



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

License No.: LL-2004

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	WA	ZIP	97836
E-MAIL *				kilkennyjo@gmail.com	

Agent Information

NAME	Rory Kilkenny			PHONE	541.256.0037	FAX
ADDRESS					339 23rd Ave E	
CELL						
CITY	Seattle	STATE	WA	ZIP	98112	E-MAIL *
rkilkenny@entact.com						

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

1. **SOURCE(S) OF WATER:** MORR206 - Well a tributary of Kilkenny Fork
2. **AMOUNT OF WATER** to be diverted; 180 gpm
Maximum and instantaneous rate (cubic feet or gallons per minute): _____
Total volume annually (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: _____

RECEIVED

MAY 29 2025

OWRD

4. **IF THE INTENDED USE OF WATER IS FOR IRRIGATION, ONE OF THE FOLLOWING MUST APPLY:** (check one of the following)

- ☐ Irrigation if the sole purpose of the use is to provide water necessary to establish a crop for which no further irrigation will be required after the crop is established. ORS 537.143 (6)(a).
☐ Irrigation if the use of water under the limited license is for the use of stored water consistent with the purposes for which the stored water is authorized and the use of water is authorized by a contract between the user and a local, state or federal government. ORS 537.143 (9).

5. **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:

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

Date water use will begin: Jan 1, 2026

Date water use will be completed: 4.30.29 year round

Months of the year water would be diverted and used: _____

Water to be used for the proposed Heppner Wind Farm. Water will be pumped from the existing well MORR206 utilizing an existing 20 horsepower pump through below grade PVC pipe into a storage tank approximately 400 feet away from the well to support the construction of gravel roads.



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ADDRESS 79074 Hwy 74					
CITY	Heppner	STATE	WA	ZIP	97836
E-MAIL *				kilkennyjo@gmail.com	

Agent Information

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- AMOUNT OF WATER** to be diverted; 180 gpm
Maximum and instantaneous rate (cubic feet or gallons per minute): _____
Total volume annually (gallons or acre-feet): 500 acre-feet. If water is to be used from more than one source, give the quantity from each: _____

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

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☐ Irrigation if the use of water under the limited license is for the use of stored water consistent with the purposes for which the stored water is authorized and the use of water is authorized by a contract between the user and a local, state or federal government. ORS 537.143 (9).

5. 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:

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

Date water use will begin: Jan 1, 2026

Date water use will be completed: 4 30 29

Months of the year water would be diverted and used: _____

Water to be used for the proposed Heppner Wind Farm. Water will be pumped from the existing well MORR206 utilizing an existing 20 horsepower pump through below grade PVC pipe into a storage tank approximately 400 feet away from the well to support the construction of gravel roads.

super sealed

If for other than irrigation from stored water, how and where will water be discharged after use:
Water to be used for compaction of aggregate and dust suppression on roads. Discharge will be on said roads

John Kilkenny Diane Kilkenny

John and Diane Kilkenny

5.19.25

Applicant Signature

Print Name and title if applicable

Date

John Kilkenny

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.

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.

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MAY 23 2025

OWRD

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

Happner, Oreg (From Cnd)

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

NOV 8 7 1973

STATE ENGINEER
SALEM, OREGON

State Well No.

Permit No. 66837

BLS 10

25/28E-29

(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 2.77
" 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 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 2.2 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 Morrow Driller's well number 46
NW 1/4 SW 1/4 Section 29 T. 2S R. 38E 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 BASALT 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 OREGON	102	111	406
Received	111	114	606
	114	126	606
MAY 23 2025	126	135	1006
	135	160	4006

OWRD
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 Chellie 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 Kilkenny

Limited License Number: LL-2004

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 to the ground water section review for water availability

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?

I defer to the ground water section review for water availability

☐ 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?

