IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

FILED
OCT 14 2008
STATE ENGINEER'S OFFICE

2008 OCT 14 PM 2:22

IN THE MATTER OF APPLICATION

NUMBER...77233.....,

FILED BY..VICTORIA CAPITAL CORP.....,

ON...JULY 17TH. ....., 2008..., TO APPROPRIATE THE

WATERS OF UNDERGROUND.....

PROTEST

Comes now.....The Beatty Water & Sanitation District.....
Printed or typed name of protestant

whose post office address is.....P.O. Box 99 Beatty Nevada 89003.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is ....Providing Water to the town of Beatty Nevada ..... and protests the granting

of Application Number ..77233.. ....., filed on .....July 17th....., 2008.....

by .Victoria Capital Corp. of Las Vegas .....to appropriate the

waters of ....Underground .....situated in Nye County.. Basin 230.....
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

...Per NRS 318.258 This land is within District Boundaries, ...

...Per NRS 278.462 Applicant has agreed to hookup to existing water utilities (see attachment "A").....

.....

.....

.....

.....

.....

THEREFORE the Protestant requests that the application be .....DENIED.....
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed [signature]
Agent or protestant

RAY H. WILLIAMS III MANAGER BWSD
Printed or typed name, if agent

Address PO Box 99
Street No. or P.O. Box No.

BEATTY NEVADA 89003
City, State and Zip Code No.

Subscribed and sworn to before me this 9 day of October, 20 08

J Rogers
Notary Public

J. ROGERS
NOTARY PUBLIC
STATE OF NEVADA
NYE COUNTY
APPT. No. 00-61601-14
MY APPT. EXPIRES FEB. 2, 2012

State of Nevada

County of Nye

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

NYE COUNTY

July 11, 2008

CERTIFIED MAIL

Victoria Capital Corp
PO Box 14366
Las Vegas, NV 89114

Subject: Nye County Board of County Commissioners' Action Relative to the Proposed Victoria Capital Corp Parcel Map, AP #18-371-07; located at Vanderbilt Road and US Highway 95 in Beatty (PM-08-0022)

Dear Property Owner(s),

I, Sandra L. Merlino, Ex-Officio Clerk of the Board, Nye County, Nevada, do hereby certify that, as filed with the County Clerk on this date, the Board of County Commissioners, at its July 1, 2008 meeting in Tonopah took action on a Parcel Map (PM-08-0022).

Pursuant to NRS 278.464 (action on parcel map by governing body) the Nye County Board of County Commissioners (Board) reviewed the Victoria Capital Corp parcel map at its July 3, 2008 meeting electing to grant the waiver request to provide contour information and approved the map subject to the following conditions:

Standard Conditions of Approval

1. All jurat sheet signatures with the exception of the Nye County Treasurer and the Planning Director must be present prior to submission of the Mylar.
2. A preliminary title report not more than ninety (90) days old must be provided.
3. Prior to beginning any required construction three (3) copies of engineered plans, drawing profiles, cross-sections and all other details necessary for the improvements prepared by a civil engineer, registered in the State of Nevada, shall be submitted to the Planning Department for review and approval. All improvements shall be subject to inspection and approval of construction by the Department of Public Works prior to meeting any improvement conditions. Approval of road construction is <u>not</u> an acceptance of the maintenance responsibility by Nye County.
4. Any road construction that will tie into an existing road requires an encroachment permit issued by the Public Works Department prior to disturbance of the right-of-way.
5. The cost of any required signage as determined by the Public Works Department shall be borne by the developer.
6. Public utility rights-of-way must be approved by the utilities in whose favor the rights-of-way are being granted by signature of each utility's authorized representative appearing on the map (i.e., water, sewer, power & phone).

