



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

Application for Limited Water Use License

RECEIVED

SEP 12 2024

OWRD

License No.: LL-1967

Applicant Information

NAME	John and Diane Kilkenny			PHONE (HM)	541.676.9910
PHONE (WK)	CELL			541.969.5314	FAX
ADDRESS	79074 Hwy 74				
CITY	Heppner	STATE	OR	ZIP	97836
E-MAIL *		kilkennyjo@gmail.com			

Agent Information

NAME	Rory Kilkenny			PHONE	541.256.0037	FAX
ADDRESS	2621 2nd Ave					CELL
CITY	Seattle	STATE	WA	ZIP	98121	E-MAIL *
rkilkenny@entact.com						

I (We) make application for a Limited License to use or store the following described surface waters or groundwater – not otherwise exempt, or to use stored water of for a use of a short-term or fixed-duration:

- SOURCE(S) OF WATER:** MORR206 - Well a tributary of Kilkenny Fork
- AMOUNT OF WATER** to be diverted; 150 gpm
Maximum and instantaneous rate (cubic feet or gallons per minute):
Total volume (gallons or acre-feet): 500 acre-feet. If water is to be used from more than one source, give the quantity from each:

3. **INTENDED USE(S) OF WATER:** (check all that apply)

- ☒ Road construction or maintenance
☒ General construction
☐ Forestland and rangeland management; or
☐ Other:

4. **DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

Water to be used for the proposed Wheatridge East Wind Farm. Water will be sourced from existing well MORR206. Water will be pumped into storage tanks approximately 400 feet away to be used as dust suppression and for compaction of gravel associated with wind farm road construction.

5. **PROJECT SCHEDULE:** (List day, month, and year)

Date water use will begin: May 1, 2024

Date water use will be completed: April 30, 2029

Months of the year water would be diverted and used: Year round

If for other than irrigation from stored water, how and where will water be discharged after use:

Water to be used on road construction.

John Kilkenny *Diane Kilkenny*

Applicant Signature

John Diane Kilkenny

Print Name and title if applicable

2-6-24

Date



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Applicant Information

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4. **DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

Water to be used for the proposed Heppner Wind Farm and Wheatridge East Wind Farm. Water will be sourced from existing well MORR206. Water will be pumped into storage tanks approximately 400 feet away to be used as dust suppression and for compaction of gravel associated with wind farm road construction.

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Water to be used on road construction.

John Kilkenny Diane Kilkenny

Applicant Signature

John Diane Kilkenny

Print Name and title if applicable

2-6-24

Date

Superseded

PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is \$280 for the first point of diversion plus \$30 for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

Failure to provide any of the required information will result in return of your application. The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

**A summary of review criteria and procedures that are generally applicable to these applications is available at:
<http://www.oregon.gov/owrd/pages/pubs/forms.aspx>*

Mapping Requirements (OAR 690-340-0030):

(1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:

- a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
 - ii. The general course of the source for the proposed use, if applicable;
 - iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

REMARKS:

Received by OWRD

FEB 22 2024

Salem, OR

For WRD Use Only

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date
of well completion.

Hepner, Oreg (From Cnd)

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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NOV 8 7 1973

STATE ENGINEER

SALEM, OREGON

State Well No.

State Permit No.

G6837

(1) OWNER:

Name Jack Bauer Don Greenup
Address _____

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
Cable ☐ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

8" Diam. from 0 ft. to 0.3 ft. Gage 277
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No.

Type of perforator used _____

Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom?

gal./min. with ft. drawdown after hrs.
" " " "
" " " "
" " " "
Air
Batter test 400 gal./min. with 12 ft. drawdown after 1 hrs.

Artesian flow g.p.m.
Temperature of water 60° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used PORTLAND CEMENT
Well sealed from land surface to 22 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal 12 sacks
Number of sacks of bentonite used in well seal 0 sacks
Brand name of bentonite _____
Number of pounds of bentonite per 100 gallons
of water _____ lbs./100 gals.
Was a drive shoe used? ☐ Yes ☒ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Maryon Driller's well number 46
NW 1/4 SW 1/4 Section 29 T. 2S R. 28E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 69 ft.
Static level 12 ft. below land surface. Date 10-11-73
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8

Depth drilled 197' ft. Depth of completed well 197 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL	0	5	
GRAVEL	5	17	
Black BASALT	17	69	
Black PEASLT w/GREEN	69	160	
SOAP STONE & IRON			
PYRITE ALL WATER			
BEARING			12'
BLACK BASALT	160	197	
Received by OWRD	82	95	86
	95	100	156
FEB 22 2024	100	101	246
	100	102	306
Salem WDR	102	111	406
	111	114	606
	114	126	606
	126	135	1006
	135	160	4006

Work started 10-9 1973 Completed 10-12 1973
Date well drilling machine moved off of well 10-12 1973

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.