Signature Kenneth C. Thiemann Jr. WM District #: 21 Date: 5/15/2025

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Received
MAY 23 2025

OWRD

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.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Received
MAY 23 2025

OWRD

NAME John and Diane Kilkenny			PHONE 541.969.5314		
MAILING ADDRESS 79074 HWY 74					
CITY Heppner		STATE OR	ZIP 97836	EMAIL kilkennyjo@gmail.com	

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:
25	28E	29	NW/	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:

Morrow County

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

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

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.

Received
MAY 23 2025

Please check the appropriate box below and provide the requested information

OWRD

- ☐ 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): _____
- ☒ 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:	
Conditional Use Permit for Wind Farm	M.C. 20.3010(F)	☐ 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 Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Non-farm water use is permissible for construction projects permitted by county or state.

Name: Lamara J. Mohbett Title: Planning Director
 Signature: [Signature] Date: 5-16-25
 Governmental Entity: Morrow Co. 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: _____

Approved:



MEMO

To: Kristopher Byrd, Well Construction Manager
From: Tommy Laird, Well Construction Program Coordinator
Subject: Rereview of Water Right Application LL-1967
Date: September 4, 2024

The attached application was forwarded to the Well Construction Section by the Groundwater Section. Josh Hackett reviewed the application. Please see Josh's Groundwater Review and the Well Report.

Applicant's Well #1 (MORR 206): Based on a review of the Well Report and on additional photos and a site visit, Applicant's Well #1 seems to protect the groundwater resource.

The construction of Well #1 may not satisfy hydraulic connection issues.

Received
MAY 23 2025
OWRD

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

Heppner, Oreg (From Cnd)

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

RECEIVED

NOV 8 7 1973

STATE ENGINEER
SALEM, OREGON

State Well No.

State Permit No.

G6837

BUB 56

25/28E-29

(1) OWNER:

Name Jack Baker 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 levelWas a pump test made? ☐ Yes ☐ No If yes, by whom?

gal./min. with ft. drawdown after hrs.

" " " "

" " " "

Pump 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 MORRIS 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 BASALT w/GREEN	69	160	
SOAP STONE & IRON			
PYRITE ALL WATER			
BEARING			12'
BLACK BASALT	160	197	
	82	95	86
	95	100	156
	100	101	246
	100	102	306
	102	111	406
WATER	111	114	606
OWRD	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 Phillips 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

Groundwater Application Review Summary Form

Application # LL- 1967

GW Reviewer Josh Hackett Date Review Completed: 8/26/2024

Summary of GW Availability and Injury Review:

☐ Groundwater for the proposed use is either over appropriated, will not likely be available in the amounts requested without injury to prior water rights, OR will not likely be available within the capacity of the groundwater resource per Section B of the attached review form.

Summary of Potential for Substantial Interference Review:

☐ There is the potential for substantial interference per Section C of the attached review form.

Summary of Well Construction Assessment:

☐ The well does not appear to meet current well construction standards per Section D of the attached review form. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations and for conditions that may be necessary for a permit (if one is issued).

Received
MAY 23 2025
OWRD

WATER RESOURCES DEPARTMENT

MEMO

August 26, 2024

TO: Application LL- 1967

FROM: GW: Josh Hackett
(Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

- ☐ YES The source of appropriation is hydraulically connected to a State Scenic
☒ NO Waterway or its tributaries

- ☐ YES
☒ NO Use the Scenic Waterway Condition (Condition 7J)

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- ☐ Per ORS 390.835, the Groundwater Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below
- ☐ Per ORS 390.835, the Groundwater Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway**

DISTRIBUTION OF INTERFERENCE

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in [Enter] Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date August 26, 2024
 FROM: Groundwater Section J. Hackett
 SUBJECT: Application LL- 1967 Supersedes review of _____

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Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review groundwater applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.*

A. GENERAL INFORMATION: Applicant's Name: John and Diane Kilkenny County: MORR

A1. Applicant(s) seek(s) 0.334 (total 0.894 stacked) cfs from 1 well(s) in the Umatilla Basin,
 _____ subbasin

