



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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November 27, 2013

VIA E-MAIL and REGULAR MAIL

Applicant

Confluence Estate
525 Fairway Estates Drive
Sutherlin, OR 97479
confluenceestate@q.com

Agent

Nathan Reed
1113 SE Cass Avenue
Roseburg, OR 97470
nreed68@hotmail.com

SUBJECT: Allocation of Conserved Water Application CW-80

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve Conserved Water Application CW-60.

If no protest is filed, the Department will issue a Final Order consistent with this Preliminary Determination. You should receive a copy of the Final Order shortly 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 to the Water Resources Commission.

Please do not hesitate to contact me at 503-986-0881 or teri.k.hranac@wrd.state.or.us, if I may be of assistance.

Sincerely,

Teri Hranac
Allocation of Conserved Water
Transfer and Conservation Section

Enclosure

cc: CW-80
Dave Williams, District #15 Watermaster (*via e-mail*)

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

In the Matter of Allocation of Conserved Water Application CW-80, Douglas County, Oregon))))	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF ALLOCATION OF CONSERVED WATER CW-80
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Applicant

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Applicable Law

Any person or group of persons holding a water use subject to transfer as defined in ORS 540.505 may submit an application for an Allocation of Conserved Water to the Water Resources Commission for a conservation project that has not yet been implemented or was implemented within five years prior to the submission of the application. ORS 537.465. Under the Allocation of Conserved Water Program, a portion of the water proposed to be conserved by an applicant may be used on additional lands, put to a different use, or be leased or sold to another user. OAR 690-018-0010. A portion of the water conserved is allocated to the state to be converted to an instream water right or to revert to the public for appropriation by other water users. ORS 537.470(3).

An application for an allocation of conserved water shall include:(a) A description of the proposed conservation measures; (b) A description of the existing diversion facilities and an estimate of the amount of water that can be diverted at the facilities; (c) The amount of water that will be needed for the original, authorized use after implementation of the conservation measures; (d) The amount of conserved water expected from implementation of the conservation measures; (e) The proposed allocation and use of the conserved water if different from the allocation specified in ORS 537.470; (f) The intended use of any water allocated to the applicant; (g) The applicant's choice of priority date for the conserved water; and (h) Any other information the commission considers necessary to evaluate the effectiveness of the proposal. ORS 537.465.

After determining any quantity of water needed to mitigate the effects on other water rights, 25-percent of the conserved water shall be allocated to the state and 75-percent to the applicant unless the applicant proposes a higher allocation to the state or more than 25-percent of the funds used to finance the conservation measures comes from federal or state sources. ORS 537.470(3).

Pursuant to OAR 690-018-0050, any person objecting to the proposed allocation may file a protest to this Preliminary Determination to the Water Resources Commission within 60 days of the mailing of this determination.

If an application for the allocation of conserved water is approved, the Department shall issue orders covering the changes in the original water rights and once the conservation project is completed new certificates preserving the previously established priority of rights shall be issued to cover the unaffected portion of the water rights. ORS 537.470(6).

ORS 537.455 to 537.500 authorize and establish the process in which a water right holder may submit a request for an allocation of conserved water. OAR Chapter 690, Division 18, implements the statutes and provides the Department’s procedures and criteria for evaluating allocation of conserved water applications. OAR Chapter 690, Division 077 provides additional criteria for evaluating proposed instream water rights.

Findings of Fact

1. On August 21, 2013, Confluence Estate filed an Application for an Allocation of Conserved Water. The Department assigned the application number CW-80.
2. The conservation measures to be taken consist of converting pasture land with a standard pipe and impact sprinkler system to a grape vineyard with a drip style irrigation system. The measures also include moving the point of diversion for Certificate 79749 approximately ½ mile downstream to the point of diversion for Certificate 53700.
3. On October 22, 2013, the applicant amended the application to accurately reflect the acreage owned by the applicant and the corresponding changes in the conserved water rates and duties.
4. Allocation of Conserved Water Application CW-80, as amended, proposes a total rate reduction of approximately 0.88 cubic feet per second (cfs) and proposes to reduce the annual duty by 186.37 acre-feet.

