



May 11, 2017

Congressman Scott Tipton  
U.S. House of Representatives  
Third District, Colorado  
835 E. 2<sup>nd</sup> Ave., Suite 230  
Durango, CO 81301

**Re: Letter of Support for Your H.R. Water Rights Protection Act (WRPA)**

Dear Congressman Tipton:

Please consider this letter as Purgatory Resort's formal expression of whole-hearted support for your proposed H. R Water Rights Protection Act (WRPA). We applaud you for sponsoring this legislation that prohibits the conditioning or withholding of any permit, lease, or use agreement on the transfer to the United States, relinquishment, or other impairment of any water right, and prohibits the requirement that any water user apply for water rights in the name of the U.S. by the Secretaries of the Interior and Agriculture. In addition, we totally support the legislation's directive that any future Federal policies related to permits, leases and use agreements recognize existing state authority for permitting and adjudicating water use, impose no greater restriction than applicable State water law, not adversely impact State's authority to permit beneficial use of water or adjudicate water rights, and not assert any connection between surface and groundwater that is inconsistent with State water laws.

Purgatory Resort employs 1000+/- employees and hosts over 400,000 annual resort visits each year, providing our local community with significant jobs and recreational opportunities that support the economy of Southwestern Colorado. And Purgatory has consistently shown excellent stewardship of the environment, winning both national and regional awards for its environmental initiatives and implementing sustainable practices throughout its operations.

Purgatory Resort, like many resorts in the southwest region, relies heavily on access to its water supplies for the ongoing operation and financial stability of the resort. This is especially true during periods of drought which have plagued southwestern Colorado in recent years. Purgatory has proven resourceful in its ability to come up with alternative methodologies to produce snow during these dry winter years. Unfortunately, due to recent restrictions imposed by the United States Forest Service (USFS), the resort is no longer able to count on water from the Cascade Aqueduct for its snowmaking water. The USFS essentially shut down one of Purgatory's major water sources by imposing an in-stream flow requirement that reduced Purgatory's water supply

by 95% of its historical amount. When Purgatory then submitted an application for a permit to access and develop its existing water rights in Hermosa Park that were decreed by the State water court more than 30 years ago, the USFS refused to even process Purgatory's application. The USFS claimed it would not allow Purgatory to divert any water under those pre-existing water rights, even though Purgatory's rights are recognized property rights under State law and were reserved in a prior USFS land exchange agreement between Purgatory's predecessor and the USFS. Purgatory believes these actions by the USFS are a blatant attempt by the federal government to extort water rights through the permitting process.

Purgatory has also been asked by USFS in the past to consider special use permit clauses that would require Purgatory to dedicate its water rights to the federal government and/or to acquire/hold water rights in the name of the federal government. This is simply unacceptable.

Purgatory has offered countless remedies to the USFS to circumvent the dire consequences these restrictions have imposed. Each time the USFS has shown it is not willing to consider alternative solutions even though it was made clear that their actions could easily put the resort out of business and unilaterally eliminate the jobs and recreational offerings we provide for the community and region.

Your Water Rights Protection Act would protect communities, businesses, recreational attractions, farmers and ranchers, as well as other individuals that rely on privately held water rights for their livelihood, from federal takings. It would do so by prohibiting federal agencies from extorting water rights through the use of permits, leases, and other use agreements, for which it would otherwise have to pay just compensation under the 5<sup>th</sup> Amendment of the Constitution.

Thank you for the opportunity to provide support for your proposed H.R. Water Rights Protection Act (WRPA). This legislation is very important to Purgatory Resort, its employees, business partners, guests, and surrounding communities. If you have any questions about this letter, please do not hesitate to contact me.

Sincerely,



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