

DISTRICT COURT, WATER DIVISION 7, COLORADO

WATER RESUME

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN SAID WATER DIVISION NO. 7

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications filed in the Office of the Water Clerk during the month of June 2025, for each county affected.

2025CW3018 Montezuma County, Application for Findings of Reasonable Diligence. Applicant: Johnny McDonald and Patrick McDonald, c/o Kimberly C. Perdue, Southwest Water and Property Law LLC, 679 E. 2nd Ave. Unit 10, Durango, CO 81301; (970) 422-5510; kperdue@swpropertylaw.com; 1) Structure: Wilson Ditch, Burns Enlargement; i. Loc: In the SE ¼ NW ¼ NE ¼ of Section 4, T35N, R16W, NMPM, whence the SW corner of Section 4, T36N, R16W, NMPM bears South 56° West, a distance of 1,726 feet; ii. Source: Hartman Canyon, tributary to McElmo Creek; iii. Appropriation date: March 19, 1997; iv. Amt: 3.0 cfs — 2.0 cfs Absolute and 1.0 cfs Conditional; iv. Use: Irrigation; 2) No additional diversion structures or modification to existing structures located outside Applicant's property boundaries are necessary for this water right. (9 pages including exhibits)

2025CW3019 Archuleta County, Prior Cases No. 2008CW85, 2016CW3058, Division: Courtroom: DISTRICT COURT, WATER DIVISION No. 7, COLORADO, Court Address: 1060 East Second Avenue, Durango, CO 81301, Telephone No.: (970) 247-2304 CONCERNING THE APPLICATION FOR WATER RIGHTS OF EPR SPRINGS, LLC, AND OLYMPUS SL1, LLC, In the San Juan River and its tributaries, IN ARCHULETA COUNTY, COLORADO. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE.** Co-Applicants, EPR SPRINGS, LLC, and OLYMPUS SL1, LLC, by and through their undersigned counsel, hereby submit this APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. 1. Names and Addresses of Co-Applicants. EPR Springs, LLC ("EPR"), c/o EPR Properties, LLC 909 Walnut Street, Suite 200, Kansas City, Missouri 64106, Olympus SL1, LLC ("Olympus"), 1067 FM 306, Suite 408, New Braunfels, Texas 78130, *Please direct all filings, pleadings, and other communications in this matter to Co-Applicants' counsel:* Bushong & Holleman PC, P. Fritz Holleman, Paul J. Raymond, 1966 13th Street, Suite 270, Boulder, Colorado 80302, Email : fholleman@bh-lawyers.com; praymond@bh-lawyers.com Colorado Water & Land Law, LLC Amy N. Huff (#34897), 679 E. 2nd Avenue, Suite 11B, Durango, Colorado 81301, Phone: (970) 403-1770, Email: amy@waterland-law.com The water rights at issue are part of the supply for The Springs Resort ("Resort"). Olympus is the operator and tenant of the Resort. EPR is the owner of the Resort and the sole owner of the water rights at issue. 2. Name of Structures: 2.1. County Outflow #1, 2.2. County Outflow #2, 2.3. Methodist Church/Adobe Inn Outflow Well #1. 3. Prior Decrees: 3.1. Original Decree: Case No. 2008CW85, District Court, Water Division No.7, entered on December 15, 2010, 3.2. Subsequent Decree: Case No. 2016CW3058, District Court, Water Division No. 7, entered on June 25, 2019. 4. Legal Descriptions of Point of Diversion: 4.1. County Outflow #1: In the SE1/4, NE1/4, SW1/4, Section 13, T35N, R2W, NMPM, being 1435 feet from the South section line and 2230 feet from the West section line of said Section 13. UTM: Northing 4126248 Easting 321645, 4.2. County Outflow #2: In the SE1/4, NE1/4, SW1/4, Section 13, T35N, R2W, NMPM, being 1331 feet from the South section line and 2120 feet from the West section line of said Section 13. UTM: Northing 4126217 Easting 321611, 4.3. Methodist Church/Adobe Inn Outflow Well #1: In the NW1/4, SE1/4, SW1/4, Section 13, T35N, R2W, NMPM, being 1241 feet from the South section line and 1756 feet from the West section line of said Section 13. UTM: Northing 4126192 Easting 321500. 5. Source: 5.1. County Outflow #1 and #2: Wastewater outflow from well in Case No. 79CW49 (01CW107), 5.2. Methodist Church/Adobe Inn Outflow Well #1: Wastewater outflow from well in Case No. 91CW8, CA308D. 6. Appropriation Date: December 22, 2008. 7. Amounts: 7.1. County Outflow #1 - 148 gpm (0.33 cfs) conditional, 7.2. County