Conserved Water Description											
Certificate	Certificate				Needed				Conserved Water		
	Rate		Duty		Rate		Duty		Rate	Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	CFS/AC	Maximum AF	AF/AC	Maximum CFS	Maximum AF	AF/AC
53700	0.96	1/80	192.75	2.5	0.48	1/160	96.38	1.25	0.48	96.37	1.25
79749	0.80	1/80	180.00	2.5	0.40	1/160	90.00	1.25	0.40	90.00	1.25
Total	1.76		372.75		0.88		186.38		0.88	186.37	

5. The portion of the first right to be modified by CW-80 is as follows:
 - Certificate:** 53700 in the name of JAMES J. BUSBY (perfected under Permit S-39014)
 - Use:** IRRIGATION of 77.1 ACRES
 - Priority Date:** MARCH 29, 1974
 - Rate:** 0.96 CUBIC FEET PER SECOND
 - Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

7. Certificate 79749 does not describe the location of the point of diversion; however, information is available from Department records and the Certified Water Rights Examiner indicating that the point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	SE NE	37	250 FEET NORTH AND 1690 FEET EAST FROM THE CENTER OF SECTION 25

8. The Allocation of Conserved Water Application CW-80 proposes to move the authorized point of diversion for Certificate 79749 approximately ½ mile downstream to the authorized point of diversion for Certificate 53700:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

9. Pursuant to OAR 690-250-0070, the irrigation season of use is March 1 through October 31.

10. The applicant requests that the conserved water be allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
53700	25%	0.12 cfs	24.09 AF	75%	0.36 cfs	72.28 AF	100%	0.48 cfs	96.37 AF
79749	25%	0.10 cfs	22.50 AF	75%	0.30 cfs	67.50 AF	100%	0.40 cfs	90.00 AF
	25%	0.22 cfs	46.59 AF	75%	0.66 cfs	139.78 AF	100%	0.88 cfs	186.37 AF

11. The applicant proposes that its portion of the conserved water be allocated for an out-of-stream use within the South ½ of Section 19 and the North ½ of Section 30, Township 25 South, Range 6 West, W.M.
12. The applicant requests that the priority date for any conserved water be the same as the originating rights being April 2, 1952, for Certificate 79749, and March 29, 1974, for Certificate 53700.
13. The Applicant funded 100% of the conservation project.
14. The Applicant submitted a completed Land Use Form from Douglas County which indicated the proposed use was allowed outright or are not regulated by Douglas County's comprehensive plan pursuant to county Ordinance 3.4.050.
15. The applicant proposes that any instream water right created be for the purposes of conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values.
16. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 53700 from the authorized point of diversion on the Umpqua River to the head of tide at river mile 27.2.

Source: UMPQUA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
25 S	6 W	WM	30	NW NW	49	7.9
25 S	7 W	WM	25	NE NE	37	38.8
25 S	7 W	WM	25	NW NE	37	25.0
25 S	7 W	WM	25	SW NE	37	1.2
25 S	7 W	WM	25	SE NE	37	4.1
25 S	7 W	WM	25	NE NW	37	0.1
Total						77.1

6. The portion of the second right to be modified by CW-80 is as follows:

Certificate: 79749 in the name of SAM JOE HENRY II (perfected under Permit S-21281)

Use: IRRIGATION of 72.0 ACRES

Priority Date: APRIL 2, 1952

Rate: 0.80 CUBIC FOOT PER SECOND

Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: UMPQUA RIVER, tributary to the PACIFIC OCEAN

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	DLC
25 S	7 W	WM	25	SE NE	37

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
25 S	6 W	WM	30	NW NW	37	13.0
25 S	6 W	WM	30	SW NW	37	30.9
25 S	6 W	WM	30	SE NW	37	11.0
25 S	7 W	WM	25	NE NE	37	0.8
25 S	7 W	WM	25	SE NE	37	15.4
25 S	7 W	WM	25	NE SE	37	0.9
Total						72.0

17. The Applicant requested the Department protect the new instream water right created from the conserved water under Certificate 79749 from the authorized point of diversion on the Umpqua River to the head of tide at 27.0.
18. The Applicant proposes that construction will be completed and the notice of project completion will be filed by June 30, 20, 2020. The Applicant also proposes that the date the project will be finalized is on or before June 30, 2025.
19. The application meets the requirements of OAR 690-018-0040.
20. The Department has consulted with the Oregon Department of Fish and Wildlife (ODFW) and the Department of Environmental Quality (DEQ) to ascertain whether the proposed instream use is necessary to support instream flow uses.
21. Notice of the proposed conservation project was published in the Department's weekly notice on September 17, 2013, and in the News Review newspaper on September 15 and 22, 2013, as required under OAR 690-018-0050(1)(a) and (2). No comments were filed in response to the notices.