[Signed] Jan Gillespie Date 10-12, 1973.
(Drilling Machine Operator)

Drilling Machine Operator's License No. 836

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is
true to the best of my knowledge and belief.

Name LARRY BIRD WELL DRILLING
(Person, firm or corporation) (Type or print)

Address PO BOX 417 Pendleton Ore

[Signed] Larry Bird
(Water Well Contractor)

Contractor's License No. 544 Date 10-12, 1973

This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: John & Diane Killkenney Limited License Number: LL-1967

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

☒ Yes

☐ No

If yes, please explain:

Annual regulation for downstream seniors, early season calls for Cal Farms ~ River mile (RM) 15 (1897), late season call for McElligott ~ RM 36.8 (1878)

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

☐ Yes

☐ No

I defer any ground water availability to the GW section.

3. Do you observe this stream system during regular fieldwork?

☒ Yes

☐ No

If yes, what are your observations for the stream?

Seasonably variable with large flows up to 10 CFS in runoff conditions causing field erosion, to low flow or dry conditions in the late season.

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

To be determined by GW review. ☐ Yes ☐ No ☐ N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

Totalizing flow meter with instantaneous readout in CFS or GPM with a capacity of two years of accumulated use.

Dedicated measuring tube for easy static measurements.

5. Any other recommendations you would like to make?

If the GW review comes back deficient, the client is willing to forgo use of certificate C-53474 as mitigation if necessary.

Signature Kenneth C. Thiemann Jr. WM District #: 21 Date: 1/9/2024

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WTR

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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **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.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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MAILING ADDRESS 79074 Hwy 74				
CITY Heppner	STATE OR	ZIP 97836	EMAIL kilkennyjo@gmail.com	

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A. Land and Location

OWRD

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:
25	28E	29	NW/S W	1302		☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

--

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 400 ☐ 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 _____

Briefly describe:

Water to be pumped from existing well to storage station approximately 600 feet away, and then pumped into water trucks to be used for dust suppression and compaction on new gravel roads for wind developments.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

For Local Government Use Only

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Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

OWRD

☒ Land uses to be served by the proposed water use(s), 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:	
Oregon Department of Energy Site Certificate Wheatridge Renewable Energy Facility East	see EFSC site certificate	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
Conditional Use Permit	CUP-369-24	☒ 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 Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

WREFE is an approved wind energy project located on a 14,640-acre site boundary in Morrow and Umatilla Counties. Applicable properties approved for the use are identified in the EFSC site certificate (attached).

Name: Daisy Goebel Title: Principal Planner

Signature: [Signature] Date: 09-05-24

Governmental Entity: Morrow County Phone: 541-922-4624

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

Land Use Information Form



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Salem, OR

superse-12d

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MAILING ADDRESS 79074 Hwy 74					
CITY Heppner		STATE OR	ZIP 98121	EMAIL kilkennyjo@gmail.com	

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Morrow

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See Page 4 →

Superseded

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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:	
MORROW COUNTY CONDITIONAL USE PERMIT (CUP)		☐ Obtained ☐ Denied	☒ Being Pursued ☐ Not Being Pursued
OREGON DEPARTMENT OF ENERGY SITE CERTIFICATE		☐ 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.

MORROW COUNTY WILL ISSUE A CUP, UPON APPROVAL OF A SITE CERTIFICATE FROM OREGON DEPARTMENT OF ENERGY. THE ORIGINAL COUNTY CUP, CUP-N-328 HAS EXPIRED, APPLICANT IS PURSUING AN AMENDED CUP.

Name: WRECCICKS, STEPHEN

Title: ASSOCIATE PLANNER

Signature: _____

Phone: 503.922.4624

Date: 13 DEC 2023

Government Entity: MORROW COUNTY PLANNING DEPARTMENT

*AMENDED FEB 02, 2024, INFORMATION STILL ACCURATE SD - WRECCICKS, STEPHEN

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: _____

Received by OWRD

FEB 22 2024

Salem, OR

LA-1967

Superseded