

IN THE (COUNTY) (DISTRICT) COURT IN THE FOURTEENTH JUDICIAL
DISTRICT

DATE FILED: February 14, 2022

WITHIN AND FOR THE COUNTY OF GRAND

AND STATE OF COLORADO

APPLICATION AND AFFIDAVIT FOR ARREST WARRANT

The undersigned, respectfully, moves this Honorable Court for the issuance of an
Arrest Warrant for the arrest of:

Derek Michael Zurface
White Male
DOB: 01/15/1987
5'-05"
180 lbs

In support thereof, the undersigned Affiant, Detective David Miller, being first duly sworn upon oath deposes and says that Affiant has knowledge of the following facts from which there is probable cause to believe that the offense hereinafter described was committed by **Derek Michael Zurface three (3) counts CRS 18-9-202(1.5)(b) cruelty to animals a class 6 felony, ninety one (91) counts CRS 19-9-202(1)(a) cruelty to animals a class 1 misdemeanor**, in the County of Grand and State of Colorado.

The affiant, Detective David Miller, Grand County Sheriff's Office, Grand County, Colorado, a law enforcement officer for ten years, being duly sworn upon oath, says that the facts stated herein are true.

Affiant is David Miller, a Detective employed by the Grand County Sheriff's Office, and has been so employed at all times relevant to this Application and Affidavit for Search Warrant.

Of note: In this Affidavit the term "Livestock" refers to (Horses, Draft Horses and Mules). SMS refers to "Snow Mountain Stables."

Below narrative written by Grand County Sheriff's Office - Animal Control Cpl. Kerstiens;

-On 11/19/21, at 1635 hrs, the shelter received a call Friday from a Katherine with regards to horrible conditions at Snow Mountain Ranch Stables (SMRS)-Animal Control

Officer Kerstiens left 2 messages and as of 11/26/21, we have not heard back from Katherine

-On 11/22/21 at 1120 hrs., Animal Control Officer Stapleton received a call from Morgan Hale in regards to SMRS. Morgan stated that the stables are dirty and there is standing water in the stables from a water trough overflowing.

-That same day, Stapleton and Kerstiens went to SMR to check out the situation. Upon arrival we saw horses ready for rides and saddled up. We also noticed plenty of hay on site. There was water in the troughs. The water was not the cleanest but drinkable. The first horses we saw were in good condition. We did notice mounds of horse manure and frozen water that had spilled out of a trough.

-We were able to speak to two out of the four employees. Derek and Kelsea. Both of them did not want to give their last names. They stated they were not surprised to see us. We asked who was in charge at this moment and they stated that none of them really were but the owner is Peterman, James, DOB 03/30/67. They stated that they have only 4 employees and are desperately in need of at least 6-8 employees to get everything that is needed done in a day. We asked them if they would walk with us around the stables so we could see the conditions. They agreed. We asked them about the pile of horse manures and they stated that they do the best to move it but their skid-ster is not working (flat tire). They also stated that the dumpster they put the manure in is full and they have no way to move it because they need a fifth wheel and the owner did not leave them with one. They stated Peterman left a fifth wheel at the stables for two days and that was not enough time to clean what was needed. We asked them about the water that had spilled from the trough. Derek stated that the problem wasn't fixed but now that it is frozen the issue isn't happening anymore. He stated that his worry is that the horses will get thrush (a bacteria in their hooves that is not treated after a certain amount of time and could become a serious issue). He said he knows how to treat it but the horses will just be put back in the mud and so the treatment won't do any good. Derek stated that Snow Mountain Ranch (who leases the property to them) is aware of the situation and has given Peterman an ultimatum about the horse manure and the overall condition of the stables. Derek stated that they would be having a meeting this week to discuss what the next steps were going to be to proceed with the stables conditions. He also stated that if things didn't get better, Peterman should be out of here by the end of December. He stated that the plan (if Peterman was to leave) was for Kelsea, Todd (an employee of SMR who boards his mule at the stables) and himself were going to shut down the place for a month, get an excavator and clean out all of the manure, fix up the place, and then reopen under them. We asked Derek if there were other dry places that he could move the horses and he stated there was but these horses stayed on the side we were inspecting because they were the horses that were ridden during the day.

As we walked around to one of the corrals, we noticed netting for the hay on the ground. We asked them about this and they stated that Peterman does not want them to take the netting off when they feed them hay. Derek stated that his practice was to remove the netting because he has always been worried about them ingesting some but he does what

Jim wants. He stated that there is a horse who swallowed some of the netting at the stables who he is watching because of this issue.

-after talking to them for awhile they left us at the corrals so we could check out the situation.

-we decided to call Investigator Miller to discuss this case

-upon arrival we explained to Miller the situation and we also walked around so that we could show him what our complaints have been about.

-After walking around and seeing the situation, Miller stated that even though the conditions could be improved by the employees, he does not see anything that is a criminal matter. The horses look good and you can tell they are being fed and watered. He stated in regards to leaving the netting, for some it is a standard practice that a lot of ranchers do and the horses usually do not even bother with it.

-Miller, Robbin and I then went to speak with Derek in regards to the findings.

-see Miller's attachment in regards to the conversation

November 22, 2021 – During contact with Derek Zurface on this date in reference to a complaint of conditions, I stated my understanding conditions this time of year with snow and water with horses walking on it. Zurface said, but, I mean when it does thaws out its three foot deep in shit. I explained, if it was me and this is all the horses we use (Talking about daily used horses) I would wall that off – pointing to snow covered frozen ground – they can eat on this side and the ones we aren't using we can put over here and this can dry out. Zurface said, the problem we run into, the guy that is running this deal, he's not going to do that. He ain't going to put the money into it. I stated, there's really isn't a whole lot of money to be put into it. Zurface said, he ain't going to do it. And he ain't going to hire the help to do it.

I stated, this isn't criminal. I'm looking at this here, it's muddy, yah. Horses are in mud, yah. There are solutions to it. Zurface said, but what we're getting at, the problem is. I've only been here a month and a half, I can take that wheel loader and I can do every morning when it's frozen, you know, you can do a little more. There's only so much I can do. I stated my understanding saying, I try to get mine done in the morning, you're not going to be able to dig deep you're just going to skim the top of the turds that are there, that are loose.

Zurface said to the effect of, well I guess part of the deal is the Y's pissed off and given him like, to the end of the year to clean it up. There's been so many complaints about it. He has until the end of this month to get this cleaned up. I asked, does that dump bed trailer work. Zurface said, it don't work worth a darn, he gave me like two days to clean this up with the Bobcat and that dump trailer.

Animal Control asked Zurface, do you have any of your own plans. Zurface said, yah, the maintenance that does all the work here, they are going to come in and bring a dozer and frontend loader. It was explained to me, if Jim gets booted out, that's the excavation plan, but not for now. Zurface said, me, Kelsea and Todd are kind of thinking that if he gets booted out, we're going to take it over. Like, just shut down for a month or so and clean all this up and make the pens right.

I said, right now its winter time, I don't see anything criminal. There are things that can be done to get horses onto dryer ground. You have enough panels around that if you were to move some of these out and through panels out in the center over there (Pointing to snow covered frozen ground), horses on one side that aren't being used and horses on one side that are being used. Zurface said, they say there's more help coming because there's only four (4) of us, it won't get done for like a month. I said, it could be if you wanted it done, right. Zurface said, yah but. The way they are pricing the rides, they are making us take rides. I got a phone call saying, don't shut the rides down, don't worry about it, and keep riding. But we don't have time, we are riding seven (7) days a week, daylight to daylight.

Zurface continued, this is all on you all, I mean you guys make your own call on whatever. I said, no, we're not making any calls, all we are doing is making some suggestions. I would pick up bale wrap that the horses are playing with or anything that looks like trash on the ground. If you leave something for a toddler to pick at, they are going to pick at it that's what horses are. Again, I stated nothing seen as criminal saying, at most it is piss poor management. Zurface laughing said, well a, yah.

During this contact with Zurface, I said, it's just simple if you want to keep them from eating it, obviously this (Bale netting/wrap) has been here since it snowed on Sunday. I mean, all it takes is just a minute or two too, hey, I see this (Bale netting/wrap on ground) I don't want the horses to get into it and just pull it up. Zurface said, we was told not to cut off the bale wrap because it wastes too much. I stated my understanding and further explained, bale netting/wrap laying on the ground in the pens where a fifteen hundred (1500 lb) pound toddler uses this as a toy.

Zurface said, what people don't realize is, we are unsaddling at dark, I mean we are only four (4) people. I mean. I said, simple little things when you see them, take care of it. Zurface said, yah if we get time. I stated, we are not here to tell you how to do your job or do anything. I don't see anything overly criminal, horses get scratches if they stand in water long enough and if they are taken care of you get rid of it. The horses aren't drawn in and don't look to be lacking in nutrition from no water or hay for them. At this time, I don't see the ribs showing on any horses.

I explained to Zurface, we are not here to hold anybody up, if you can't do this just say, we've got stuff to do and we can't talk right now. Further saying, we are here because someone filed a complaint and I'm not seeing anything to me that's saying oh my god this is criminal, let's shut the whole operation down. We're not here to do that, that's not even remotely where we are at. I said, I think there's some things that can be done if it wanted too. Ranchers get busy! We've all grown up on a ranch, worked on a ranch or been around a ranch and you've never heard a Rancher say, oh my God, life is easy man. You know, I wake up at eight O'clock in the morning and I go out and then I come in at like ten and have breakfast. And then I come back in at noon or one O'clock and take my nap in the afternoon and then I come in a have a cerveza and then.. I said, that just doesn't happen.

Zurface said, like I said, there's four (4) of us. We are taking rides out from nine O'clock in the morning and the last one goes out at four O'clock. We saddle them, unsaddle them, feed them and everything. I've had one day off since I been here. I know what it's like, I been working ranches you know.

-Robbin and I then went to speak with Hughes, Mariah (Director of Operations for SMR) She stated that she is aware of the situation. We explained to her our findings and told her that there are no criminal charges at this time. We told her we were informed by Derek and Kelsea that there was going to be a meeting this week in regards to the matter. Hughes stated she was not aware of one. We also told her that it is an open case. We asked her what her take was on the situation. She stated that they had talked to Peterman about the stables, mainly in regards to the horse manure. They had told Peterman that the county road that they took the manure to dump was being closed by the county. Hughes wanted us to talk to Williams, Neil (Superintendent of Buildings and Grounds of SMR). While we waited for Neal she stated that she does know that there have been employee/employer issues down at the stables but since they lease the land to them they don't have anything to do with their hiring process. She stated she believed that Peterman's contact ends at the end of 2022.

-We spoke to Williams about the stable situation. He stated he has spoken to Peterman and that by the end of today he was supposed to have moved a lot of the manure because the county road was closing down today. Williams stated it was a breach of their contract if they hadn't and he isn't sure how they will proceed. He stated that now they will not have a place to put the manure but has some suggestions he would talk to Peterman about. We asked Williams if he was aware of a meeting that was taking place this week in regards to the situation and he stated he was not. Williams also satted to us that Kelsea is the one who is in charge when Peterman was not on site.

-Hughes, Williams, Stapleton and myself all agreed we would keep each other posted in regards to this situation. Hughes did state that she would notify Hoffmeister, Trueman E. (General Manager of SMR) of our findings.

Case Open.

Mary Ann Kerstiens

S0101

-On 12/10/21, ACO Stapleton received a call from RP Dozoretz, Joelle. Dozoretz stated that she had concerns about the SMRS and was hoping we could go do a welfare check. Dozoretz stated that she was concerned about these conditions: the horses were standing in their own manure, no fresh water and were saddle worn. Stapleton stated we would get out there to check on the conditions.

-Stapleton and myself went out to check out the situation. We spoke with Derek who stated he was the head wrangler while Peterman was not there. He stated that the thrash has improved on the horses since the weather has been cold so there aren't many puddles to cause the issue. Derek walked us around the stalls and we did see water in most of the troughs. Some were frozen and he did state that they break away the ice so they can have water to drink. The hay looked good and all the horses had access to it. We did see some saddle worn areas but they stated that they do put bacon grease and salve on them to make them heal. The horses that did have saddle sores aren't ridden much and if they are they do have pads put under their saddles. The manure has not been removed since they do not have a truck to haul any of it per Derek. Derek did state that they now have 8 employees and that a couple more might be possibly coming to work for the stables soon. Derek stated that has helped out the situation to be able to get more chores done during the hay.

-We have not contacted Peterman since we did not see any criminal findings at this time.

Case Open.

Mary Ann Kerstiens

S0101

-On 12/20/21, received another call from RP Dozoretz stating that her friend who works at SMR told her that two horses had passed away today at SMRS and that Peterman had brought to the stables over 100 more horses. I told her I would check into the matter.

-I contacted Investigator Miller to see how he wanted me to proceed and he told me to call Peterman directly and talk to him about the situation.

-I contacted Peterman in regards to the two horses that had passed away. He stated that an older, quarter horse had managed to get caught up in the fencing the previous night and twisted his gut and unfortunately had died. Peterman then stated that today his female, 20 year old, Percheron had reared up, tipped over and died. He stated that both the horses had been moved to a trailer to be out of sight of the public and in a few days when he returned from Arizona he would be taking them to the dump.

-Peterman also stated that he lost one of his leases in Nebraska so he did bring 60 horses to SMRS and still has another 40 to bring. Out of the 100 that he is bringing to SMRS, he will be bringing 50 of them to his place in Arizona.

-Peterman stated he has now 12 people working for him at the stables.

-I did ask Peterman about the manure issue. He stated the ground is frozen now so he can't do anything with the old manure and even if he could he has nowhere to put it since the road where he dumped the manure is closed for the winter. He also stated that he has been waiting on parts for his truck to fix it so he could have unloaded some of the manure but unfortunately the parts aren't coming in until January. He stated once Spring comes and the road opens, he will start cleaning out the manure

-I did ask Peterman to contact us when issue do arise, ie. horses passing or any incidents so that we can be aware of the situation. He stated he would call us.

Case Open.

Mary Ann Kerstiens

S0101

Below narrative written Grand County Sheriff's Office – Animal Control Deputy, Robbin L Stapleton;

On 12/29/21 at approximately 1159hrs., while on duty for Grand County Animal Control, dispatch advised me to follow up with the Colorado State Veterinarian (DR. Heckendorf) reference a complaint about the Snow Mountain Stables at the YMCA (1001 County Rd 53, Tabernash, CO). I informed dispatch that I would follow up with Dr. Heckendorf when I arrived back at my office.