7. Taxes for the current fiscal year must be paid in full.
8. For a second or subsequent parcel map the following water sample is required (Note: pursuant to Nye County Code 16.20.020.g "Subsequent Parcel Map" means any parcel map which purports to divide a parcel which is less than forty (40) acres, or one-sixteenth (1/16) of a section in area that was created by either a subdivision map or a parcel map as defined by Nevada Statutes); A water sample (known as a Routine Domestic Analysis) is required that meets the State of Nevada safe drinking water standards. Attached is a copy of the list of the required test constituents, and **if the test results do not list each constituent the sample will not be accepted**. This sample must be taken from a well located within one-quarter (¼) mile of your property boundaries, you must have the sample analyzed by a laboratory and submit the results to this office for review. Please be advised that you may submit an existing sample as long as it is not over three (3) years old. Also, should your sample not meet the standards set forth by the Division of Health the Nye County Commissioners will review the results of the sample and may determine that the quality presents a serious enough health risk to disapprove your map; or the Nye County Commissioners may allow the map to be recorded subject to you recording a statement of the condition of the water along with the map.
9. Pursuant to Nye County Code 16.20.030.A. 16 If any party signs the ownership certificate on behalf of the owner then proof of his authority to act in this capacity and authority to conduct business associated with this parcel map must be provided.

Special Conditions of Approval

10. Applicant shall comply with the special conditions stated on the June 11, 2008 memorandum from Richard Johnson, Nye County Floodplain Manager/Administrator, prior to recording the parcel map as follows:
    a. The undefined "A" & "AE" Zones will be defined on the plat map and marked as "No build flood zone".
    b. The notes placed in the plat map will state the following: "This property is in flood zones "A" & "AE" as shown on community panel number 320018 3820c, map revised September 28, 1990". If, in the future, any development occurs within the special flood hazard area (shown as a "No build flood zone") development shall be in accordance with the local flood damage prevention ordinance.
    c. The revised plat map must be recorded.
11. Vanderbilt Road shall remain a sixty (60) foot public road and utility easement as shown on the previous map and the current map submittal.
12. Pursuant to Nye County Code 16.20.030.A.7 Availability and accessibility of utilities shall be shown. Existing utilities including all above ground and subterranean utilities both on the property and within road and/or street rights of way shall be shown.
13. Pursuant to Nye County Code 16.20.030.A.12 All major drainage channels shall be shown along with the following statement: "No alteration or construction shall occur within the drainage channel, unless a drainage plan is approved."
14. Beatty Water and Sanitation District public utility approval jurat shall clearly state that the District intends to provide only water service (no sewer) to the proposed parcels, pursuant to the Notice of Intent to Serve dated August 16, 2007.
15. Applicant shall comply with the six conditions stated on the Beatty Water and Sanitation

District Notice of Intent to Serve dated August 16th, 2007.

16. Pursuant to Nye County Ordinance #343, 16.20.070.E.2b When a proposed parcel map is located within the boundaries of a water service district and it is the intent of the service district to provide water service, water rights shall be transferred to the district in an amount to be determined by such district.
17. The recorded map shall include a statement at the public utility approvals stating "Nevada Division of Environmental Protection recommends approval with respect to water pollution control and sewage disposal based upon the results of the percolation tests and soil profiles of the test pits submitted by Resource Concepts Inc. per correspondence from Steve McGoff, PE Staff Engineer III dated August 16, 2007".
18. Highway 95 shall be labeled on the recorded map.
19. Edge of asphalt lines in the legend shall be clarified on the recorded map.
20. Applicant shall satisfy the Nevada Division of Water Resources State Engineer concerns.

When the above standard and special conditions have been addressed, please have your surveyor forward to Tonopah planning, the mylar (original map) and a check made payable to the Nye County Recorder in the amount of $21.00 for map recording, plus $1.00 for any additional for any copies you may need, and the planning department will ensure the map is recorded.

Approval of the parcel map shall expire, with no possibility of an extension of time, if not recorded in the office of the Nye County Recorder within a period of one (1) year after the date of approval.

Should you have any questions or require additional information please contact the Nye County Planning Department in Tonopah at (775)482-8181.