Allocation of Conserved Water Review Criteria [OAR 690-018-0050]

22. As evidenced by Finding of Fact #4, the proposed allocation of conserved water will result in a reduced diversion of the uses allowed under the existing rights pursuant to OAR 690-0018-0050(4)(a).
23. On October 23, 2013, the District #15 Watermaster performed a review of the proposed Allocation of Conserved Water Project. The Watermaster determined that the conservation project would not harm other water rights; therefore, no quantity of conserved water is needed to mitigate for harm to other water rights. OAR 690-018-0050(4)(b) and (d).
24. The conservation project is consistent with the local comprehensive land use plan requirements established in OAR 690-005-0045. Finding of Fact #14. OAR 690-018-0050(4)(c).
25. Pursuant to OAR 690-018-0050(4)(e), the new reduced rate and duty for the existing uses involved in Allocation of Conserved Water Application CW-80 under Certificates 53700 and 79749 are as follows:

Certificate	Rate		Duty	
	Maximum CFS	CFS/AC	Maximum AF	AF/AC
53700	0.48	1/160	96.38	1.25
79749	0.40	1/160	90.00	1.25

Finding of Fact #4.

26. Pursuant to OAR 690-018-0050(4)(e), the rate and volume allocated to the State for instream use is as follows:

Certificate	Maximum Rate	Maximum Duty (Volume)
53700	0.12 cfs	24.09 AF
79749	0.10 cfs	22.50 AF
	0.22 cfs	46.59 AF

Finding of Fact #10.

27. As required by OAR 690-018-0050(4)(f), the Department has determined that the instream right created will support public benefits during low flow periods in the Umpqua River by benefitting water quality and fish habitat. Finding of Fact #20.
28. Pursuant to ORS 537.470(3) and OAR 690-018-0050(4)(g), the amount of water allocated to the applicant does not need to be adjusted because the applicant funded 100% of the project. Findings of Fact #13.
29. The new instream water rights created will be protected as follows:

Certificate 53700: From the authorized point of diversion as described in Finding of Fact #5 at approximately river mile 102.0, to the head of tide at Scottsburg, river mile 27.2 in the SW/14, Section 18, T 22 S, R 9 W, W.M.

Certificate 79749: From the previously authorized point of diversion as described in Finding of Fact #7 at approximately river mile 102.5, to the head of tide at Scottsburg, river mile 27.2 in the SW/14, Section 18, T 22 S, R 9 W, W.M.

OAR 690-018-0050(4)(h); OAR 690-077-0015(8).

30. To prevent enlargement, the period of use for water to be protected instream must be adjusted so the annual volume limitation is not exceeded. By adjusting the season of use, the full rates of conserved water may be protected without enlarging the rights.
31. The instream right shall allow the use and protection of flows as follows:

<i>Certificate</i>	<i>Priority Date</i>	<i>Period</i>	<i>Rate (cfs)</i>	<i>Volume (acre-feet)</i>
53700	3/29/1974	7/23 through 10/31	0.12	24.09
79749	4/2/1952	7/11 through 10/31	0.10	22.50
<i>Totals</i>			0.22	46.59

32. The amount and timing of the proposed instream flows are allowable within the limits and use of the original water right. OAR 690-077-0015(10).

33. The protection of flows within the proposed reaches are appropriate, considering:
 - a) The instream water rights begin at the recorded points of diversion;
 - b) There are no known areas of natural loss of streamflow to the river beds downstream from the points of diversion; and
 - c) There are no known return flows from other water rights within the proposed reaches. OAR 690-077-0015(8).
34. The combination of instream rights for the proposed reaches on the Umpqua River do not exceed the amount needed to provide increased public benefits, and do not exceed the estimated average natural flow or level occurring from the drainage system. OAR 690-077-0015(4) and (11).
35. Instream Water Right Certificate 59801 (minimum flow conversion) established pursuant to ORS 537.341 (priority: October 24, 1958), Certificate 59965 (minimum flow conversion) established pursuant to ORS 537.341 (priority: March 26, 1974), and Certificate 81501 (state agency process) established pursuant to ORS 537.336, (priority: April 12, 1993), exist in the stream reach where the new instream water rights are proposed. By replacing a portion of Certificates 59801, 59965 and 81501, the instream rights will provide protection for streamflows previously identified as necessary for conservation, maintenance and enhancement of aquatic habitat, fish, wildlife, wildlife habitat and other ecological values under earlier priority dates.
36. By adding to other instream water rights established pursuant to ORS 537.348 (instream transfer process) and ORS 537.470 (allocation of conserved water process) located within the proposed reach, any new instream water rights established by this conserved water project would provide protection for additional flows identified as necessary for conservation, maintenance, and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, and other ecological values. OAR 690-077-0015(11).
37. The proposed areas within which the conserved water is proposed to be used for out-of-stream uses are within the South ½ of Section 19 and the North ½ of Section 30, Township 25 South, Range 6 West, W.M. OAR 690-018-0050(4)(h).
38. As requested in the application, the deadline for filing the Notice of Completion is on or before June 30, 2020. The deadline for filing the Request for Finalization of the conservation project is on or before June 30, 2025. (Finding of Fact #18) OAR 690-018-0050(4)(i).
39. No other conditions or limitations are needed to prevent or mitigate for harm to existing water rights. (Finding of Fact #23) OAR 690-018-0050(4)(j).