Upon my arrival back in the office, I contacted Dr. Heckendorf with the phone number that dispatch provided and had to leave a message. Dr. Heckendorf returned my call later that same day and informed me of a second-hand report he had received about a concerned individual. Dr Heckendorf stated that he was informed of a woman who (on 12/28/21) had reportedly gone on a sleigh ride at the Snow Mountain Stables.

Dr. Heckendorf informed me that the woman (who was allegedly blind) reported that while she was on her sleigh ride, she felt that she heard the wrangler overly and excessively crack the reins to get the horses to move. Dr. Heckendorf was not able to share additional information with me about the incident and explained that he did not have any contact information for me to follow up with the woman. Dr. Heckendorf stated that he wanted me to be informed and aware of the report that he had received.

While continuing my conversation with Dr. Heckendorf, he informed me about the customer reviews that he had read online about the Snow Mountain Stables. Dr. Heckendorf stated that although there were positive reviews about the Stables, he stated

that on the other hand there were also negative reviews. Dr. Heckendorf referenced that in one of the reviews, a customer commented seeing a dead horse on the Snow Mountain Stables property.

I informed Dr. Heckendorf that Corporal Kerstiens (from the Grand County Animal Control) indeed had recently followed up on a complaint of two dead horses and that I would plan a follow up visit to the Stables to speak with them about the incident that occurred on 12/28/21.

Dr. Heckendorf stated that if he could be of further assistance to Grand County Animal Control, to let him know and he could help assess the health and care of the horses. Dr. Heckendorf also stated that if the horses looked healthy, had water, had food and were sheltered adequately, there would likely be no need for further assistance from him.

In ending my conversation with Dr. Heckendorf, I informed him that I would share all information he provided to me with my supervisor (Corporal Kerstiens) and that we would be in contact with him if we needed his assistance.

After speaking with Dr. Heckendorf, I went to the Snow Mountain Stables to conduct my follow up.

Upon arriving at the Stables, I proceeded to the main office where the wranglers check customers in and organize their sleigh rides/ trail rides. As I was walking up to the office, I stopped and asked a wrangler who was dealing with customers if the Stable manager was available. The wrangler was very courteous and stated that the Stable manager was Zurfac, Derek (UNK DOB) and was currently unavailable. I left my business card with the wrangler and requested that he have Zurfac call me as soon as possible to discuss some concerns that I had.

On 12/30/21 at approximately 1215hrs., I went back to the Snow Mountain Ranch Stables to follow up with Zurfac (the stable manager). As I pulled into the parking lot, Zurfac greeted me and came to my driver side window. Zurfac apologized for not calling me back and stated that he had been too busy.

I informed Zurfac that the purpose for my follow up was in reference to a complaint from a customer who had booked a sleigh ride (on 12/28/21). I informed Zurfac that the customer felt that her wrangler had overly and excessively cracked the reins for the two draft horses (with her sleigh) to move forward. Zurfac stated that he could not remember an incident occurring on 12/28/21, and without further information, would not be able to research. Zurfac did comment that there is an area on the trail (for the sleigh rides) that is notoriously steep and that they do crack the reins a little more in that area.

After speaking with Zurfac about the incident, I asked if he would be willing to walk around the stables with me to check on the water troughs and feeding stations for the various groups of horses on sight. Zurfac stated that although he was too busy to guide me through the stables, that I was more than welcome to take a walk around by myself to look. Prior to me heading out to the stables to look at the horses, Zurfac informed me of a new colt that had just passed away the night prior. Zurfac stated that it was a 1 to 2yr old paint that had been transferred in (sick) from Nebraska. Zurfac stated that he did not

know what was wrong with the horse, previously, but that he did give it a medicine called Banamine. Zurfac explained to me that this medicine is typically used to treat various discomfort in horses.

Zurfac explained to me that he was trying to dispose of the horse properly, but just hadn't gotten to it yet.

As I walked around the stables by myself, I could see the dead colt that Zurfac had informed me about. The horse was lying on its side in the middle of its pen with its legs extended out sideways. There were no obvious visual signs of what the horse could have died from. Numerous other horses were in with the deceased colt. I did not observe any water in the trough for these horses and there was no hay accessible to these horses. The horses seemed to be in decent condition.

As I moved around the stables making observations, I could only find one water trough that had been filled to the top with fresh water (accessible to twenty-five or so hoses). Most other water troughs were either frozen or empty. Only about one third of the horses had hay accessible to them. Zurfac had explained to me that he was currently filling up water troughs one by one and that he was going to feed the rest of the horses in the later afternoon when things slowed down. Zurfac explained that they had lost two more employees and were trying to catch up.

Note: There was a large amount of hay stacked on sight that was available for Zurfac to utilize for the horses.

After speaking with Zurfac and walking through the Snow Mountain Stables, I returned to the Grand County Animal Shelter and discussed the situation with Corporal Kerstiens by phone.

Corporal Kerstiens and I decided that we would reach out to Dr. Heckendorf and arrange a day for him to come out and assist Grand County Animal Control evaluate and assess the overall health of the horses.

Corporal Kerstiens and I called Dr. Heckendorf and left a few voice messages requesting that we would like to speak with him about new (concerning) findings at the Snow Mountain Ranch. We expressed to Dr. Heckendorf that we needed his expertise.

As of 01/09/22, we have not heard back from Dr. Heckendorf.

Case Open.

Robbin L Stapleton S0601

On 01/05/22 at approximately 1533 hrs., I (ACO Stapleton) received an email from Corporal Kerstiens (Grand County Animal Control) that was forwarded from the Colorado Humane Society. In this email RP Austin, Angela (DOB 11/14/74) describes (in a recorded voicemail message) concerns she has about a recent trip to the Snow Mountain Stables.

On 01/07/22, I contacted Austin by phone to discuss her concerns. Austin stated she witnessed the following.

On 01/02/22 at approximately 1300 hrs., Austin and nine others in her group went on a (1hr long) trail ride at the Snow Mountain Stables. Austin stated that while on the trail ride she noticed two young black and white horses that were deceased in a pen. Austin stated that her wrangler had told her that these two horses had arrived at the stables sick and subsequently died. Austin stated that her wrangler commented that it was her first day on the job and that she was new.

Austin noted that she did not see water in any of the water troughs during her visit and commented that the horses were eating a lot of snow on her trail ride.

Austin also stated, that although she was not completely sure, there may have also been two sick (brown horses) that were lying down on their side next to one another. Austin stated that these horses were somewhat near the other two deceased horses.

Austin described the location of the horses as being near "the large stack of hay in the parking lot" of Snow Mountain Stables.

Austin informed me that she emailed the General manager at the Snow Mountain Ranch on 01/05/22 of her concerns.

After speaking with Austin, I informed Corporal Kerstiens of my conversation with her.

Officer Kerstiens and I decided that due to not being able to get in touch with the State Veterinarian for assistance determining the health of the horses, that we would contact the Colorado Humane Society Investigator for our region (Ruyak, Kathleen).

In speaking with Ruyak, we informed her of our concerns at the Snow Mountain Stables and asked if she could help us assess the health and care of the horses at Snow Mountain Stables. We advised Ruyak that there were well over 100 horses at the stables currently.

Investigator Ruyak agreed to accompany Grand County Animal Control on 01/10/22 to assess the health and condition of the horses at the Snow Mountain Stables.

Case Open.

Robbin L Stapleton S0601

Below narrative written by Kathleen Ruyak - Field Investigator – Colorado Humane Society;

January 10, 2022, I, Investigator K. Ruyak of Colorado Humane Society (CHS), a program of Dumb Friends League arrived at the address of 1101 County Road 53, also known as Snow Mountain Riding Stables, to evaluate the herd of horses.

The ranch manager, Derek, allowed us onto the property, then walked with us to go through the horses. He explained that the workers have been filling up water and he also

said the owner, Jim Peterman, had been on the property earlier and was told by YMCA that he had to get off of the property by Friday.

We started with the group the general manager said were the riding horses. There were three horses that were saddled and waiting to go on a ride. I was not able to palpate the horses at that time to get an accurate body condition score.

We continued to the first large group of horses where I briefly walked through visually assessing the groups of horses. When asked, the ranch manager said there were approximately 170 horses on the property at that time. As we continued through, I moved to the next group and I began to see horses in poor body condition. I was using a modified Henneke scale and gave the horses a body condition score between 1/9 and 9/9. On the scale 1/9 is emaciated and 9/9 is obese.

Six parts of a horse are looked at in this system, which are the neck, withers (where the neck ends and the back begins), shoulder, ribs, loin, and tail head. When using a modified body condition scoring system, you should always make physical contact with these parts, however, in some cases you can only do a visual assessment. When completing a "hands on" assessment the pressure you apply should be much like that of a massage; if you press a horse's side with your hand, you will be able to feel the fat covering the horse's ribs and get an idea of how much fat is present. Likewise, when checking the withers, feel all around the area, as if you were squeezing firm clay. It is possible to be firm and gentle at the same time, and both traits are necessary to properly score a horse. After pressing each part of the horse with your hands to feel for body fat, you then assign each area of the body the numerical score that corresponds with the horse's condition. When a horse has a long hair coat it is imperative that you use your hands to feel the horse. The horse's long hair coat will hide the protrusion of bones, all except in the most extreme cases. The scores from each area are then totaled and divided by 6. The resulting number is the horse's rating on a modified body scoring condition chart. When you must give a visual appraisal on a horse it is customary to give a range of one whole score 1-2/9 or 2-3/9 as an example.

The chart rates the horses on a scale of 1 to 9. A score of 1 is considered poor or emaciated with no body fat. A 9 is extremely fat or obese. Horse veterinarians consider a body score of between 4 and 7 as acceptable. A BCS of 5 is considered ideal by most professionals. I have been using the system to help assess horses in the field since 2018. I have been a Bureau of Animal Protection Commissioned Agent since 2019 and specialize in cruelty and neglect investigations.

There were approximately 16 horses between a 1/9 and 2/9, and approximately 6 horses between a 2/9 and 3/9 out of approximately 36 horses visually observed. I was unable to palpate many of the horses due to them being unsocial and not handle able. There was a

mare who appeared to be in pain and was laying down on the ground. Horses do not tend to lay on the ground for long periods of time in my training and experience. The horse got up off of the ground and I could see an injury to the back right leg and it appeared to be uncomfortable.

There were several young horses in poor body condition that were not able to eat on the hay. For approximately 85 horses, there was little to no water provided in a large round trough. The ranch hands were attempting to fill the trough up, but the horses were so thirsty they were drinking it before the tank could be filled. There were large chunks of ice that the horses had to maneuver around for liquid water. There was only one area that the horses could get to the water trough and they were fighting and pushing out the weaker horses. I saw horses eating snow in order to consume water.

In the group of horses that the ranch manager identified as riding horses, there were several horses with injuries to their legs that appeared to be infected. In my training and experience, an infection takes anywhere between a week to two weeks to form. The ranch manager also mentioned there had not been a veterinarian on the property that he has seen since August when he first started.

There was no water provided for one black colored, light type horse who was alone in a small pen. The water trough was completely iced over and I did not see any nutrition provided to him. There was sun-bleached, old hay in the pen that appeared to have been there for a long period of time. The average horse needs to be fed 2 percent of its body weight in order to maintain a healthy weight. For the average 1000lbs horse that is about 10 pounds of hay a day. . Horses should be provided more if underweight, pregnant, and in harsh weather conditions.

Many of the other horses were in need of farrier care. There was a young horse that had overgrown feet and the foot had begun to turn inward. There were horses with overgrown hooves and beginning to narrow instead of growing in a normal circular shape. There were horses with metal shoes that were also overgrown and in need of care. Normal practice is for horses to see a farrier and have hooves trimmed every six to eight weeks. The ranch manager said the Farrier had been out a couple weeks ago but did not work on all of the horses and he did not know which horses he did work on.

In the back of the property, I saw a dump trailer with a deceased horse on top. When I went to look at the horse, I could see that it was a Bay type horse that had been deceased long enough to have snow covering the face.

When speaking with a ranch worker she stated she had been there nine days and “almost quit on the first day because how bad it was” Many of the workers said they did not have the equipment or staff they needed to properly provide for the horses. The Colorado Department of Agriculture also received a complaint regarding the lack of care for the horses.

Over 20% of the herd are in need of obvious veterinarian care, are underweight or in need of farrier work. The horses are used for trail and sleigh rides and are not receiving adequate care for basic needs let alone for a working horse. Due to the totality of the situation, the horses on the property may be caused undue harm and suffering as they have been deprived of the necessary sustenance and basic care needs required for the species, breed and type of animal involved.

On January 10, 2022 – Your Affiant assisted Investigator Ruyak in checking the welfare of livestock (Horses, Draft Horses and Mules) at Snow Mountain Riding Stables located 1101 Grand County Road 53 Granby, Colorado 80446. Snow Mountain Riding Stables is located within the County of Grand, State of Colorado.

January 10 2022 - Upon arrival, Ruyak talked with a male identified as Derek Michael Zurface (DOB 01/15/1987). I asked, is Jim around. Zurface explained he (Jim) was just here but has left saying he would be back this afternoon. I asked, are you the Ranch Manager. Zurface said, something like that, I guess. I asked, do you give us permission to get on here. Zurface said, ah hell yah while using his hand in a waving motion to follow him, I don't care. I said, you're the guy in charge. Zurface gave verbal permission for us to be on the property to view and check welfare of livestock. Zurface later explained being previously told by Jim to the effect of, Animal Control has permission to enter property to inspect livestock.

Zurface was asked what a typical day at this location looked like. Zurface stated, there is no typical day here. Zurface was asked to explain what an average day was like with rides. I asked, when you guys show up for work, what do you do with the horses. Zurface explained having two (2) people that get here around 0730 hours, start the waters running around. We have hoses (Garden hoses) so we can't leave the hoses out all night running. We make sure everything has water every evening, come back first thing in the morning, pull them (Hoses) out of the bathroom thawed, get them water and make sure they got hay. We check the computer to see what we have to do, ride wise.

I asked, do you guys fill the waters every day. Zurface said, yes sir. I explained knowing the waters have to be filled every day because they (Livestock) drinking it, further asking, do you have heaters in them to keep them thawed. Zurface shaking his head slightly right and left said, no, we don't have heaters. I just, we, what we do, we'll run a hose over here (Pointing to livestock east side of barn) to these line horses and we'll fill that one and let them drink, and we'll fill that big tank (Pointing towards livestock south and west of the

barn) let them drink, fill the big pen and let them drink and then move the hose back over and then just start over. Zurface said, it's just kind of a, Zurface paused and did not finish what he was saying. I asked, do you keep water to them all day long. Zurface said, yah all day long there is water running to everything. Throughout this livestock welfare check, I saw many horses eating or licking the snow covering the ground and all water tanks with any water were covered with thick layers of ice. Some water tanks stated to be filled the prior day/evening had snow in the bottom of the tanks.