A2. Proposed use Road Construction and Maintenance, General Construction Seasonality: Year Round

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

POA Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	MORR 206	1	Basalt	*0.894 (0.334 + 0.560)	2S/28E-29 NWSW	2980' S, 4640' W fr SE cor S 29
2						
3						
4						

* Alluvium, CRB, Bedrock

POA Well	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Drawdown (ft)	Test Type
1	197	0-22	0-23			400		A
2								
3								
4								

POA Well	Land Surface Elevation at Well (ft amsl)	Depth of First Water (ft bls)	SWL (ft bls)	SWL Date	Reference Level (ft bls)	Reference Level Date
1	2719	69	12	10/11/1973		
2						
3						
4						

Use data from application for proposed wells.

A4. **Comments:** *The proposed POA (MORR 206) is authorized under valid water right Certificate 53474. The maximum rate under Certificate 53474 is 0.560 cubic feet per second (cfs). For the purposes of this application review, the combined use in the well will be analyzed, 0.334+ 0.560 cfs = 0.894 cfs.

Water will be used for the proposed Heppner Wind Farm and Wheatridge East Wind Farm. Water will be pumped into storage tanks approximately 600 feet from the well and will be used for dust suppression and compaction of gravel associated with wind farm road construction.

A5. ☒ **Provisions of the** Umatilla Basin rules relative to the development, classification and/or management of groundwater hydraulically connected to surface water ☒ **are**, or ☐ **are not**, activated by this application. (Not all basin rules contain such provisions.)

Comments: The POA is located within the City of Heppner 5 mile municipal well boundary.

From 690-507-0070 3d(C) Groundwater from the basalt reservoir in a five-mile radius around any municipal well of the cities of Heppner, Helix, Lone, Lexington, and Pendleton is classified for municipal, group domestic and statutorily exempt groundwater uses (see definition) only. Other uses may be permitted if it is documented that a barrier to groundwater movement separates a proposed well from municipal wells and there will be no interference with municipal wells.

Applications for other uses of groundwater within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.

Name of administrative area: N/A

Comments: _____

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B. GROUNDWATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that groundwater* for the proposed use:

- a. ☐ is over appropriated, ☒ is not over appropriated, or ☐ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the groundwater portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☒ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the groundwater portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☒ will likely to be available within the capacity of the groundwater resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing groundwater rights or to the groundwater resource:
 - i. ☐ The permit should contain condition #(s) 7RLN; medium water use reporting;
 - ii. ☐ The permit should be conditioned as indicated in item 2 below.
 - iii. ☐ The permit should contain special condition(s) as indicated in item 3 below;

- B2.
- a. ☐ Condition to allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☐ Condition to allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ☐ Condition to allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Groundwater Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

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- B3. **Groundwater availability remarks:** The applicant's well (MORR 206) is in an area that contains lava flows of the Grande Ronde Basalt Formation of the Columbia River Basalt Group from land surface to a depth of 2000 to 2500 feet. The well is 197 feet deep and is open to water-bearing zones between 82-160 feet below land surface. Water levels in nearby wells appear relatively stable (see attached hydrograph).

Within the CRBG, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) at the contacts between lava flows. The interiors of the basalt flows generally have low porosity and permeability and act as confining beds. This geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors). The low permeability of the basalt flow interiors probably limits the natural vertical connection between overlying aquifers.

Groundwater level data in the area is sparse, however, water levels in city of Heppner wells (wells with long-term data records) appear relatively stable.

The stacked rate in MORR 206 would be approximately 430 gallons per minute (gpm). Well statistics for the area indicate a maximum well yield of 500 gpm with a median of 100 gpm. During the drilling process, a bailer test resulted in a yield of 400 gpm at MORR 206. Therefore, it is likely that the requested stacked rate will be in the capacity of the resource (See Well Statistics).

