

DISTRICT COURT, COSTILLA COUNTY, COLORADO

304 Main Street
P.O. Box 301
San Luis, CO 81152

DATE FILED: January 28, 2022 5:06 PM
FILING ID: 11913816ADCF8
CASE NUMBER: 1981CV100005

Plaintiffs: EUGENE LOBATO, et al.

v.

Defendants: ZACHARY TAYLOR, as executor of the estate of
Jack Taylor, Jr., deceased, et al.

ATTORNEYS FOR PLAINTIFFS

Sarah B. Wallace, #31859
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▼ COURT USE ONLY ▼

Case No. 81CV100005
Courtroom: A

**JOINT SUBMISSION OF STIPULATED REGULATIONS AND ADDITIONAL
PROPOSED REGULATIONS TO WHICH THE PARTIES DID NOT STIPULATE**

Pursuant to this Court's September 28, 2021, order requiring the counsel for the Plaintiffs "Access Rights Holders" and Cielo Vista Ranch ("CVR") to confer and stipulate to a list of regulations, the Access Rights Holders and CVR submit **Exhibit A**, which contains a set of Stipulations. Because the parties were unable to agree on a full set of regulations, the Access Rights Holders submit **Exhibit B**, which is the Access Rights Holder's Proposed Additional Regulations and CVR submits **Exhibit C**, which is CVR's Proposed Additional Regulations.

The Parties will separately submit additional materials containing their arguments about the competing proposed additional regulations.

Dated: January 28, 2022

Respectfully submitted,

By: /s/Sarah B. Wallace

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By: /s/Jacob F. Hollars

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**Attorneys for Defendant Cielo Vista Ranch I,
LLC**

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2022, a true and correct copy of the foregoing **JOINT SUBMISSION OF STIPULATED REGULATIONS AND ADDITIONAL PROPOSED REGULATIONS TO WHICH THE PARTIES DID NOT STIPULATE** was electronically filed via Colorado Courts E-Filing and served on all parties of record.

/s/ Sherri Clark _____

Exhibit A

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STIPULATED PRINCIPLES, DEFINITIONS AND REGULATIONS

OVERARCHING PRINCIPLES:

The Court directed the parties to submit proposed regulations and restrictions “with regard to the – you know, the time and location restrictions, the amount of livestock, camping with regard to shepherds, scouting, and so forth, all those issues that we heard.”

The Ranch is a finite resource that must be protected for future generations.

When notice is required to be given under these Rules and Regulations, it shall be given as follows:

To Plaintiffs:

The Land Rights Council
Shirley M. Romero Otero - President
P.O. Box 57
San Luis, CO 81152
shirleymromero@yahoo.com
(970) 640-8014

And to

Current counsel for the Plaintiffs:

Sarah Wallace, Esq.
Ballard Spahr LLP
1225 17th Street, Suite 2300
Denver, CO 80202
wallaces@ballardspahr.com

If Plaintiffs change counsel or are no longer represented by the above attorney, they must provide notice of such change to the Ranch Owner.

To the Ranch Owner:

Carlos DeLeon
cdeleon@cathexis.com
(719) 680-0092

And to

Current counsel for the Ranch Owner:

Jamie Cotter
Spencer Fane LLP
1700 Lincoln Street, suite 2000
Denver, CO 80203
jcotter@spencerfane.com

If the Ranch Owner changes counsel or is no longer represented by the above attorney, it must provide notice of such change to the Plaintiffs and current counsel for the Plaintiffs.

STIPULATED DEFINITIONS:

The Ranch – The “Ranch” is defined as the property subject to access rights as decided by the Colorado Supreme Court.

The Ranch Owner – The Ranch Owner is the current and future owner(s) of the Ranch.

LRC – The Land Rights Council.

Ranch Employees – All persons employed by the Ranch Owner.

Daylight Hours – Daylight Hours is defined as one hour prior to sunrise and one hour after sunset.

Amended Notice of Use Form- A court approved notice of use form that will allow an Access Rights Holder to list certain family members and agents for whom the Access Rights has given permission to exercise the Access Rights holders’ rights on his or her behalf.

Family members – Are spouses, parents, children, siblings, and grandchildren.

STIPULATED REGULATIONS:

Stipulated Regulation No. 1 – The Ranch Owner can require locked gates at all common access points, but all gates must have a single universal key.