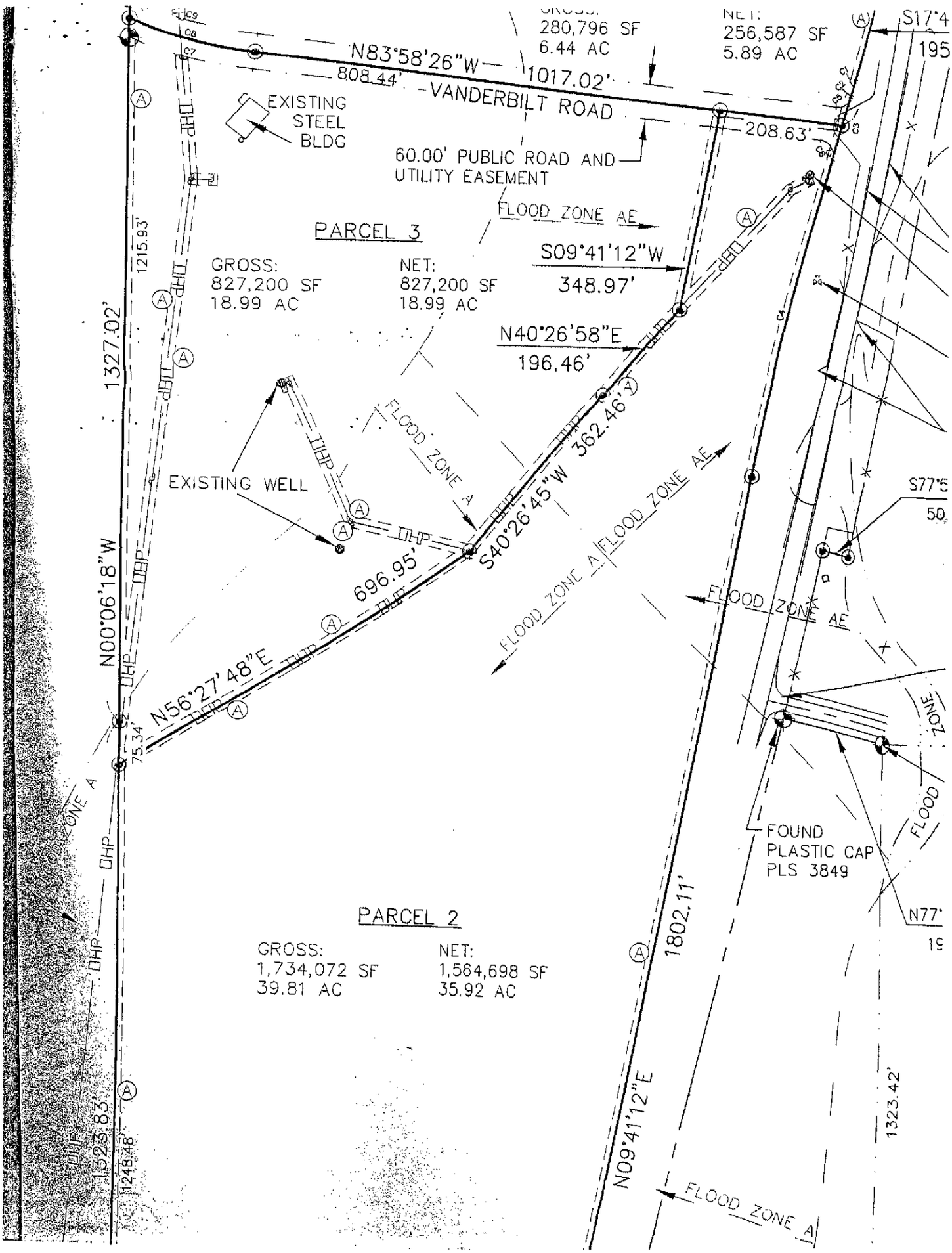
Sandra L. Merlino

Sandra L. Merlino, Ex-Officio Clerk of the Board

cc: Civilwise Services LLC
1240 E State St Ste 101
Pahrump, NV 89048

Michelle Jones, Deputy District Attorney
Nye County District Attorney's office

Richard N. Johnson
Nye County Floodplain Manager/Administrator


GROSS:
280,796 SF
6.44 AC
NET:
256,587 SF
5.89 AC
N83°58'26"W
1017.02'
808.44'
VANDERBILT ROAD
EXISTING
STEEL
BLDG
208.63'
60.00' PUBLIC ROAD AND
UTILITY EASEMENT
FLOOD ZONE AE
PARCEL 3
GROSS:
827,200 SF
18.99 AC
NET:
827,200 SF
18.99 AC
S09°41'12"W
348.97'
N40°26'58"E
196.46'
1215.93'
1327.02'
FLOOD ZONE A
S40°26'45"W 362.46'
EXISTING WELL
696.95'
N00°06'18"W
N56°27'48"E
75.34'
FLOOD ZONE A
FLOOD ZONE AE
FLOOD ZONE AE
FOUND
PLASTIC CAP
PLS 3849
PARCEL 2
GROSS:
1,734,072 SF
39.81 AC
NET:
1,564,698 SF
35.92 AC
1802.11'
N09°41'12"E
1323.83'
1248.48'
1323.42'
FLOOD ZONE A

