



CORRECTED PERMIT TEMPORARY

THE STATE OF NEVADA

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

Name of applicant: PHYLLIS FRIAS MANAGEMENT TRUST
Source: UNDERGROUND
Basin: PAHRANAGAT VALLEY
Manner of Use: COMMERCIAL
Period of Use: January 1st to December 31st
Priority Date: 05/22/1978

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 temporary permit to change the manner of use of a portion of the waters of an underground source as heretofore granted under Permit 48333, Certificate 13369, is issued subject to the terms and conditions imposed in said Permit 48333, Certificate 13369, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed at or near the well to facilitate the measurement and control of the water used for commercial use separate from the irrigation use. If well is flowing, a valve must be installed and maintained to prevent waste. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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

(Continued on Page 2)

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

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.0456 cubic feet per second or 13.0 acre-feet annually.**

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:

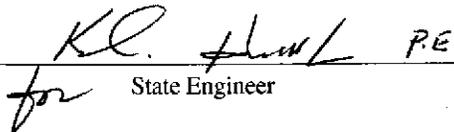
N/A

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

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of May, A.D. 2009



for State Engineer

llb



Permit No. 77985T

See Corrected Permit

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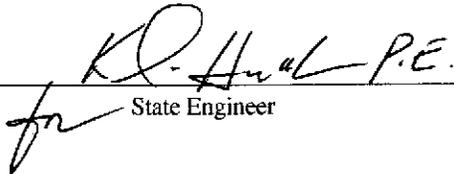
N/A

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

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 28th day of April, A.D. 2009



for State Engineer

llb

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 FEB 09 2009

Returned to applicant for correction FEB 12 2009

Corrected application filed FEB 25 2009 Map filed MAR 02 2009 under 78099

The applicant Phyllis M. Frias, Trustee of the Phyllis Frias Management Trust
5010 South Valley View Blvd of Las Vegas
Street Address or P.O. Box City or Town
Nevada 89118, 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

*POD added 4/1/09
per letter KWC*

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Permit 48333, Certificate 13369

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 13 afa
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Commercial
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 Irrigation and domestic
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 NW 1/4 SE 1/4 of Section 32, T. 6 S., R. 61 E., M.D.M., or at a point from which the East 1/4 corner of said Section 32 bears N. 89° 25' 00" E. a distance of 2,453.8 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
no change

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
A portion of SW 1/4 NE 1/4 Section 32, T. 6 S., R. 61 E., M.D.M. consisting of ± 2.6 acres, a portion of Lincoln County APN 011-200-06

POU changed per letter 4/1/09 KWC

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.)
A portion of SW 1/4 NE 1/4 Section 32, T. 6 S., R. 61 E., M.D.M. consisting of ± 2.6 acres to be removed from irrigation: a portion of Lincoln County APN 011-200-06

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 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 well with upgrades installed to drinking standards

12. Estimated cost of works n/a

13. Estimated time required to construct works completed well
If well completed, describe well

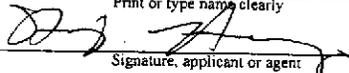
14. Estimated time required to complete the application of water to beneficial use 5 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)
An 8-room bed and breakfast with landscaping. See attached preliminary fixture count. See attached explanation for the filing of this temporary application.

16. Miscellaneous remarks:

702-791-0308
Phone No.

sharrop@nevadafirm.com
E-mail

By Stacy D. Harrop
Print or type name clearly

Signature, applicant or agent
Santoro, Driggs, Walch
Company Name
400 S. 4th Street, 3rd Floor
Street Address or P.O. Box
Las Vegas, NV 89101
City, State, Zip Code

2009 FEB 25 11:03

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Amended Temporary Application 77985-T**Phyllis M. Frias, Trustee of the Phyllis Frias Management Trust**

The Applicant has constructed an 8 room bed and breakfast on the property. As an oversight, the manner of use for the water right was not changed to commercial prior to completion of construction. The Applicant seeks to open the bed and breakfast for occupancy in April or May of this year and is seeking a temporary change application so it can be opened on time and consistent with the permitted uses on the property. The temporary application is needed to fill the gap while the permanent change application for the manner of use is processed.

The temporary application does not seek to change the point of diversion or place of use, but is only seeking to change the manner of use from irrigation (a non-preferred use) to commercial (a preferred use). Likewise, the final change application will not seek to change the point of diversion, but primarily is to change the manner of use. However, the final change application will seek to change the place of commercial use to include the entire parcel on which the bed and breakfast sits (rather than just within the footprint of the building), so that any future appurtenant commercial applications outside of the building will be permitted. A portion of the base permit's place of use on the parcel will continue to be irrigated for alfalfa and is expected to be used as a pasture for horses as part of the bed and breakfast operation.

The Applicant does not anticipate any protests to the permanent change application as the point of diversion is not changing and there was very limited opposition during the zoning change for the bed and breakfast, which was addressed by the county planning board.

Fixture Count for Permit 77985-T

Type of Fixture	Private Use	Public Use	No. of Fixtures	Fixture Unit Count	Public <<==Enter
Coffee Maker	1	1		0	
Drinking Fountain	1	1	2	2	
Ice Maker	3	8	3	24	
Dishwasher-Commercial	8	15	2	30	
Dishwasher-Home	2	4	1	4	
Disposal-Commercial	5	10		0	
Disposal-Home	2	4		0	
Laundry Machine-Commercial	25	50	6	300	
Laundry Machine-Home	2	14		0	
Laundry Tub/Tray	2	4		0	
Lavatory Sink	1	2	16	32	
Sink Kitchen	2	4	8	32	
Sink Service	2	4	3	12	
Sink Wash	1	2		0	
Sink Bar	1	2		0	
Bathtub/Shower	1	2	20	40	
Urinal	1	1.5	1	1.5	
Water Closet	1.5	2.5	15	37.5	
Floor Sink	2	4	3	12	
Hose Bibb	3	5	6	30	
Car Wash Stall	8	45		0	
			Total Units	557	9.36
Other, in AF					
Landscaping					4.00
Outside water - sidewalks, entries, etc.					1.00
			Total	14.36	

* Fixture Unit count x 15 gpd x 365day divided by 325851gal/AF gives acre-feet.