Stipulated Regulation No. 2 – Access Rights Holders can exercise their rights collectively if they choose to do so.

Stipulated Regulation No. 3 – The Ranch Owner cannot block access to the Ranch due to an active hunt. Hunters should be made aware of the Access Rights Holders’ easement and be aware that they may encounter Access Rights Holders.

Stipulated Regulation No. 4 – The Ranch Owner acknowledges the existence of FAA regulations applicable to helicopters. Such regulations create no private right of action on behalf of Plaintiffs.

Stipulated Regulation No. 5 – Individuals on the Ranch may carry guns in accordance with C.R.S. §18-12-105(2) and 105.6 and C.R.S. §18-12-214.

Stipulated Regulation No. 6 – The Ranch Owner can install electric fences on the Ranch, as long as such electric fences do not prevent Access Rights Holders from collecting firewood, harvesting timber, or grazing livestock. All electric fences must be appropriately identifiable.

Stipulated Regulation No. 7 – CVR is entitled to employ Ranch Employees who are able to access the Ranch to monitor the Ranch.

Stipulated Regulation No. 8 – Access Rights Holders cannot take antler sheds from the Ranch.

Stipulated Regulation No. 9 – No Access Rights Holder can gather firewood and sell it.

Stipulated Regulation No. 10 – Access Rights Holders must submit an Amended Notice of Use Form or fill out an Amended Notice of Use Form upon request while on the Ranch in order to access the Ranch.

Stipulated Regulation No. 11 – There shall be no time limitations on the Access Rights Holders right to tend to livestock.

Stipulated Regulation No. 12 – The Ranch Owner may not impose any restrictions on how frequently, or in what manner an Access Right Holder can check on their livestock.

Stipulated Regulation No. 13– Access Rights Holders will harvest timber and gather firewood during Daylight Hours. After Daylight Hours, all Access Rights Holders must be in the process of exiting the Ranch and must make all reasonable efforts to send a text or leave a voicemail for the Ranch Manager. All such Access Rights Holders must exit the Ranch by no later than 1 hour after Daylight Hours unless they can provide evidence of an issue that prevented them from leaving in a timely fashion. No camping is permitted on the Ranch except camping permitted with respect to tending to sheep.

Stipulated Regulation No. 14 – Because all entrances require keys; the presumption is that anyone entering through a gate (either public or private) is on the Ranch for a legitimate purpose and there should be no interaction between the Access Rights Holders and the Ranch Employees unless an Access Rights Holder appears to be on the Ranch for an improper purpose, is not recognized as having completed a Notice of Use Form, or if the Ranch Employees are approached by an Access Rights Holder.

Stipulated Regulation No. 15 – If evidence of wrongdoing exists, any Ranch Employee may approach the Access Rights Holder and request that they stop the wrongdoing.

Exhibit B

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Disputed Definitions

Access Rights Holders – Anyone who owns or leases a parcel of property that has adjudicated rights and anyone who lives on a parcel of property that has adjudicated rights.

Agent is a person that an Access Rights Holder has authorized to exercise his or her rights by listing their name on the Notice of Use form or by providing a note authorizing that person to exercise his or her rights.

Disputed Rules and Regulations

MONITORING

1. The Ranch Owner can place cameras in La Sierra so long as they do not interfere with the ability of the Access Rights Holders to exercise their rights. The Ranch Owner must notify Landowners where any cameras are located so Landowners can take reasonable steps to protect their privacy.

2. The Ranch Owner can use drones for the limited purpose of ensuring that Access Rights Holders are on La Sierra for a legitimate purpose. Once that has been confirmed, drones may not continue to monitor Access Rights Holders. Drones may not follow Access Rights Holders after they leave La Sierra.

3. All drone use must comply with the 14 CFR Part 107.

4. The Ranch Owner can only observe Access Rights Holders from a distance of at least 100 feet.

5. Ranch Employees are entitled to wear body cameras that can record interactions with all people on the Ranch. In the event of an allegation of violation of these Rules and Regulations by the Ranch Owner, an Access Rights Holder can request access to any video footage related to the particular interaction. The Ranch Owner will produce such video evidence within 7 days of any such request. The Ranch Owner shall preserve any video footage indefinitely and will utilize a labeling system by which it identifies the persons included in the interaction, the date of the interaction, and the general location on the Ranch.

