



THE STATE OF NEVADA

**PERMIT TO CHANGE THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Name of Permittee: ROSS FAMILY TRUST
Source: TRUCKEE RIVER
Basin: TRUCKEE MEADOWS
Manner of Use: AS DECREED
Period of Use: AS DECREED
Priority Date: AS DECREED

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 287, Truckee River Final Decree, is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The issuance of this permit expires Temporary Permit 80697T.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.027 cubic feet per second or 5.0 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 3 2014

Map in support of proof of beneficial use shall be filed on or before:

November 3 2014

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 3rd day of November, A.D. 2011

Jason King, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office APR 29 2011

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAR 23 2011 under 80697T

The applicant Ross Family Trust
2400 Farrel Ross Drive of Sparks
Street Address or PO Box City or Town
Nevada 89431 hereby make(s) application for permission to change the
State and ZIP Code

- Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Claim 287 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.

1. The source of water is Truckee River
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 5.00 afa and a prorata share of the diversion rate
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for As decreed
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
4. The water heretofore used for As decreed
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
within the NE 1/4 of the SW 1/4 of Section 17, T.19N., R.19E., M.D.M., or at a point from which the southwest corner of said Section 17 bears South 44°40' West a distance of 3211 feet. Orr Ditch per Orr Ditch Decree.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
(Point of Diversion is NOT changed.)

87-ND

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

0.55 acres within the NW 1/4 of the SE 1/4 and 0.70 acres within the NE 1/4 of the SE 1/4 of Section 31, T.20N., R.20E., M.D.M.. A portion of Washoe County Assessor's Parcel Number 026-190-31 as shown on the map supporting Application No. 80697T.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

1.25 acres within the NW 1/4 of the SE 1/4 of Section 31, T.20N., R.20E., M.D.M.. A portion of Washoe County Assessor's Parcel Number 026-190-34(43) as shown on the map supporting Application No. 80697T.

9. Proposed use will be from As decreed to _____ of each year.
Month and Day Month and Day

10. Existing use permitted from As decreed to _____ of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing laterals from Orr Ditch to the place of use.

12. Estimated cost of works Completed

13. Estimated time required to construct works Completed

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This application would transfer 5.00 acre feet of water from 1.25 acres under Claim 287 owned by the Ross Family Trust (Farrel L. Ross, Trustee) to 1.25 acres of adjacent land owned by Ross Estate, LLC (Farrel L. Ross, Manager).

16. Miscellaneous remarks:

This water right is the same as that under Temporary Application No. 80697T, which was submitted with a Report of Conveyance and Abstract of Title on March 23, 2011. A Water Rights Agreement between the land owners is now attached hereto.

DMaurer@TriStateLtd.com
E-mail Address
(775) 358-9491 128
Phone No. Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Debra D. Maurer, CST

Debra D. Maurer
Type of print name clearly
(Signature, applicant or agent)
Tri State Surveying, Ltd.

1925 E. Prater Way
Company Name
Sparks, NV 89434
Street Address or PO Box
City, State, ZIP Code

RECEIVED
2011 APR 29 PM 4:14
STATE ENGINEERING DIVISION

COPY**WATER RIGHTS AGREEMENT**

THIS AGREEMENT, made and entered into on March 22, 2011, between Farrell L. Ross, as Trustee under the **Farrel Ross Family Trust**, dated December 26, 1980, owner of those certain water rights being a portion of Truckee River Claim 287, consisting of a total of 20.05 acre feet annually, hereinafter referred to as Ross Trust, and **Ross Estate, LLC**, owner of the place of use (land) described in Application No. 80697T as filed with the Nevada State Engineer, hereinafter referred to as Ross Estate, allows Ross Estate to divert and use upon said place of use the water rights owned by Ross Trust.

Ross Trust agrees to have prepared and pay for said Application and the necessary supporting map to change the place of use of Ross Trust's water for use on land owned by Ross Estate. Water will be diverted from the Orr Ditch within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, T.19N., R.19E., M.D.M..

Ross Estate agrees to make every effort to place said water rights of Ross Trust to beneficial use as permitted, however they shall not be responsible for acts of God, mechanical failures or a drop in water level which may make placing said water rights to beneficial use impossible. Ross Trust will be responsible for all application, permit, proof, mapping and preparation fees. Ross Estate will be responsible for all diversion, utilities, farming and harvesting costs to place said water rights to beneficial use. Ross Trust will retain ownership of said rights. This agreement does not convey to Ross Trust any rights to crops or revenues produced there from by placing

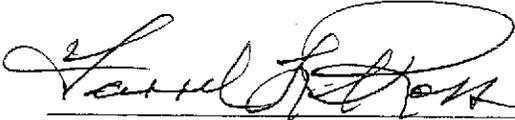
said water rights to beneficial use nor does it convey to Ross Trust a right of access to the Ross Estate place of use (land) or point of diversion (ditch).

This agreement will remain in effect for five (5) years from the date of signature and will be automatically renewable for an additional five (5) years unless written documentation to the contrary is provided to the Nevada State Engineer. In the event that Ross Trust wishes to dispose of said water rights, an option to purchase shall first be offered to Ross Estate. The purchase price shall be commensurate with the fair market value of groundwater rights at the time of offer.

This agreement may be revoked at any time by either party in writing with the understanding that adequate notice must be provided to give Ross Estate the ability to maintain existing crops during the current growing season or to allow Ross Trust sufficient time to secure an alternate place of use for said water rights.

IN AGREEMENT:


Farrel L. Ross, Trustee
Ross Family Trust

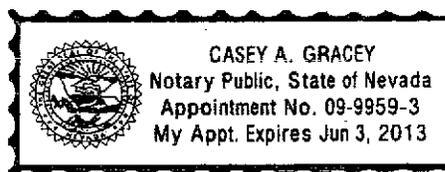

Farrel L. Ross, Manager
Ross Estate, LLC

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

On this 22ND day of March, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared **Farrel L. Ross, as Trustee of the Ross Family Trust, dated December 26, 1980**, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument for the purposes herein stated.

WITNESS my hand and official seal.

Casey A. Gracey
Notary Public



STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

On this 22ND day of March, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared **Farrel L. Ross, as Manager of Ross Estate, LLC**, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument for the purposes herein stated.

WITNESS my hand and official seal.

Casey A. Gracey
Notary Public

