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

IN THE MATTER OF APPLICATION NUMBER 81969

FILED BY ~~Martha P. Hoots, formerly Martha P. Sims~~ Pequop Conservancy, LLC

ON August 3, 20 12

PROTEST

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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 89169, filed on June 15, 20 12

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 [signature] Attorney/Agent
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, 20 12

ANDREA HOLLOWELL
Notary Public-State of Nevada
APPT. NO. 10-3443-6
My App. Expires October 25, 2014

[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. 81969

Martha P. Hoots protests the granting of Pequop Conservancy, LLC's water Application 81969 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 81969 is for 1,074 afa. Pequop Conservancy also has two (2) additional water applications pending in Independence Valley, Applications 81967 and 81968. 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 81969 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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