

FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

IN RE: THE PETITION TO AMEND)
WYOMING WATER QUALITY RULE,)
CHAPTER 2, APPENDIX H)

LANDOWNER COMMENT OPPOSING PETITION TO
AMEND WQR CHAPTER 2, APPENDIX H

To the Chairman of the Environmental Quality Council:

The undersigned landowner(s) ("Respondents") in the Wild Horse Creek Drainage, submit this comment letter to oppose the Petition of the Powder River Basin Resource Council and others seeking to amend the Water Quality Rules and Regulations, Chapter 2, Appendix H ("Petition").

Respondents benefit from the water produced by coal bed methane ("CBM") operations within the Wild Horse Creek Drainage in their agricultural and livestock operations. Respondents are aware that Petitioners allege that CBM produced water discharges are adversely affecting bottom lands and meadows, causing difficulty with crossings and various other problems, and that it is of inadequate water quality for livestock use. Respondents do not agree with Petitioners allegations, and to the contrary advise the Environmental Quality Council of the following:

- The presence of CBM discharge water in the Wild Horse Creek drainage, both in the creek channel and in reservoirs in upper draws and tributaries, is a benefit to our ranching operations. The water is utilized for livestock and wildlife watering and forage enhancement along the channels of tributaries and the creek.
- CBM companies have worked with Respondents to place reservoirs and outfalls in locations that optimize land use. For example, pastures that have historically been unusable or minimally usable due to inadequate stock water or high cost stock water are now fully utilized because of the predictability and reliability of CBM produced water in otherwise dry locations.
- In many instances, livestock and pasture management has been made easier due to the disbursement of water throughout our land. In addition, because CBM discharges are constant, we don't need to check water in remote locations as often, because it is more certain that water will be available and flowing from CBM production. Further, our maintenance and upkeep of water facilities is substantially minimized because the CBM companies routinely maintain the water flow so that it is constantly on and available.

- The difficulties with crossing and flooding of bottomlands stated in the Petition have not been difficult to address. The CBM companies have been responsive to our requests to construct adequate crossings for livestock or equipment and to do channel cleaning, culvert installation and other maintenance when necessary to prevent or resolve such issues. With appropriate lines of communication with the companies these are not issues that have caused us undue concern and such issues are typically easy to resolve.
- We have not noted any adverse effect on our livestock or on wildlife due to the quality of CBM water. In fact, because CBM water keeps the creek from drying out or going stagnant, water quality is often better than what is available from natural flows.

We oppose any rulemaking effort aimed at limiting discharges of CBM produced water into the Wild Horse Creek Drainage, since limitations such as are proposed by the Petitioners would negatively affect our livestock and agricultural operations. It would also be detrimental to wildlife which also benefit from the increased water supply and numerous locations where water is available.

For the foregoing reasons, Respondents respectfully request the EQC to DENY the Petition and not proceed with rulemaking as requested by the Petitioners. Thank you for considering our views on these important matters.

Sincerely,

Thomas S. Ferguson
 Signature
THOMAS S. FERGUSON
 Printed Name

Date: 2-9-06

Address:
EATONS RANCH
2310 W. GUYTON RD
GUYTON NE 6716

UP TO THIS POINT THE AMOUNT OF WATER HAS BEEN MANAGEABLE & THE CBM COMPANIES HAVE BEEN COOPERATIVE. I DO HAVE CONCERNS ABOUT AN UNLIMITED AMOUNT OF WATER BEING DISCHARGED FURTHER UPSTREAM.