Zurface was asked if he knew anything about medical in regards to livestock (Horses, Mules and Drafts), shaking his right and left Zurface said, I have no idea. Zurface was asked how long he has been here (Working). Zurface paused for a second or so said, since I think mid-August, late August something like that. Ruyak asked, and in that time how many times has the vet come out. Zurface said, "Never." Zurface referenced his start with Snow Mountain Stables in late August 2021.

During initial walkthrough of property, I saw livestock (Horses, Mules and Drafts) separated in several areas within the property. It was explained the area within close proximity to the barn were daily use/line horses/mules and draft horses. This area of daily used livestock appeared to have separation with some horses/mules on the east side of the barn with one (1) black in color horse separated out from others.

Draft horses/mules on the south and west side of the barn in separate area. Area located to the west of the draft horses/mules in close proximity of the visitor/employee parking area contained a large number of livestock with five (5) in the same area separated from the main heard. Each separated area of livestock had frozen water tanks and round hay bale metal feeders. Not all round bale feeders in the large pen west of the visitor/employee parking area contained hay.

I saw the water tank (Round metal 5/6 foot in diameter approximate 300 gallons) in the area of the draft horses/mules was frozen with large to medium sized chunks of ice and little to no access to unthawed water. Within this same area one additional black in color plastic water tank (Approximate 100 gallons) was completely empty with a thin layer of snow covering the bottom. All round bale feeders in areas livestock located were mostly full of hay. Approximately 26 livestock animals in this area. Photos were taken for documentation.

The area of daily used horses/mules east side of the barn, I saw only one black in color plastic water tank (Approximate 100 gallons) was empty of water with a thin crust layer of ice in the bottom. All round bale feeders in areas livestock were located were mostly full of hay. Photos were taken for documentation.

In the area of the daily used horses/mules on the east side of the barn, I saw one black in color horse corralled alone, separated from other livestock. Within this corral all plastic water buckets/containers were frozen solid and accessible hay located in one corner was brown in color and appeared moldy by a white/grey color within. I did not see any access into this corral as all corral panels were connected/attached together and touching the ground and bases of corral panels were covered by recent snow fall and or corral panels being frozen to the ground. Corral panels for this area were approximately twelve feet in length by five/six feet tall. Corral area approximate size as follows; One corral panels attached together from the northwest corner of the barn with a total of five (5) corral panels attached together in a half octagon shape to a ninety (90) degree corner with three (3) more corral panels stretching to and attached to a metal pipe style permeate fence. By seen conditions (Snow pack) this horse has not been used or outside this corral area since the last snow storm. Photos of this horse, corral area, frozen water and brown in color hay were taken for identification and documentation.

In the area of the daily used horses on the east side of the barn, I observed the following; A brown in color horse with a white blaze on the face. This horse's right rear leg looked to be swollen and larger in size than the left leg. I saw an open wound on the outside of the right leg that appeared to be infected with yellowish pus coming from the wound. This horse standing with only the tip of the hoof touching the ground as to be taking weight or pressure off the wounded right leg. Photos were taken for identification and documentation of injury.

A brown and white colored paint horse had an open wound on its right front leg. I saw this wound to be untreated with dried blood (Red/Dark Red) around and below the wound on the white colored fur on the lower leg. Area of wound looked to be slightly swollen and larger in size than this horse's left front leg.

In this east barn area of daily used livestock, I saw strands of string on the ground with some being frozen in to the snow. Strands of string appear to be from the large size square hay bales. I saw a water hydrant within this area with the handle positioned upright in the open or on to allow water to flow. Derek explained this hydrant was broken making it unusable to get water from it. I did see many other livestock animals in this area that were visually inspected and documented by Investigator Ruyak.

In the south and west area of the barn (Draft horses/mules), I saw one brown and tanish colored draft horse with liquid coming from its mouth. This drooling liquid from was mostly clear with a greenish tint, liquid would bubble as the horse took breaths out. Other livestock animals were inspected by Investigator Ruyak. Photos were taken for documentation and identification of draft horse.

Livestock located to the west of the visitor/employee parking area were documented and visually inspected by Investigator Ruyak. The water tank for this area was frozen solid with very limited access to unthawed water within the tank. This water tank was positioned under a fence that provides access to horse's corralled separately from other livestock animals. I watched horses fighting with each other to get water from the tank. Some horses would bare their teeth and bite other horses and chase them away from the limited access to water. I saw many horses eating snow and some horses were seen licking snow pack. Photos were taken for documentation.

Upon completion of livestock welfare check assessment and discussion of seen conditions of livestock with Investigator Ruyak and Grand County Sheriff's Office Command staff, I temporally seized this property while submitting a search warrant for property. This property was secured by Grand County Sheriff's Office Law Enforcement Officers/Deputies. At this time, Derek explained he would remain available to assist with feeding and watering the horses.

At time this property was seized, there were seven Wranglers working on premises. I asked for each Wrangler to complete a Grand County Sheriff's Office Witness Statement. It was explained that some Wranglers did not have clear legible handwriting and I was asked if this statement could be completed as a group with signatures from each. I agreed to a group statement and later received their statement with six signatures and one initial. This group statement will be attached to this report with the following statement handwritten and signed by all seven Wranglers and dated 01/10/2022:

Collectively from all the wranglers currently employed by Jim Peterman, we have seen firsthand the rampant neglect and mis-management of all animals kept on the property of Snow Mountain Stables. We have voiced our concerns to Jim consistently to no avail. Four horses have died on property with no response or regard from Jim himself to all of our dismay furthermore, there are those of us that have been left unpaid and are all worked seven days a week with no days off continuously. Jim has been present perhaps six days out two months, and only to hand out prior checks. He has been seen intoxicated operating heavy equipment as of 01/09/2022 as well as not refunding numerous customers. On the date of 12/28/2021 a wrangler was injured on the job and was not given any medical compensation. Numerous times we have been left without equipment to feed horses and paid with our own money to rent the equipment to feed horses.

By phone, I contacted Jim Peterman and identified myself while stating my hopes he (Jim) was going to show so this talk could be done in person. I explained there has been a couple complaints and a State Agent come for a walk through and there are some horses that have issues that will be check out saying, I would rather have this talk in person. I

stated being in the process of writing a search warrant. Property has been seized. No horses in or out. Property will have Grand County Sheriff's Office Deputies sitting on for the next twenty four (24) hours. I explained the search warrant should be signed later today and tomorrow we will be in with the State Veterinarian from there, I really don't know.

I stated to Jim his ranch hands have agreed to be around to assist with the horses. I explained if the search warrant does not get signed, the property will be released. Until further notice, no horses are leaving the property. Jim asked what the State Vet was getting called for to come up there. I explained with the search warrant they will come through and inspect every horse and go through it because we have some horses that are in big need of doctoring done. Jim said, ok. I guess we'll hear tomorrow.

I asked Jim, are you around. Jim stated being over in Hudson. I said, you kind of knew we were here all day today and your guys kept saying, ah yah he's going to be here in a couple hours. Jim said, I took a skid steer down to Denver and I got down to Denver, and they called and told me you were there but I was two (2) hours to coming back. And I had made arrangements to go look at a place to move these horses to down in Hudson. So, I'm over here right now in Hudson. I explained if our search warrant does not get approved I'll call you and let you know your property has been released and you can take your horses but right now nothing is leaving until we either know the Judge says no or we get done with the search warrant. Jim said, ok. I'll chat with you tomorrow then. During this phone contact with Peterman, I stated the State Veterinarian would be onsite evaluating livestock during execution of Search Warrant. I was incorrect in regards to the State Veterinarian being onsite for evaluations.

This same date at about 1531 hours, I received a phone call from Peterman. Peterman explained just getting off the phone with his Vet and asked what time people were going to be out there tomorrow (01/12/2022 for Search Warrant). I stated, I would let him know when I had conformation of exact time. Peterman said, ok. And how many horses are you concerned about. I stated, a bunch. Peterman said, ok. Well I fed yesterday, I seen what condition there are in. I asked Peterman, what was that (Not hearing clearly). Peterman again said, I fed yesterday. So, I seen what condition they are in. I explained my understanding and further stated, there is a lot too it. I explained to Peterman, I was going to contact the Agent in charge and have her call and talk to you. I stated to Peterman, I did not know if they (Humane Society) would allow your Vet to be there and further stated, I would call her (Agent Ruyak) in a few minutes to have her give you a call. Peterman said, ok. Thank you.

At time of livestock welfare check, Snow Mountain Stables was staffed with one (1) Ranch Manager and six (6) Ranch Hands identified to Grand County Sheriff's Office.

Ranch Hands working for SMS ranged from two (2) days of being hired to two (2) months, and Ranch Manager working SMS for four (4) or so months.

On January 11th and 12th of 2022 – I along with partner agencies executed a Search Warrant at the Snow Mountain Stables (SMS) located on the property of the YMCA of the Rockies at 1101 Grand County Road 53 in unincorporated Granby within the County of Grand, State of Colorado.

Of note: Throughout this Affidavit the term “Livestock animal(s)” is in reference to Horse(s), Draft Horse(s) and Mule(s) - SMS refers to “Snow Mountain Stables” - Colorado Humane Society (CHS).

Partner agencies, Harmony Equine Center, Colorado Humane Society (CHS) - Veterinarian Courtney Diehl DVM (CHS), Investigator Ruyak and team of personal assessed livestock medically for any urgent or concerning medical conditions. Livestock assessment(s) included documentation on Animal Assessment Form, tagging each livestock with an identification number and photographed before being transported to Harmony Equine Center in Frank Town, Colorado. CHS report(s), assessment(s) and photograph(s) of livestock will be attached to this report with photos being uploaded to Evidence.com. Of note: Grand County Sheriff’s Office personnel, did not perform any medical assessment(s) or evaluation(s) of livestock throughout this execution of Search Warrant.

I along with Investigator Ruyak and Colorado Humane Society – Veterinarian Courtney Diehl DVM walked this location to visually observe livestock viewed the previous day. While viewing livestock in the daily use corral, Zurface was asked, the Bay colored horse in the back of the trailer that is dead, when did it pass? Zurface said, about three (3) weeks ago. Zurface was asked if the horse was found dead. Zurface stated the horse had been caught in the panels.

I asked Zurface, where are the other ones saying, there should be four (4) or five (5) that are out here. Zurface said, yah there’s four (4). There’s two (2) over there covered up by snow and one on the other side of the trailer. Of note; Zurface was pointing to an area just east of the corral area for the daily use horses.

While livestock evaluations were being conducted by partner agencies throughout this two (2) day execution of Search Warrant, I met with Derek Zurface (Ranch Manager), Theresa LaGrande (Ranch Hand), Denzel Rustenberg (Ranch Hand), James (Jim)

Peterman owner of Snow Mountain Stables and Dr. Mike Brooks of Brooks Veterinary Services.

I explained to Zurface, you don't have to talk with me. I did ask Zurface, out of all these horses that are sitting in here and are riding horses, what do you rate these horses as, quality wise. Zurface said, quality. I restated, not quality. Useable. Zurface said, useable, (Looking around) most of them while raising both hands outward from his person. I said, I don't want most of them. You are the boss. Zurface while pointing behind me said, like we can't use that one. I asked, why not. Zurface said, because he's navicular and lame. I asked, why, is he in with the riding horses. Zurface stated, they (Unknown to me) wanted to keep him. Zurface pointing to an additional horse again behind me said, like that one, no. Zurface started explaining, last time you were here, that one was in a pen, I was trying (Zurface did not complete this statement).

Zurface said, there's a good ten (10) head of horses out here that we cannot use. I asked, for what reason. Zurface said, back sore, lame, their just not good for duds. I asked, are you treating them. Zurface said, yah the best I can. I asked Zurface to explain. Zurface said to the effect of, with Corona and Bacon grease or whatever I got in there. You know what I mean.

I stated to Zurface the need to be a little more formal and you don't have to talk to me, you're not in any trouble and so we can continue on a conversation and just know at any point in time you don't have to talk to me, you don't have to answer anything, I read Zurface his Miranda Warning and Waiver of Rights from a card I carry on my persons. Zurface stated his understanding of his rights and agreed to talk with me. I further explained, at any time he (Zurface) could invoke his rights and not answer any questions. Zurface again stated understanding.

I explained to Zurface, the conditions of these horses are horrible. The water situation is just horrific. Zurface said, "I agree." Zurface slightly moving his head up and down signaling his understanding. I explained a sore on a horse that is so bad that it is oozing pus. Zurface slightly moving his head up and down. Continuing, there's multiple horses with their feet in horrible shape. Zurface still slightly nodding his head up and down. I said, there's cuts on them. They haven't been taken care of. Zurface continued moving his head up and down signaling his understanding.

I stated my understanding to Zurface what he has previously said in regards to his boss (Peterman) doesn't help you out is what you have told me. Zurface acknowledged this with an upward movement of his head while saying, yes. He won't allow you to get a Vet. Zurface said, that's correct. I stated the living conditions are horrible. Zurface nodding his head from downward to upward said, oh yah. The water is horrible. (Zurface

nodding his head) That black horse over there, there's no gate in or out of it that's not froze into the ground. Zurface said, oh I know (Head moving up and down).

I asked Zurface to look at a horse we missed yesterday and both of us walked through the daily use corral. As we walked Zurface said to the effect of, so the problem with these horses is my hands are tied up with Draft horses. I explained, if your guys, any employee here that would have been doing their proper inspection when grooming a horse. I further asked, tell me if I am wrong on this, when I go out to my pasture and get my horse and lead my horse in and whether I tie it to the trailer or load it and go somewhere. Before I ride it, I groom it and inspect that horse. Zurface said, correct.

I have horses that sometimes has a skin thing on the upper back and we have had to use a special pad because if we don't the thing (Horse) goes to bucking. Zurface said, correct. We look at his feet, pick them up we pick them out. Zurface said, correct. We're inspect the hoofs, we are inspecting everything to see if there is bumps and bruises and if there is, if we can't treat it, we are on the phone to the vet. Zurface said, correct. Continuing, and hey, we need some help, we are just going to put this horse in a stall. We are not going to use it. We are not going to do this, we are not going to do that. Zurface said, correct. We continued into a corral area where Zurface acknowledged the sore on a horse's back that was oozing pus and sores on the same horse's withers. Of note: This livestock animal had visible signs of being recently uses by seen saddle blanket marks on this animal's back.

