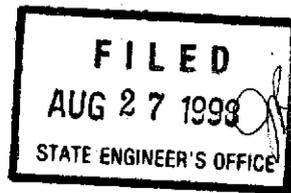


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA



IN THE MATTER OF APPLICATION NUMBER 63882, FILED BY FIVE CREEK LIMITED LIABILITY COMPANY ON MARCH 18, 1998, TO APPROPRIATE THE WATERS OF BARBER CREEK PROTEST

Comes now DONALD L. ROOKER & TONI M. ROOKER Printed or typed name of protestant

whose post office address is P.O. BOX 265, MINDEN, NV 89423, 420 CUTTIN LOOSE LN. GARDNERVILLE, NV Street No. or P.O. Box, City, State and Zip Code

whose occupation is BOTH REAL ESTATE AGENTS, and protests the granting of Application Number 63882, filed on MARCH 18, 1998

by FIVE CREEK LIMITED LIABILITY COMPANY to appropriate the waters of BARBER CREEK situated in DOUGLAS CO., GARDNERVILLE, NV

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

All existing water and water rights in Barber Creek have been allocated. There is no unused water in Barber Creek to be allocated to a new user. The proposed use by this applicant would conflict with our existing right to use the water. The application, if approved, would result in the diminution of the water flow to the rightful users, and place water on previously unirrigated property. The property which is currently being irrigated has been historically irrigated since the 1800's.

This applicant has previously stated, in public hearings, that he would NOT use water this project except for underground water for use in the domestic water system which was established for the subdivision, and that he would not infringe on the water rights of the Barber Creek users.

We are not engineers, but understand that there are considerable undesirable consequences which would result to all properties affected by this application if it were to be approved.

THEREFORE the protestant requests that the application be DENIED Denied, issued subject to prior rights, etc., as the case may be

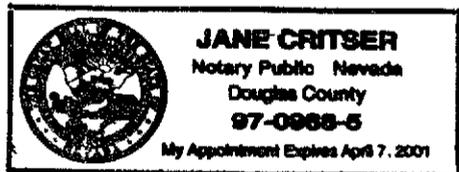
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed DONALD L. ROOKER Agent or protestant TONI M. ROOKER

Printed or typed name, if agent

Address P.O. BOX 265, MINDEN, NV 89423 Street No. or P.O. Box No. City, State and Zip Code No.

Subscribed and sworn to before me this 29 day of Aug, 1998



Jane Critser Notary Public State of Nevada County of Douglas

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

Handwritten initials 'JR'