

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002
By Fax and Hard Copy

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Terri A. Lorenzon, Director
Environmental Quality Council

I am writing this letter with concern. I am concerned about the Ag Use Protection Policy / Rule and the effects it will have on landowners in the state of Wyoming. This policy / rule does not protect the beneficially used reservoirs that are already in place and would inhibit the future construction of these valuable resources. Many if not all of these reservoirs would have to remain empty or hold a very small amount of produced water in order to contain the 50 year / 24 hour storm event. In essence, these reservoirs would be empty until such an event occurs. Many landowners rely on these reservoirs to water their livestock and wildlife and cannot wait in terms of years for water. While the reservoir does not have to be removed, it also can't be used. According to the policy/ rule, water meeting extremely stringent limits could be used in reservoirs not required to contain the 50 year / 24 hour storm event, or the water could be sent to off channel pits. Landowners do not generally want pits or reservoirs that do not capture drainage water. This proposed policy / rule would require operators to build structures that would not be beneficial to landowners after there is no produced water, or after produced water has declined in flow. These structures would then have to be reclaimed. While current reservoirs, for the most part, would be vastly beneficial to landowners even if there was no produced water in them.

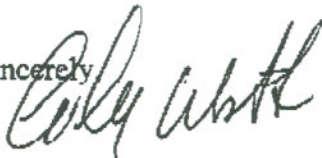
In order to use these reservoirs, water quality limits that are unreasonable must be met. The proposed water quality limits would be too stringent to economically meet in an industry that already has vast regulatory requirements. These proposed limits, are not even reached with natural flow. Almost any storm that flows down drainage and into these reservoirs could not meet the E.C. limit proposed.

The theory of this policy / rule is to protect "Ag Use", but in reality what it does is eliminate the beneficial use of reservoirs to landowners. An empty reservoir, waiting to be filled by a 50 year / 24 hour storm event, is a detriment to a landowner not a benefit. Another possibly unseen effect of the policy / rule would be that a single landowner downstream of many others could be responsible for how the upstream landowners would be required to manage water on their own property, even if not a drop of water was to pass over the property line. This would not let landowners manage their own property.

The water management of coal bed natural gas needs to be regulated by landowners and operators with beneficial use in mind. Reservoirs can be a benefit for many years to come, even after coal bed natural gas produced water is gone. In order for those reservoirs to be a benefit, they must be able to capture natural flow. This proposal would effectively stop the construction of this type of containment structure and force most existing reservoirs to be removed and reclaimed. Removing these structures would stop benefits from natural flows from helping landowners with water needs for years to come.

Thank you for taking the time to review this letter.

Sincerely,



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