I talked about people paying a lot of money to come out for a ride. Zurface said, correct. Yah. I explained these people are seeing these horses and calling us. Zurface said, correct. I asked Zurface if he could explain some of this to me so I may be better able to understand. Zurface just raised his arms outward from his body. I stated my understanding of being short staffed. Zurface said, well I got told the other day when we was busy trying to take care of horses and do everything and conditions was bad, shouldn't have even been riding horses. I got told if we cancel another fucking ride he's (Peterman) taking all the money out of our pay checks. We have to get them out and he's chewing my ass if we cancel the ride or saw we don't have enough horses. Zurface states his (Peterman) answer is, I got over a hundred head of horses there, saddle something.

I asked Zurface to the best of his knowledge, how many days since August 2021 has the owner been here. Zurface said, to the best of my knowledge, five (5) times. And most of the time it's in the middle of the night to drop horse's off. I asked, when he is here, what does he do. Zurface states, talks for a couple of minutes and leaves. I stated, so he never spends any real time. Zurface said, he's the one that put the hay out on Sunday. Of note: Zurface started working at SMS at the end of August 2021.

Zurface explained in late December or early January he contacted Peterman in regards to needing a skid steer to feed horses. Zurface stated being told directly by Peterman to not rent a skid steer. Zurface said, "Well you know what happens after a couple of days, they are hungry." I asked, how many days they went without food or minimal food. Zurface said, "Just minimum food and then they were just out for a good day." Zurface stated calling the rental store to rent a skid steer and he worked out a deal with them to use the loader for a few hours to feed them.

Zurface talked in regards to the water tanks being frozen and other water tanks showing signs of not being filled with water. Zurface has stated to me in several conversation to the effect of being under staffed for the number of sleigh and trail rides scheduled each day and his attempts in asking the Owner (Peterman) to cancel trail and sleigh rides so Wranglers and himself could get caught up on chores (Care of/feed and water) and rest for the Wranglers and livestock. Zurface stated Peterman's response to his request, if rides or sleigh rides are canceled this will come out of your pay.

I asked Zurface how much time would it save him if he was able to fill all of the water troughs and know they were heated. Zurface stated, it would be tremendous. I explained it being cheaper than an employee. Zurface said, yah. Zurface stated being told by Peterman there are water heaters on the property but Zurface states not being able to locate them. Zurface explained his asking for more water hoses for a month now. I asked Zurface when something is needed out here, do you have to call and get approval from him. Zurface said, yah. I asked, or is there an operating budget. Zurface said, there is no operating budget everything has to go through him. He gets it and brings it whenever he shows up.

I asked Zurface why he would stick around if he was not getting paid. Zurface said, "Well I stick around to take care of the horse's number one, really. And I just got bills. I stated my understanding while saying, if he's not paying you. Zurface said, "Well this is the first time." I said, this is the first time you guys haven't gotten paid. I was under the impression you guys haven't been paid for a long time. Zurface said, well yah, it has almost been a month. I asked, do you guys get paid monthly or do you get paid twice a month. Zurface said, twice a month.

I stated, yesterday you talked about the farrier in conversation with Ruyak that I was not part of, I said, these feet are bad. Zurface said, and Jim. Jim handles all that. I don't. You know what I mean. Basically my job, I don't even really know what my job is, I know it's called Ranch Manager but it's not really a Ranch Manager and if you look at the big picture of it (Zurface did not finish this statement). I asked, you are the guy that has been here the longest. Zurface said, yah. I just kind of been here the longest.

Zurface has stated during conversations on January 10, 2022 - his use in filling water tanks with a garden hose and having only two sources to get water from, sink in kitchen area and water hydrant located close to corral area to the west of the parking lot. Zurface stated he would start filling the larger water tanks and leave the water running throughout the day while out guiding trail and sleigh rides. Zurface stated other Wranglers would tell him water tanks were filled and on at least one occasion he found the tanks not full, the following day. I asked if staff (Ranch Hands) have certain chores.

Zurface said, yah. I had a new girl in here and she was worthless about watering. Three days ago I was busy and I come out and I was checking waters and the big tank, at the big pen over there was empty. So I stayed out here till 9 o'clock filling it. And I chewed her ass, why you lying about watering the horse, you know. I asked, why didn't you just say, hey that is a necessity, your fired. Zurface said, I'm not allowed to fire them. I have to go through Jim on it. I asked, what did Jim say when you called and told him she lied to you about filling the water. Zurface said, I never got to talk to him about it. Jim's ignored me for the last, up until yesterday he's kind of ignored my phone calls, ignored my texts about the skid loader.

Zurface said, I got in trouble one time because I was telling him to fire this person, fire that person. Zurface states Jim saying, we can't fire everybody. I'm like, if they are no good. I stated understanding what he was saying. I asked, at some point in time (Paused). Zurface said, he told me to pack up my shit and leave. I told him I would. He don't pay ya. I explained, with him (Zurface) and other ranch hands saying they are cash paid it makes it more difficult to go to the Colorado Labor Board. Zurface said, I figured.

Zurface explained their pay being paid by check out of the business. I asked, does he have Workman's Comp. on you if you get hurt. Zurface said, no. I think that is part of the reason the Y kicked him out because he doesn't have insurance on us. I asked, did the Y boot him. Zurface said, the Y booted him, yah

Zurface said, yah that's what yesterday ah. When Jim was here yesterday morning, he was here to drop check off and skid loader stuff, they (Pointing) already told him to leave. I asked, what that was all about. Zurface said, a lot of it was (Pointing around) all this. It all just kind of, they did it that morning and (Laughing) you guys showed up. I don't upset me. I knew it was going to happen. I knew it was coming. Ah (Pause for several seconds) Zurface continued, because I've been talking to Truman, trying to figure out how to do it without getting everyone in trouble. You know.

I said, well. We had that conversation a while back, remember. Zurface said, yah. I was out and I explained to you guys, that to me, (Pause) some of the stuff you guys were

telling us when we were looking (Zurface nodding his head up and down) was on how I (Zurface) can get him (Peterman) in trouble so I (Zurface) can take over this. Zurface attempted to respond "Nah" but only sound came from his mouth. I explained, that's how we took it with you saying, I've (Zurface) been talking with Truman and we're looking, all of us to take this over and this is what is going on with these horses. Zurface said, right.

I said, do you remember me sitting here and I went like this (Reaching to ground picking up twine) and I reach down, I'm like. Yah its stuff like this you can just pick up (Bale twine) and do this and that. And you're like, we don't have time. Zurface said, yah. Ah, I remember. I stated, you continued to talk about talking to Truman and you wanting to take this over (Zurface nodding his head up and down) and at that point in time, I was like, this is civil. I'm not going to get involved. Zurface with a wave of his hand said, yah, I know. I said, the horses didn't look bad, we didn't do a hands on inspection, they had food and they had water. We talked about the manure and walked through the property, it was all discussable. At that point in time it kind of seemed like you're doing this because – Zurface said, no, not really what, what it was. I mean, sorry if you took it that way. I said, even with that, I didn't have anything to go on for criminal charges. We didn't put hands on anything. There weren't any dead horses around to my knowledge.

I stated to Zurface, when people are calling, (Pause) like yesterday when I was talking to you about the draft horses and how you get your teams set up saying, you got two (Drafts) that work together, you told me, I (Zurface) don't even have time to do that. I (Zurface) try to mix and match the best as I can. Then I asked you about using the sleighs or the reins and having to get on one (Draft horse) a little more. Zurface said, yah. I explained, that actually came in as a complaint, to the State Vet from a blind woman. Zurface said, yah. I know, I got the call. I said, from that, she could hear that. Zurface said, yah. I stated, that's why I asked that question because if you have a good working team, what does a good working team do. Zurface quickly said, they will work. I said, if one slows down they're going to help the other one. I did not finish this statement due to a horse seen in very critical shape walked into my view. In mid-sentence I said, look at this fricking cut on this, holy shit.

I aired a request for the onsite Veterinarian to assess this animal. By use of a halter, I led this animal to an area for further medical assessment. Veterinarian Courtney Diehl (CHS) assessed this livestock animal and requested this animal be euthanized. Veterinarian Courtney Diehl (CHS) report will be attached. I along with Lieutenant Yurich led this livestock animal to a safe area away from other animals and on scene personnel to be humanely euthanized. Colorado Humane Society personnel continued their medical assessments of livestock animals. This livestock animal (brown in color with white blaze on face) with bleeding head wound.

During execution of Search Warrant, Dr. Mike Brooks of Brooks Veterinary Services arrived on scene. Dr. Brooks stated several times of being the Vet for Snow Mountain Stables. I did not talk with Dr. Brooks until later, during contact with Jim Peterman. While Dr. Brooks was viewing livestock, I met with Zurface and other Ranch Hands in regards to their knowledge of Dr. Brooks.

I asked Zurface, with Mike being here, is he your vet. Did you ever know anything about being able to call him? Zurface shrugs his shoulders up and down said, not to my. I mean. I called him one time to get some "Ace" for the farrier. I asked, was it ever noted to you, that at any point in time you had an issue with a horse you could call Mike Brooks. Zurface pausing for a second while moving his head right and left said, not directly. No but. I didn't even know he was a Vet. I didn't even know where the Vet was. I asked, there's no information in any of your books or if anything that says, if this happens I want you to call Mike Brooks. Zurface verbally said nothing but he stood there listening and shaking his head right and left.

I asked Zurface, since you have been here since August, how many days have you taken off since August to now. How many days have you not been on property? Zurface said, two (2). And minus those two (2) days how many times has that vet been on this property. Zurface said, I have never seen him. I asked, at any point in time. Zurface said, not that I've, seen. I asked, your boss, did he ever call you and say hey, I got Mike Brooks coming out, he's going to look at the horses. Zurface stood there shaking his head right and left signaling no, and he verbally said nothing. I asked, other than today, how many times, have you seen Mike Brooks. Zurface said, once. I asked, and that was for what. Zurface said, to go get some "Ace" for the vet. I asked, what is "Ace". Zurface said, "Dormel" it's like a, sedative. So they don't kick when they was shoeing.

I asked Zurface, so other than that, from August to here you didn't know you could call him at any point in time and say, I need some help. Zurface moving his head right and left softly said, no. I asked, never took a horse off this property and took it to him. Zurface said, no, I never have. Zurface said, to the best of my knowledge. I'm being honest with you. To the best of my knowledge, it was never brought up. I asked, what is your office like, is there anything hanging on the wall. Zurface and I walked into the office area from outside.

Zurface said while pointing at the interior wall, the only number we have is the business number. I asked, so there's nothing, any paperwork anywhere, where the vet is, who to call. Zurface said, no. In this office area was a female Ranch Hand identified as Theresa LaGrande. I explained to Theresa, I'm going to tell you the same thing I told him (Zurface) and I can read Miranda to you if you want, you are not in any trouble. You don't have to talk to me. You can tell me to pound sand and leave. Theresa said, "I heard you say the Miranda out there, I'll talk. I said, you understand your Miranda Rights and

Warning. Theresa said, yes. I stated, I can read them to you if you want me to. At any point and time you feel uncomfortable, you can say I'm done. Theresa said, yep.

I asked Theresa, how long have you been here. Theresa said, two (2) months. And in two months have you ever seen a Vet on this property, Theresa said, no. I asked, in those two months you have been here, how many days have you been gone, days off. Theresa said, like maybe a couple at most. I said, minus those two days we are talking about fifty-five (55) days and in those fifty-five days did you ever know that Mike Brooks was the Vet. Theresa said, no. I asked, have you ever heard that name. Theresa said, no. I asked, any paperwork when you guys started that they showed you that says, hey if there is an issue this is the guy to call. Theresa moving her head right and left said, no.

I read Denzel his Miranda Warning and Waiver of Rights from a card I carry on my persons. I asked Denzel if he understood his Miranda Warning, Denzel nodded his head up and down signaling yes to me. I asked yes and Denzel quietly said, yes. Upon reading Denzel his Waiver of Rights I further explained at any time he could tell me to pound sand and not talk further saying, either way you want to talk to me or you don't. I don't take any offense to it. I don't look at it as this guy is guilty because he doesn't want to talk to me. I further stated, this is a choice and it is up to you. In this small office area was Theresa, Zurface and Denzel.

Denzel stated he would talk with me. I stated at any time he (Denzel) could stop talking and or just walk away or tell me to pound sand. I said to Denzel, with having those right in mind will you talk to me. Denzel quietly said, yes. I asked Denzel, how long have you worked here. Denzel said, about a month. And in that month how many days have you had off, away from this physicality. Denzel said, ah I've been sick once. I asked, in thirty (30) days have you ever seen a Vet on this physicality here. Denzel said, not that I know of. I'm always on the road. I asked, what do you mean by, on the road. Denzel said, ah. Working hard driving sleighs and stuff. Have you ever heard someone say the Vet was here today? Denzel only moved his head right to left. Do you know who to call for a Vet? Denzel said, Jim.

All staff (Ranch Hands) on site during execution of Search Warrant with the exception of Zurface the Ranch Manager getting a sedative "Ace" or "Dormel" in August of 2021, no staff has seen Dr. Brooks on property of Snow Mountain Stables.

I introduced myself as Detective David Miller and Investigator Kathleen Ruyak with the Colorado Humane Society to James (Jim) Peterman on the roadway to the east of SMS. Peterman was dressed in a zipper style flannel print jacket, light blue jeans, cowboy boots and black cowboy hat. Peterman was very respectful and shook both our hands in

greeting us. I gave Peterman a printed copy of the Search Warrant and explained the Affidavit was not attached. Peterman said, you guys didn't need a search warrant, you could have come out here. I explained this being a process and Peterman said, I'm not an asshole. I said you were more than welcome to come out here.

I asked Peterman, you stated being here Sunday, feeding. Peterman said, I was here Sunday. I explained, when I get rushed with my horses, I say there's five (5) of them, cool and I go away. Peterman said, well I took and. I, I seen I had you know, three (3) younger ones that are, that could use some weight. Um but I didn't notice really any more to be honest with you. I explained in a few minutes we are going to get a little further into this and I will read you Miranda and you know don't have to talk with me.

I explained to Peterman, there was one (1) horse on that property that was so bad that we didn't believe it would make it to Denver, we put it down today. That's how bad some of those horses are. Peterman said to the effect of, see, and I never seen that. Honestly. While talking with Peterman on the roadway, approaching our location in a vehicle was Veterinarian Dr. Mike Brooks. Of note: Dr. Brooks had been on scene prior to my contact with Peterman. I asked Peterman, how long has he been your Vet. Peterman said, all year. I mean, since I started here. Of note; Colorado Secretary of State -online-Business search lists, Snow Mountain Stables, LLC with ID number: 20191903950, Formation date: 11/14/2019 and Principal office street address: 1101 County Rd 53, Granby, CO 80446, United States.

