

**PROSPECT LAND AND CATTLE CO. LLC**  
**P. O. BOX 210**  
**THERMOPOLIS, WY 82443**  
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*Rec'd  
1-18-07*

Date: February 13, 2006

To: Mark Gordon, Chairman  
Environmental Quality Council of Wyoming  
Herschler Building, 1 West  
122 West 25<sup>th</sup> Street, Room 1714  
Cheyenne, Wyoming 82002

Re: Comments Concerning the PRBRC Petition to Amend Wyoming Water Quality  
Rule Chapter 2, Appendix H and Agriculture Use Protection Policy.

Dear Sir:

My name is D. J. Hillbery, a 4<sup>th</sup> generation rancher in Hot Springs County, Wyoming and I recommend strongly that the petition submitted by the Powder River Basin Resource Council be denied due to the negative impact on my ranching operation, the environment including riparian areas, wildlife, etc., and most importantly the socio/economic impact on Hot Springs County.

Discussion:

- My ranch is located on Cottonwood creek and is highly dependent on surface discharge water from Merit Energy at Hamilton Dome Field. We use 4 to 6 cfs for irrigation purposes during the growing season and use the water for stock water purposes the remainder of the year. In as much as Cottonwood creek would be dry most of the year without the discharge water it would have a devastating economic and environmental effect on our operations. Not only would it take productive hay land out of production, but also create shortages of stock and wildlife water.
- The surface discharge water from the Hamilton Dome Field not only provides irrigation and stock water for all of lower Cottonwood but also maintains a live stream that provides habitat for aquatic and many other types of wildlife including deer, antelope, sage grouse, chukkar partridge, etc. With this active year around flow of water a viable riparian area is maintained for the full length of the creek. Therefore, this petition should be denied as it has been proven on the ground that the quality of water currently discharged supports the afore mentioned environment. A change in discharge water quality standards could make it un-economical to operate and continue this source of badly needed water. To lose this source of water would be unacceptable.

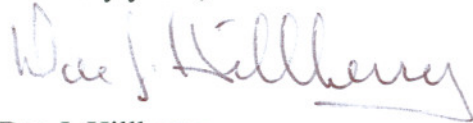
- The PRBRC petition should be denied due the disruption of many long term ranching families lives. These ranchers contribute to the community, provide for their families and care for the land. In addition to the devastation created by this disruption to those of us directly involved there will be a tremendous negative impact on the total economic structure of the county of Hot Springs. Schools will be impacted and services will be affected to an unrecoverable state.

In conclusion I would suggest that if there is a specific problem in the Powder River Basin concerning CBM discharge water in terms of quantity and quality it should be addressed as such and the Water discharge quality standards that exist today for oil and gas producers not be changed. These water quality standards have proven to be proper and appropriate for the quantities and quality of water being discharged. This has been proven on the ground and can be readily observed on Cottonwood creek.

Once again I submit that the PRBRC petition to Amend Wyoming Water Quality Rule Chapter 2, Appendix H be denied. In addition I would strongly urge that the existing verbiage in Chapter 1, Section 20 of the Agriculture Use Protection Policy be retained. There is no need to change a policy that has worked well for decades.

Thank you for the opportunity to comment on this proposed amendment.

Sincerely yours,

A handwritten signature in blue ink that reads "Dee J. Hillberry". The signature is written in a cursive style with a prominent underline at the end.

Dee J. Hillberry  
Owner/Manager  
Prospect Land and Cattle Co. LLC