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Mr. Chairman, members of the council, my name is Doug Cooper and I am a rancher from Casper. The proposed change in the regulations goes far beyond the subject of environmental quality and reaches into water rights, and if adopted, will undoubtedly change the whole course of how water quality and quantity is regulated in Wyoming. While I have no first hand experience with Coal Bed Methane production I have a great deal of experience with oil and gas exploration and production, pipelines, and uranium exploration. I have also served for a number of years on the Non-point Source Water Quality Task Force and was one of the original members of the Task Force. I have a great deal of sympathy for people who are impacted by energy development but this is not the solution to the problem. It is a dangerous precedent to allow the Department of Environmental Quality to enter into the subject of the amount of water quantity that qualifies as a beneficial use. Beneficial use is a term derived from Wyoming water law and should not be corrupted to mean only the actual amount of water consumed by livestock and wildlife.

It is always a good idea when calling for new regulations to examine ones own practices to see if the pot might be calling the kettle black. I routinely pump water from wells to water both wildlife and livestock. I fail to see any practical difference in my use of my water rights from what the coal bed methane industry is doing. Our goal is always to produce more water than wildlife and livestock consume. If I was forced to live by this proposed standard, then I would be out of business very soon. It would be virtually impossible to regulate remote water wells to produce only what livestock and wildlife drink. It is also interesting that this standard would not allow wildlife to use water for habitat. A duck does not drink much water but does require a fair amount to swim around on. If these regulations are adopted as written, then it will be only a matter of time until this concept is used to limit grazing on public and private land. A water right becomes meaningless if the amount allocated can be controlled by those wishing to stop an activity of which they do not approve.

As dry as Wyoming has been the past eight years I cannot imagine anyone being bothered by the offer of potable water. It seems there is a great lack of imagination in the people who can't think of something inventive to do with the water produced by Coal Bed Methane operations. One of the more innovative projects I was involved with while on the Non-Point Source Task Force was the Wetlands Treatment Project where water from an oil field was successfully treated and improved through the creation of an artificial wetland. This practice would be prohibited if the source was from Coal Bed Methane production. It is entirely arbitrary to treat water produced by one type of energy development differently than another. I urge the council not to change the regulations and to keep the original language intact.