

Buster Ivory
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Terri A. Lorenzon, Director
Environmental Quality Council

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

Thank you for the opportunity to comment on the Policy/Rulemaking on Chapter 1, Section 20 - "Ag Use Protection Policy." I oppose Appendix H which will eliminate the use of an important water resource for many agricultural operations and prevent the use of what is often the best water management tool for the CBM industry. Over the past five years I have been in contact with hundreds of landowners in the Powder River Basin. I have worked closely with more than fifty to develop water management strategies that benefited them as a rancher as well as enabled companies to produce gas. Together we have worked together to resolve issues and form plans that worked for both parties. I have made changes in strategies at every stage of planning to comply with landowners concerns. I am not writing to speak on the behalf of these landowners, but to let you know how the policy has affected my ability to develop plans which comply with their requests. If this rule is made the problem will be much worse.

I cannot think of one problem, real or perceived, that I have seen or heard about that has been solved by the policy or would be solved if the rule was made. I am certain that many new problems will be created by the rule.

Here are some of the most common requests I hear when meeting with ranchers to development water management strategies and the difficulties this rule will present:

- **Please use all of our existing reservoirs for water storage. We will benefit from stock water at these locations in this time of drought.** This rule will make this impossible in most cases as the existing sites generally have large drainages above them and cannot contain the fifty year event.
- **Please use on-channel impoundments rather than off-channel.** The rule would encourage just the opposite.
- **Please site some reservoirs lower in the drainage so they will receive natural runoff and be useful to me after the CBM industry is gone.** Again the rule discourages building reservoirs in any locations except extreme headwaters because they are unable to contain the event. Reservoir construction is an expensive undertaking and landowners would like to build some in locations that improve the long term value of the ranch and its grazing.

Overall, my most common reply to what I believe are reasonable requests for water management by landowners is, "current regulations will or may not allow us to do that."

Some additional areas of concern are:

- This will affect current discharges already in use as well as future discharges.
- Existing reservoirs may have to be abandoned. Construction of new facilities will cause unnecessary disturbance.
- Limits are currently based on California studies and not the available and more appropriate Bridger study.
- Containment of the 50 year event requires either pits or large, partially filled reservoirs. Neither scenario is appealing to the majority of landowners I interact with to form plans.
- Having taken hundreds of samples from natural runoff and helped to run stream gauging stations within the Powder River Basin, I know that natural water flowing in the basin will not meet these standards in many if not most cases.
- The majority of the CBM wells in the basin have a stock water appropriation, filed with the State Engineer, associated with them. This rule infringes upon that right.

This rule will not solve any problems. If passed it will only result in removing water management planning decisions from the private property owners' hands and denying their use of an important resource available to them.

Sincerely,



Buster Ivory