Permit No. 80008

THE STATE OF NEVADA

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

Name of applicant:	**SMITH TRUST, KENNETH B. SMITH AND CATHERINE H. SMITH, TRUSTEES**
Source:	**TRUCKEE RIVER**
Basin:	**TRUCKEE CANYON SEGMENT**
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 48, Truckee River 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.

This permit is issued subject to the continuing jurisdiction and regulation by the Federal Water Master and State Engineer.

This permit is limited to the irrigation of a 0.59 acre portion of land within the described place of use.

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

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.0126 cubic feet per second or 2.35 acre-feet as decreed but not to exceed 4.0 acre feet per acre from any and all sources.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **December** 29 **2012**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **December** 29 **2013**

Map in support of proof of beneficial use shall be filed on or before: **December** 29 **2013**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 29th day of **December,** A.D. **2010**

P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Application No. 80008

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 JUL 15 2010

Returned to applicant for correction

Corrected application filed Map filed As Decreed

The applicant The Smith Trust, Kenneth B. Smith & Catherine H. Smith, Trustees

2255 Blue Heron Circle (Street Address or PO Box) of Reno (City or Town)

Nevada 89523 (State and ZIP Code) hereby make(s) application for permission to change the

☐ 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 48 from the Truckee River as entered in that certain decreed entitled "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 2.35 acre feet along with a pro-rata portion 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.)

As decreed: Steamboat Canal from the South Bank of the Truckee River within the NE ¼ SW ¼, Section 31, T.19N., R.18E., M.D.B. & M., or at a point from which the SE Corner of said Section 31 bears S. 62° 04' E., a distance of 3195 feet. Refer to existing map filed under the Orr Ditch Decree.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

Unchanged

91-W12

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

Portions of the NW ¼ SE ¼, portions of the NE ¼ SE ¼, both in Section 16, T.19N., R.18E., M.D.B. & M. and further described as being Washoe County Assessor Parcel Number 38-134-04. Refer to map accompanying this application for proposed place of use.

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.)

Please refer to Attachment "A" and map accompanying this application See TR-064 MN 7/20/10

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

10. Existing use permitted from As Decreed (Month and Day) to _____ (Month and Day) of each year.

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 diversion dam on the Truckee River thence via the existing Steamboat Canal and laterals to the place of use

12. Estimated cost of works Completed - Existing Steamboat Canal diversion dam and ditch

13. Estimated time required to construct works Completed - See Items 11 & 12

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Five (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.)

The water being changed by this application will be used on the Applicant's property (Washoe County APN 38-134-04). No new works of diversion or delivery will be constructed.

16. Miscellaneous remarks:

Water being changed by this application was allocated to the Smith Trust by the "Final Judgement Pursuant to Stipulation for Entry of Judgement" entered by the 2nd Judicial District Court of the State of Nevada and recorded as Document #3709636, in the Washoe County Recorder's Office.

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Gregory M. Bilyeu
Type or print name clearly

Signature, applicant or agent

TEC Civil Engineering Consultants
Company Name

9480 Double Diamond Parkway, Suite 200
Street Address or PO Box

Reno, NV 89521
City, State, ZIP Code

gregb@tecreno.com
E-mail Address

(775) 352-7800 ext 227
Phone No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Revised 07/09 $200 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Attachment "A"

8. Existing Place of Use

Claim 48

16.8 acres	SW ¼ NW ¼, Section 16, T.19N., R.18E., M.D.B. & M.
15.6 acres	SE ¼ NW ¼, Section 16, T.19N., R.18E., M.D.B. & M.
16.8 acres	NE ¼ SW ¼, Section 16, T.19N., R.18E., M.D.B. & M.
13.1 acres	NW ¼ SW ¼, Section 16, T.19N., R.18E., M.D.B. & M.
16.0 acres	NW ¼ SE ¼, Section 16, T.19N., R.18E., M.D.B. & M.
12.5 acres	NE ¼ SE ¼, Section 16, T.19N., R.18E., M.D.B. & M.
90.8 acres	Total

Area being stripped/transferred

0.59 acres	NW ¼ SE ¼, Section 16, T.19N., R.18E., M.D.B. & M.

Please refer to map accompanying this application

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