

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

IN THE MATTER OF APPLICATION NUMBER 81968
FILED BY Martha P. Hoots, formerly Martha P. Sims
ON August 3, 2012

Pequop Conservancy, LLC

1st 8/8/12

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PROTEST AUG 03 2012
STATE ENGINEER'S OFFICE
ELKO OFFICE

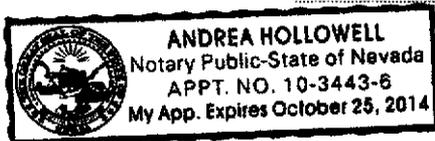
Comes now Martha P. Hoots
Printed or typed name of protestant
whose post office address is P.O. Box 36, Deeth, Nevada 89823
Street No. or PO Box, City, State and ZIP Code
whose occupation is rancher and protests the granting
of Application Number 89168, filed on June 15, 2012
by Pequop Conservancy, LLC 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

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Subscribed and sworn to before me this 3rd day of August, 2012



[Signature]
Notary Public
State of Nevada
County of Elko

+\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

ATTACHMENT
TO
PROTEST OF APPLICATION NO. 81968

Martha P. Hoots protests the granting of Pequop Conservancy, LLC's water Application 81968 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 81968 is for 1,074 afa. Pequop Conservancy also has two (2) additional water applications pending in Independence Valley, Applications 81967 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 81968 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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