Outflow #2 - 148 gpm (0.33 cfs) conditional, 7.3. Methodist Church/Adobe Inn Outflow Well #1 - 30 gpm (0.067 cfs) conditional. 8. Uses: Heating, soaking and heating ponds, bath houses, mineral baths, swimming pools, heating buildings in the Springs Resort, greenhouse use, and laundry facility, and to maintain level of the "Great Spring" and reheating of wastewater outflows. 9. Outline of what has been done toward completion of the water right described herein: Co-Applicants seek a finding of reasonable diligence for all remaining conditional amounts and uses described above. Co-Applicant's efforts toward development of the subject conditional water rights include, but are not limited to, the following 9.1. The subject water rights are part of the integrated water supply system used for The Springs Resort. Thus, in accordance with C.R.S. § 37-92-301(4)(b), activities supporting a finding of reasonable diligence on one portion of the system shall be considered to support a finding of reasonable diligence for all water rights related to the system. Co-Applicants have engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water rights to the decreed beneficial uses and have incurred significant expense in investigations and capital improvements related to the water supply and use facilities for the Springs Resort. All such expenditures are necessary steps in the development of the Springs Resort's integrated water supply system and the subject water rights, 9.2. Co-Applicants have spent approximately \$7,000,000 on expansion efforts for The Springs Resort, 9.3. Approximately \$1,000,000 of such expenditures were directly related to the water supply system for The Springs Resort, 9.4. The Springs Resort is diligently working toward the envisioned build-out of the property and the subject water rights will be used to help supply the property at build-out, 9.5. Co-Applicants regularly monitor the filings of other water users in the San Juan River Basin to ensure its water rights will not be adversely affected and have incurred legal and engineering costs in connection with numerous matters to protect its water rights, 9.6. Co-Applicants continue to rely upon the subject water rights and fully intend to develop and utilize the subject water rights for the full decreed amounts and have no intention to abandon them. 10. Names and Addresses of Affected Landowners: The Town of Pagosa Springs owns the real property where the points of diversion are located. Co-Applicant EPR owns The Springs Resort property where the water at issue will be but to beneficial use. The Address for the Town is: 551 Hot Springs Blvd. Pagosa Springs, CO 81147. WHEREFORE, Co-Applicants respectfully request that this Court enter a decree finding they have exercised reasonable diligence in the development of the water rights described herein, and continuing said water right in effect, as a conditional water right, for an additional six (6) years, and to grant any other relief the Court deems just and proper. (6 pages)

2025CW3020 Archuleta County, Prior Cases No. 1991CW61, 2000CW53, 2008CW02, 2017CW3007 Division: Courtroom: DISTRICT COURT, WATER DIVISION No. 7, COLORADO, Court Address: 1060 East Second Avenue, Durango, CO 81301, Telephone No.: (970) 247-2304, CONCERNING THE APPLICATION FOR WATER RIGHTS OF EPR SPRINGS, LLC, AND OLYMPUS SL1, LLC, In the San Juan River and its tributaries, IN ARCHULETA COUNTY, COLORADO. APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. Co-Applicants, EPR SPRINGS, LLC, and OLYMPUS SL1, LLC, by and through their undersigned counsel, hereby submit this APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. 1. Names and Addresses of Co-Applicants. EPR Springs, LLC ("EPR"), c/o EPR Properties, LLC, 909 Walnut Street, Suite 200, Kansas City, Missouri 64106, Olympus SL1, LLC ("Olympus"), 1067 FM 306, Suite 408, New Braunfels, Texas 78130, Please direct all filings, pleadings, and other communications in this matter to Co-Applicants' counsel: Bushong & Holleman PC, P. Fritz Holleman, Paul J. Raymond, 1966 13th Street, Suite 270, Boulder, Colorado 80302, Email : holleman@bh-lawyers.com; praymond@bh-lawyers.com Colorado Water & Land Law, LLC, Amy N. Huff (#34897), 679 E. 2nd Avenue, Suite 11B, Durango, Colorado 81301, Phone: (970) 403-1770, Email: amy@waterland-law.com The water rights at issue are part of the supply for The Springs Resort ("Resort"). Olympus is the operator and tenant of the Resort. EPR is the owner of the Resort and the sole owner of the water rights at issue. 2. Name of Structure: PSRC #4 (Well PS-5). 3. Prior Decrees: 3.1. Original Decree: Case No. 1991CW61, District Court, Water Division No. 7, entered on May 10, 1996, ("the 91CW61 Decree"), 3.2. Subsequent Decree: Case No. 2000CW53, District Court, Water Division No. 7, entered on March 15, 2002; Case No.