ACCESS

6. Access Rights Holders cannot give their keys to any other person, other than agents or family member who are listed on the Amended Notice of Use Form.

7. Access Rights Holders may scout for wood, timber or grazing areas. There is no requirement to carry specific tools or limitations on the mode of transportation used to scout.

8. Access Rights Holders can bring as many helpers with them as they deem appropriate while exercising their rights. These helpers may be family members or agents but they do not need to be.

9. The Ranch Owner and Access Rights Holders agree that Access Rights Holders have the right to graze livestock, gather firewood, and harvest timber for use on their property. The Access Rights Holders are prohibited from hunting and fishing on the Ranch.

10. Access Rights Holders may designate family members and/or up to a maximum of four agents to exercise their rights at any given time. The Access Rights Holders must give notice of such designation to the Ranch Owner by identifying the agents and/or family members in the Amended Notice of Use Form or by providing the agents and/or family members with a signed note stating the agent or family members are authorized to exercise their rights. Such agents and/or family members need not be included on the Amended Notice of Use Form or given a note if the Access Rights Holders are present while they are exercising their rights. To the extent such agents and/or family members are listed on the Amended Notice of Use Form, such listing has no impact on the legal issue of whether such agents or family members are Access Rights Holders in their own right.

11. Access Rights Holders and their family members, agents, or helpers can take breaks and enjoy a picnic or drinks while exercising their rights.

12. Access Rights Holders with property that directly abuts the Ranch may access the Ranch directly from their property by installing new gates and maintaining existing gates. Such gates must be locked if the gates are along a public road, but no lock is required if such gates have no public access.

13. The Ranch Owner cannot block access to La Sierra. If the Ranch Owner determines in good faith and based on a diligent review of the existing facts (such as an active fire) that it must prevent some access to La Sierra, Ranch Owner shall as soon as practicable but no later than 48-hours after blocking access:

- File a notice with the Court, describing the emergency, the duration of blocking access, the steps being taken to remediate the emergency, and the efforts made to contact the Land Rights Council;

or

- Seek written approval from the Land Rights Council;

14. In no instance can Ranch Owner restrict access for more than 72-hours absent a written Court order or written approval from the Land Rights Council.

FIREWOOD AND TIMBER

15. Access Rights Holders can use whatever equipment they deem necessary to gather firewood and cut down timber.

16. Ranch Owner may not restrict the size of tree, species of tree, or types of wood (dry wood, green wood, etc.) that Access Rights Holders can gather for firewood or timber.

17. Ranch Owner will not take any action with respect to timber or firewood without providing the Access Rights Holders, the LRC, and Plaintiffs' counsel with 90-day advance notice describing the Ranch Owner's action and why it will not interfere with the Access Rights Holders rights. Examples of "action" would be harvesting, replanting or selling timber or firewood on a commercial basis.

ROADS

18. Access Rights Holders can bring appropriate equipment, machinery and personnel to repair or clear washed out or obstructed roads.

19. Access Rights Holders can extend or create new roads to access large patches of timber and firewood so long as they follow all permit protocols necessary for new road construction and give the Ranch Owner advanced notice. To the extent that Ranch Owner's consent is necessary to obtain permits, the Ranch Owner will not unreasonably withhold consent.

GRAZING

20. Access Rights Holders may graze all domestic livestock. This includes but is not limited to: horses, mules, cows, sheep and goats.

21. Ranch Owner will not fly—or permit—helicopters to fly low in the vicinity of livestock.

22. Access Rights Holders and up to two designated agents or family members can camp with sheep. In order to camp on the Ranch, an Access Rights Holder must have more than 10 or more sheep and must camp within a reasonable distance of such sheep. Working dogs are permitted.

INTERACTIONS

23. Ranch Employees will wear visible Ranch identification.

24. The Ranch Owner shall train Ranch Employees on these Rules and Regulations on an annual basis. Ranch Owner will videotape the training so that Access Rights Holders can confirm the content of the training.

