

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

IN THE MATTER OF A PARTIAL CANCELLATION OF )  
 WATER RIGHT CERTIFICATE 23089, 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 certificate allows for a rate 0.36 cubic foot per second (cfs) of water from an unnamed Creek, tributary of the Tualatin River, for irrigation of 29.0 acres at a limit of 1/80 cfs per acre. The date of priority is December 4, 1952.
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 23089.
3. The certificate allows for a rate 0.36 cubic foot per second (cfs) of water from an unnamed Creek, tributary of the Tualatin River, for irrigation of 29.0 acres at a limit of 1/80 cfs per acre. The date of priority is December 4, 1952.
4. The affidavit requests cancellation of 0.219 cfs of water for 17.5 acres of 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	15.1	100
2 S	2 W	WM	12	SE NE	2.4	100
Total					17.5	

**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.

5. The non-cancelled portion of the right is 11.5 acres of irrigation. At a limit of 1/80 cfs per acre, the remaining 11.5 acres will require 0.144 cfs of water. Therefore, the Department will cancel only 0.216 cfs of water ( $0.36 - 0.144 = 0.216$ ).

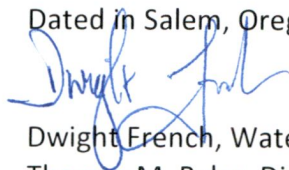
**Conclusions of Law**

The Director of the Water Resources Department concludes a portion of the right evidenced by Certificate 23089, being a total 0.216 cfs of water for irrigation of 17.5 acres, has been abandoned in accordance with the provisions of ORS 540.621 and shall be cancelled.

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

1. Certificate 23089 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