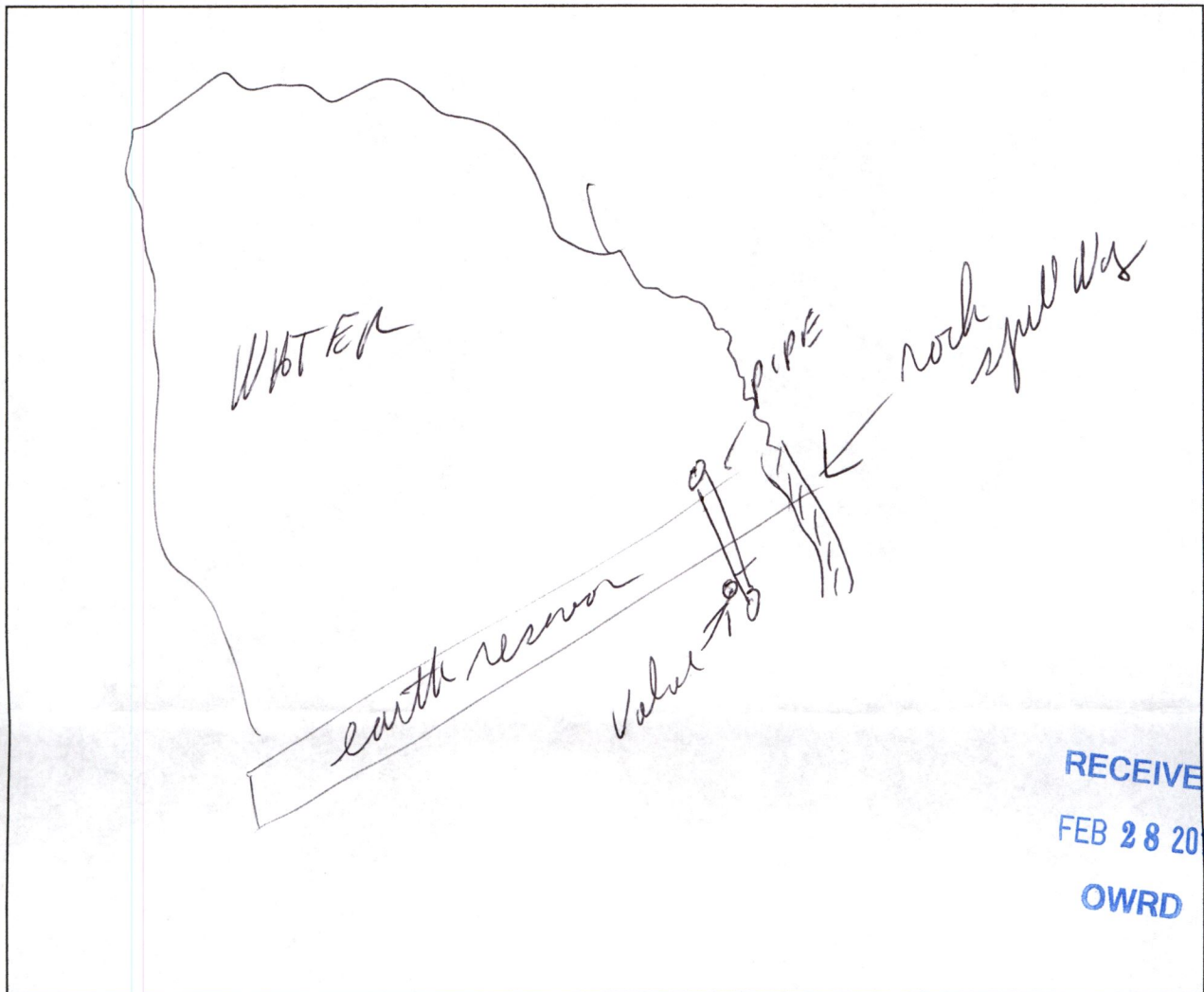
**8. DESCRIPTION**

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

*earth reservoir less than 10' height  
with rock covered spillway and  
draw pipe with valve*

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If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



**9. SIGNATURE**

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

*[Handwritten Signature]*  
\_\_\_\_\_  
Applicant Signature

*2/14/19*  
\_\_\_\_\_  
Date

**Before you submit your application be sure you have:**

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

# WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

**The review of alternate reservoirs is limited to these criteria only.**

Application #: R-

Applicant's Name:

*Vogel, William*

1) Does the proposed reservoir have the potential to injure existing water rights?