25. Ranch Employees will sign an affirmation that they will abide by the Rules and Regulations.

26. Ranch Employees may only carry guns with Ranch Owner's explicit permission.

27. If the Ranch Owner permits Ranch Employees to carry guns, then the Ranch Employees will need to obtain a security guard license through <http://www.secguard.net/security-guard-training-licensing-colorado/> or a similar program which licensing must be renewed annually.

28. Ranch Owner will advise attorneys of record of any Ranch Employee to whom it has provided permission to carry a gun with proof of said licensing.

29. To the extent any Colorado laws are instituted regulating security guards, the Ranch will abide by such laws and consider its employees as security guards.

30. The Ranch Employees may only initiate an interaction if the Access Rights Holder appears to be on the Ranch for an improper purpose or if it legitimately does not recognize the Access Rights Holder. (This would be based on camera footage, drones or viewing from a distance).

31. When there is an interaction between Ranch Employees and Access Rights Holders:

- (a) firearms must remain in the vehicle;
- (b) if the Ranch Employees are not traveling in a vehicle, then the Ranch Employees may not brandish a firearm absent a threat of imminent harm;
- (c) dogs must remain secured in vehicles when near Access Rights Holders
- (d) Ranch Employees may not physically block Access Rights Holders;
- (e) Ranch Employees may not restrain Access Rights Holders; and
- (f) Ranch Employees may not escort Access Rights Holders off the Ranch.

32. If a Ranch Employee stops and confronts known Access Rights Holders, without evidence that the Access Rights Holder is hunting, fishing or collecting Antler sheds, there will be a presumption of harassment. This will result in a \$500 penalty payable to the Access Rights Holder per interaction. In addition, any employee who stops known Access Rights Holders more than three times will no longer be allowed to interact with Access Rights Holders.

33. If the alleged wrongdoing has been adjudicated as a violation of the Access Rights or prohibited by these Rules and Regulations, the Ranch Owner may call the police or other law enforcement who can address the violation with the Access Rights Holders. Calling the Police or other law enforcement for something that has not been adjudicated as a violation of the Access Rights or a violation of these Rules and Regulations will be considered harassment and result in the Ranch Employee no longer being allowed to interact with Access Rights Holders. It will also result in a \$1,000 fine payable to the Access Rights Holder.

PROCESS

34. The Ranch Owner may not impose its own interpretation of the Access Rights that are not specifically outlined in this set of Rules and Regulations. If the Ranch believes that rules above and beyond those imposed as part of this Order are necessary, then the Ranch, after meeting and conferring with Access Rights Holders, needs to move the Court for additional

Rules and Regulations. If Access Rights Holders prevail, they shall be entitled to an award of reasonable attorneys' fees and costs.

35. If the Access Rights Holders believe that the Ranch Owner is acting in a way inconsistent with these Rules and Regulations or doing something that harms their dominant rights, they may seek prompt relief from the Court by filing a motion with the Court. If Access Rights Holders prevail, they shall be entitled to an award of reasonable attorneys' fees and costs.

36. If Ranch Owner determines that an Access Rights Holder is violating or abusing his or her rights, Ranch Owner will first contact counsel for Access Rights Holders to confer on the alleged violation or requested relief. If such conferral is unsuccessful, Ranch Owner may separately bring a trespass action, but must notify Access Rights Holder's counsel of such a filing. Any such action will be heard by this Court. If Access Rights Holders prevail, they shall be entitled to an award of reasonable attorneys' fees and costs.

NOTICE

37. The Ranch Owner cannot subdivide the Ranch absent a Court Order without providing the Access Rights Holders, the LRC, and Plaintiffs' counsel with 90-day advance notice describing the proposed subdivision and why it will not interfere with the Access Rights Holders rights.

38. The Ranch Owner cannot construct new internal or external fencing without providing the Access Rights Holders, the LRC, and Plaintiffs' counsel with 90-day advance notice describing the proposed new fence and why it will not interfere with the Access Rights Holders rights.

39. The Ranch Owner cannot construct a new structure without providing the Access Rights Holders, the LRC, and Plaintiffs' counsel with 90-day advance notice describing the proposed new structure and why it will not interfere with the Access Rights Holders rights.

Exhibit C

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CVR'S NON-STIPULATED PRINCIPLES, DEFINITIONS AND REGULATIONS

OVERARCHING PRINCIPLES:

Ambiguity leads to hostility.

DEFINITIONS:

Access Rights Holders – Access Rights Holders are those people whom the Court has determined have access rights.

