

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Groundwater	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING APPROVAL OF RECOGNITION
T-14269, Jackson County	)	OF A MODIFICATION IN POINT OF
	)	APPROPRIATION AND A MODIFICATION
	)	IN PLACE OF USE AS A REDESCRIPTION OF
	)	A GROUNDWATER REGISTRATION

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

ERICK CLEMENTS
3185 MADRONA LN
MEDFORD, OR 97501

Findings of Fact

1. On June 12, 2023, Erick Clements filed a groundwater registration modification application to modify the point of appropriation (POA) and to modify the place of use (POU) under Registration Application GR-2512 (Certificate of Registration GR-2379). The Department assigned the application number T-14269
2. On June 27, 2023, Registration Application GR-2512 (Certificate of Registration GR-2379) was partially assigned from Max A. Cramer and Sarah Kim Cramer to Erick Clements.
3. Notice of the application for groundwater registration modification was published on July 18, 2023, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

4. Registration Application GR-2512 (Certificate of Registration GR-2379) was originally filed with the Department on July 23, 1958, and describes the claimed place of use as 2.0 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon. A hand drawn figure was included in the statement highlighting the locations of Mr. Cramer's wells and property at the corner of Madrona Lane and Casino Road in Medford, Oregon.
- a) The portion of Registration Application GR-2512 (Certificate of Registration GR-2379) involved in this modification application describes the authorized POA and POU as 1.48 acres in Section 34, of T37S, R2W, WM, Jackson County, Oregon, being South of Madrona Lane and East of Casino Road. As shown on the registration modification map for T-14269, the POAs and POU for the wells are clearly located in the NE NE of Section 34 and to the South and West of the SE corner of DLC 75.
 - b) The DLC 75 corner and the common corner of Sections 26, 27, 34, and 35 are also included on Mr. Cramer's original hand drawn figure. The common corner shown on the map, though, is not truly located NW of Mr. Cramer's property at the intersection of Madrona Lane and Casino Road. It is, in fact, located North of the SE corner of DLC 75, while the distance from the SE corner of DLC 75 is correct in the original claim. While the distance is correct in the original claim, the POAs and POU are mistakenly assigned to the NW NW of Section 35 in the original claim based on this errant common corner location.
 - c) The applicant has provided additional information that indicates the use of water as described in Registration Application GR-2512 (Certificate of Registration GR-2379) was described incorrectly. The original registrant, Max Cramer, misidentified the section within which the POA and POU (NW NW, Section 35, T37S, R2W) were located in the claims for two wells on his property (Well #1 GR-2512 and Well #2 GR-2513). The reason for this registration modification application is to correct this mistake for the POA and POU to their correct locations (NE NE Section 34). This application is solely for a portion of GR-2512 since the original POU has been subdivided and Mr. Clements only owns a portion of the POU for Well #1 (GR-2512).
 - d) On August 13, 2024, a 1957 photograph of the place of use in question was obtained from the District 13 Watermaster, which identifies Casino Road running North-South along what appears to be the $\frac{1}{4}$ $\frac{1}{4}$ line separating the NW and NE $\frac{1}{4}$ of Section 34, T37S, R2W, WM, and shows the place of use within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34.
 - e) Based on the Jackson County Assessor's map, it appears that Casino Road runs North-South within Section 34, being west of the $\frac{1}{4}$ $\frac{1}{4}$ line common to Sections 34 and 35 but does not offer any assistance in identifying the existing use of water under Registration Application GR-2512 (Certificate of Registration GR-2379). The application map is consistent with the county Assessor's map in its portrayal of tax

lot and property lines. A review of additional information supports the retracement of reference points established or reestablished by government land surveyors. With the lack of any clear mapping of the use of the water as described in Registration Application GR-2512 (Certificate of Registration GR-2379), the Department concludes that the land to which the registration has always been appurtenant should be redescribed, consistent with the application map prepared by the Certified Water Rights Examiner, and is described in the tables below.