NO

YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

NO

YES

If YES, which conditions are recommended:

*NA*

3) Did you meet with staff from another agency to discuss this application?

NO

YES

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

*Susan Douthett*

Date:

*11/28/18*

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

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**NOTE: This completed form must be returned to the applicant**

# 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(s): William Vogel

Mailing Address: PO Box 41

City: Oakland

State: OR

Zip Code: 97462

Daytime Phone: 541-430-3021

## 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:
<u>24S.</u>	<u>5W.</u>	<u>36</u>	<u>SWNE</u>	<u>100</u>	<u>FF; F67</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Douglas County

## 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) \_\_\_\_\_

Estimated quantity of water needed: 40   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:   
 Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other Multipurpose Reservoir

Briefly describe:

Water is needed for a multi-purpose reservoir.

**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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Revised 2/8/2010

Land Use Information Form - Page 2 of 3

WR / FS

# 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): 3.5.075 (15) ; 3.3.075 (15)
- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> 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.

<u>R166533, R70572, R71314, R71328, R16464, R18288, + R119507</u> Zoned FF; FG <div style="text-align: right; margin-top: 10px;"><u>WS 19-0127</u></div>	<b>DOUGLAS COUNTY PLANNING DEPARTMENT</b> ROOM 106, JUSTICE BUILDING DOUGLAS COUNTY COURTHOUSE ROSEBURG, OR 97470
----------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------

Name: Robin Lambert Title: Duty Planner

Signature: *Robin Lambert* Phone: 541-440-4289 Date: 2-14-19

Government Entity: Douglas County Planning Department

**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: \_\_\_\_\_

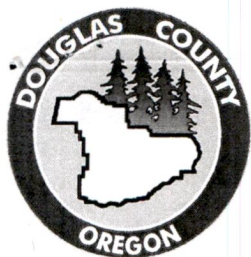
City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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# Douglas County

## Planning and Sanitation Pre-Application Worksheet

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### OTHER ACTION

Worksheet Number  <h2 style="margin: 0;">WS19-0127</h2>	Applicant <b>WILLIAM L VOGEL LIVING TRUST</b> PO BOX 41 OAKLAND, OR 97462 (541) 430-3021	Owner <b>WILLIAM L VOGEL LIVING TRUST</b> PO BOX 41 OAKLAND, OR 97462
---------------------------------------------------------------	------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------

### SITE INFORMATION

Site Address <b>3165 DRIVER VALLEY RD OAKLAND, OR 9746</b>	MTL <b>24-05W-36-00100</b>	Property ID Number (Primary) <b>R71314</b>	Size (Acres) <b>356.91</b>
Improvement <b>LUCS FOR OWRD (WATER RIGHTS/STORE WATER IN RESERVOIR)</b>		Proposed Use <b>Land Use Compatibility Statement</b>	
Existing Structures (Number and Type) <b>N/A</b>		Distance of Building Site from River, Creek, or Stream Bank <b>N/A</b>	
Directions <b>I-5 NORTH TO EXIT 138, RIGHT ONTO STEARNS LN, APPROX. 13 MILES TURN RIGHT ONTO OAK ST, OAK ST TURNS INTO DRIVER VALLEY RD, CONTINUE ON TO PROPERTY ON THE RIGHT HAND SIDE.</b>			

As, for, or on behalf of, all property owners:

APPLICANT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

### PLANNING DEPARTMENT INFORMATION

Zoning <b>FF;FG</b>	Overlays
------------------------	----------

#### SETBACKS (Farm-Forest)

Front Property Line of Right of Way <b>30 Feet</b>	Rear Line <b>10 Feet</b>	Side Line <b>10 Feet</b>	Exterior Side Line <b>N/A</b>
Sign Code <b>NO SIGN PROPOSED - N/A</b>	Special Setback <b>N/A</b>	Riparian Setback <b>50 FEET</b>	
Parking Spaces Required <b>N/A</b>	Building Height <b>None</b>	Flood Plain <b>No</b>	Floor Height Above Ground <b>N/A</b>

Conditions of Approval

**LAND USE COMPATABILITY STATEMENT- OREGON WATER RESOURCE DIV. FOR PERMIT TO USE OR STORE WATER IN RESERVOIR; LAND USE ACTION PERMITTED PER LUDO ARTICLE 3.5.075(15) & 3.3.075(15); NO STRUCTURAL DEVELOPMENT AUTHORIZED; MUST ACQUIRE ALL APPLICABLE PERMITS FROM REQUIRED AGENCIES.**

Sanitation <b>N/A</b>	Sanitary District	Water <b>N/A</b>	Access Permit Required? <b>NOT REQ'D</b>
--------------------------	-------------------	---------------------	---------------------------------------------

Report Codes

**NONSTRUCTURAL N/A N/A COUNTY ACCESS**

Refer To

**ASSESSOR RESOURCE REPORT**

Approved By: <b>RAL</b>	Date: <b>2/21/2019</b>	Receipt #:	Amount: <b>\$ 0.00</b>	Expiration Date: <b>2/20/2020</b>
----------------------------	---------------------------	------------	---------------------------	--------------------------------------

### SANITATION INFORMATION

SE#	STP#	Existing System	System:    Approved ___ Denied ___
Remarks			
By:	Date:	CSC Date:	

*R-88752*



**DOUGLAS COUNTY PLANNING & BUILDING**

Room 106, Justice Building  
Douglas County Courthouse, Roseburg, Oregon 97470  
Planning - (541) 440-4289  
Building - (541) 440-4559

Date Printed:  
2/21/2019  
1:18 pm

**Permit Number: RCPT19-0429**

Job Address: ,

Receipt: P32543

<b>Fee Description</b>	<b>Fee Amount</b>
LAND USE COMPATABILITY STATEMENT	\$165.00
<b>Total Fees Paid:</b>	<b>\$165.00</b>

Date Paid: **2/21/2019**

Paid By: **William & Jennifer Vogel**

Pay Method: **CHECK 1504**

Received By: **JANA SKY**

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# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Will Vogel, 3165 Driver Valley Rd, Oakland, OR 97464  
1 rockingvranch@gmail.com 541-430-3021

Reservoir Name: N/A Source: Spring/rain Volume (AF): \_\_\_\_\_

Twp Rng Sec QQ: 24S-5W-36 SWNE Basin Name: Calapooya  in-channel  
 off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

**This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.**

- 1) Is the proposed project and AO<sup>1</sup> off channel? .....  YES  NO  
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF<sup>2</sup> are or were historically present?.....  YES  NO  
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
  - a. Is there an ODFW-approved fish-passage plan?.....  YES  NO
  - b. Is there an ODFW-approved fish-passage waiver or exemption?.....  YES  NO

**If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.**

- 4) Would the proposed reservoir pose any other significant detrimental impact to an existing fishery resource?.....  YES  NO  
 .....  
*Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)*

- Any diversion or appropriation of water for storage during the period \_\_\_\_\_ through \_\_\_\_\_ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.
- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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<sup>1</sup> AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

R-88753

Conducted a site visit on September 14, 2018 to verify where the future pond was proposed. The site is in a flat area that is mostly hawthorne and some willow. It is out of the channel of a small unnamed trib, but not in the floodplain of Calapooya Creek. The landowner proposes conducting a 10 foot dam and allowing the pond to fill by run-off by two steep drawings. The construction of this pond shouldn't have any negative impacts to listed salmonid species, primarily coho salmon.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

NO (explain)

YES (select from Menu of Conditions on next page)