I stated to Peterman while pointing behind our standing location, Mike's my Vet, too. We have different rolls, he's here for you and he's your Vet today. Hopefully next week we can laugh about what my daughters are doing. Peterman said, honestly, I didn't see that horse on Sunday when I fed. Peterman asked, that wasn't a draft horse. Prior to answering Peterman, I explained to continue our conversation, you are not in trouble today and you may not be in trouble at all but for us to continue our conversation, I am going to read you your Miranda and you have the right to tell me whether you want to talk to me or not. I explained this protects you and it protect me. Peterman said, I'm here to cooperate. Let's put it this way, I'm going to cooperate with you.

I read Peterman his Miranda Warning and Waiver of Right from a card I carry on my person. I asked if he understood each of these rights I have explained, Peterman said, yes sir. Do you want to continue to talk with us now, Peterman said, yes sir. I explained at any point and time you have every opportunity, every reason and right to walk away from me. You can say, Miller, I don't want to talk, pound sand. Peterman said, I don't feel like I am going to be like that to you. Dr. Brooks and Investigator Ruyak were at this location when Peterman was read his Miranda Warning and Waiver of Rights. I explained to Peterman, I was wearing a body camera that is un-muted and recording.

I stated this is a result of Animal Control being called on several occasions and information was documented. Peterman said, they have been out every week and they were out last week and there was nothing that got said. I stated being out here with Animal Control on several different occasions and they go complaint by complaint. We're not going around and physically inspecting each horse. Some of the complaints in the early was manure stacking up. Peterman said, my dump trailer is broke all year and I couldn't get the damn parts for it. Then when I did get it, the part broke right away. I ordered a new dump trailer and it hasn't even been started, so. I stated my understanding. Peterman said, and I can't do anything until spring now.

Dr. Brooks asked Peterman if he could ask a question with his permission. Peterman said, oh, go ahead. Dr. Brooks said, you guys are moving a lot of horses today, we have what I feel as adequate stabling, it's not perfect, it's adequate, there's feed and certainly there's water. Is there a remedy, Dave where we don't have to take every horse off this property? Ok we devote the thin ones, yah. But I see perfectly healthy, is there a remedy that Jim can do. I stated to Dr. Brooks in reference to his question, let's work this piece by piece. Dr. Brooks said, yah. I explained to Dr. Brooks, that decision isn't mine. Dr. Brooks asked, whose is it. While pointing to Investigator Ruyak, I said, that's them, so we are going to work through this and she can jump in here at any point and time. Dr. Brooks said, ok.

I stated, you talked about adequate water saying, there's not one heater in there. We walked through this yesterday and they (Ranch Hands) were saying we filled these water bowels up. I explained my visual of water tanks to Dr. Brooks, I saw snow in the bottom of the water tanks. I stated other water tanks had chunks of ice the horses were eating and other horses eating snow. They don't have water. That's one of the big things we were looking at. So when you talk about adequate water. So moving forward that's a conversation for them.

Dr. Brooks said to Peterman, it sound like you are vacating the property either way, Jim. Peterman said, yah. Dr. Brooks said, can we just save some time and money, have him guarantee water and food. Take what you got, I don't want to see a hundred and seventy (170) horses going to Franktown, I don't think that is fair to him if he can come up here and do that. I mean, that's going to break him, that's going to put him out of business. Ruyak said, right now as it stands at this moment, ah we, we have the resources to do it. Dr. Brooks said, I know it. Ruyak said to the effect of, I can discuss it with the group but as it stands right now, all the horses will be removed from the property. Dr. Brooks said to the effect of, ok. So you (Talking to Peterman) might as well just (Unclear what Dr. Brooks says to Peterman).

Dr. Brooks continued, sounds like they are going to at least keep them for at least seventy-two (72) hours. Sounds like procedurally there's no option. Dr. Brooks asked Ruyak, there's no leniency is what I'm hearing. Ruyak started to talk and was interrupted by Dr. Brooks asking, no leniency what so ever. Ruyak stated, at this moment. Dr. Brooks interrupted saying, ok. Good to know. Alright. So Jim, I don't know if I would waste any more breath here. Sounds like they are all going to Franktown or where ever. I think that's a crock if he's here willing to take his horses or take care of them, to get them out of here. Dr. Brooks talking loud said, their body condition is six/seven (6/7), I saw one thin horse. Dr. Brooks asked, no horses died on their own in the last month, has it. I explained four (4) dead horses being there with one horse being in the trailer, there's two (2) off over there and one (1) over there.

Br. Brooks asked Peterman, were those put down or did they die on their own, were they old. Peterman said, they died um, two (2) were younger. One (1) was an adult pony, I don't know how it died, it just died. And one (1) was a draft horse that was pulling a sleigh and reared up and came down and died right there. Dr. Brooks said, you have one hundred seventy (170), ten (10) are going to die, five (5) to ten (10) are going to die.

I said, let me ask you (Peterman) a question, from what I'm understanding on them (Ranch Hands) when they would have problems with anything that goes on here, you would tell them, no just saddle another horse and get them going. Keep the money going. And I asked all three of them (Ranch Hands) since you showed up, Mike (Today) continuing, I'm not trying to be a dick. Dr. Brooks said, no. I asked all three of them there, how long they have worked here. How many days they have taken off, and in that amount of time, who's the Vet. Have they ever seen you on site, they said no.

The only one guy, the head guy we are calling the "Ranch Manager," Derek. Peterman said, Derek. He said he called you (Peterman) once and you told him to go to Mike to get a sedative for a horse that needed it for shoeing. He (Derek) said other than that, the only other time he's had a conversation, didn't know that he was allowed to call you (Pointing to Dr. Brooks) because every time he had an issue with a horse you'd tell him to grab another horse. There are plenty of horses let's keep rides going. Peterman said, He's never called me with an issue. I stated my understanding and explained, that is what I'm being told and now we have this information.

I asked Dr. Brooks, you are working for him (Peterman) right, he's paying you and I get that. I said to the effect of, what I'm trying to do here. There's a story. There's more of a story here than you hear. Dr. Brooks said, oh, I know (Brooks said something unclear). We (GCSO) come and put this whole (Interrupted by Dr. Brooks). Dr. Brooks said, I just try to solve problems.

I asked, how many days in the last six (6) months have you been on site here. Peterman said, I was in Arizona three (3) weeks prior to. Dr. Brooks interrupting said, uh, I'd have to look at my books. I haven't been out here since the fall. Peterman said, but Mike's been out here all summer floating teeth. Dr. Brooks said, oh yah, I float teeth. I stated, then you are doing it secretly because all the people up there are, and I'm not saying you're not, but when I talk to people and I ask them those questions. Peterman said, we haven't had any accidents. We haven't had any horses cut up. Peterman looking at Dr. Brooks stated, the last mare that got cut up, when her leg got cut up and we um. Dr. Brooks said, yah, that's how I spent my Labor Day. Peterman said, I called Mike. Dr. Brooks said, I've got pictures. I explained only having one side of the story.

Peterman said, you get the story that I'm the asshole boss that don't call the Vet, well I call the Vet. Dr. Brooks said, he pays his bill. I stated, those are the things I don't ever hear. We hear, hey he comes in here and drops off a load of horses in the middle of the night and he's gone. Or he'll come in and feed real quick and he's gone. Dr. Brooks said, No, he spends a lot of time here supervising this summer he did. Ah and we'd go through thirty (30) forty (40) horses a day. I have been out here three (3) or four (4) days checking teeth and doing preventive maintenance. So that's part of the puzzle, I'm glad that was brought up. That is kind of the reason I am here. I'm not necessarily going to bat for him right now but I'm trying to (Dr. Brooks changed subject) Hey can we avoid moving that many horses, because he's leaving anyway, why can't you just let him take the horses.

Peterman asked, what, am I looking at. I explained this is an investigation and information being stated to me from your ranch hands and what you have told me, it appears the ranch hands are not being truthful in their information. I stated this is now a, he said she said. Peterman said, they are just trying to cover their ass. Peterman further stated, I have had feed here all the time for these horses. And the feeders should have been full all the time so there shouldn't have ever been a problem there. They should have been filling the water tanks up every day, you come in here and there is snow in one. I stated all water were either down in level and or contained ice.

I explained the water troughs having snow around them with very little of the water tanks sticking above the packed snow. I stated, horses are kneeling at the water tanks just to chew on the ice in the tanks. I stated, you have that black horse in the pen, Peterman said, yah. Continuing, all the gates are frozen into the ground so bad, I asked (Ranch Hand) where does this horse get water from, I was told he (Black horse) can reach over. I explained where that water trough was located, it was empty and in an area the horse couldn't reach to get a drink of water, if the tank was full. Peterman said, I need to call them to get them watered. I stated they were working on watering the horses now.

Peterman said, to me that's bullshit. If you want to ride a horse you better feed them and you better water them. I explained understanding and further stated, when we do a walk through and we see all this (Frozen water) and then we start seeing abscesses on horses and asking, when was the vet out here, the ranch hands tell us, vet doesn't come. I explained my asking them, why you don't call the vet. Were told not to, stated the ranch hands. I stated again, that's what they are tell me. Peterman said, ah, that's not the truth. You heard it from Mike. I stated my knowing Mike and our different rolls and different thing to do.

I stated what we actually walk in and see, what is visible. Yesterday, I wore body camera and took photos and saw water tanks in pens with snow in the bottom. Peterman said, this is what I got, they (Ranch Hands) said, we got everything watered here yesterday, everything was full. I stated by the time we got here this morning things were partially and the majority were still empty. Peterman said, they will empty at night. I stated my understanding and further stated, when they are frozen like they were the day before, there wasn't enough water in them. They (Ranch Hands) didn't chip the ice out. I explained having water tanks freeze when the heaters stop working (Didn't finish statement). Peterman quickly said, I got heaters here for them and I got cords for them. I stated, he (Zurface) tells me there's nothing here. Peterman said, bullshit there's ten (10) tank heaters here. I stated, he doesn't know anything about them, I will walk up with you and you can show me all this stuff.

I explained being told by ranch hands, there's no tank heaters, he won't let us get tank heaters. The skid steer broke down, I (Zurface) asked to go rent a skid steer and he stated, you (Peterman) telling him, no. Go figure it out. Peterman said, he did rent a skid steer. I stated he did figure it out and rented a skid steer on his own. Peterman said, that's bull shit. The skid steer broke down on New Year's Eve and the rental place was closing and they couldn't rent it till the third or fourth. So they went and rented it then. I went and bought another skid steer, \$30,000.00 and brought it up here.

I explained to Peterman some of my question to his ranch hands, if the conditions of working for you (Pointing at Peterman) are so bad, as they are described. They don't know who to call for a vet. When they ask for things they don't get it. We tell him issues with horses. I asked them, why do you (Ranch Hands) stick around. I told Peterman his ranch hands explained needing a pay check.

I stated to Peterman, our main goal here is the welfare of these horses. I stated, do I trim my horses every six weeks, no, sometimes I go eight. Do I ever let them go to the point they are standing on long feet, no. Do I let my horses go without water, I don't. Peterman showed a text he just received in regards to getting his horses feet trimmed. Peterman said, I didn't send him anything, I didn't call him.

I asked Peterman, when was the last time you actually put eyes on all those Draft Horses feet. I asked, when was the last time you personally looked at your horse's feet. Peterman said, Sunday. I asked, you looked at all 170 horses. Peterman said, I didn't walk around and look at every one of them. I ran around in the skid steer and felt that everything needs to be trimmed and shoes on the draft horses need to be pulled and reset. Now they can be pulled and trimmed.

Peterman and I talked in regards to inspecting a horse by putting hands on during grooming and saddling and seeing abscess or something going on with it, it can be taken care of. Peterman said, yep. I stated it depends if the horse can or cannot be used that day, either way the horse is going to be treated, it's going to be looked at and further evaluated. I explained a horse in the pen having a large sized abscess that has exploded on the spine in the middle of the back. Peterman asked, what color of horse is it. I showed a picture of this horse and abscess to Peterman. Peterman viewed this picture saying, ok. And saying to the effect of, this horse had to be ridden a long time before that happened. I explained this abscess could be a result of a bad pad. Peterman said, improper saddle.

I stated, so when you are putting your hands on these horses daily. Peterman said, they brush them every morning when they saddle. I said, are they? Peterman said, they damn well better be. I stated my asking the ranch hands, you don't see this. I was told (Ranch Hands) their fine. Well that one might have a scratch. Peterman was shown several pictures of horses with abscesses and conditions of water tanks showing frozen with ice chunks. Peterman showed visible concerns in regards to his horses needing water. I explained all water tanks are being filled.

I asked Peterman if there are procedures and policies that these guys all know. Peterman said, well. I asked, who is the person you consider to be the boss and what is his responsibilities and where is that written down and how does he know that. Peterman said, well, I have Derek in charge. But if I had it written down, I don't. Have I talked to him about being in charge, yes I have. I stated, he (Zurface) being in charge, he basis's that off of being here the longest, a seniority thing. He's admitted, you can call me the Ranch Manager, and you can call me the boss. I asked him, are you (Zurface) the guy that directs people and he said, yes.

I further explained, Zurface stated when he needs something he'll call you (Peterman) and Jim has someone do something or they don't. Zurface stated not having a credit card on site in the event for a Vet call. I explained them saying, you are not here and they are trying to figure out how to run the place. Peterman said to the effect of, that's a crock of shit. If you look at my phone, I call him every day at least ten (10) times a day. So there's never an issue without me being able to communicate with him. I stated, he (Zurface)

didn't say he didn't communicate. Peterman said, I've never told him no. Like, you need a vet up here for this, they have never asked me for a vet. But honestly, I haven't paid the vet since this fall when we had a mare cut up her leg up in a bale feeder and he (Dr. Brooks) had to come up. I asked, was that before August. Peterman said, like the end of August.

Peterman and I walked towards the office area for Snow Mountain Stables as Peterman stated having water tank heaters. Peterman and I looked through several out buildings within this area of the stables for water tank heaters. Some water tank heaters were located in a storage building in the same area ranch hands had been hooking up the garden hoses to a water source. Some of the tank heaters were in a plastic trash can and others were located on the floor in this same building. Peterman stated he had never got a question about tank heaters. Peterman stated he told them (Ranch hands) he had bought ten (10) of them last year and a thousand feet of cord and everything should be able to be heated up. Peterman said, so, that's the truth.