Well density in the area is low, so water is likely to be available without injury to other water rights in the immediate vicinity.

The applicant's well is located within 5 miles of all city of Heppner wells (Well #1 (MORR 317), Well #2 (MORR 312), Well #3 (MORR 189), Well #4 (MORR 304), and Well #5 (MORR 245)) and is therefore subject to OAR 690-507-0090(3)(b)(C) which precludes new appropriation from the basalt aquifer utilized by the city of Heppner's wells unless a hydrogeologic barrier separates the proposed well from the City's wells. As shown on the well location map (see attached map), City of Heppner Well #5 (MORR 245) is located across a northwest trending geologic fault that acts as a barrier to groundwater flow between it and MORR 206. Evidence of the barrier is manifest in water levels in the wells (see attached hydrograph). The water level elevation in MORR 206 is more than 500 feet higher than the water level elevation in MORR 245. This difference in water level elevations indicates the wells produce from different aquifers. Water level elevations also indicate that MORR 206 produces from a different aquifer than city of Heppner wells #1 (MORR 317), #3 (MORR 189), and #4 (MORR 304). The water level elevation in MORR 206 is approximately 150 feet lower than the water level elevation in MORR 317, 150 feet higher than MORR 304, and more than 500 feet higher than MORR 189 (see attached hydrograph). Although not separated by geologic structures, the significant water level differences between MORR 206 and these city of Heppner wells suggests they do not produce from the same aquifer. Similar water level elevations in MORR 206 and city of Heppner Well #2 (MORR 312) suggest they produce from the same aquifer. As a result, MORR 206 is subject to OAR 690-507-0090(3)(b)(C).

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C. GROUNDWATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	CRBG	☒	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: The water level in the well rose above the elevation which it was encountered.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Kilkenny Fork	2400-2750	2500 - 2800	900	☐	☒	☐	☐	☐
1	2	Hinton Creek	2400-2700	2500-2600	8000	☒	☐	☐	☐	☒
		Willow Creek	2400-2700	2200-2700	16000	☒	☐	☐	☐	☒
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: The applicant's well is not located within 1 mile of nearby perennial surface water sources. The nearest surface water source, Kilkenny Fork, is a non-perennial creek that collects runoff from surrounding uplands. The well is likely in limited hydraulic connection with perennial streams Hinton Creek and Willow Creek. However, stream depletion impacts to these creeks was not evaluated because there is no model readily available that can appropriately estimate impacts from wells that produce from stratiform basalt aquifers.

Water Availability Basin the well(s) are located within: HINTON CR > WILLOW CR - AT MOUTH

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water (SW) source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that SW source, not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

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C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: The well is likely in limited hydraulic connection with perennial streams Hinton Creek and Willow Creek. However, stream depletion impacts to these creeks was not evaluated because there is no model readily available that can appropriately estimate impacts from wells that produce from stratiform basalt aquifers.

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation: N/A

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D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not appear to meet current well construction standards based upon:**

- a. ☐ review of the well log;
- b. ☐ field inspection by _____;
- c. ☐ report of CWRE _____;
- d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency or other comment is described as follows:** _____

