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Terri A. Lorenzon, Director  
Environmental Quality Council

Mr. Mark Gordon, Chairman  
Wyoming Environmental Quality Council  
122 W. 25<sup>th</sup> St.  
Herschler Bldg., Room 1714  
Cheyenne, WY 82002  
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Dear Mr. Chairman:

I am writing to voice my opinion concerning the Chapter 1, Section 20, "Ag Use Protection Policy", currently under consideration by your Board. It is my opinion, and the opinion of many landowners currently receiving discharged CBM-related water, that the rule will create more damage than good throughout the Powder River Basin. I am against instituting this policy without further review of the effects of the decision.

I am a graduate of the University of Wyoming, having been awarded dual bachelors in Environmental Geology/Geohydrology and Geology, with a masters degree in Structural Geology/Tectonics. I manage an engineering firm based in Lander, and help to oversee a 20-person firm of employees and contractors involved in assessing and instituting water management plans in the Gillette Area for numerous CBM operators. This work has been underway for approximately 8 years, during which we have surveyed, designed, permitted, and had a large hand in constructing thousands of discharge-related reservoirs.

Many of these structures were existing, and required upgrade to meet already stringent regulation by the DEQ, State Engineer's Office and Wyoming Oil and Gas Conservation Commission. While the work has had the effect of servicing the needs of operators for water-storage, we have always made an attempt to maximize involvement by the landowners in placing reservoirs to most effectively utilize the storage for them for long-term operation of their ranch. Landowners have not traditionally had the resources to develop/build reservoirs to store runoff in a safe manner under the current regulations of the State. Because many landowners do not have mineral rights under their property, this is a very effective way of maintaining the value of the development on their property. However, the section of the policy related to the protection of "naturally irrigated lands" is scientifically flawed and would bring to a halt all the most useful reservoir-enhancement projects we have ever done.

The concept of natural irrigation is wonderful, and, were it present and active on a regular basis, would no doubt make these arid lands of the State a boon to the landowner such that they could subsist nicely without any reservoirs at all. However, and I am sure this point will be made

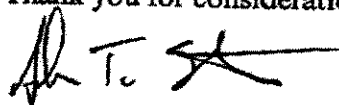
during tomorrow and Friday's presentations, it does not occur the way you have been led to believe. The stream channels in the Gillette area normally consist of either: 1) swales that do not see enough runoff to develop a channel, or 2) narrow, deep channels that get a high volume of flow for very short durations. The grasses along the banks of the second type of channel are not irrigated consistently or with enough duration to allow for grass growth. For these types of channel systems to irrigate land, they require installation of a spreader dike or check dam to spread the flow overbank and allow for slow inundation (typically 6-hours at a minimum). These structures allow for beneficial use of the water and have to be permitted with the State Engineer's Office. The SEO decides whether or not the system will be allowed based on the amount of irrigation currently under development, and in accord with the numerous Compacts we have with adjacent States. It also requires an orderly review system within the drainage, establishment of a water right, and a defined amount of water that can be used from the system

However, the manmade system described is currently being threatened by your policy. It can now be brought before your council that lands under anyone's ownership in any drainage "might" be naturally irrigated and thus need "protection" from the effects of CBM water. They want upstream landowners to store a 50 yr-24 hour storm event in reservoirs upstream (in addition to the water stored for CBM development). Not only is this proposed storm event arbitrary and capricious, in most cases, if a reservoir is built in a position that is good for the landowner long-term (approx 1/2 sq-mile in drainage area), there is no way to store the volume of a 50-yr event in the reservoir. Even if such a structure can be built, it is left mostly empty. Storm events will occur, and might fill the site up, but none of that water will make it down to the potentially irrigated section. How is that protecting the irrigation use? It seems more likely to me that this is a way to stop reservoir construction --- also known as...my livelihood.

My wife is currently attending law school in Wyoming, and we both have plans to stay in this state and become productive, influential people in our communities. Thus far, we have been lucky enough to do this based solely on the compensation I have been receiving for doing my job, and doing it with respect for the landowners that live in this area. Now you are proposing I tell these landowners that in order to develop minerals and fill the coffers of our state on their property, we will need to treat the water to levels more stringent than the water we drink, dump it in the creek, send it to a neighboring state, and never utilize it on their property. I think this a direct threat to my job, a slap in the face to the landowners that benefit from this development, and a threat to future prosperity for our state as a whole. I thus request that you suspend instituting this policy until such time as we can go forward in a manner that actually takes into account some basic, scientifically defensible, assumptions.

Please contact me for additional testimony, research, or clarification of any questions you might have concerning this issue.

Thank you for consideration of my comment,



2-14-2007

Andrew Strike