2008CW02, District Court, Water Division No. 7, entered on February 17, 2011; Case No. 17CW3007, District Court, Water Division No. 7, entered on June 25, 2019. 4. Legal Descriptions of Point of Diversion: Outflow of Well PS-5, located on the north back of the San Juan River in the NW ¼ SE ¼ SW ¼ Section 13, T35N, R2W, NMPM, being 1263 feet from the South Section line and 1736 feet from the West Section line of Section 13, as adjusted to conform to Point of Delivery described in the Geothermal Water Tap and Economic Development Agreement with the Town of Pagosa Springs. 5. Source: Wastewater from the Town of Pagosa Springs Well PS-5, after beneficial use by the Town of Pagosa Springs. 6. Appropriation Date: December 20, 1991. 7. Amount: 1 cfs (450 gpm), 7.1. Winter Usage: 121 gpm Absolute; 329 gpm Conditional, 7.2. Summer Usage: 180 gpm Absolute; 270 gpm Conditional. 8. Uses: All uses described in the 91CW61 Decree including: irrigation, heating of existing and future buildings, structures, and driveways, recreational uses such as hot tubs, pools, miniature golf, fish and stock ponds, green houses, and use in existing structures and structures to be constructed in the future at the Springs Resort. 9. Outline of what has been done toward completion of the water right described herein: Co-Applicants seek a finding of reasonable diligence for all remaining conditional amounts and uses described above. Co-Applicant's efforts toward development of the subject conditional water rights include, but are not limited to, the following: 9.1. The PSRC #4 water right is part of the integrated water supply system used for The Springs Resort. In accordance with C.R.S. § 37-92-301(4)(b), activities supporting a finding of reasonable diligence on one portion of the system shall be considered to support a finding of reasonable diligence for all water rights related to the system. Co-Applicants have engaged in numerous activities during the relevant diligence period that demonstrate diligence toward the application of the subject water right to the decreed beneficial uses and have incurred significant expense in investigations and capital improvements related to the water supply and use facilities for the Springs Resort. All such expenditures are necessary steps in the development of the Springs Resort's integrated water supply system and the subject water right, 9.2. Co-Applicants have spent approximately \$7,000,000 on expansion efforts for The Springs Resort, 9.3. Approximately \$1,000,000 of such expenditures were directly related to the water supply system for The Springs Resort, 9.4. The Springs Resort is diligently working toward the envisioned build-out of the property and the subject water rights will be used to help supply the property at build-out, 9.5. Co-Applicants regularly monitor the filings of other water users in the San Juan River Basin to ensure their water rights will not be adversely affected and have incurred legal and engineering costs in connection with numerous matters to protect their water rights, 9.6. Co-Applicants continue to rely upon the subject water rights and fully intend to develop and utilize the subject water right for the full decreed amounts and have no intention to abandon it. 10. Names and Addresses of Affected Landowners: The Town of Pagosa Springs owns the real property where the point of diversion is located. Co-Applicant EPR owns The Springs Resort property where the water at issue is or will be but to beneficial use. The Address for the Town is: 551 Hot Springs Blvd. Pagosa Springs, CO 81147. WHEREFORE, Co-Applicants respectfully requests that this Court enter a decree finding they have exercised reasonable diligence in the development of the PSRC #4 water right, and continuing said water right in effect, as a conditional water right, for an additional six (6) years, and to grant any other relief the Court deems just and proper. (5 pages)

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of August 2025, to file with the Water Clerk, a verified Statement of Opposition, setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of such Statement of Opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$192.00; Forms are available through the Office of the Water Clerk or on the Judicial web site at

www.coloradojudicial.gov; Jason Poyer, Water Court Specialist, 1060 E. 2nd Ave., Room 106, Durango, CO 81301; 970-247-2304)

Published: before July 31, 2025

/s/ Jason Poyer
Water Court Specialist