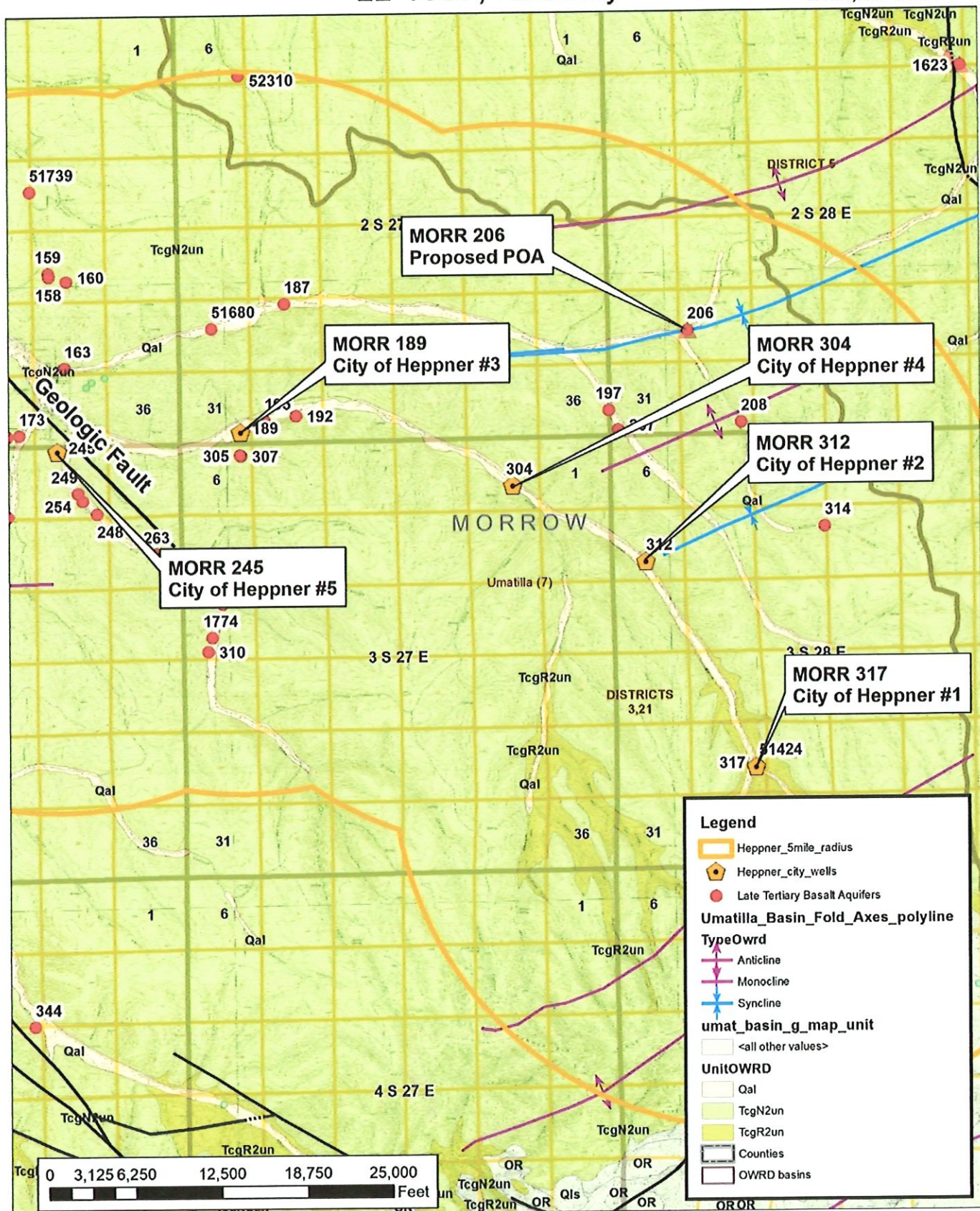
D4. ☐ Route to the Well Construction and Compliance Section for a review of existing well construction.

