

McCarty Ranching, LLC

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July 12, 2006

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Terri A. Lorenzon, Director
Environmental Quality Council

PRIORITY MAIL

Mr. Mark Gordon, Chairman
Environmental Quality Council of Wyoming
Herschler Building, 1 West
122 West 25th Street, Room 1714
Cheyenne, Wyoming 82002

RE: Marathon/Oregon Basin, Park County, Wyoming – Requested Amendments to Appendix H of Chapter 2 of the Water Quality Rules and Regulations, Effluent Limits

Dear Mr. Gordon:

McCarty Ranching, LLC is a Wyoming family owned and family operated range cow operation.

We winter cows in Oregon Basin from November 20 to April 15th. Those cows are totally dependent upon Marathon's oil field discharge water for their water.

We have had this water tested by Patterson Nutrition. They have found the water to be acceptable for cattle. The warm water is favored by cows in the winter. Enclosed is a copy of a letter from Patterson Nutrition.

Our cattle that winter in Oregon Basin on the discharge water, perform as well, if not better, than our cattle that winter in other areas. They maintain a body condition score of 5 or better, have near a 94% weaned calf percentage, with an average weaning weight of 500 pounds. We start calving May 10th. This weaning weight is 50 pounds heavier than calves that we run under the same management in other parts of the County. We have no unusual sickness or death loss with these cows.

If Marathon discharge water was not available to us on our Oregon Basin BLM permits, it would substantially impair our ranching operation. The expense of obtaining other water sources would be tremendous.

Not only do our cattle, and the cattle of other ranchers, depend on this water, but literally hundreds of antelope winter in Oregon Basin and are dependent upon the discharge water.

Mr. Mark Gordon, Chairman

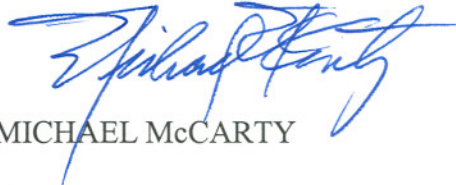
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Numerous waterfowl utilize the discharge water throughout the winter.

Therefore, I would respectfully request that amendments not be granted as requested.

Respectfully submitted,



MICHAEL McCARTY

MMC/kmk

Enclosure

cc: Mr. Mark McCarty (w/enc.)
Dr. Trey Patterson (w/enc.)
Mr. John Cora, Director, Water Quality Division (w/enc.) – PRIORITY MAIL
Mr. John Wagner, Administrator, Water Quality Division (w/enc.) – PRIORITY MAIL
Mr. Bill DiRienzo, Water Quality Division (w/enc.) – PRIORITY MAIL
Governor Dave Freudenthal (w/enc.) – PRIORITY MAIL

Patterson Nutrition Company, Inc.

Bud Patterson: 970-522-0264
Dr. Trey Patterson: 307-461-1001

July 10, 2006

Michael McCarty
McCarty Ranching, LLC
P.O. Box 1418
Cody, Wyoming 82414

Dear Mr. McCarty,

It has been brought to my attention that there are proposed regulations to lower the sulfate standard in oil-field discharge water from 3000 to 500 mg/L. It is my professional opinion that such a change in the standard would be unnecessary and would potentially exclude useful livestock water from productive use in the Oregon Basin in Wyoming.

As you know, I have sampled water that your cattle were consuming in that location that was over 2200 mg/L sulfates. As a professional nutritionist, I viewed the cattle before and after they were consuming that water. The cattle actually increased in body condition score over the period of time and were in good nutrition and health status. Production numbers that you shared with me were consistent with the cattle being in both good nutrition and health.

There is no question that high sulfates in water are a concern for animal nutrition and health. We conducted a series of experiments when I was on faculty at South Dakota State University that showed the critical level of sulfates in water to be approximately 3000 mg/L. In other words, we concluded that water below 3000 mg/L was suitable for cattle. We considered water to be toxic if it contained 4000 mg/L or greater sulfate concentration.

There are some special nutritional considerations for cattle when sulfates are present. Sulfates can reduce the bioavailability of some trace minerals. By specially designing a mineral product that addressed this trace mineral concern, we were able to utilize the water on McCarty Ranching's operations while keeping production and cattle health at high levels.

I believe that it is important to consider the alternative to using the discharge water for your operations and for other ranches in the state...the alternative in many cases is no water at all. That goes for livestock or wildlife. I am not aware of any problems with wildlife consuming water in the range of sulfates in question. With some minor and inexpensive changes to the mineral program for cattle, the water with

approximately 3000 mg/L or less can be used for productive purposes. I have worked with ranches that used water with over 4000 mg/L sulfates. That is not ideal and surely there were some problems associated with sulfates in those instances, but it beat the alternative of no water. Interestingly, cattle will show similar symptoms when subjected to water deprivation as they do when subjected to toxic levels of sulfates in water. In addition, appropriate forage utilization, and thus efficiency of land use, is reduced with less water.

It would not be appropriate to discontinue use of water ranging from 2000 to 3000 mg/L sulfates for the sole reason that the sulfates are present. There are certainly management practices that can reduce if not eliminate the negative effects of sulfates in water if they are within that range. For instance, producers can make sure the cattle are not water deprived when first using the water source, they can use the water in the cooler months when water requirements are reduced, and they can use good mineral nutrition to preclude deficiencies in trace minerals. I know that oil-field discharge water is of value to your operation and others throughout the state. With good nutrition and management, I believe that that water can continue to enhance the productivity and profitability of your operation. The water is a benefit, not a detriment, to the state of Wyoming.

Please call if you have any questions.

Sincerely,

Dr. Trey Patterson
Patterson Nutrition Company, Inc.
307-461-1001