

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

IN THE MATTER OF A PARTIAL CANCELLATION OF )  
 WATER RIGHT CERTIFICATE 41911, IN THE NAME OF ) FINAL ORDER  
 FRED B. GRABHORN, WASHINGTON COUNTY )

**Authority**

Oregon Revised Statute 540.621 and Oregon Administrative Rules 690-17-0100 direct the Commission to enter an order canceling a water right whenever the owner of a perfected and developed water right certifies under oath to the Commission that the water right has been abandoned and the owner desires to cancel the right.

**Findings of Fact**

1. The Department received three affidavits for partial cancellation of Certificate 41911. The certificate allows for 10.5 acre-feet of stored water from a reservoir constructed under Permit R-6019, for supplemental irrigation of 73.2 acres, limited to 2.5 acres for each acre irrigated during the season. The date of priority is July 19, 1972.
2. On October 16, 2020, the Department received an AFFIDAVIT FOR THE VOLUNTARY PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE (Affidavit) signed by John H. Draneas, Manager of Pegasus Fiduciary Services, LLC, Trustee, of the Howard Paul Grabhorn 2015 Trust U/A/D 7/16/2015, 4949 Meadows Rd, Suite 600, Lake Oswego, OR 97035, stating it is the owner of a portion of the land and the appurtenant water right evidenced by Certificate 41911.
3. The affidavit requests cancellation of 44.9 acres of supplemental irrigation at the locations identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
2 S	2 W	WM	12	NE NE	37.9	100
2 S	2 W	WM	12	SE NE	7.0	100
Total					44.9	

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

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

4. On October 26, 2020, the Department received a second AFFIDAVIT FOR THE VOLUNTARY PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE (Affidavit) signed by John Draneas, on behalf of the Howard Paul Grabhorn 2015 Trust U/A/D, 4949 Meadows Rd, Suite 600, Lake Oswego, OR 97035, stating it is the owner of a portion of the land and the appurtenant water right evidenced by Certificate 41911.
5. The affidavit requests cancellation of 2.2 acres of supplemental irrigation at the location identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
2 S	2 W	WM	12	SE NE	2.2	2600

6. Pursuant to OAR 690-017-0100(2)(a), Howard Paul Grabhorn, Trustee of the Howard Paul Grabhorn 2015 Trust is the recorded owner, as established by county deed records, of the portions of the land and water right referenced in Findings of Facts #2 through #5, above. Paul Grabhorn died July 11, 2018. A CERTIFICATION OF TRUST dated October 19, 2018, establishes Pegasus Fiduciary Services, LLC, as the trustee of the Howard Paul Grabhorn 2015 Trust, and names John H. Draneas and Mark L. Huglin, as managers.
7. On October 26, 2020, the Department received a third AFFIDAVIT FOR THE VOLUNTARY PARTIAL CANCELLATION OF A WATER RIGHT CERTIFICATE (Affidavit) signed by Andrea D’Amico, President of Grabhorn, Inc., 14930 SW Vandermost Rd, Beaverton, OR 97007, stating it is the owner of a portion of the land and the appurtenant water right evidenced by Certificate 41911.
8. Pursuant to OAR 690-017-0100(2)(a), Grabhorn, Inc., is the recorded owner, as established by county deed records, of the portion of the land and water right referenced in the Affidavit.
9. The affidavit requests cancellation of 1.7 acres of supplemental irrigation at the location identified in the table below:

Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot
2 S	2 W	WM	12	SE NE	1.7	2302

10. The 24.4 remaining acres not subject to cancellation, at 2.5 acre-feet per acre does not exceed the 10.5 acre-feet of stored water authorized on the certificate. Therefore, the amount of stored water authorized Certificate 41911 is not being reduced.

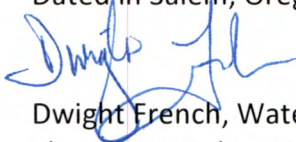
**Conclusions of Law**

The Director of the Water Resources Department concludes a portion of the right evidenced by Certificate 41911, being a total of 48.8 acres, has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

**Now, therefore, it is ORDERED:**

1. Certificate 41911 is cancelled.
2. The Department shall issue a new and superseding certificate to describe the remaining portion of the water right NOT cancelled by the provisions of this order.

Dated in Salem, Oregon on DEC 11 2020



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

Mailing date: DEC 11 2020