

THIS STORMWATER ACCEPTANCE WAIVER AND INFORMED CONSENT (“Waiver and Informed Consent”), is made by _____

1. _____ (“Applicant”) has applied for a 1041 WOGLA Permit to construct and operate an Oil and Gas Facility adjacent to Adjacent Owner’s property. Adjacent Owner’s property (“Adjacent Property”) is described as:
2. The applied for Oil and Gas Facility is proposed for the following described property (the “Oil and Gas Location”):
3. The Oil and Gas Location is situated higher in elevation than the Adjacent Property. The Oil and Gas Location is designed to include a much greater percentage of the property being impervious surface than historic. As a result, it is anticipated by the Applicant that stormwater may flow from the Oil and Gas Location onto the Adjacent Property in a manner and quantity that is greater than historic. Applicant is not designing the Oil and Gas Location to include stormwater retention or detention or utilize other methods to slow or reduce the stormwater flowing from the Oil and Gas Location onto the Adjacent Property. As a result, stormwater flowing onto the Adjacent Property from the Oil and Gas Location may be flowing in a manner or quantity that will cause damage and/or injury to the Adjacent Property and consequential monetary loss to Adjacent Owner through washout or flooding.
4. Adjacent Owner asserts that he or she has been fairly and accurately informed regarding the nature and extent of the risks associated with design and construction of the Oil and Gas Location without stormwater retention or detention or utilization of other methods to slow or reduce the stormwater flowing from the Oil and Gas Location onto the Adjacent Property. By the Adjacent Owner signing this Waiver and Informed Consent, Weld County will not, as a condition to the issuance of a 1041 WOGLA Permit, require the Applicant to design and construct the Oil and Gas Location with stormwater retention or detention or utilization of other methods to slow or reduce the stormwater flowing from the Oil and Gas Location onto the Adjacent Property.

5. With knowledge of the statements in Paragraphs 3 and 4, above, Adjacent Owner, on behalf of himself or herself, and on behalf of his or her heirs, successors, and assigns, voluntarily accepts stormwater flowing onto Adjacent Property from the Oil and Gas Location in a manner or quantity that is different than historic and releases and agrees to hold harmless and indemnify Applicant; the County of Weld; the Board of County Commissioners of County of Weld; and its employees (the "Releasees"), from any and all claims and liability, past, present or future, for any injury or damage to Adjacent Owner or to his or her Adjacent Property, resulting from any cause whatsoever occurring in the course of the design and construction of the Oil and Gas Location being designed and constructed without stormwater retention or detention or utilization of other methods to slow or reduce the stormwater flowing from the Oil and Gas Location onto the Adjacent Property, excepting only any such injury or damage resulting from the willful and wanton acts of the Releasees.

ADJACENT OWNER:

Signature: _____

Name: _____

Date: _____

ACKNOWLEDGMENT

STATE OF _____)
)ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
_____, by _____.

Witness my hand and official seal.

Notary Public
My commission expires: _____