

Floyd Land & Livestock, Inc.  
Fred Jr., and Darlene Floyd  
2600 West Echeta Road  
Gillette, WY 82716

**FILED**

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Terri A. Lorenzon, Director  
Environmental Quality Council

February 7, 2006

Mr. Mark Gordon, Chairman  
Environmental Quality Council  
Herschler Building, 1W  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

**RE: Statement of Floyd Land and Livestock, Inc. in Opposition to Petition to Amend Water Quality Rules and Regulations, Chapt. 2, Appx. H**

Dear Chairman Gordon:

My name is Darlene Floyd. My husband Fred and I operate Floyd Land and Livestock, Inc. Our ranch is located in the Wild Horse Creek drainage.

Floyd Land and Livestock has been advised of the Petition filed by the Powder River Basin Resource Council (PRBRC) and others (including a landowner in the Wild Horse Creek Drainage), requesting a change in the Wyoming Department of Environmental Quality Rules and Regulations, Chapter 2 Appendix H, seeking to limit the volumes of CBM produced water that may be discharged. I am writing to oppose any rule change and to express our support for continued permitting of surface discharges of CBM produced water as provided for under the current regulations, as these discharges are beneficial to our ranch operations. In particular, I would like to advise the EQC of several important facts pertaining to discharges of CBM water in the Wild Horse Creek Drainage through our ranch.

We have experienced numerous benefits to our crop and livestock operations because of the availability of CBM water flowing in Wild Horse Creek. For example, the discharged water is of a benefit in the following ways:

1. Water is available throughout the length of Wild Horse Creek. This benefits our livestock operation by allowing better disbursement of livestock throughout different pastures since there is water available in more locations. This results in better pasture utilization, which would not occur if the water were not predictably and continually available throughout the creek. In addition, increased flows of water through the creek channel have increased available forage along the creek-bottom, which is a benefit to both livestock and wildlife.

2. Water has been made available in various locations throughout the ranch on upland pastures using stock tanks and reservoirs. This water also allows for better

pasture utilization and is a benefit to livestock production. The increased supply of water throughout the ranch has also been of benefit to wildlife which also frequent the same watering locations as livestock.

3. We have irrigation water rights in Wild Horse Creek, both above and below the Clabaugh ranch. CBM water increases our irrigation potential. In addition, we are working with a CBM operator to try to establish a managed irrigation project on my irrigated land using CBM discharge water conveyed through Wild Horse Creek. If this project is successful, I will need to have water conveyed through the creek to reach my point of diversion.

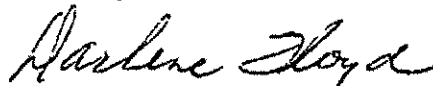
4. The quality of CBM discharge water is typically better than the quality of natural water in the creek, especially later in the summer, since under low flow water tends to pool, evaporate and stagnate. CBM flows augment the flow in the creek and live water continues to be available throughout the year.

I am also aware that the Petitioners allege that CBM water flowing through natural drainages is causing damage to vegetation, bottom lands and meadows, and is causing problems with crossing livestock. I want to advise the EQC that I have not experienced these problems and when problems arise, the CBM operators have been responsive in addressing my concerns.

In particular, our cattle have not experienced foot rot from CBM discharge water. In addition, when I have concerns about flooding, crossings, or water going outside the banks of the stream, the operators I work with have been timely in their response to address my concerns and correct any problems. In particular, CBM companies have cleaned debris and deadfall from the creek channel, improved crossings for machinery and livestock, maintained and improved spreader dams, installed culverts and taken other actions necessary to ensure that water is properly managed through the length of the creek on our ranch. This requires occasional coordination with the CBM operators, but to date they have been responsive to our concerns and addressed problems to our satisfaction. I have not observed damage to our bottom lands or vegetation from CBM water effects. To the contrary, the CBM water has benefited and improved the productivity of these areas.

In conclusion, Floyd Land and Livestock has benefited from the increased volumes of water available in Wild Horse Creek due to CBM activities and we would not want to see restrictions on the amount of water that can be discharged to an arbitrary volume that the Petitioners believe can be beneficially used. Thank you for considering our views.

Sincerely,



Darlene Floyd  
Floyd Land and Livestock Company