I met with Zurface about his watering out here. I asked, you water morning and at night. Zurface said, no, I water all day. We keep them running all day. So you let the water run all day long. Zurface said, yes, until it runs over. What we've been doing is starting them first thing in the morning. I asked, the other day when we were here literally the tanks with snow in the bottom didn't have water in them. Zurface said, yah I, yah I know there are a couple of tanks like that because, I had that, a new girl here, I didn't go check it. It's fine, I guess it's my fault for not checking it.

I stated that day of seeing the tank with snow, ranch hand Denzell said he had filled the water tank, the one seen having snow. I explained to Zurface, if you put water on snow, the snow melts. And tanks that have been drank empty will have a thin layer of ice in the bottom. Zurface said, yah. I'm not going to argue. I said, as far as tank heaters go, you called Jim and asked him and he said no. He doesn't want to give money for the tank heaters. Zurface said, he (Peterman) said, he had them somewhere and I had to go find them. I looked everywhere for them. I don't even have extension cords. I don't even have enough extension cords to keep tank heaters in them. I asked, did you find any tank heaters. Zurface said, I never did. I asked, where did you look? Zurface said, I looked all over, there's a couple out here but they are junk, they did not work.

I asked, when you couldn't find any, did you call him up and ask him. Zurface said, yah. I told him I didn't, I couldn't find any. I asked, where all did you look for tank heaters. Zurface said, I looked in here (Office area), I looked here (Pointing to storage), I'm pretty sure they tried all these. There is a couple in here, in a bucket and they said they didn't work. I asked, did they pull them out and test them. Zurface stuttering words briefly said, pull out. The other help said they did.

I said, you called Jim back and said, I found some tank heaters but they didn't work. What did he say? Zurface while raising his arms said, yah it. I, honestly I can't remember. I explained seeing some in a bucket and one that looked to be new. Zurface said, yah. I stated to Zurface, this, he said, she said shit in the chapters of this investigation. Zurface said, right. And, I mean there's a lot of miscommunication between me and the guys that work here, so. I asked, what do you mean by that? Zurface said, like if they tell me they don't work, that's all I know. I'm sorry I got a lot going on in my mind, I forget things.

I said when your guys come to you and say the tank heaters don't work, you can't call Jim or. Zurface said, he (Peterman) told me there's a brand, a bunch of, like twenty (20) brand new ones in a box somewhere. I asked, did you ever ask Alysa for that, for anything or for help. I understand you talked to her quite a bit. Zurface said, yah, honestly I don't if I did or not. I been on the phone back and forth with so many things in the last two (2) months. Been down to five (5) people for the longest time and we was just barely getting done what was getting done. I said, and, we had to skip corners in some places. While saying this, Zurface was raising his arms from his side and did not answer.

I restated to Zurface, you don't have to talk with me. Zurface said, we did. Continuing, you were knocking the ice off and this and that. And it wasn't a huge deal to not have the tank heaters. Zurface said, yah, it wasn't. I had one (1) guy and he ended up quitting. That's what he did every day like, he was good at it. I said, it went to shit after that. Zurface said, yah. I said at that point you didn't think of picking up the phone, since you talk to Alysa probably ten (10) times a day. Zurface said, oh yah. Continuing, Hey Alysa, holy shit I'm down one (1) guy and I need some fucking tank heaters. Zurface just raised his arms outwardly from his body. I can't find the others can I just have some money to run up there and buy some tank heaters. Zurface raising his hand outward from his body said, I didn't even think about it. I thought that the new people was doing a better job than what they was doing. I said, and you're the boss. You're the head guy. Zurface slightly laughing and raising his arm said, I guess, yah. I mean, I have been here the longest.

I restated to Zurface of him mentioning several times, you want to tell the truth. Zurface quietly with a little emotion in his voice said to the effect of, yah, I hope. I explained to Derek when he wanted to clarify some of this stuff, I'm not saying Jim's not in the wrong and you're not in the wrong, but you are here every day. Zurface said, oh, I know. Continuing, when you are ready to talk straight about some of this stuff, I'll be out there. Zurface raising his arms outward from his body said, I mean, what else do ya want to hear from me. I stated, I want you to start being a little more honest with me on this watering stuff and feeding and Vet care. They got vet records, Mike Brooks has been the Vet. Zurface raising his arm outward said, I've never seen a Vet here. Continuing, Mike

Brooks has been out here, he's been out here a bunch of times. Zurface said, I've never seen him. I said, ok. But that doesn't mean he's not the Vet. I asked you a question – Surface in a defensive tone of voice with animated hand movement from his body said, I didn't, I didn't know he was. I didn't know. So I can't say, yah he's the Vet.

I stated, it's not that I don't believe you and it's not that I don't want to believe you, whether the boss (Jim) is here or not, when there's something wrong with the horse. The Vet has all these records of all these horses he's come out here and treated and stapled up and doctored and this and that. And nothing, you don't even know there's a Vet available. Or that Jim tells you not to call because. My question to him (Jim) is, it is my understanding that when he (Zurface) calls you saying we need a Vet or something, you tell him to just saddle up another horse, get another horse out there. I asked, what, do you think he (Jim) said. Surface said, well he probably says, I'm lying. I stated, he didn't say you're lying but he did say, you (Zurface) have never asked for a Vet. Zurface paused for a few seconds and said, I, yes I have.

Further stated to Zurface, I just can't get past the fact that you are here every day, and you're a horse person, and yes you're overwhelmed, and there's things going on, and other people aren't doing their jobs, you're the big guy. You go around and check. You don't want to have to check other people but you know some of these things aren't getting done. Zurface sitting on the arm of a couch said nothing in response.

You talked about going out and renting that skid steer and he (Jim) talked about that. You went and got that on or around New Year's Eve, you went up there and it was taken care of. He (Jim) stated not knowing how to rent one on New Year's Eve but we'll figure it out. Zurface said, well, (Shaking head right and left) he told me, he would have one here and never did. Yah, I just said, and he, he never. I asked, did you pay for that one out of Indian Peaks, out of your own pocket. Zurface said, I was going to and then I talked to Alysa and she paid for it with a credit card. I stated, earlier when I talked to you, you made it sound like it came out of your pocket. Zurface said, no, I just said, I just made the decision to go get it so I wouldn't have to deal with them. I asked, what the backlash on that was. Nothing. Right. Zurface said, yah.

I stated, calling the Vet. I mean you can't tell me that you didn't walk around and see some of this shit. You've been here all the time. Zurface said, yah, I've seen some of these horses. Zurface did not say anything further. I said, nothing. You personally pick up the phone and call all these people and say, I got a problem, my boss won't let me do this shit and I need you guys to come help me because I'm getting nothing from them. Or pick up the phone and call the Vet and say, hey man, I don't know how I'm going to do this but I go problems out here. Derek said nothing. Continuing, I'm just trying to understand that. Zurface said, I mean, I've told Alysa, I need more help. I said, needing

more help and taking care of the horses on a day to day thing being the boss, are two different things. Ok. Zurface said, nothing.

I explained seeing a brand new automatic waterer and to my knowledge it could not be installed unless the Y did the installation. That's neither here or there, it would have helped. I stated these waterers are awesome and would have relieved one person from having to water all the time. I can understand you saying the hoses run all day long. You got one hose going out, and it runs and fills they drink, and you guys get busy, and get to going, and then shit its dark, and you are taking the tack off, and throwing those saddles in, and putting the pads away, and putting the headstalls away, and holy fuck we're done. And you're gone. Come back in the morning, breaking ice and trying to fill shit up. Zurface said, right. I said, things aren't getting checked at the end of the day. Zurface gave a slight nod up and down of his head and softly said, yep.

I said, reverse the rolls here. You're the big boss, you have a company. I'm not saying, I'm not looking at both sides here, ok. Zurface acknowledged by a slight nod up and down of his head. Continuing, you're the big boss, you're in his position, you got guys working for you. You expect, hey this guy comes from Texas and he knows horses and cattle, it's perfect. Zurface said, right. I can take a little time, I can go down and have my girlfriend and my wife, do whatever you know. Hey I got someone running the show up there, I'm making a little money, hes making a little money things are going good. It's easy to start skimping more and more every day till something just like this happens. Zurface said, right.

I stated, through all my contacts with you, you have been honest. But I think there's also something, a possibility of why, that you kind of got to this point here. You had hopes of running this place and this being yours. And if there were certain things that happened, that person would have been out of here. Zurface clinching his hands together softly said to the effect of, no, I didn't intentionally hurt, doing it or anything. I said, you didn't intentionally hurt the horses (Zurface head movement right and left) but what happened was, because you had some talks with somebody and you also told me at one point and time, that you and the staff were willing to take over this place. And once that happens we're (Staff) going to get a skid steer in here and we're going to muck all this shit out and we're going to take care of this. And we're going to bring these up, and we're going to put in automatic waterers, we're going to have feeds out here. This isn't going to be this way. This was the same day, I reached down saying, look at this fucking trash and I pick up the trash. And do you know what you did, you stood there and watched my do it. Zurface gave a nod up and down of his head signaling his understanding and verbally said nothing.

You know if someone comes on my property saying, man look at that trash. I'd be embarrassed and pick it up. What you talked about that day was your meeting with Truman and how you guys want to take this stuff and all this stuff is bad here. But when you get it, you're going to take care of it so it is going to be one hundred percent. Zurface said, right. I remember it.

I stated to Zurface, that's why I want you to come up with, tell me the honest story because right now, I. Zurface said, honestly, I did not intend to have any lack with any animal for care. I sternly said, there's no way this got this fucking bad overnight. Zurface said, no, but there was a lot of these horses like this before I got here. I said, I get that, but you're the boss, you make that call. What would you think - You know, he (Jim) says he came in here and looked at them saying, some of them were underweight when he fed. But he did the typical thing when he fed as I do. I go out and feed my horses and I'm like ah shit there's five of them, cool. They're standing, I know they have water and I know they have food. I said is this negligent, no, because they have food and water and they're not bleeding. He's (Jim) not here all the time.

I said to Zurface, I want you to think about this and you and I can talk in a little bit because, I'm getting off hand on this. So here in a little bit if you want to talk, come find me. I said, I think you let some things go, I really do. And these people (Ranch Hands) over here as new as they are, they follow what you tell them to do. I'm not trying to put the blame on you and I'm not trying to put the blame on them, I just want you to talk honest with me. I'm hoping at some point in time you want to bring this conversation to a little bit more of an understanding of information to this point. I'm not saying, you are at fault, I seeing issues that are probably that way and I'm also seeing issues on the other side. I can't tell someone how to run their business and some of those conversation when I came out here, and I told you, I can't tell you what to do. I can make recommendations. Zurface said, you're correct. A lot of the issues are my fault, I should've done better.

I talked with Theresa in the office area. I explained hearing from Derek, but wasn't clear on how long or how many days the horses were without food. I asked Theresa if the horses went without food for a day or so when the skid steer was broken down. Theresa said, "That did happen." And like I said, we were trying to do the best that we could, it hurt all of us. One thing I did because we have grain here but were, I think we're pretty close to the bottom of the barrel right now. But, I would do the horse I was riding out here every day, I'd at least try to give him a full scoop of grain every morning and night. That way I knew he'd have something to eat, until. But the way I saw it, Derek and guys that were here, they were trying to put time in on getting the skid steer to work.

I asked, did Derek at any time say, let's get a knife and cut the bands of the bales and take flakes out. Theresa said, we never thought about that. I think we were focused on trying

to get as many big bales out there because we were in a blizzard at that time. Theresa stated their attempts to loading a big bale on a co-workers truck and tried to drive it out there and we couldn't because his truck got stuck.

I stated to Theresa, I know everybody likes horses, was there ever a point in time you were just like, I got to move on. This isn't working, conditions, this and that. Theresa said, I mean, I considered it. But pretty much, Derek and the Nordic Director here at the YMCA, they got, I don't know if Derek's told you this or not and you didn't hear all this from me. But they got a twenty (20) year contract through the President here at the YMCA. And the YMCA is going to do like a lot of renovations and stuff like that. I asked, what is the twenty (20) year contract for, for running stables. Theresa said, but, differently not like how it ran right now. I asked, that's already a signed contract with them. Theresa said, I and paused for a few seconds saying, I want to say it is signed but I'm not entirely sure. Pretty much Derek and I would talk about it in the truck and leave the conversation in the truck, if that makes sense.

Theresa said, we don't want to spread the word too much. But, the YMCA wants to make a lot of changes and a lot of better working environment improvements for both horses as well as staff and that's pretty much the main reason why I stuck around is I want to see this though. I didn't want. The way I thought about it like, I don't want to fully abandon all this hard work, you guys have worked for. We've just been trying to keep it on the down low because he didn't want word getting out about it.

I asked, so the Nordic Director. Theresa said, I think you meet him yesterday, his name is Todd. Personally, I don't know what goes on in those meetings. I just, pretty much Derek would talk to who they could trust. I wouldn't go behind their back and gossip about it. I know the YMCA has been wanting to make a lot of changes and improvements up here for a very long time. I said, but they had to get Jim out of here to do that? Theresa quietly said, exactly. (Pausing for a few seconds) And what changes are going to be made, those I don't know of. I think the biggest change they are going to do is, they are going to limit how many horse back and wagon/sleigh rides we do. They are going to limit a lot of that especially come winter time.

I said to Theresa, I am going to ask you a straight up question and you don't have to answer or you can answer. Is his knowing what his future was going to be but he had to eliminate somebody out of here, there was corners cut. Theresa said, what do you mean by that. Continuing, things that were overlooked. Theresa referenced the water heaters and I explained we know all about the water heaters. I stated my hopes for clarification something known to me. Theresa said to the effect of, yah.

I said, being excited about getting a twenty-year lease and running your own deal and doing it the way you want but you have to eliminate someone else to be able to do it. Theresa gave a slight nod up and down of her head. Continuing, is there some things that got missed intentionally. Theresa did not say anything and continued to look at me but downward. I said, everybody knows what their daily chores are. Theresa nodding her head up and down signaling yes said, exactly. Further, everybody knows that you inspect your horse before you saddle it while you are brushing (Theresa nodding up and down) when you are saddling. Theresa said, exactly. I said, when you untack your horse, you brush your horse and you brush your horse at the end of that because it shows a respect to your horse and that you care for it and they like that stuff.

When you groom your horse after you are done you can see saddle soars and whatever. I know everybody gets busy and it becomes a job. Theresa said, right. I stated, what I am trying to get at, knowing what his future was but he had to get, somehow, Jim had to leave. There were thing that were overlooked. Theresa didn't verbally say anything but her eyes briefly closed while she moved her head up and down signaling yes to me. I continued, they got to the point that, (Theresa lowers her head) it got too far. Theresa softly said, ok. Our conversation did not continue as Zurface and Denzell entered into the office area.