Determination and Proposed Action

The project described in Allocation of Conserved Water Application CW-80, is consistent with the criteria in ORS 537.455 to 537.500, and OAR Chapter 690, Divisions 018 and 077. If protests are not filed pursuant to OAR 690-018-0050(6), the conserved water application will be approved.

If Allocation of Conserved Water Application CW-80 is approved, the Order Approving will include the following:

1. The proposed changes will result in a reduced diversion for the uses allowed under the original water rights. Findings of Fact #22.
2. The proposed allocation of conserved water will not harm existing water rights. Finding of Fact #23.
3. The application is consistent with the requirements established in OAR 690-005-0045. Finding of Fact #24.
4. The changes proposed in CW-80 are approved.
5. The quantities of water conserved are as follows:

Conserved Water Description			
	Rate		Duty
Certificate	Maximum CFS	Maximum AF	AF/AC
53700	0.48	96.37	1.25
79749	0.40	90.00	1.25
Total	0.88	186.37	

Findings of Fact #4 and #10.

6. The conserved water is allocated as follows:

Certificate	State's Portion			Applicant's Portion			Conserved Water		
	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)	Percentage	Maximum Rate	Maximum Duty (Volume)
53700	25%	0.12 cfs	24.09 AF	75%	0.36 cfs	72.28 AF	100%	0.48 cfs	96.37 AF
79749	25%	0.10 cfs	22.50 AF	75%	0.30 cfs	67.50 AF	100%	0.40 cfs	90.00 AF
	25%	0.22 cfs	46.59 AF	75%	0.66 cfs	139.78 AF	100%	0.88 cfs	186.37AF

Finding of Fact #10.

7. The right to the use of the water is restricted to beneficial use at the places of use described, and is subject to all other conditions and limitations contained in Certificates 53700 and 79749, and any related decree.
8. Water Right Certificate 53700 is cancelled. A new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application.
9. Water Right Certificate 79749 is cancelled. Upon completion of the project, a new certificate will be issued for that portion of the water right not affected by this Allocation of Conserved Water application.
10. The reduced rate and duty for the existing use under Certificate 53700 is as follows:

Use: IRRIGATION of 77.1 ACRES
Priority Date: MARCH 29, 1974
Rate: 0.48 CUBIC FEET PER SECOND

Limit/Duty: *The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-ONE HUNDRED SIXTIETH (1/160) of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.25 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is further limited to an annual volume limitation of 96.38 acre-feet per year.*

Source: *UMPQUA RIVER, tributary to the PACIFIC OCEAN*

Finding of Fact #25.

11. *The reduced rate and duty for the existing use under Certificate 79749 is as follows:*

Use: *IRRIGATION of 72.0 ACRES*

Priority Date: *APRIL 2, 1952*

Rate: *0.40 CUBIC FOOT PER SECOND*

Limit/Duty: *The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-ONE HUNDRED SIXTIETH (1/160) of one cubic foot per second per acre, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 1.25 acre-feet for each acre irrigated during the irrigation season of each year, and is further limited to an annual volume limitation 90.0 acre-feet.*

Source: *UMPQUA RIVER, tributary to the PACIFIC OCEAN*

Finding of Fact #25.

