

## 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

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#### 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 and 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 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 77985T.

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 0.04564 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:

July 31, 2010

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

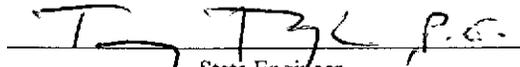
July 31, 2012

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 ~~31st~~ day of July, A.D. 2009

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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**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 MAR 0 2 2009

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed MAR 0 2 2009

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

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

209-21

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 ± 5.8 acres. (Lincoln County APN 011-200-06)

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. (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 \$20,000.00

13. Estimated time required to construct works 2 years  
If well completed, describe well.

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

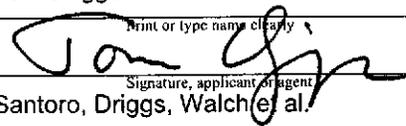
15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):  
(Failure to provide a detailed description may cause a delay in processing.)

An 8-room bed and breakfast with landscaping. See attached fixture count. The proposed place of the commercial use includes 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.

16. Miscellaneous remarks:

702-791-0308  
Phone No.

tdriggs@nevadafirm.com  
E-mail

By Tom Driggs  
Print or type name clearly  
  
Signature, applicant or agent  
Santoro, Driggs, Walcher, et al.  
Company Name

400 S. 4th St., 3rd Floor  
Street Address or P.O. Box

Las Vegas, Nevada 89101  
City, State, Zip Code

STATE ENGINEER'S OFFICE  
2009 MAR -2 PM 2:49

**APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT**

**\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION**

# Fixture Count for App. to Change Permit 48333

Type of Fixture	No. of Fixtures		Public Use	Fixture Unit Count	
	Private Use	Public Use		Public	Enter
Coffee Maker	1	1	0		
Drinking Fountain	1	1	2		
Ice Maker	3	8	24		
Dishwasher-Commercial	8	15	30		
Dishwasher-Home	2	4	4		
Disposal-Commercial	5	10	0		
Disposal-Home	2	4	0		
Laundry Machine-Commercial	25	50	300		
Laundry Machine-Home	2	14	0		
Laundry Tub/Tray	2	4	0		
Lavatory Sink	1	2	32		
Sink Kitchen	2	4	32		
Sink Service	2	4	12		
Sink Wash	1	2	0		
Sink Bar	1	2	0		
Bathtub/Shower	1	2	40		
Urinal	1	1.5	1.5		
Water Closet	1.5	2.5	37.5		
Floor Sink	2	4	12		
Hose Bibb	3	5	30		
Car Wash Stall	8	45	0		
<b>Other, in AF</b>			<b>Total Units</b>	<b>9.36</b>	
<b>Landscaping</b>			557		
Outside water - sidewalks, entries, etc.				2.50	
				1.00	
<b>Total</b>				<b>12.86</b>	

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