Outside the office area and away from Zurface and Denzel, I asked Theresa if we could finish this conversation in the fire truck command center to keep this as private as possible. Theresa and I walked to the fire command truck parked on scene and with no personnel within this truck, Ruyak and I talked with Theresa. I stated our conversation being completed in this command truck is due to my wanting to separate you away from them. Theresa said, right. I explained this being a lengthy investigation that has been going on. Theresa said, exactly. I said, we have been out here a couple times. Theresa said, I know. I said, with what you told me. Theresa said, a hum. I stated the horses are number one. Ruyak asked Theresa how long she has worked here. Theresa said, two (2) months.

I restated our conversation in the office of asking you, why would stay here if things were so bad. And you saying, you liked the idea, direction this was sounding, Ruyak said, the end result. Theresa said, pretty much, I wasn't part of the meetings or anything and because I developed a personal relationship with Derek, on a professional. We would talk about it in my truck and we just kind of like, left the conversation in the truck because he didn't want a lot of, he didn't want word getting out too much about it, right off the bat. But, he and Todd took a lot of information to the Y, to the YMCA meeting and I know at one point, I don't know if you have spoken to the President here at the Y, but he was at, there was a point he was ready to give Jim the boot at some point.

Theresa continued, when Derek and Todd had presented all of these changes and renovations they wanted to do, the Y was ok with it. I know the President (Pause for a few seconds) I know the President gave them a twenty (20) year contract for the both of them. Ruyak asked, was that Derek talking. Theresa said, yes. Whether it's been signed or not, that I'm not entirely sure of. But I know it was mentioned at a previous meeting. The Y has approved plans to start the new renovations as soon as possible and I know the top priority right now is those horses.

Ruyak stated, correct me if I am wrong, that you start letting things slide or it just started happening. Can you give me a little more detail about slide, what do you mean by, letting it slide. Theresa acted confused saying, letting things slide. We stated, letting things slide, like its ok if this stuff happens like reports to us and we come out. Theresa said, right. I stated those little things that happen and Animal Control comes out and then another one (Complaint) would come in and we would come out. Theresa said, a hum. We are talking about little things sliding and you trying to keep going. Theresa said, Right. I remember when I first got here probably like my third week of this job and I got told Animal Control was here, I was out on ride at the time. So I had like no information, no what's so ever. But, I know there is people, who they were I don't know, were calling in regards to the health and wellbeing of the horses.

I stated to Theresa to the effect of, I'm going to be a little more direct. By letting things slide – Theresa said, a hum. I explained this being my impression of Derek from some of these conversations and them being documented, he had this vision for this place but the only way that vision would work, would be get Jim out of here. And to get him out of here, even if it's one animal that was just injured enough that it would cause a negligent or cruelty to animal abuse to the boss. Theresa quietly said, a hum. He's out of here, I said.

When we get these little reports and we come out. There's this idea of, if this happens, it goes this direction, it's good for us. Theresa quietly said, a hum. Things started sliding and sliding and sliding. Theresa gave a nod of her head up and down signaling yes to me. Ruyak said, the quality and care continues to go down is what we mean by sliding. Theresa again gives a nod up and down of her head. Ruyak stated, when I say sliding, maybe this horse is a fifty-fifty chance this horse shouldn't probably go for a ride, but – Theresa said, a hum. Maybe we could do it anyway or this group of horses look ok today, let's not worry about them as much. Theresa gave a slight nod up and down of her head. Ruyak stated this is what we are trying to get at –Theresa said, right.

Ruyak said, did anyone explicitly say to do anything or was it a gradual thing or was there any direction about that. Theresa said, like with the health and wellbeing of the horses. There pretty much if there is a problem, an issue or anything we would, all of the

Wranglers would talk to Derek and say, we need to take care of this, he would do his best to get on the phone and either get with Jim or Alysa. Sometimes they would pick up, sometimes they wouldn't.

I explained we are getting to those points that you know where we are going with this. I stated to Ruyak, her (Theresa) being Mirandized and her knowing she doesn't have to talk to us. I explained to Theresa, what I would like to be able to do is. - Theresa said, a hum. I stated, you guys go to Derek and you tell him what you're doing and he tells you he called them and they couldn't be contacted. Did he call them and say, hey man things are going really good here and come back saying, hey yah they aren't going to do anything. I asked Theresa, do you know one hundred percent of that conversation or is it more to the point of, he had a vision of where he wanted to go and knew, or how to get there. If you're telling me these horses, you have reported to your boss but he's also has a twenty-year lease but there's somebody in the way. Theresa said, right. Theresa was seen bighting her lip and rubbing her hands together and continued rubbing her hands together while saying, I'm trying to figure out how to answer this right now. You put me in a spot.

I explained, well I did. And what I want is the truth. Theresa said, yah. Even if it's wrong to the point or you feel it's detrimental. Theresa quietly said, yah. "I just don't want to jeopardize everything Derek and Todd have worked for right now. It's been."

I said, let me put it this way, you have one hundred seventy (170) horses out there, I shot one today. Theresa said, "I understand." Ruyak explained, that horse had been that was for a long time, that doesn't happen in two (2) weeks and it doesn't happen in a month. Theresa said, it doesn't and when I first got here she was starting to look like that but she wasn't as thin at the time. We had horses separated and organized into certain pens before everything changed up. She was doing ok, I was never around that horse or really rode that horse so much.

Ruyak asked, would that horse go on trail rides. Theresa gave a slight nod up with her head while saying, with the previous Wrangler, yes. Ruyak further, when did the rides stop with that horse specifically or when do you know the last time that horse was rode. With a five to ten second pause Theresa said, between the last week of this. Between the week of Christmas and New Year's. Ruyak stated, the last two to three week that hasn't been rode after that. Theresa said, after that time, yes. I know when there were days when we were overbooked and we needed a horse we'd grab her but we'd try to leave her back as much as possible.

I stated, you got a really good, professional relationship with Derek and I can be completely wrong here and tell me if I am please. Maybe a relationship other than that,

feeling you want to protect him. Theresa said, the way I see it, is that he's just my future boss, I just don't want to see anything bad happen to him. Because from the time I got here until now, I have learned a lot out of him. He's become a mentor to me.

Ruyak said, you as the workers, you know what is going on, you are the voice of the animals and that's why we are trying to figure out how we ended up here. I said, and you are that voice. We can put the pieces of the puzzle together and you are the piece that's puts the square in. I know this hurts and you don't want to jeopardize anything with anybody and you.

Theresa rubbing her hands together said, I mean, I know, we always did the best that we could with what we had here. We tried to make it work. I explained knowing they did the best they could. But the phone calls from Derek to Jim could have been, hey everything is great or. How do you even know he was on the phone, hey man we need this. Maybe his vision of his future he needs people to help with that vision, but he doesn't need you. He is going to use you to get what he wants. Ruyak said, and if his vision is to harm animals in the process that vision would not be forthcoming for him. And no one can decide that but you. Theresa said, in all my time here, I have never seen Derek abuse or mistreat any animal on this property.

It was explained what was going on, on the property with one side saying, we never get anything. We try and try. And the other side saying, we didn't even know this was a problem. We are trying to put together the miscommunication or the lack of communication. We hear you saying the need for supplies, lack of supplies and we did the best we could – Theresa said, I think there was a lot, I know for a fact there was a lot of lack of communication because we needed a lot of important things that they just wouldn't let us get our hands on. I remember vividly when our skid loader wasn't working we were trying, we were, all the guys were working on it every single day. I stated, I'm going to stop you on the skid loader thing as I have already talked to you about this. Theresa said, yah. I said, Derek is a rancher. Derek knows what he's doing and I specifically asked you and I asked Derek and you both kind of said the same thing, that these horses went at least one (1) day or two (2) days without food. And your reasoning behind that is because the skid steer was broken and you couldn't get it started. Theresa said, exactly.

I think Derek is putting some stuff in your head, because you have this, you want to see this place succeeded and you want to see Derek succeed. But I think Derek is going to let some things slide and not giving you full truths. Because he's always the one calling the boss, right. Do you guys ever call Jim or Alysa? Theresa moved her head side to side signaling no saying, the way I've seen it, is everything is relayed through Derek. I said, that's convenient for him- Theresa said while I was talking, problems or anything they go

to him or if there is an issue here, he goes to them and he interns talks to us. I explained, that's convenient for him because he can tell you how he wants to. And now he has the possibility of a twenty-year lease. And he's going to have a great envision, can you imagine him running that show twenty years if he ran it like this. Because if his vision is twenty years and he did that to them and they bought that, he's two different people.

I stated again to Theresa, you don't have to talk to us and at any point and time you can stand up and walk out of here. I know there's more to this and I think you are scared. I want you to know we're going to be with you, we will give you whatever, has there ever been any kind of a threat to you made that they have stated. I've brought it up to Derek and we had conversation about this exact thing. And with Derek, you need to start being honest with me, because I know. Theresa wiping tears from her eyes while moving her head up and down slightly as I talked. I said, and now I have you talking about the same thing. And I can see, you are scared. If he said something to you today about keeping your mouth shut or whatever, I'm just throwing stuff out – Theresa said, right. I can see you are terrified. I don't want you to be terrified. Are you hungry? If I had Kleenex I would find it for you. I handed Theresa some napkins as Ruyak said, this has been overwhelming, it's overwhelming, there's a lot happening. Just take a little bit, take a breath. Do you want some water? Theresa stated not wanting any water or other soft drinks offered.

After a few minutes Theresa said, I know. I know for a. I'll just, put my cards on the table right now. At the time Derek and Todd were having their meetings with the Y, they would only talk to some Wranglers they could trust because like I said, they didn't want the word leaking out. They didn't really didn't want to keep everything on the down low until renovations and everything got started. Theresa was seen fighting back her emotions from facial movements while wiping tears from her eyes and taking deep breaths said, I know, I feel I've said too much about it.

I said, think about these horses and there were just enough little things, that when you guys would talk to him and he would go and talk to Jim or call Alysia and then come back, he could tell you anything. People that really want something will usually step on other people to get there. I'm not saying that's what he did but. If you guys go to him and say A-B-C and he comes back saying, nope they won't, keep doing it.

I asked Theresa, what is your background in horses and animals did you grow up on a ranch. Theresa nodding her head up and down said, my family, we farmed in Northern California so that's pretty much where I farmed and ranched. I've ridden my whole entire life. I know what it is when it comes to the care and wellbeing of horses. I just got my Bachelor's Degree in Equine and Ranch Management and I'm trying to go back to get my Master's Degree at some point but for right now I'm just up here working. I've been

enjoying myself. I asked, with that being said, you know horses. Theresa said, yes. You know how to take care of horses, Theresa nodded her head up and down. And you know when you look at a horse and a horse needs some help. Theresa said, exactly. And that didn't happen. Theresa appeared to be fighting back her emotions while not saying anything.

Ruyak asked, would you let any of your horses, be here. Theresa still fighting her emotions (Facial expressions) said, no. I asked, would you let any of your horses be treated the way these have been. Theresa moving her head side to side said, no. Would you ever let your horses go without water the way these do. Theresa said, no. Would you let your horses go a couple days without food. Theresa quickly said, no. I stated, you got a big, bright future ahead of you and who knows maybe the YMCA wants you to run this program. They want you. You got the degree. Theresa only nodded her head up and down. I said, honestly, this isn't you. None of this out here, running these horses this way, letting their care go as bad as it does. Theresa said, a hum. That wasn't you, I said.

I said, the things that were done with these horses and their care that slid a little bit. Theresa said, the most imperative part right now is I wish things could have been a lot different. They could have been handled, better. I asked, like what. Theresa said, like being able to have a vet, on call to help- I said, you had a vet on call. Theresa continued, with the horses. Trying to get a farrier out here. I said, you had a farrier on call, too. Theresa with a blank look on her face said, were needed. I said, he knew all that. I stated, that vet that showed up and I asked you all about that – Theresa said, a hum. I explained he (Vet) states being the vet forever, he's got all the records.

On the second day of this search warrant process, Theresa came to the Command Center wanting to report some injuries she had received to her person while guiding horseback rides. Theresa's injuries were photographed and documented by a female Grand County Sheriff's Office personal, Investigations Assistant Gish. Theresa at time denied wanting to be further evaluated by Emergency Medical Services and stated being previously evaluated by a medical doctor in the Emergency Room in Granby. It was known to me from this investigation, all person(s) working at SMS are paid as Sub Contractors and not as employees.

During this contact while waiting for Assistant Gish to be available, I asked Theresa if she herself had ever contacted Jim (Peterman). Theresa said, no. I asked Theresa if she herself had ever contacted Alysa in regards to being overbooked on trail and sleigh rides. Theresa said, yes.. I asked, what did you contact Alysa in regards too. Theresa stated contacting Alysa about being booked back to back with trail rides and requested some rides to be canceled for livestock and Wranglers to have some downtime to recuperate.

Theresa said, Alysa understood her requests and canceled rides to allow breaks for both livestock and Wranglers. I said, so, Alysa listened and helped you out with no repercussion in lost reservations, Alysa didn't take this out of your checks. Theresa said, no.

Throughout this search warrant process, I had several phone contacts with Alysa Phiel. Alysa was identified as Peterman's girlfriend and Alysa is was identified as the soul the owner of all livestock on the property of SMS. Alysa during all contacts was very helpful in regards to assisting with any asked for information to include emailing a document from SMS online reservation site showing canceling trail and sleigh rides when requested by Theresa. This received document was titled "Authorize.Net" and showed canceled and refunded reservations from December 03, 2021 through January 09, 2022 with a total amount refunded being \$9,195.20.

Alysa stated not knowing the exact dollar amount each Wrangler is paid saying, Jim takes care of pay saying, pay is by knowledge and experience with horses and most Wranglers make between \$2,000.00 and \$2,500.00 dollars every two weeks. Alysa stated the Wranglers all split the tips from online reservation even when a reservation is canceled and refunded the Wranglers get the online tips. It was made known to me, Wranglers split tips equally and during the month of December there were seven to nine Wranglers working that equally split about \$20,000.00 plus dollars in online tips. Alysa said, and this doesn't include cash tips received from guests after a ride.

Alysa explained, Zurface would call or text her everyday at least ten (10) to fifteen (15) times throughout each day. Alysa stated never receiving any information from Zurface in regards to needing a Vet or any request for water heaters or anything of concern. Alysa stated most of the conversations were in regards to a disgruntle customer or customers wanting refunds onsite. Alysa stated having Vets on call both in Tuscan and in Grand County with Mike Brooks being on speed dial if needed.