12. *Water use measurement conditions:*

- a. *Before the use of the applicant's portion of conserved water, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.*
- b. *The water user shall maintain the meters or measuring devices in good working order.*
- c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

13. *The deadline for filing a Notice of Completion of the conservation measures is on or before June 30, 2020. Finding of Fact #38.*

14. *The deadline for filing Request for Finalization of the conservation project is on or before June 30, 2025. Finding of Fact #38.*

15. *The quantity of conserved water that will be dedicated instream is follows:*

<i>Certificate</i>	<i>Priority Date</i>	<i>Period</i>	<i>Rate (cfs)</i>	<i>Volume (acre-feet)</i>
<i>53700</i>	<i>3/29/1974</i>	<i>7/23 through 10/31</i>	<i>0.12</i>	<i>24.09</i>
<i>79749</i>	<i>4/2/1952</i>	<i>7/11 through 10/31</i>	<i>0.10</i>	<i>22.50</i>
<i>Totals</i>			<i>0.22</i>	<i>46.59</i>

Certificate 53700: Umpqua River: From the authorized point of diversion located at approximately river mile 102.0:

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>DLC</i>	<i>Measured Distances</i>
25 S	7 W	WM	25	NE NW	37	120 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 25

To the to the head of tide at Scottsburg, river mile 27.2 in the SW/14, Section 18, Township 22 South, Range 9 West, W.M.

Certificate 79749: Umpqua River: From the previously authorized point of diversion located at approximately river mile 102.5:

<i>Twp</i>	<i>Rng</i>	<i>Mer</i>	<i>Sec</i>	<i>Q-Q</i>	<i>DLC</i>	<i>Measured Distances</i>
25 S	7 W	WM	25	SE NE	37	250 FEET NORTH AND 1690 FEET EAST FROM THE CENTER OF SECTION 25

To the to the head of tide at Scottsburg, river mile 27.2 in the SW/14, Section 18, Township 22 South, Range 9 West, W.M.

Finding of Fact #29.

16. *The total monthly quantities of water to be protected under the proposed instream rights will provide for a beneficial purpose and do not exceed the estimated average natural flow. Finding of Fact #34.*

17. *The instream rights established by this allocation of conserved water shall replace a portion of instream water rights established pursuant to ORS 537.341 or 537.346 and be in addition to instream water rights established pursuant to ORS 537.348 or 537.470 unless otherwise specified by an order approving a new instream water right under these statutes. Findings of Fact #35 and #36.*

18. *The deadline for filing a Claim of Beneficial Use reflecting the change in point of diversion under Certificate 79749, prepared by a Certified Water Right Examiner shall be within one year after the deadline for filing the request for finalization.*

19. *After satisfactory proof of beneficial use is received, a new certificate confirming the right under Certificate 79749 will be issued.*

Dated at Salem, Oregon this 26 day of November, 2013.



 Dwight French, Water Rights Services Administrator for
 PHILLIP C. WARD, DIRECTOR

Mailing date: NOV 29 2013

NOTICE OF RIGHTS

The Legislative Assembly finds that persons affected by actions taken by state agencies have a right to be informed of their rights and remedies with respect to those actions. ORS 183.415. The commission shall notify the applicant and any other person requesting notice, of the action the commission intends to take under ORS 537.470(3). Any person objecting to the proposed allocation may file a protest requesting a contested case hearing before the commission. ORS 537.470(4).

If a protest to the proposed allocation of conserved water is received by the Department within 60 days of the mailing of the preliminary determination pursuant to ORS 537.470(4) and OAR 690-018-0050(4), the Director may work with the applicant and any protestant to determine whether the issues can be resolved through mutually agreeable conditions, or by modifying the application. OAR 690-018-0050(6).

If protests are received raising issues that cannot be resolved pursuant OAR 690-018-0050(6), the Director shall present the application, all protests and a recommendation for action to the Commission for review and action. OAR 690-018-0050(8).

The Commission shall examine the application, the protests and the Director's recommendation. If the Commission finds the allocation of conserved water is likely to injure existing water rights or is otherwise inconsistent with these rules, the Commission may direct the Department to hold a contested case hearing on the application pursuant to ORS 183.413 and OAR 690, Divisions 1 and 2 or to resume attempts to resolve the disputed issues. If the Commission finds the allocation of conserved water is not likely to injure existing rights and is otherwise consistent with OAR 690-018-0050, the Commission may authorize the Director to issue an order approving the application. OAR 690-018-0050(9).

In the event of a land use dispute, as defined in OAR 690-005-0015, the Director shall follow resolution procedures provided in 690-005-0040 (Resolution of Land Use Disputes). OAR 690-018-0050(10).