Agent – Is one of the two people in any given year that an Access Rights Holder has authorized to exercise his or her rights by listing their name on an Amended Notice of Use Form.

CVR PROPOSED REGULATIONS:

Monitoring Regulations

CVR #1 - The Ranch Owner can place cameras on the Ranch.

CVR #2 – The Ranch Owner can use drones for the purpose of ensuring that Access Rights Holders are on the Ranch for legitimate purposes. Drones may not follow Access Rights Holders who are on the Ranch for legitimate purposes after they leave the Ranch.

Access Regulations

CVR #3 – Access Rights Holders with property that directly abuts the Ranch may access the Ranch directly from their property by installing and maintaining a new gate which matches the quality and strength of the existing fence. An abutting property owner can install one gate for each mile of abutting fence line. Such gates must remain closed and locked at all times when not in active use for the purpose of ingress or egress. Access Rights Holders who construct gates are responsible for ensuring that the gate remains closed such that no livestock can exit the Ranch through the gate inadvertently.

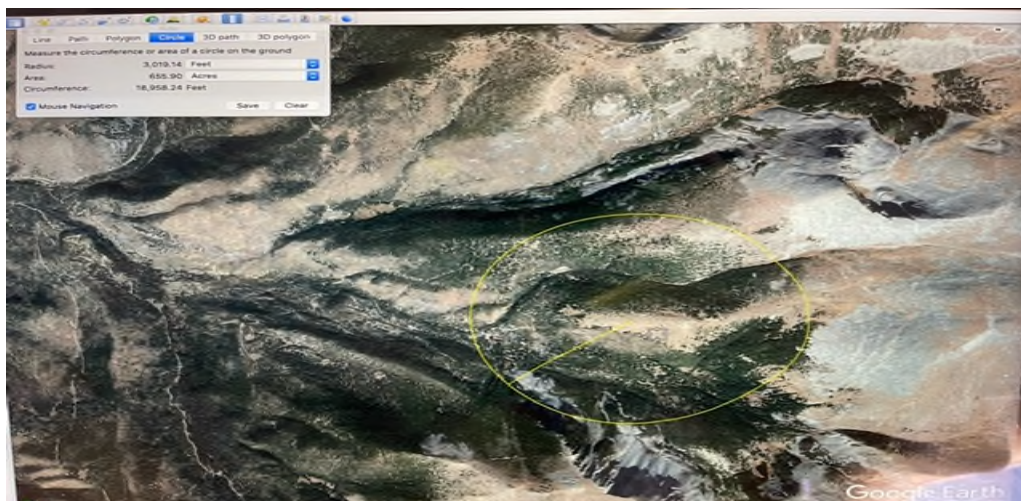
CVR #4 – Subject to the 9 gates and any additional gates from neighboring properties, there shall be no limitation on the Ranch Owner's ability to fence the perimeter of the Ranch.

CVR #5 – The Ranch Owner may block access to the Ranch in the case of an emergency, including but not limited to a fire or active investigation by law enforcement. In such event, the Ranch Owner may block access to the Ranch and provide notice to the LRC of such action at the address above within 8 hours of blocking such access. If the LRC objects to such access being blocked, the LRC may file a motion for contempt with the District Court for Costilla County and request an expedited hearing to determine whether or not such access should have been blocked.

CVR #6 – Access Rights Holders can designate up to two agents, whether those people are family members or not, per year to exercise their rights. The Access Rights Holders must give notice of such designation to the Ranch Owner by identifying the designated agents in an Amended Notice of Use Form which must be submitted by the Access Rights Holder prior to their agents entering the Ranch. Agents accessing the Ranch either with or without the Access Rights Holder are limited to one vehicle. There must be at least one Access Rights Holder in every vehicle that accesses the Ranch unless the Access Rights Holder sends one of their two agents to exercise their rights. To the extent such agents are listed on the Amended Notice of Use Form, such listing has no impact on the legal issue of whether such agents are Access Rights Holders in their own right. Agents must only access the Ranch for the purposes of exercising the Access Rights Holder’s access rights for which they are an agent, and all regulations pertaining to “Access Rights Holders” pertain equally to agents.

CVR #7 – Access Rights Holders cannot exercise any access rights within 1,000 ft of any building or structure located on the Ranch.