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ODFW Signature: Eric Himmelreich Print Name: Eric Himmelreich

ODFW Title: Habitat Restoration Biologist Date: 9/18/2018

**NOTE: This completed form must be returned to the applicant.**

Douglas County Official Records  
Patricia K. Hitt, County Clerk

2018-019630

12/13/2018 10:36:00 AM

DEED-CORR Cnt=1 Stn=17 RRHARRIS  
\$45.00 \$11.00 \$60.00

\$116.00

## DOUGLAS COUNTY CLERK



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# CERTIFICATE PAGE

**DO NOT REMOVE THIS PAGE FROM ORIGINAL  
DOCUMENT**

**THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED**

**RECORDING COVER SHEET** (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY  
THE COUNTY RECORDING OFFICE

**AFTER RECORDING RETURN TO:**

Western Title & Escrow Company  
2365 NW Kline Street, Suite 101  
Roseburg, OR 97471

**1. TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)

Statutory Warranty Deed

**2. DIRECT PARTY / GRANTOR(S)** ORS 205.125(1)(b) and 205.160

Burton C. Biss and Patricia K. Biss, Trustees of the Biss Living Trust, dated May 14, 2009  
& Burton C. Biss and Patricia K. Biss, as individuals

**3. INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160

William L. Vogel, Trustee of the William L. Vogel Living Trust, dated March 28, 2013 and Allison Vogel-Bochart and Jeremy Bochart

**4. TRUE AND ACTUAL CONSIDERATION**

ORS 93.030(5) - Amount in dollars or other

\$500,000.00       Other

**5. SEND TAX STATEMENTS TO:**

No Change

**6. SATISFACTION of ORDER or WARRANT**

ORS 204.125(1)(e)

CHECK ONE:     Full  
(If applicable)     Partial

**7. The amount of the monetary obligation imposed by the order or warrant.** ORS 205.125(1)(c)

\$ 0.00

**8. If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF WESTERN TITLE & ESCROW TO CORRECT THE GRANTOR AND THE LEGAL DESCRIPTION PREVIOUSLY RECORDED AS FEE NUMBER 2013-018861."**

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R-88753

Western Title & Escrow Company W T 104891 WD

Douglas County Official Records  
Patricia K. Hitt, County Clerk  
2018-018861  
11/28/2018 03:18:00 PM  
DEED-WD Cnt=1 Stn=17 RRHARRIS  
\$35.00 \$11.00 \$10.00 \$60.00 \$116.00

DOUGLAS COUNTY CLERK



CERTIFICATE  
PAGE

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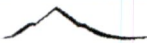
DO NOT REMOVE THIS PAGE FROM  
ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

After Recording Return to:  
Western Title & Escrow Company  
2365 NW Kline Street, Suite 101  
Roseburg, OR 97471

R-88753

RECORDING REQUESTED BY:

 **Western** Title & Escrow

2365 NW Kline Street, Suite 101  
Roseburg, OR 97471

**GRANTOR'S NAME:**

Biss Living Trust, dated May 14, 2009

**GRANTEE'S NAME:**

William L. Vogel, Trustee of the William L. Vogel Living Trust,  
dated March 28, 2013,  
Allison Vogel-Bochart and Jeremy Bochart, as tenants by the  
entirety

**AFTER RECORDING RETURN TO:**

**Order No.:** WT0164891-LKC  
William L. Vogel, Trustee of the William L. Vogel Living Trust,  
dated March 28, 2013 and Allison Vogel-Bochart and Jeremy  
Bochart, as tenants by the entirety  
PO BOX 41  
Oakland, OR 97462

**SEND TAX STATEMENTS TO:**

William L. Vogel Living Trust, dated March 28, 2013  
PO BOX 41  
Oakland, OR 97462

APN: R71314  
R66533

Map: 24-05W-36-00100  
24-04W-31-00200

\* and Burton C. Biss and Patricia K. Biss, as individuals

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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**STATUTORY WARRANTY DEED**

Burton C. Biss and Patricia K. Biss, Trustees of the Biss Living Trust, dated May 14, 2009,\* Grantor, conveys and warrants to William L. Vogel, Trustee of the William L. Vogel Living Trust, dated March 28, 2013, as to an undivided 75% interest and Allison Vogel-Bochart and Jeremy Bochart, as tenants by the entirety, as to an undivided 25% interest, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Douglas, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00). (See ORS 93.030).

