

DISTRICT COURT, WATER DIVISION 1, COLORADO Weld County Courthouse P. O. Box 2038 Greeley, CO 80632	DATE FILED: November 25, 2019 4:42 PM
APPLICATION FOR AMENDMENT OF AN AUGMENTATION PLAN OF INDEPENDENCE WATER AND SANITATION DISTRICT, Applicant, IN ELBERT COUNTY	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Applicant:</i> Frederick A. Fendel, III, #10476 Eric K. Trout, #48640 700 17th Street, Suite 1800 Denver, CO 80202 P: (303) 534-0702 rick@petrockfendel.com eric@petrockfendel.com	Case Number: 2019CW _____
<p style="text-align: center;">APPLICATION FOR AMENDMENT OF AN AUGMENTATION PLAN, IN THE NOT NONTRIBUTARY UPPER DAWSON AQUIFER</p>	

1. Name, Address, and Telephone Number of Applicant:

Independence Water and Sanitation District
9250 E. Costilla Ave, Suite 660
Greenwood Village, CO 80112
(303) 662-1999

2. Subject Property: 1012 acres located in all of Section 15, and the W1/2 and SW1/4 SE1/4 of Section 14, Township 7 South, Range 65 West of the 6th P.M., Elbert County, Colorado, as described and shown on **Exhibit A** hereto ("Subject Property").

3. Source: The Upper Dawson ("UD") aquifer, which contains not nontributary groundwater as defined in C.R.S. § 37-90-103(10.7).

4. Decree to be Amended: Case No. 06CW59, decreed on September 5, 2006.

5. Proposed Amendment: In the 06CW59 decree, groundwater rights were confirmed and an augmentation plan was approved to allow the use of 75 acre-feet per year of not nontributary UD aquifer groundwater through individual wells or one or more central wells at rates of flow which are necessary to withdraw the entire annual amount. The decreed uses are in-house and irrigation on the Subject Property. By this application,

Applicant requests that the decreed uses be amended to include in-house, irrigation, domestic, municipal, industrial, commercial, stock watering, fire protection, and exchange and augmentation purposes, both on and off the Subject Property. No other provisions of the original decree will be changed.

6. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6) and 37-92-302(2).

WHEREFORE, Applicant prays that this Court enter a decree granting this application and for a finding that the change requested herein will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right, and for such other relief as it deems proper in the premises.

Date: November 25, 2019.

PETROCK FENDEL POZNANOVIC, P.C.

//s// Eric K Trout
Frederick A. Fendel, III, #10476
Eric K. Trout, #48640

VERIFICATION

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF ARAPAHOE)

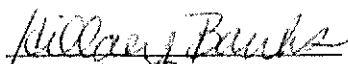
Gina Burke, consultant for the Applicant, being first duly sworn upon oath, deposes and says that she has read the foregoing application, knows the contents thereof, and that the same are true to the best of her knowledge.


Gina Burke

Subscribed under oath before me on November 25, 2019.

My commission expires June 21, 2023.

HILLARY BANKS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194023678
MY COMMISSION EXPIRES JUNE 21 2023


Notary Public

This document was e-filed pursuant to C.R.C.P. 121 and a printed or printable copy with the original, electronic, or scanned signatures is available for inspection upon request at the offices of Petrock Fendel Poznanovic, P.C.