CVR #8 - The Ranch Owner intends to construct a home at the following location:



Access Rights Holders cannot exercise any access rights within 3,000 ft of Ranch Owner’s home in this location.

CVR #9 – The Ranch Owner has the option, at its sole discretion, to pay to install facial recognition cameras or other technology at each gate. For any Access Rights Holder who has submitted a Notice of Use Form, the gate will automatically open. Anyone entering the property for the first time or whom the camera does not recognize will press a call button that will send live video to a Ranch Employee. The person must identify themselves, and state their name so they can be searched and added to the database.

Specific Timber and Firewood Regulations

CVR #10 – Live wood cannot be taken above 10,500 ft elevation.

CVR #11 – Access Rights Holders cannot use ATVs or equipment larger than 6,000 lbs to gather for any purpose on the Ranch.

CVR #12 – The Ranch Owner may not restrict the size of tree, species of tree, or types of wood (dry wood, green wood, etc.) that Access Rights Holders can gather for firewood or timber with the exception of pinon. Access Rights Holders cannot remove pinon from the Ranch.

Specific Grazing Regulations

CVR #13 – Access Rights Holders may graze all domestic livestock that were grazed at the time of Beaubien. This includes, but is not limited to, cattle, horses, sheep, goats and mules.

CVR #14 – Access Rights Holders and up to one additional designated agent can camp with sheep and use working dogs. In order to camp on the Ranch, an Access Rights Holder must have 10 or more sheep and must camp within 200 yards of such sheep.

General Regulations

CVR #15 – Ranch Employees are entitled to wear body cameras that can record interactions with all people on the Ranch. In the event of an allegation of violation of these Rules and Regulations by the Ranch Owner, an Access Rights Holder can request access to any video footage related to the particular interaction. The Ranch Owner will produce such video evidence within 30 days of any such request. The Ranch Owner shall preserve any video footage for three years.

CVR #16 - Access Rights Holders have the right to graze livestock for personal use, gather firewood to heat their homes, and harvest timber for use on their property that has access rights to the Ranch. The Access Rights Holders are prohibited from hunting (including but not limited to acting in manner evident of intent to hunt), fishing (including but not limited to acting in a manner evident of intent to fish) and recreating on the Ranch. In order to exercise their rights, Access Rights Holders can do the following:

(a) Livestock - Access Rights Holders cannot access the Ranch to graze their livestock unless they are actively locating their livestock on the Ranch or monitoring their livestock on the Ranch. Access Rights Holders cannot “scout” for livestock purposes.

a. The Ranch Owner has the option to require all Access Rights Holders to put electronic tracking tags/collars on all animals on the Ranch. The Ranch Owner will pay for these tags/collars. This will send live location data showing exactly where each animal is in real time to the owner of those cattle as well as to the Ranch.

(b) Firewood – Access Rights Holders who intend to gather firewood must access the Ranch with the intent and ability to gather at least one pickup truck bed full or 1 cord of wood on that trip, whichever is less. Access Rights Holders cannot access the Ranch on an ATV. Access Rights Holders cannot “scout” for purposes of gathering firewood.

(c) Timber – Access Rights Holders can access the Ranch for purposes of determining which timber they intend to harvest. In such event, they must notify the Ranch Owner that they will be accessing the Ranch for purposes of scouting for Timber. Every Access Rights Holder accessing the Ranch for purposes of scouting for Timber must be able to

subsequently harvest the timber they are scouting for within one week. Access Rights Holders can harvest timber using rubber-wheeled equipment up to 6,000 lbs.

CVR #17 – Access Rights Holders cannot use the Ranch for commercial purposes. For purposes of determining what constitutes “commercial use” the following regulations apply:

- All firewood gathered from the Ranch must be used to heat property that has access rights to the Ranch.
- All timber harvested from the Ranch must be used to construct buildings, fences or any other structures on property that has access rights to the Ranch, but in no event shall any timber harvested from the Ranch be used to construct any building, fences or other structures that are used for, or to support, any commercial purpose.
- The following limits apply to non-commercial grazing:
 - o Each Access Rights Holder can graze the following number of livestock in any given year on the Ranch:
 - 20 head of cattle
 - 100 head of sheep
 - 10 horses
 - 10 mules
 - 30 goats

