

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

RECEIVED

IN THE MATTER OF APPLICATION NUMBER 81967
FILED BY Martha P. Hoots, formerly Martha P. Sims Pequop Conservancy, LLC
ON August 3, 2012

8/8/12
PROTEST

AUG 03 2012

STATE ENGINEER'S OFFICE
ELKO OFFICE

M. Perry

Comes now Martha P. Hoots

Printed or typed name of protestant

whose post office address is P.O. Box 36, Deeth, Nevada 89823

Street No. or PO Box, City, State and ZIP Code

whose occupation is rancher

and protests the granting

of Application Number 89167

, filed on June 15

, 2012

by Pequop Conservancy, LLC

for the

waters of Independence Valley,

situated in Elko

an underground source or name of stream, lake, spring or other source

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

Please see attached document.

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

John E. Marvel, Esq.
Agent or protestant

John E. Marvel, Esq.

Printed or typed name, if agent

Address

217 Idaho Street, PO Box 2645

Street No. or PO Box

Elko, NV 89801

City, State and ZIP Code

775-738-9881

Phone Number

jmarvel7@yahoo.com

E-mail

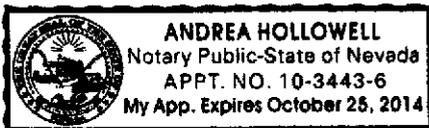
Subscribed and sworn to before me this

3rd

day of

August

, 2012



[Signature]
Notary Public

State of Nevada

County of Elko

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

ATTACHMENT
TO
PROTEST OF APPLICATION NO. 81967

Martha P. Hoots protests the granting of Pequop Conservancy, LLC's water Application 81967 for irrigation purposes within Independence Valley (Pequop Valley). At the present time, Independence Valley is a designated water basin and is fully appropriated. Independence Valley has a perennial yield of 9,000 afa, and the current active annual duty is already 9,058.12 afa.

Pequop Conservancy's Application 81967 is for 1,074 afa. Pequop Conservancy also has two (2) additional water applications pending in Independence Valley, Applications 81968 and 81969. All three Applications are for 1,074 afa each, which the combined sum total of all three (3) Applications is 3,222 afa. If approved, Pequop Conservancy's applied water appropriations will account for over one third (1/3) of the total yield amount of Independence Valley, which is already fully appropriated.

Pursuant to Nevada Revised Statute 533.370(2), the State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:

1. There is no unappropriated water at the proposed source;
2. the proposed use or change conflicts with existing rights;
3. the proposed use or change conflicts with protectable interest in existing domestic wells as set forth in NRS Section 533.024; or
4. the proposed use or change threatens to prove detrimental to the public interest.

Here, Pequop Conservancy's Application would be in violation of NRS 533.370(2) as there is no unappropriated water at the proposed source, the additional burden on the water supply will conflict with existing rights and the proposed use threatens to prove detrimental to the public interest.

Granting Application 81967 to appropriate additional waters of Independence Valley will be a further burden on the already limited water resources; perpetuate the current drought conditions; prove detrimental to the surface waters, underground aquifers, existing uses and rights of Independence Valley and adjacent water basins; and, potentially adversely impact and conflict with the existing rights of Protestant.

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