

**SECOND AMENDED  
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**

Date of filing in State Engineer's Office SEP 05 2003  
 Returned to applicant for correction SEP 17 2003  
 Corrected application filed NOV 17 2003  
 Map filed FEB 01 1946 under 11278

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The applicant **James R. Boyce**, hereby makes application for permission to change the **Manner & Place of Use** of water heretofore appropriated under **Permit 11278, Certificate 2928**

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1. The source of water is **Leidy Creek (storm and flood waters)**
2. The amount of water to be changed **4.0 c.f.s.**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T.2S., R.35E., M.D.B.&M.**, or at a point from which the **SE** corner of said Section 30 bears **S. 65°50' E.**, a distance of **1270 feet**. See **Permit 11278, Certificate 2928**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **542.6 acres within the following: portion of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, W $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 35, T.2S., R.25E., M.D.B.&M.; W $\frac{1}{2}$  W $\frac{1}{2}$ , Section 2, E $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 3, T.3S., R.35E., M.D.B.&M.**
8. Existing place of use **160 acres in the SW $\frac{1}{4}$  Section 26 and 160 acres in the SE $\frac{1}{4}$ , Section 27, T.2S., R.35E., M.D.B.&M. – 320 acres total.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **April 1 to August 31** of each year.
11. Description of proposed works **Diversion structure, and existing pipes and ditches to the proposed place of use.**
12. Estimated cost of works **\$25,000.00**
13. Estimated time required to construct works **Three (3) years.**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years.**
15. Remarks: **This application is being filed to change the Manner and Place of Use under Permit 11278, Certificate 2928. Water will be commingled with Applications to Change Permits 3159 and 36349 for irrigation of 542.6 acres within the proposed place of use.**

By **Gregory M. Bilyeu**  
 s/**Gregory M. Bilyeu**  
**500 Damonte Ranch Pkwy., Suite 1056**  
**Reno, Nevada 89521**

Compared cmf/bk lb/gkl

Protested \_\_\_\_\_

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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 of use and manner of use of the waters of Leidy Creek (storm and flood water) as heretofore granted under Permit 11278, Certificate 2928 is issued subject to the terms and conditions imposed in said Permit 11278, Certificate 2928 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. 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 total acres irrigated exclusively by storm and flood water from Leidy Creek and Perry Aiken Creek on a parcel located east of and adjacent to the northern portion of the ranch by Permits 70389 through 70391 shall be limited to 542.6 acres within the common described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.0 cubic feet per second, and not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 12, 2007

Proof of completion of work shall be filed before:

February 12, 2007

Water must be placed to beneficial use on or before:

January 12, 2011

Proof of the application of water to beneficial use shall be filed on or before:

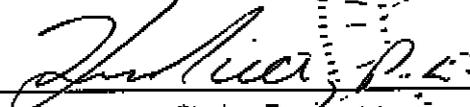
February 12, 2011

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

February 12, 2011

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,  
this 12th day of January, A.D. 2006

  
State Engineer

Completion of work filed \_\_\_\_\_  
Proof of beneficial use filed \_\_\_\_\_  
Cultural map filed NA \_\_\_\_\_  
Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