CVR #18 – The Ranch Owner and the LRC will work together to ensure that the Ranch is not overgrazed and that timber is not over-harvested. The Ranch Owner and the LRC will employ the following process to ensure responsible grazing on the Ranch:

- Between January and March, the Ranch Owner and the LRC will meet to discuss grazing regulations.
- At that meeting, a specific grazing plan will be determined based on information including but not limited to expert evidence regarding the carrying capacity of the Ranch, details about grazing from the prior season, etc. The parties will agree on a grazing plan that will then be published by the LRC and by the Ranch Owner on its website. If the parties cannot come to an agreement in any given year, the following restrictions will apply:
 - o No more than 400 head of cattle on the Ranch in any year.
 - o No more than 300 sheep on the Ranch in any year.
 - o No livestock will graze above 10,500 ft. elevation.
 - o No livestock can access the Ranch before grasses have grown to at least 6 inches. This date will be determined by the Ranch Owner and communicated to the LRC. The date will be published by the LRC and by the Ranch Owner on its website.
 - o No livestock can graze within 1,000 ft. of any home or stable on the Ranch.
 - o If the LRC and the Ranch Owner identify areas of the Ranch that have been overgrazed, said areas will be determined to be exclusions areas for grazing for that year.
 - o If the LRC and the Ranch Owner identify areas of the Ranch that have been overharvested for timber, said areas will be determined to be exclusionary areas for timber harvesting for that year.

CVR #19 – The Ranch Owner may have bison on the Ranch.

Process Regulation:

CVR #20 – Upon entry of these Rules and Regulations, Case No. 1981cv100005 will close. In the event that a dispute arises regarding compliance with these Rules and Regulations, the following provisions will apply:

(a) Any party who believes that another party has failed to comply with these Rules and Regulations can file a motion to reopen Case No. 1981cv100005 and seek expedited relief. Such motion will be assigned to an active judge in Costilla County just as any motion to reopen would be. The assigned judge will then hear the dispute and enter any necessary orders to ensure compliance with these Rules and Regulations.

(b) The prevailing party shall be entitled to their attorney fees.

(c) If either party believes that a violation has occurred, they shall contact the other party through counsel to meet and confer in an attempt to resolve the dispute.

(d) The following penalties shall apply to any order determining that non-compliance has occurred:

Access Rights Holders:

a. Illegal hunting or fishing (including but not limited to acting in manner evident of intent to hunt and/or fish):

- i. First offense - 10 year loss of access rights.
- ii. Second offense – Such individual loses access rights to the Ranch.

b. Gathering firewood or timber for commercial purposes:

- i. First offense - 5 year loss of access rights.
- ii. Second offense – Such individual loses access rights to the Ranch.

c. Grazing in violation of these Rules and Regulations or any grazing plan enacted pursuant to these Rules and Regulations:

- i. First offense – warning
- ii. Second offense - 3 year loss of access rights.
- iii. Third offense – Such individual loses access rights to the Ranch.

d. Gathering sheds on the Ranch –

- i. First offense - 2 year loss of access rights.
- ii. Second offense – Such individual loses access rights to the Ranch.

e. Bringing non-Access Rights Holders who are not agents on to the Ranch.

- i. First offense – warning
- ii. Second offense – 3 year loss of access rights.
- iii. Third offense – Such individual loses access rights to the Ranch.

f. Accessing the Ranch in any other way not permitted by these Rules and

Regulations:

- i. First offense – warning
- ii. Second offense – 1 year loss of access rights
- iii. Third offense – Such individual loses access rights to the Ranch.

g. Any Access Rights Holder who abuts the Ranch and maintains a gate on their property who misuses their access rights in any way:

- i. First offense – warning
- ii. Second offense – Lose the right to maintain any gate on their property.

Ranch Owner

- h. Violation of these Rules and Regulations by the Ranch Owner:
 - i. \$500 fine payable to each such Access Rights Holder who establishes a violation.
 - i. If any agent of an Access Rights Holder violates any of these rules and regulations, both the Access Rights Holder and the agent shall be subject to these penalties.
 - j. During any period of which an Access Rights Holder has lost his or her access rights, that Access Rights Holder may not appoint any agents or family members to exercise his or her access rights on his or her behalf.