James (Jim) Peterman (D.O.B. 03/30/1967) was identified as the Owner of Snow Mountain Stables. During a conversation, Peterman stated not being the owner of the horses saying, the horses are actually owned by my girlfriend, Alysa Phiel. Peterman said to the effect of, "This is by design so if I get sued, I don't lose the horses." Peterman referred to Zurface as the Ranch Manager saying, he worked his way into that position. He's the one when the Ranch Hands need something they tell the Ranch Manager. He's the day to day guy.

During this assessment and informal evaluation process conducted by CHS, I photographed water troughs and metal round bale feeders throughout this area of Snow

Mountain Stables. I saw water troughs containing water within the previous twenty-four-hour period were either frozen solid with thick layer of ice or completely empty of water. Water troughs containing water had only limited access points (Small openings/holes) to unthawed water through the ice. I saw some livestock licking and or eating snow covering the ground with other livestock at water troughs fighting (Biting and kicking) to keep other livestock away from any accessible water. Some round metal bale feeders did contain hay and many livestock animals appeared to be eating what was provided.

For documentation purposes while viewing areas containing livestock, I photographed visible injuries, open wound(s), pus coming from sores on some livestock animals. The following livestock animals I viewed;

(Draft Horse) brown and tanish in color was documented the previous day with liquid drool coming from its mouth was viewed in the same condition on day of execution of Search Warrant.

(Horse) redish brown in color with a goldish colored mane had a fair amount pus coming from a dry cracked scabbed over open wound located on the lower back in the middle of the spinal area. Seen pus was an off white/yellowish color which formed a small pile with a trickle of pus draining downward from the wound area. (Visual description) Pus was similar to spray foam from a can. The withers area of this livestock animal had a visible dry cracked scabbed wound. This horse also had saddle pad marks on its back as to have been recently used.

(Horse) brown in color with white blaze on face documented the previously day with the right rear leg being swollen, larger in size than the left leg and open wound on the outside of the right leg. Open wound appeared to be infected with yellowish pus coming from the wound. This livestock animal on date of search warrant had a bleeding head wound with a fair amount of red in color liquid (Blood) coming from the middle of the forehead and flowing downward towards this animals' nose and mouth.

Colorado Humane Society (CHS) - Veterinarian Courtney Diehl DVM (CHS), Investigator Ruyak and team of personal assessed livestock medically for any urgent or concerning medical conditions. Livestock assessment(s) included documentation on Animal Assessment Form, tagging each livestock with an identification number and photographed before being transported to Harmony Equine Center in Frank Town, Colorado. CHS report(s), assessment(s) and photograph(s) of livestock will be attached to this report with photos being uploaded to Evidence.com. Of note: Grand County Sheriff's Office personnel, did not perform any medical assessment(s) or evaluation(s) of livestock throughout this execution of Search Warrant.

On date of Execution of Search Warrant, Snow Mountain Stables property contained a total of one hundred and eighty-two (182) livestock animals. Upon completion of Search Warrant, one hundred and forty-four (144) livestock animals were seized with one hundred forty-three (143) livestock animals being transported to Harmony Equine Center – Dumb Friends League located in Franktown, Colorado for further evaluation and medical treatment. One (1) livestock animal at the direction of Dr Courtney Diehl DVM was euthanized onsite. Thirty-eight (38) of the one hundred and eighty-two (182) livestock animals were medically evaluated and released to Snow Mountain Stables upon onsite, individual medical evaluations by partner agencies Doctor of Veterinary Medicine

The following is a portion of Dr Courtney Diehl DVM onsite evaluation(s) of livestock;

There was a black mare (Tag# 2264) within this group who was a palpable 1/9 body score with severely jutting ribs, spine, cervical vertebrae, and hook and pin bones and no palpable fat on her body. The mare was having an obviously difficult time keeping her balance at the hay feeder and was repeatedly pushed away by stronger horses when she tried to eat. There was soft muck and manure built up in a three-foot diameter around the feeder and an ice ledge adjoining the soft muck.

This mare was severely dehydrated with a capillary refill time of 5 seconds, prolonged skin tent, dry gums and sunken eyes. She was also very weak, especially in the hind limbs. Based on the intense competition that I witnessed around the dry water trough, I believe that it would have been impossible for this weak and sick animal to access any water even if any were available, as the herd would have easily driven her away. It is possible that this animal had had no water for several days.

The mare was haltered and brought out of the muck for evaluation. She was three-legged lame with a swollen right hind leg with a heavily contaminated five-centimeter, necrotic, foul smelling, draining and deep laceration on the lower limb with a visible area of bone exposed. She had what appeared to be a blood covered face, but on closer inspection, it was a ruptured large abscess on her forehead with a large amount of bloody pus draining down her face and muzzle. Her trunk and torso had multiple areas of hair loss, bite marks and sores and her skin was obviously infected. There were lice crawling on her skin and she was very itchy when touched.

There were obvious saddle marks on this mare's back and withers indicating that she had been recently ridden and her feet were severely overgrown. Her resting heart rate was abnormally high, indicating distress and pain. It was my opinion that this mare could have been in this state for weeks and it was clear that she had received no veterinary care or basic wound care. The investigation has requested veterinary records for all horses on this property but to date they have not been received which is a violation of the Veterinary Practice Act (12-64-120 article II).

As it was clear that this animal was gravely ill, critically dehydrated, in pain and was suffering, I made the recommendation to euthanize her with the full agreement and support of CHS and GCSO. An officer from GCSO humanely euthanized her by gunshot, which is an approved, humane form of euthanasia according to the American Veterinary Medical Association (AVMA) and the AAEP.

(Tag# 2265) in this same herd with a partially ruptured, grapefruit-sized swelling on his lumbar spine draining thick, chunky yellow pus and some frank blood. There was a saddle sore on his withers and white hairs on the withers. His hooves were significantly overgrown, and he was obviously lame at the walk.

(Tag # 2252) had a puncture wound over the RF knee which was draining foul smelling pus and the knee was grossly swollen. He was lame at the walk.

(Tag # 2302) had a similar puncture wound on the RF carpus, which was also foul smelling, and draining bloody fluid and pus. She was painful to palpation of the carpus and was markedly lame at the walk.

(Tag# 2333) had a severe swelling over his right orbit and upper eyelid. The eye was not visible due to the swollen eyelids, and it was draining watery fluid and mucus down the right cheek. This injury was x-rayed at HEC and a healing fracture over the right orbit was identified and estimated to be at least several weeks old.

(Tag # 2265) had a grapefruit sized ruptured abscess on the lumbar region of his back which could have resulted from a saddle sore or a bite wound.

Of the one hundred and forty-three (143) livestock animals transported to Harmony Equine Center – Dumb Friends League, fifty-two (52) livestock animals were released upon a formal medical evaluation of each livestock animal. Ninety-one (91) livestock animals remain at Harmony Equine Center for medical treatment of serious medical related conditions.

Of note: While conducting welfare check of livestock animals with partner agency on Monday, January 10, 2022, it was made known to this Affiant there being four (4) deceased livestock animals on this property of Snow Mountain Stables.

During execution of Search Warrant on Tuesday January 11th and through Wednesday January the 12th of 2022 the Grand County Sheriff's Office along with partner agencies collected and seized five (5) femurs from deceased livestock animals to include livestock animal euthanized onsite. Femurs collected and seized onsite were for Bone Marrow testing. Seized femurs were sent to Animal Disease Diagnostic Laboratory located in West Lafayette, Indiana for testing of bone marrow fat of seized femurs.

Femur item numbers and results of Bone Marrow testing as follows:

Item number 1 – Euthanized horse onsite. *Bone Marrow Fat by Gravimetric analysis 3.90 %*

Item number 3 – Bay colored horse in trailer. *Bone Marrow Fat by Gravimetric analysis 74.67 %*

Item number 4 – Young horse top in snow. Bone Marrow Fat by Gravimetric analysis 7.99 %

Item number 5 – Young horse bottom in snow. *Bone Marrow Fat by Gravimetric analysis 1.38 %*

Item number 6 – Draft horse. *Bone Marrow Fat by Gravimetric analysis 57.67 %*

In an email received on January 21, 2022 from Courtney S Diehl DVM – Veterinarian, Field Services with Denver Dumb Friends League Harmony Equine Center/Buddy Center, DVM Diehl stated the following in regards to test results of femurs tested.

Sorry- the attachment didn't send. Here it is- results in PDF attached above- and here's my analysis – normal reference ranges are 63-99% fat in normal equine bone marrow

UNSPECIFIED Femur

(Item 1) Bone Marrow Fat by Gravimetric analysis 3.90 % Femur

(this was the sample collected from the horse that was euthanized onsite in 1/11/22)- so this horse was essentially starved whether from sickness, dehydration, competition from resources, old age, poor teeth or other.

These next ones were from the group of previously deceased and frozen carcasses onsite. I am assuming we know which sample was from which carcass. I don't have that information. So essentially two horses in this group starved to death and one was significantly underweight, and one was probably a healthy weight. Does this correlate to the condition of the carcasses?

(Item 3) Bone Marrow Fat by Gravimetric analysis 74.67 % Femur

(Item 4) Bone Marrow Fat by Gravimetric analysis 7.99 % Femur (I am assuming 4 and 5 were the horses who arrived in poor condition and died soon after?)

(Item 5) Bone Marrow Fat by Gravimetric analysis 1.38 % Femur

(Item 6) Bone Marrow Fat by Gravimetric analysis 57.67 %

Normal reference range for percent fat in equine bone marrow = 63 - 99 % A22-10011

Courtney S Diehl, DVM

Veterinarian, Field Services

DDFL Harmony Equine Center/Buddy Center

As of February 11, 2022 there are eighteen (18) livestock animals documented as permanently injured, lame and ill that should be medically retired. The following information was received from Field Services Veterinarian: Courtney Diehl, DVM:

The following is a list of 18 permanently injured, lame and ill horses from the Grand County Case that should be medically retired. Each case on this list was evaluated individually, and cause of lameness verified by radiographs and evaluation. There are at least 25 more geriatric, emaciated and lame horses that I would like to work up further, but it may not be possible within the constraints of the Cost of Care stipulations.

2254: Severe, chronic arthritis in front pasterns (high ringbone), lame

2327: Severe chronic degenerative joint disease (DJD) R tarsus and navicular spur LF, lame

2325: RF severe chronic pastern arthritis (high ringbone), lame

2369: Significant gait abnormalities and hindlimb weakness, repeatedly stumbles and loses balance, may be displaying neurological deficits

2306: Chronic tendon and ligament deformity causing negative palmar angles in front feet and severely broken back hoof pastern angles. Lame

2268: Severe weakness hindlimbs, stringhalt LH, likely neurological deficits, lame

2363: LF severely infected and chronic draining foot injury, chronic coffin joint arthritis (low ringbone), hoof capsule deformity, lame

2259: Geriatric, emaciated, severe sinus infection, chronic dental disease and infection, unable to chew or swallow hay, extreme weakness forelimbs.

2276: LF extensor process fracture, chronic coffin joint arthritis, lame

2261: Chronic LH Pastern arthritis, lame

2269: Chronic RF pastern arthritis (high ringbone), lame

2303: Geriatric, emaciated, blind R eye, Cushing's disease, lame

2301: Geriatric, chronic R carpal arthritis, Cushing's disease, lame

2372: Pregnant-full term. Severely lame RF, LF, deformed feet.

2307: Severe lameness, chronic sidebones front feet LF>RF

2353: RF Chronic pastern arthritis (high ringbone) Lame

2352: Chronic deformity of pedal bones (foot bones) RF and LF, severely deformed and mineralized collateral cartilages, lame

2267: Severe, chronic navicular disease, lame

A person without much horse knowledge could easily see that the horses on this list are in significant pain. An observer should be able to quickly tell if a horse is in pain by the way that he walks and trots. Horses that are showing any degree of lameness must be evaluated further by a veterinarian before being put into any kind of work. It is inhumane to ride or work a lame horse and it is also very dangerous for the rider, as the horse could stumble and fall, or buck the rider off.

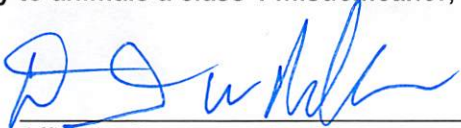
Snow Mountain Stables, day to day operations of Trail and Sleigh Rides, care and welfare of livestock and supervision of Ranch Hands (staff) was managed by Derek Michael Zurface (D.O.B. 01/15/1987). Zurface was identified as the "Ranch Manager" of Snow Mountain Stables and working for SMS for four (4) months since mid-to-late August of 2021. Zurface's background is in livestock from growing up on a dairy farm and riding horses as a Team Roper. Zurface stated knowing how to care for livestock.

Theresa Adeline LaGrande (D.O.B. 10/20/1998) was identified as a Ranch Hand. LaGrande has been with SMS for two (2) months. LaGrande's background in livestock from growing up farming and ranching and riding horses her entire life. LaGrande stated having her Bachelor's Degree in Equine and Ranch Management and "I know what it is when it comes to the care and wellbeing of horses." LaGrande was asked, would you let any of your horses, be here. Theresa still fighting her emotions (Facial expressions) said, no. I asked, would you let any of your horses be treated the way these have been. Theresa moving her head side to side said, no. Would you ever let your horses go without water the way these do. Theresa said, no. Would you let your horses go a couple days without food? Theresa quickly said, no.

Through this investigation it is known to this Affiant, one hundred and eighty-two (182) livestock animals at Snow Mountain Stables, went one (1) to two (2) days without food (Hay) and water during a blizzard the first few days of January 2022. On January 10, 2022 all water tanks/troughs were either completely frozen with little to no access to thawed water or tanks were completely empty.

To date, ninety-one (91) livestock animals remain in the care of Harmony Equine Center being medically treated for serious injuries. One (1) livestock animal euthanized onsite during search warrant evaluations of livestock had visible signs of recent use by seen saddle marks on the horse. Two (2) young livestock animals deceased on property due to starvation and or dehydration.

Based upon the information available at this time, Affiant believes that there is probable cause to believe that by **Derek Michael Zurfice** has committed the crime of **three (3) counts CRS 18-9-202(1.5)(b) cruelty to animals a class 6 felony, ninety one (91) counts CRS 19-9-202(1)(a) cruelty to animals a class 1 misdemeanor**, in the County of Grand and State of Colorado.



Affiant's signature

STATE OF COLORADO)
) ss
COUNTY OF GRAND)

The foregoing Application and Affidavit was subscribed and sworn to or affirmed before me this 14th day of February, 2022, by Investigator David Miller, Grand County Sheriff's Office.

My commission expires: 12/22/2023 Notary
Public: Heather Marie Gish

**HEATHER MARIE GISH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154048759
MY COMMISSION EXPIRES 12/22/2023**