**Subject to:**

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING**

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STATUTORY WARRANTY DEED

(continued)

THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: NOVEMBER 26, 2018

Biss Living Trust, dated May 14, 2009 and Burton C. Biss and Patricia K. Biss, as individuals

BY: Patricia K. Biss  
Patricia K. Biss

BY: Burton C. Biss  
Burton C. Biss

State of ALASKA  
County of MATANUSKA-SUSITNA

This instrument was acknowledged before me on NOVEMBER 26, 2018 by Burton C. Biss and Patricia K. Biss, Trustees of the Biss Living Trust, dated May 14, 2009.

Michelle Millette  
Notary Public - State of Alaska

My Commission Expires: 12/12/2020



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Exhibit A – Legal Description

The West half, Section 31, Township 24 South, Range 4 West, Willamette Meridian, Douglas County, Oregon.

The East half, The East half of the Northwest quarter, the East half of the East half of the Southwest quarter, Section 36, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

EXCEPTING those parcels sold to Douglas County, Oregon, Recorder's Nos. 212194 and 266155, Deed Records of Douglas County, Oregon.

ALSO LESS AND EXCEPTING THEREFROM the following: A parcel of land in the West half of Section 30, Township 24 South, Range 4 West, and the East half of Sections 25 and 36, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, and being more particularly described as follows: Beginning at the section corner common to Sections 30 and 31, Township 24 South, Range 4 West, and Sections 25 and 36, Township 24 South, Range 5 West, Willamette Meridian; thence North  $38^{\circ} 39' 42''$  West 342.58 feet to a 5/8 inch iron rod; thence South  $56^{\circ} 39' 45''$  West 1845.64 feet to a 5/8 inch iron rod; thence North  $28^{\circ} 10' 24''$  West 853.46 feet to a 5/8 inch iron rod on the southerly right of way line of County Road No. 22; thence along said right of way line, North  $57^{\circ} 43' 34''$  East 1282.34 feet to a 3/4 inch iron rod; thence North  $57^{\circ} 12' 30''$  East 380.86 feet to a 3/4 inch iron rod; thence along the arc of a 916.59 foot radius curve left (the long chord of which bears North  $55^{\circ} 04' 30''$  East 143.01 feet) to a 3/4 inch iron rod; thence North  $48^{\circ} 15' 35''$  East 421.72 feet to a 3/4 inch iron rod; thence South  $41^{\circ} 04' 58''$  East 10.00 feet to a 3/4 inch iron rod; thence along the arc of a 621.04 foot radius curve left (the long chord of which bears North  $25^{\circ} 01' 36''$  East 496.88 feet) to a 3/4 inch iron rod; thence North  $88^{\circ} 54' 04''$  West 10.00 feet to a 3/4 inch iron rod; thence North  $1^{\circ} 05' 56''$  East 494.85 feet to a 3/4 inch iron rod; thence along the arc of a 1412.00 foot radius curve right (the long chord of which bears North  $8^{\circ} 26' 20''$  East 354.62 feet) to a 3/4 inch iron rod; thence North  $15^{\circ} 31' 36''$  East 128.18 feet, more or less to the North line of the Northeast quarter of the Southeast quarter of said Section 25; thence Easterly along said north line to the west quarter corner of said Section 30; thence Easterly along the north line of the Northwest quarter of the Southwest quarter of said Section 30 to the northeast corner thereof; thence Southerly along the east line of the west half of the Southwest quarter of said Section 30, to the southeast corner of the southwest quarter of the Southwest quarter of said Section 30; thence Westerly along the south line of said Section 30, 1339.80 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM all that parcel of land which lies Northwesterly of Driver Valley County Road No. 22, being part of a larger parcel, which larger parcel is described as follows: The Southeast quarter, the East half of the Southwest quarter, Section 25 Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. The Northwest quarter of the Northeast quarter and the Northeast quarter of the Northwest quarter, Section 36, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

