

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

In the Matter of Permit Amendment) FINAL ORDER
T-12887, Clackamas County) APPROVING A CHANGE IN POINT
) OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

CADMAN MATERIALS, INC.
NOEL BARNETT
8705 NE 117TH AVE
VANCOUVER, WA 98662

Findings of Fact

1. On April 3, 2018, CADMAN MATERIALS, INC.; NOEL BARNETT filed an application to change the point of appropriation under Permit G-15000. The Department assigned the application number T-12887.
2. On March 27, 2018, the Department approved an assignment of the permit from Pacific Rock Products LLC to Cadman Materials, Inc.
3. On December 11, 2015, the Department approved an extension of time for complete application of water to October 1, 2025.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on April 10, 2018, and in the Canby Herald newspaper on February 13, and 20, 2019, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. Permit Amendment Application T-12887 proposes to move the authorized point of appropriation approximately 1367 feet Northwest from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 E	WM	8	NE NW	50	OPEN PIT WELL 1 - 895 FEET SOUTH AND 1655 FEET EAST FROM THE NW CORNER OF SECTION 8

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Permit Amendment Review Criteria

- 6. The change would not result in injury to other water rights.
- 7. The change does not enlarge the permit.
- 8. The change does not alter any other terms of the permit.

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-12887 is consistent with the requirements of ORS 537.211.

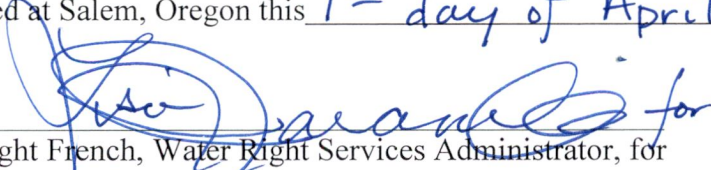
Now, therefore, it is ORDERED:

- 1. The change in point of appropriation proposed by Permit Amendment Application T-12887 is approved.
- 2. Permit G-18200, in the name of Cadman Materials, Inc., is issued to replace Permit G-15000, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-15000, in the name of CADMAN MATERIALS, INC., is no longer of any force or effect.
- 3. The quantity of water diverted at the new point of appropriation (Open Pit Well 1), shall not exceed the quantity of water lawfully available at the original point of appropriation (Open Pit Well 2) located:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 E	WM	8	SW NE	50	OPEN PIT WELL 2 – SOUTH 64 DEGREES 41 MINUTES 40 SECONDS EAST 3241.7 FEET FROM THE NW CORNER OF SECTION 8

- 4. Water shall be acquired from the same aquifer as the original point of appropriation.
- 5. All other terms and conditions of Permit G-18200 remain the same.

Dated at Salem, Oregon this 1st day of April, 2019.



 Dwight French, Water Right Services Administrator, for
 Thomas M. Byler, Director
 Oregon Water Resources Department

Mailing Date: APR 02 2019