JIM GIBBONS
Governor

ALLEN BIAGGI
Director

STATE OF NEVADA

COPY

TRACY TAYLOR, P.E.
State Engineer

ROBERT "BOB" COACHE, P.E.
Deputy State Engineer

SOUTHERN NEVADA BRANCH OFFICE
(702) 486-2770

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
SOUTHERN NEVADA BRANCH OFFICE
400 Shadow Lane, Room 201
Las Vegas, Nevada 89106
http://water.nv.gov

JUN 2008 RECEIVED Planning Dept.

June 23, 2008

CERTIFIED MAIL
7004 1350 0001 4456 7876

Victoria Capital Corporation
c/o Commercial Alliance
Attn: Marlene Rogoff
P.O. Box 14366
Las Vegas, Nevada 89106

RE: Well Plugging of abrogated permit numbers 51879 and 51880, located in the SE¼, NE¼ of T.12.S, R.47.E, Section 19, M.D.B.&M, Nye County, Nevada. Formerly APN 18-371-02 Local No. 230 S12 E47 19 Ad

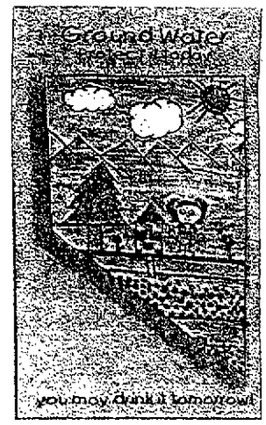
Dear Ms. Rogoff,

After a field investigation conducted on August 7, 2007, it has come to the attention of the Nevada Division of Water Resources that two (2), quasi-municipal wells (abrogated permit numbers 51879 and 51880) have not been plugged, as previously discussed in a letter issued on July 26, 2001 to Beatty Water & Sanitation District.

The letter dated July 26, 2001 stated that, "The issuance of permits under Serial Number 66120 and 66121 will require any wells drilled under Permits 51879 and 51880 to be plugged in accordance with the Nevada Administrative Code, Chapter 534.420, ***Regulations for Water and Related Drilling***, within sixty (60) days from the issuance of the permits. Failure to plug these wells will result in further administrative action by the State Engineer. **It is the responsibility of the land owner** for which those wells are appurtenant, to plug those wells."

According to Nye County Assessors Real Property Parcel Record, Victoria Capital Corporation purchased the property on July 21, 2005, and is currently listed as the responsible party for the wells located on the land (formerly APN 18-371-02). Please provide this office with any information that you might have regarding the status of the wells and if they were in fact abandoned by a well driller licensed in the State of Nevada as prescribe in the Regulations for Water Well and Related Drilling.

BEATTY WATER & SANITATION DISTRICT
P. O. Box 99
Beatty, Nevada 89003
(775) 553-2931 Phone
(775) 553-2168 Fax
August 16th, 2007



NOTICE OF INTENT TO SERVE
PARCEL 18-371-07

The Beatty Water & Sanitation District has a 4" water main in the area and can therefore provide this Parcel with water service under the following conditions:

1. All applicable Capital Improvement fees are submitted with a properly executed will serve to the Board of Trustees for their approval.

2. All connection, deposit and applicable extension fees are paid prior to construction.

3. All Will serve applications are approved on a first come first serve basis and service, when and if that capability is available, will be provided at the time of application approval if all conditions are met. Will serve applications are approved with a time requirement for development. Capital Improvement fees will be forfeit if development is not completed within the time stated on the will serve unless an extension of time is applied for prior to expiration and granted by the Board.

4. All Commercial Applications must submit a Plan of Development prepared by an engineer licensed to practice in the State of Nevada and approved by the Nevada State Fire Marshals office in addition to the above requirements. It should be recognized that a 4" water line alone is not adequate for fire flow for commercial development.

5. All necessary easements for all parcels that service is requested for are provided for on the parcel map or in proper narrative.

6. **The District has no facilities in the area to provide sewer service for this parcel and this letter does not include any intent to provide sewer service.**

Lorraine Eastman
Lorraine Eastman
Signing for
James Weeks -Manager