ALSO LESS AND EXCEPTING THEREFROM all of that parcel of land which lies Southwesterly of the centerline of Calapooya Creek, being part of a larger parcel, which larger parcel is described as follows: The West half of the Southeast quarter, the East half of the East half of the Southwest quarter, Section 36, Township 24 South, Range 5 West, Willamette Meridian, Douglas County, Oregon. The Northeast quarter; Lots 1 and 2; and that part of the East half of the Northwest quarter described as beginning at the quarter post between Sections 1 and 36; thence West 6 chains; thence South 9 chains; thence South

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3° East 10.50 chains; thence South 17° East 13.50 chains; thence South 12° East 8.36 chains to middle of Section; thence North 40 chains to place of beginning; in Section 1, Township 25 South, Range 5 West, Willamette Meridian, Douglas County, Oregon.

TOGETHER WITH that property conveyed by Bargain and Sale Deed, Recorder's No. 2002-00152, Records of Douglas County, Oregon.

EXCEPTING THEREFROM that property conveyed by Bargain and Sale Deed, Recorder's No. 2002-00153, Records of Douglas County, Oregon.

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**EXHIBIT "B"**  
Exceptions

**Subject to:**

1. The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: R71314 and R66533

2. The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: R66533

3. Rights of the public to any portion of the Land lying within roads and highways.

4. Any adverse claim based upon the assertion that:

a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Calapooya Creek, in the event the boundary of said Calapooya Creek has been artificially raised or is now or at any time has been below the high watermark, if said Calapooya Creek is in its natural state.

b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.

c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Calapooya Creek, or has been formed by accretion to any such portion.

5. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Calapooya Creek.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Calapooya Creek.

6. Reservations in favor of Oregon-California Railroad Company, including the terms and provisions thereof, as disclosed by Railroad Deed,

Recording Date: March 23, 1886  
Recording No.: Volume 17, Page 304  
(Affects portion in 25-05W-01)

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Easement  
In favor of: Pacific Telephone & Telegraph Company  
Purpose: as stated on document  
Recording Date: March 5, 1947  
Recording No: 61709 (Volume 136, Page 152)

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**EXHIBIT "B"**  
Exceptions

8. Reservation, exception or other severance of minerals, together with the implied or express appurtenant rights to use the surface of the land for the development or extraction of such minerals, contained in or disclosed by instrument,

In favor of: David R. Little and Reva D. Little  
Reservation of: see document for details  
Recording Date: May 29, 1980  
Recording No.: 80-7561

9. The Company makes no representation as to the present ownership of this interest or its encumbrances. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Easement  
In favor of: Douglas Electric Cooperative, Inc.  
Purpose: electric transmission and distribution lines  
Recording Date: December 21, 1982  
Recording No: 82-13697

10. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Right-of-Way Easement  
In favor of: Douglas Electric Cooperative, Inc.  
Purpose: electric transmission and distribution lines  
Recording Date: February 22, 1995  
Recording No: 95-3653  
Affects: Portion in 24-05W-25

11. The proposed transaction may be subject to statutory requirements for the partitioning or subdivision of land pursuant to Chapter 92 of Oregon Revised Statutes. Violation may subject parties to both civil and criminal penalties. Furthermore, title insurance policies do not provide coverage against violation of these statutes.

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# Oregon Water Resources Department Alternate Reservoir Application

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For impoundments less than 10 feet in height or storing less than 9.2 acre feet of water.

Today's Date: Thursday, February 14, 2019

Base Application Fee.		\$410.00
Proposed Dam Height in feet.	9.9	
Proposed Reservoir volume in Acre Feet.	40	\$1,400.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<a href="#">Recalculate</a>	
Estimated cost of Permit Application		\$2,330.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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