- f) The following table lists the point of appropriation and place of use as described in Registration Application GR-2512 (Certificate of Registration GR-2379) and a proposed redescription based on the findings above:

Original Description of Point of Appropriation						
Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
37 S	2 W	WM	35	NW NW	78	150 FEET SOUTH AND 825 FEET WEST FROM THE SE CORNER OF DLC 75

Proposed Redescription of Point of Appropriation						
Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
37 S	2 W	WM	34	NE NE	78	150 FEET SOUTH AND 825 FEET WEST FROM THE SE CORNER OF DLC 75

Original Description of Place of Use under Registration Application GR-2512 (Certificate of Registration GR-2379)					
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	2 W	WM	35	NW NW	2.0

Proposed Redescription of Place of Use					
IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	2 W	WM	34	NE NE	2.0

5. On June 17, 2025, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-14269 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of July 18, 2025, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the Groundwater Registration Modification.
6. The portion of the groundwater registration to be redescribed is as follows:

Registration: Application GR-2512 (Certificate of Registration GR-2379), in the name of MAX A. CRAMER and SARAH KIM CRAMER (*partially assigned to ERICK CLEMENTS*)

Use: IRRIGATION of 1.48 ACRES
Tentative
Priority Date: MARCH 1946
Quantity: 11.1 GALLONS PER MINUTE
Duty: 6.66 ACRE FEET PER YEAR
Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
37 S	2 W	WM	34	NE NE	78	150 FEET SOUTH AND 825 FEET WEST FROM THE SE CORNER OF DLC 75

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
37 S	2 W	WM	34	NE NE	1.48

Review Criteria for Groundwater Registration Modification Applications

[OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1), 690-380-2110(2), and 690-380-2200]

7. Due to an error made in the original registration statement, the applicant desires a formal recognition of the point of appropriation and place of use for the record.
8. On August 12, 2024, the Department determined the corrections being made in T-14269 are reasonable. The Jackson County Assessor's map clearly identifies Casino Road as running North-South within Section 34, T37S, R2W.
9. A redescription of Registration Application GR-2512 (Certificate of Registration GR-2379) appears warranted in order to recognize the actual location of the point of appropriation and place of use.
10. The Department has determined the need to more accurately describe the actual location of the point of appropriation and place of use under Registration Application GR-2512 (Certificate of Registration GR-2379).
11. As there is no physical change in the point of appropriation and place of use under Registration Application GR-2512 (Certificate of Registration GR-2379), there is no potential for injury or enlargement. Therefore, no conditions are necessary.
12. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
13. The proposed modifications would not result in enlargement of the registration.

14. The proposed modifications would not result in injury to other water rights.

15. All other application requirements are met.

Determination and Proposed Action

The modification in point of appropriation and modification (redescription) in place of use proposed in Groundwater Registration Modification T-14269 appears to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification (redescription) will be approved.

If Groundwater Registration Modification T-14269 is approved, the final order will include the following:

- 1. The redescription of the point of appropriation and place of use under Registration Application GR-2512 (Certificate of Registration GR-2379), proposed in Groundwater Registration Modification Application T-14269 is recognized. Recognition of the redescription shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 2. The modifications to Registration Application GR-2512 (Certificate of Registration GR-2379) proposed in Groundwater Registration Modification Application T-14269 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
- 3. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-2512 (Certificate of Registration GR-2379) and any related decree.*
- 4. Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation and the new place of use.*
- 5. The claimed place of use of the groundwater registration shall not receive water as part of the groundwater certificate of registration.*

Dated in Salem, Oregon on **SEP 30 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Kelly Starnes. If you have questions about the information in this document, you may reach me at 503 979-3511 or Patrick.K.Starnes@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-382-0900, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0800, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the groundwater registration application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0900, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-382-0900]. and include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$720 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$1425 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-382-0900(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-382-0100(8) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly

notice as prescribed by OAR 690-382-0900, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-382-0900. In accordance with OAR 690-382-1100, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

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www.oregon.gov/owrd

SEP 30 2025, 2025

ERICK CLEMENTS
3185 MADRONA LN
MEDFORD, OR 97501

VIA CERTIFIED MAIL AND E-MAIL

SUBJECT: Groundwater Registration Modification T-14269

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14269. This document is an intermediate step in the approval process; water may not be used legally as proposed in the groundwater registration modification application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice, whichever is later.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at Please don't hesitate to contact me at 503-871-1889 or Lisa.J.Jaramillo@water.oregon.gov if I may be of assistance.

Sincerely,

Corey Courchane
Allocation of Conserved Water
Transfer and Conservation Section

cc: GR Modification application file T-14269
Shavon L. Haynes, District 13 Watermaster (*via e-mail*)
Richard F. Parsons, agent for the applicant (*via e-mail*)

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