

✓ Boy 2860
MINDEN NY 81423

CERTIFICATION RE WATER RIGHTS

BROOKE LAND DIVISION MAP

A.P.N. 31-020-31

The undersigned Owner hereby certifies that the following are facts relating to the above-referenced parcel, and are submitted to support the requisite findings pursuant to Douglas County Code 17.12.070(K), 17.28.150(A)(3) and (A)(4).

Approximately two-thirds (2/3) of this parcel has historically had appurtenant water rights pursuant to the Alpine Decree. Water right Nos. 542-546, 553-555 and 558 for a total water righted acreage of approximately 400 acres have historically been and are currently appurtenant to the property. In recent years, the property was owned by Fred Dressler, and was sold by him to Aqueduct I, a limited partnership, in 1989, as part of a larger transaction between Dressler and Aqueduct. In 1990, the present Owner acquired the parcel consisting of approximately 585 acres from Aqueduct, together with appurtenant water right Nos. 543, 544, 554, 555 and 558 comprising approximately 260 acres of water rights. The other water rights were not offered to nor sold to the Owner. Those rights were appurtenant to portions of parcels Nos. 7, 9, 11 and 13.

The water rights whose ownership was retained by Aqueduct are the subject of a pending application by Aqueduct to transfer those rights, together with other rights acquired from Dressler, to a different point of diversion for storage in Mud Lake. That application has been pending since 1990, and hearings thereon will

not resume until August 1992. The date or content of any final adjudicated decision cannot be determined.

The water rights owned by Aqueduct, however, will remain appurtenant to the property and will be used to irrigate the property pending any final determination, and also in the event that the application is denied. If the pending application of Aqueduct is granted, and is upheld if appealed, the water rights owned by Aqueduct would then be transferred from the property and become storage rights in Mud Lake. That water would remain available for agricultural use in Douglas County, among other potential uses. If the application is denied, Aqueduct, as any other water right owner, would have the right to make application for change of diversion and/or place of use.

The Owner intends no change in use for the property. The intended use is to continue the historical use and maintain the property as pasture land. The property will continue to be operated as a single agricultural unit. The Owner intends to construct one residence on parcel 8.

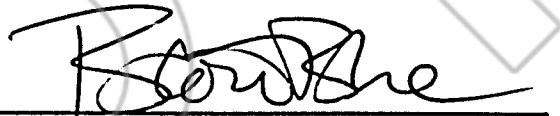
The Owner's intent is to acquire additional water rights to replace the retained water rights, if necessary, to supplement existing water rights, and to put additional non-irrigated land under irrigation. To this end, the Owner is attempting to purchase other existing West Fork water rights, and is negotiating for the use of other available water. The Owner has retained easements and rights in the ditches and facilities necessary to deliver water to the affected lands.

Based on the foregoing, it is submitted that the following findings may be made regarding the proposed map:

1. Approval will not represent a present or future over appropriation or an additional demand on the waters of Douglas County.

2. Approval will not impair the quality, quantity or availability of water for existing water rights.

3. That there are water rights of acceptable character available to the proposed parcels to supply the proposed use of the parcels.



T. SCOTT BROOKE

STATE OF NEVADA

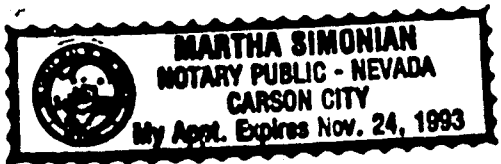
COUNTY OF DOUGLAS

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) ss.
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On March 4, 1993, before me, a notary public, personally appeared T. SCOTT BROOKE, personally known (or proved) to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.

Martha Simonian
Notary Public

REQUESTED BY
T Scott Brooke
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA



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