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Well Location Map

LL-1967, Kilkenny

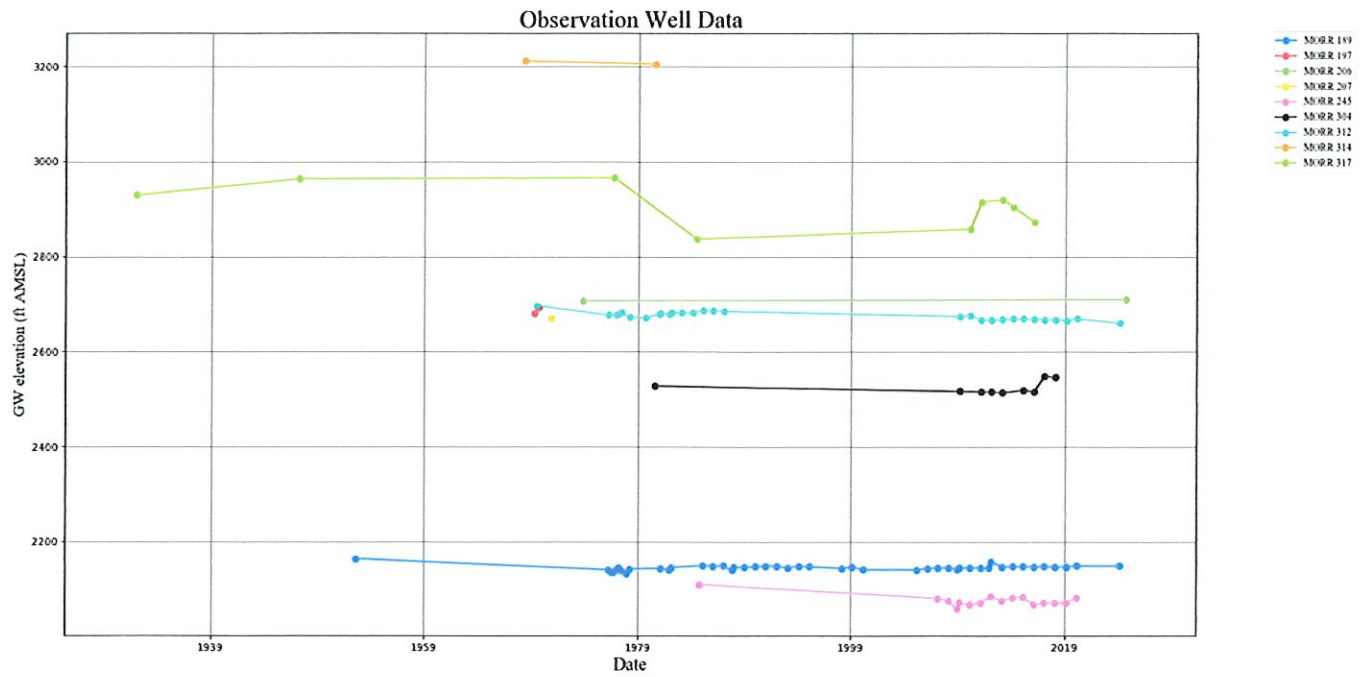
1:100,000 scale



Version: 10/24/2023

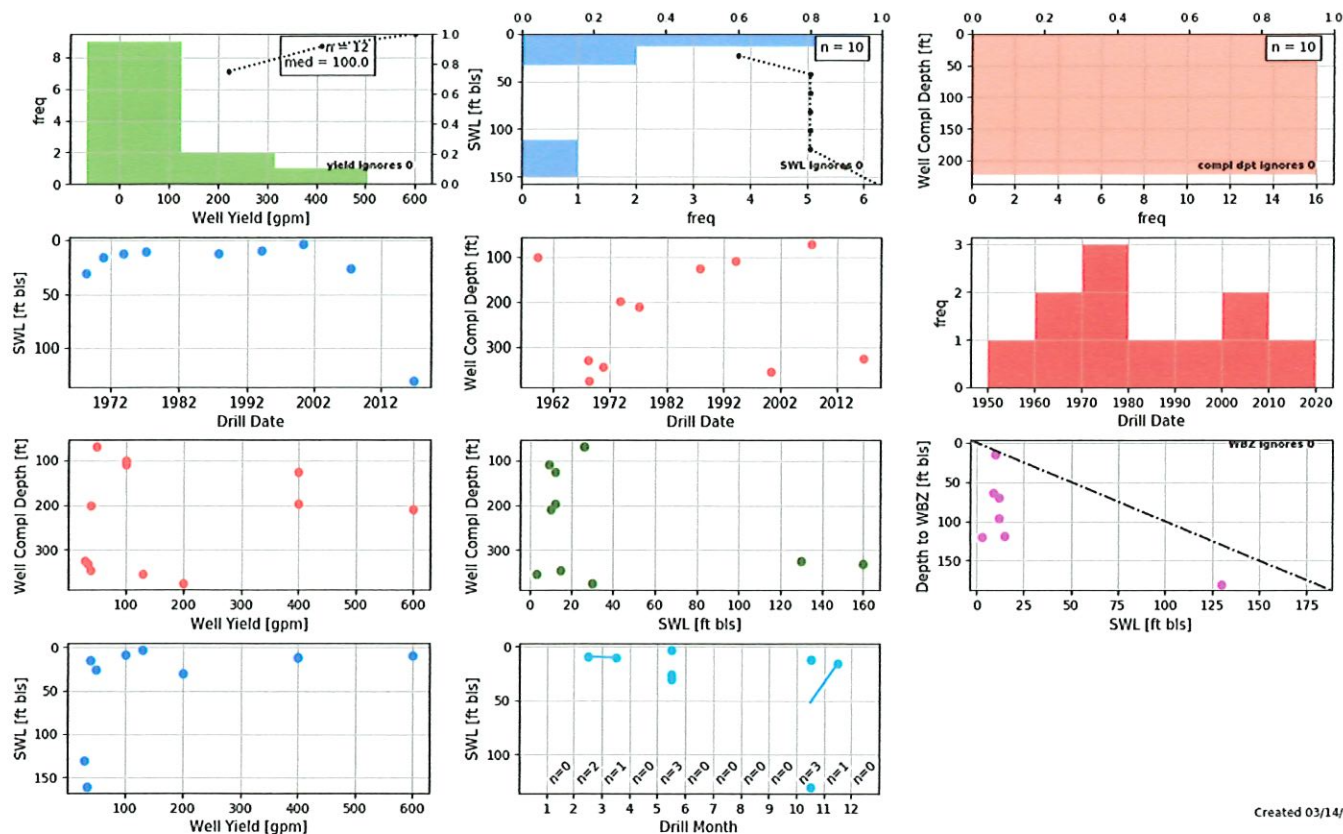
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Water-Level Measurements in Nearby Wells

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Well Statistics



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City Of Heppner

Gateway to the Blues

111 N. Main Street – P.O. Box 756

Heppner, Oregon 97836-0756

541-676-9618 – manager@cityofheppner.org

August 30, 2024

To Whom It May Concern:

This letter is in regards to Mr. John Kilkenny's application to transfer his use of an irrigation water right so the water may be used to supply construction for the Wheatridge Renewable Energy Facility East (WREFE.)

Per OAR 690-507-0090 Section 3-C, due to Mr. Kilkenny's well being within a five-mile radius of a municipal well, the applicant must receive an affirmation that the affected city is in favor of the proposed appropriation. The wells are approximately 3.2 miles apart. The City of Heppner has a Water System Master Plan (WSMP,) dated 2002. The City of Heppner is in the final development stages of a new Water System Master Plan, with a completed/accepted/certified date expected no later than December 31, 2024. (WSMP development schedule was delayed due to COVID-19.)

The City of Heppner consulted Anderson Perry, our engineer completing our Water System Master Plan, as to any affect this well usage may have to the City of Heppner's "Well #2." Their research concluded, *"Ultimately, Mr. Kilkenny is proposing to use less than his existing water right. Additionally, the two wells are approximately 3.2 miles apart. It is my opinion that Mr. Kilkenny would have to use a significant amount of water to influence the City's Well No. 2."*

The City of Heppner is in favor of Mr. Kilkenny's application. Please feel free to reach out if there are questions.

Sincerely,

John Doherty
City Manager

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THE CITY OF HEPPNER

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