

**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 30 2003

Returned to applicant for correction NOV 04 2003

Corrected application filed _____

Map filed NOV 01 1919 under 2889

The applicant **James R. Boyce**, hereby makes application for permission to change the **Manner & Place of Use** of water heretofore appropriated under **Permit 2889, Certificate 1881**

1. The source of water is **Leidy (aka Robinson) Creek**
2. The amount of water to be changed **1.16 cfs not to exceed 585 acre-feet annually**
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 **SW¹/₄ SE¹/₄, Section 29, T.2S., R.35E., M.D.B.&M., or at a point that bears S. 69°55' E., 1608.8 feet from the SE Corner of said Section 29. See maps under Permits 2889 and 11264**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **18 ac., SW¹/₄ SW¹/₄, Sec. 27; 17 ac., SE¹/₄ SE¹/₄, Sec 28, 39 ac., NE¹/₄ NE¹/₄, Sec. 33; 40 ac., NW¹/₄ NW¹/₄, Sec. 34, all in T.2S., R.35E., M.D.B.&M. Refer to map under Permit 2889.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **March 15 to November 30** of each year.
11. Description of proposed works **Diversion structure on Leidy (aka Robinson) Creek, thence by pipeline, booster pump and ditches to the proposed place of use.**
12. Estimated cost of works **\$75,000.00**
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: **Refer to Attachment "B"**

By **Gregory M. Bilyeu**
s/**Gregory M. Bilyeu**
500 Damonte Ranch Parkway, #1056
Reno, NV 89521

Compared cmf/sam lb/gkl

Protested 2/5/2004 by: US Bureau of Land Management Pro. Overruled 10/21/04 See Ruling 5432

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 (aka Robinson) Creek as heretofore granted under Permit 2889, Certificate 1881 is issued subject to the terms and conditions imposed in said Permit 2889, Certificate 1881 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 on the northern portion of the ranch by Permits 70164 through 70168, 70444 through 70470 and 70475 through 70481, shall be limited to 1,167.62 acres from surface sources, plus 1,363.46 acres from non-supplemental underground sources, for a total of 2,531.08 acres irrigated from all sources 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 1.16 cubic feet per second, but not to exceed 585 acre-feet annually, 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

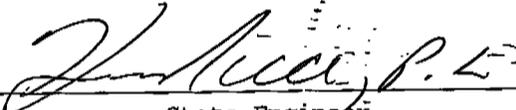
Map in support of proof of beneficial use shall be filed on or before:

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.

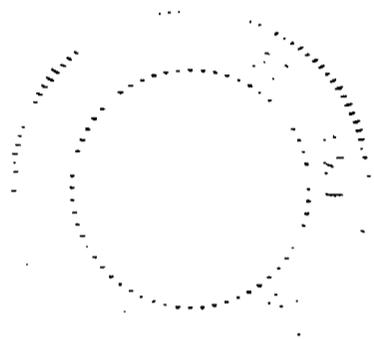

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____



Attachment "A"

7. Proposed Place of Use:

T. 2S., R.35E., M.D.B. & M.

- Section 22: S 1/2 NE 1/4, portion of the NW 1/4 SE 1/4, SW 1/4 SE 1/4, E 1/2 SE 1/4
- Section 23: 5 1/2 SW 1/4
- Section 26: W 1/2
- Section 27: All
- Section 28: E 1/2 (east of State Route 264)
- Section 33: E 1/2 (east of State Route 264)
- Section 34: All

See TEC 1th.
of 2-19-04
SD

T. 3S., R.35E., M.D.B. & M.

- Section 3: N 1/2, N 1/2 SW 1/4, NW 1/4 SE 1/4
- Section 4: E 1/2 NE 1/4, portion of the W 1/2 NE 1/4 (east of State Route 264),
portion of the NW 1/4 SE 1/4 (east of State Route 264), portion of NE
1/4 SE 1/4

Attachment "B"

15. Remarks

Applications to change Proof 01312 and Permits 2889, 3158, 3225, 10575, through 10578, 11219 through 11223, 11574, 12599 through 12601, 12640, 13296, 19337, 19338, 20040, 23311, 23500, 29541, 40188, 40190, 42168 through 42170 and 48022 are being filed to commingle the duties within a common place of use. These applications are being filed in compliance with the State Engineer's ruling associated with the reinstatement of Permits 44540 et al and are in replacement of Applications 58194 through 58206 and 58208 through 58226 originally filed in 1992.

The total existing irrigated acreage under the base rights being changed is 1594.80 acres. Water from these rights will be commingled with that from Applications 70164 through 70168, and with Applications to Change Permits 46372, 47982, and 54330 for a total of 2482.75 acres within the proposed place of use. The duty of these rights will not exceed 5 acre-feet from any and all sources.

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